The House met at noon and was called to order by the Speaker pro tempore (Ms. Foxx).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC, January 23, 2012.

I hereby appoint the Honorable VIRGINIA FOXX 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 1:50 p.m.

HONORING TUSKEGEE AIRMEN

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

Mr. COHEN. Madam Speaker, this weekend a movie opened in America that is really unlike any other movie. It is a significant movie because it is about a group of gentlemen who won the Congressional Gold Medal, the Tuskegee Airmen. They were the first black airmen in the United States military history.

It’s part of black history; but beyond black history, it’s American history. Because as I watched the movie yester-

day in Memphis, in a largely African American crowd, I realized this was a story about America’s progress and fulfilling its promise and about the problems we’ve had and have had to overcome.

The Tuskegee Airmen were men that wanted to fight for their country in World War II, but they weren’t allowed to because of segregationist policies that we had at the time. The military integrated, and they didn’t think African Americans were capable of serving as pilots and weren’t allowed to do so. They had an experimental group set up in Tuskegee, Alabama, the Tuskegee Institute, to train black Army personnel who wanted to be pilots. They succeeded, and they formed the Tuskegee Airmen. They had many obstacles, but they beat the odds and they succeeded. They rose to the challenge. They dispelled myths that African Americans weren’t courageous enough, weren’t skilled enough, weren’t smart enough.

On Friday, at the request of the family, I spoke at the funeral of Lieutenant Colonel Luke Weather, Jr. Lieutenant Colonel Weather was from Memphis originally and died in Tucson, Arizona, at age 90. He was one of the first Tuskegee Airmen. He was buried on Friday at Arlington National Cemetery with full military honors, family present, seven horses—six drawing the carriage and the riderless horse—a military flyover, 21-gun salute passed, an American hero being laid to rest in hallowed ground, sacred ground, Arlington National Cemetery.

Lieutenant Colonel Weather not only had to fight the Germans and fight for his country, he had to fight his country to be accepted and benefit in the basic rights that we all take for granted. To learn about Lieutenant Colonel Weather and the Tuskegee Airmen is inspiring. And during Black History Month, we will reflect and we celebrate other struggles and accom-

plishments of many African Americans in our history. African Americans who came here in about 1620 as slaves and didn’t get freedom from slavery until 1865, and then didn’t get real freedom until Jim Crow laws were overturned in the 1960s. The vestiges of slavery and Jim Crow still live with us. Those who overcame those obstacles and broke down barriers were heroes and need to be recognized in the middle of month of February.

At one time, they said African Americans couldn’t play baseball, and Jackie Robinson showed them wrong. They said African Americans couldn’t be quarterbacks, and Doug Williams and others showed them wrong. They couldn’t be coaches, Bill Russell took the Celtics to championships, and Tony Dungy in 2007 won a Super Bowl championship. They couldn’t be pitchers and certainly couldn’t play tennis. Well, Arthur Ashe showed them wrong. In golf, there is nobody in the world better than Tiger Woods.

And, you know, it’s amazing that in this day and time, there are still barriers to be broken. At one time, people thought that an African American couldn’t be President of the United States, wouldn’t be capable of such. Well, we know that’s wrong; but, unfortunately, there are still people in this country who think that the President can’t be their President because of his race. Some even refer to him as a “food stamp President.” We know that code is wrong. I would ask anybody who thinks that way or has those thoughts to know that they are backwards thinking, just like the people were in the 1940s who said that black people couldn’t participate in our military and couldn’t fly for our country and that the Red Tails couldn’t shoot down the Germans and protect our bombers, as they did. Those days are past.

I would ask everybody to see the movie, remember the Tuskegee Airmen, realize how far our country has
come, and get beyond any bigotry that we have in ourselves. This is a Nation of tolerance and diversity, and we must celebrate it. I encourage everybody to learn about black history and the Tuskegee Airmen, our great vehicle.

**FREEDOM AND THE INTERNET, VICTORIOUS**

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

Mr. McCLINTOCK. Madam Speaker, long ago, Jefferson warned: “The natural progress of things is for liberty to yield and government to gain ground.” The exceptions to that rule have been few and far between recently; and they ought to be celebrated when they occur, as one did just this past week with the announcement that the supporters of the so-called Stop Online Piracy Act and Protect Intellectual Property Act have indefinitely postponed their measures after an unprecedented protest across the Internet.

SOPA and PIPA pose a crippling danger to the Internet because they use legitimate concern over copyright infringement as an excuse for government to intrude upon and regulate the very essence of the Internet—the unrestricted and absolutely free association that links site to site, providing infinite commerce, diversity, and learning. It is not the Internet, per se, that sets the stage for a quantum leap in human knowledge advancement but, rather, the free association that’s at the core of the Internet; and this is precisely what SOPA and PIPA directly threaten.

But as dangerous as this concept is to the Internet, it pales in comparison to the danger it poses to our fundamental freedoms as Americans. It is true that rogue Web sites operating from offshore havens are stealing intellectual property and then selling it. We already have very good laws against that, as evidenced by the arrest yesterday of Mr. Kim Schmitz and his associates in New Zealand who stand accused of operating one of the biggest of these rogue sites.

Theft of intellectual property is fundamentally no different than the theft of any other kind of property. It should be treated no differently. In every such case, it is the individual who commits the theft; and it is the individual who is culpable and the individual who is accountable to the law; and it’s the individual who is accorded the right of due process, including the presumption of innocence while he stands accused. That’s what SOPA and PIPA destroy.

Upon mere accusation, these measures would allow the government to shut down Web sites, ruin honest business

**CONGRATULATING BRUCE McMillan**

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

Mr. THOMPSON of Pennsylvania.

Mr. McMillan received his bachelor’s degree from Montclair State University. He is a Vigil Honor member of the Order of the Arrow and a Wood Badge recipient. He has staffed jamborees, camp schools, and countless training events.

His career serving America’s youth began in 1975 as a district executive in New Jersey, he went on to serve as a Scout executive in Maryland, New York, New Jersey, and Pennsylvania. Trip was then promoted to the Northeast Region Area 4 staff in 2001 and Area 4 director in 2008.

In all capacities, Trip has served with great distinction, earning the respect and admiration of all he has served over a remarkable career. Congratulations to Trip and his devoted wife, Diane.

Madam Speaker, I am honored to recognize a friend and scouting professional who has touched the lives of so many youth in his service to scouting. Well done, Scouter.

**KEYSTONE XL PIPELINE**

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

Mr. HARPER. Madam Speaker, I am deeply disappointed by President Obama’s decision to deny TransCanada’s application to build the Keystone XL pipeline. I know that many of my colleagues in the House, Members of the Senate, and citizens across this country share my disappointment and near disbelief. I say “near” disbelief rather than “complete” because while an approval of the application made sense to so many, I had a feeling that the President would continue down a path of making political decisions instead of decisions based on merit and what is best for our country, much like the knee-jerk reaction and decision to shut down drilling in the Gulf of Mexico after the Deepwater Horizon explosion on April 20, 2010.

Instead of shutting down the negligent parties involved in the explosion, the President shut down an entire industry for 6 months, and then it took almost another 6 months before the first permit was issued—almost a 1-year delay that cost thousands of families their jobs. While the President may talk about energy independence, I question whether he understands the role that oil plays in our economy and will continue to play in our Nation’s energy portfolio. Even worse would be if he does understand and is just making political decisions.

The application for Keystone XL has been pending for over 3 years; and even though history shows that these types of applications generally take 18 months to approve, he President said that a February 21, 2012, deadline imposed by Congress did not give him enough time to properly review the application. The Keystone XL application
was pending for twice as long as a normal application. The President’s argument about not having enough time to make a decision to approve the project is weak, at best. The application was filed more than 3 years ago, and a final decision on whether to let the pipeline go forward was long overdue.

Unfortunately, I believe the wrong decision has been made. And if he didn’t want to approve it for environmental reasons, I wonder if thought was given to the fact that China wants the oil if the United States does not get it, and that means putting the oil on tankers, which we know would have a much more negative impact on the environment than pipelines.

Mr. Speaker, the United States needs the XL Keystone pipeline. In his first term in office, the President has loosely talked about the need for energy independence. Keystone XL could help provide the United States with the certainty of almost a million barrels of oil a day, which comes from our friend and largest trading partner, Canada, not the Middle East. At a time when the price at the pump continues to fluctuate—in part due to uncertainty in the Middle East—I cannot understand why the President has justified denying the transport of friendly Canadian oil to our Gulf coast refineries.

When the President took office in January 2009, the average cost of a gallon of gasoline was $2.83. On January 29, 2012, AAA reports that the current average is $3.83 per gallon. The record for the highest annual average price for a gallon of gasoline ever in our Nation’s history was set in 2011. A major factor in recent high prices is continued political tension in the Middle East and North Africa. These events have threatened or disrupted huge quantities of oil, causing great fear among investors. It is beyond evident that America needs relief.

The President has worked with the American people to come up with ways to reduce the overall cost of energy. But when President Obama had the opportunity to help job creation and lower energy costs, he turned his back on hardworking American taxpayers. And as my colleague from Mississippi has just pointed out, we have just seen the highest energy costs ever in this country last year, and the cost of gasoline itself has more than doubled under this President.

President Obama has done all he can to stand in the way of businesses that can help get America back to work. The Keystone XL pipeline is a $7 billion private sector infrastructure project that will create 20,000 jobs with its construction and an estimated 100,000 indirect jobs during the life of its operation.

For the 3 years that President Obama has been in office, he’s delayed this project for political benefit in order to placate his liberal base. Liberals who oppose this project say that these jobs are “temporary” and somehow of less value. This is not just misguided, but insulting. All construction jobs, by their essence, are temporary. No construction project is permanent. It’s a dangerous precedent these groups are setting by denigrating hardworking Americans for the type of work they perform.

The President is in full campaign mode. He’s more interested in pandering to extreme environmentalists supporters in a campaign year instead of keeping the best interests of the American people at heart. I do not believe that this battle is over. Our country needs the pipeline. We need these jobs. We need cheaper gas at the pumps, and I’m committed to working towards alternative ways to get it back.

**KEYSTONE XL PIPELINE WILL CREATE JOBS**

The President has struggled with turning the economy around since taking office 3 years ago, and his speeches often center on the subject of jobs. Mr. Speaker, I hope that the President realizes that his denial of the Keystone XL application is costing our country tens of thousands of jobs. An analysis by the Perryman Group, an economic consultant in Texas, has demonstrated the tremendous job-creating potential of this project. It is the reason that six major unions have signed labor agreements to construct the pipeline. These are good-paying American jobs that union members are eager to fill. However, instead of issuing the necessary permits to begin construction of the pipeline and put Americans to work, the administration drags its feet for over 3 years and at the end of that time denied an estimated 120,000 Americans jobs to provide a way to support their families.

Pro-labor groups like Americans for Prosperity and the Chamber of Commerce support Keystone XL as a way to give a much-needed boost to the economy. Pro-labor groups support Keystone XL because they know it will create jobs. Americans across the country asked President Obama to approve this project. They realized its importance but were clearly ignored.

The Keystone XL pipeline is just one example of how House Republicans have worked to promote job creation without the need for “stimulus” money. While the President decided to pander to his extreme environmentalist supporters in a campaign year instead of keeping the best interests of the American people at heart, I do not believe that this battle is over. Our country needs the pipeline. We need these jobs. We need cheaper gas at the pumps, and I’m committed to working towards alternative ways to get it back.

**PRAYER**

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Dear God, we give You thanks for giving us another day.

We ask Your special blessing upon the Members of this people’s House. They face difficult decisions in difficult times, with many forces and interests demanding their attention.

In these days, as the second session is poised to be fully engaged, give wisdom to all of the Members, that they might execute their responsibilities to the benefit of all Americans.

Bless them, O God, and be with them and with us all this day and every day to come. May all that is done be for Your greater honor and glory. Amen.

**PLEDGE OF ALLEGIANCE**

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**OBAMA’S ACTIVIST EPA MUST BE STOPPED**

Mr. JOHNSON of Ohio led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.
This train wreck of regulation is the most expensive regulation that the EPA has ever mandated. These costs will ultimately be passed on to hardworking families in the form of higher utility rates. This new disastrous regulation will cost southern Ohio many indirect jobs related to the coal industry. No matter how you look at it, the President has declared war on the coal industry and the jobs that go with it.

It is time for this administration to get serious about creating real jobs, creating an energy policy that puts America first, and ending its war on coal.

RECOGNIZING THE 39TH ANNIVERSARY OF ROE V. WADE AND THE CATHOLIC DIOCESE OF BILOXI IN THE MARCH FOR LIFE

(Mr. PALAZZO asked and was given permission to address the House for 1 minute.)

Mr. PALAZZO. Madam Speaker, today we pause to mark the 39th anniversary of the Supreme Court ruling of Roe v. Wade. No other Supreme Court case has so directly affected the lives of millions of American people, both those who have been touched by abortion and the millions of unborn children whose lives have been taken since 1973.

I and many of my colleagues will continue to speak out on behalf of these unborn children by supporting legislation such as the Life at Conception Act. I am thankful we have hundreds of thousands of friends in the fight that have gathered in the streets of Washington this week in memory of so many lives lost. I am especially grateful to the 150 youths with the Catholic Diocese of Biloxi who have made the trip all the way from my district in south Mississippi.

Today, I ask my colleagues to join with me and our friends with the March of Life in marking this sad day and resolving to put an end to this murderous practice of taking unborn life. I pray, as Christ did in Luke 23:34, "Father, forgive them, for they know not what they do."

HONORING CLEON KIMBERLING

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Madam Speaker, I rise today to honor Cleon Kimberling. Dr. Kimberling was recently honored by Colorado State University’s Department of Animal Science as the livestock leader of the year.

Dr. Kimberling is now 81 years old and has dedicated his life to improving livestock health. He received a degree in veterinary medicine from Colorado State in 1950 and since that time has made significant contributions to the veterinary science field.

One of Dr. Kimberling’s achievements includes developing tests that contributed to the eradication of brucellosis in the dairy industry. He has also successfully advocated for different nutrition standards for sheep, leading to an overall increase in the health of our sheep herds nationwide.

His dedication to animal health started at a very young age when an outbreak of disease occurred on his farm. Since that point, he has dedicated a lifetime to veterinary medicine, stopping disease outbreaks and advocating prevention.

Aside from his medical successes, he is also an avid cyclist. In fact, his business card states that he specializes in both sheep health and bicycling. At 65, Dr. Kimberling completed a bike trip from Oceanside, California, to Bar Harbor, Maine. This trip was over 3,500 miles long.

His support for agriculture has helped many farmers and ranchers prevent disease and improve our livestock industry. These stories highlight an amazing man, and I am proud to honor Dr. Cleon Kimberling from the House floor.

NATIONAL DEBT NOW EQUAL TO ECONOMY

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, Congress is now back into session and reconvening, having missed milestones. The national debt is now larger than the entire economy of the United States. Earlier this month, USA Today reported on this, and the numbers are daunting. The amount of money the Federal Government owes to its creditors tops $15.2 trillion. President Obama’s own budget from last year shows the debt increasing by $1 trillion a year over the next 10 years, topping out at $26 trillion a decade from now.

Put it perspective, other countries have slavery from his medicals: Greece, Iceland, Ireland, Italy, Japan—the very countries that are responsible for the European debt crisis. At the same time, the administration, over the last 3 years, has pushed a very aggressive spending agenda which includes a government takeover of health care, government takeover of banks, and $800 billion in stimulus funding.

House Republicans passed well over 20 jobs bills last year that have yet to come up for a vote in the Senate. I encourage the other body to take up these pieces of legislation. We have got to get our country back to work. We need to grow more taxpayers, not raise taxes.

□ 1410

SENATOR MARK KIRK

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Madam Speaker, this morning we learned that Senator Mark Kirk suffered a stroke over the weekend. I know all of my colleagues here in the House join me in expressing our thoughts and prayers not only to Senator Kirk but to his family, his friends, and staff for a quick and speedy recovery.

As many of you know, I succeeded Mark in this body. He served here for 10 years before moving on to the Senate. He has been a friend and a mentor and still is to this day.

One thing that I know about Mark is that Mark is a fighter. Mark fought for 10 years to represent the people of the 10th District of Illinois, battling right violations around the globe, battling for a strong U.S.-Israel relationship, battling for the environment, battling for hardworking American taxpayers. As a Senator, he’s doing that for the people of Illinois.

As commander in the United States Navy, he’s fought to protect our borders and our way of life. Today he is fighting to make sure that he can come back to the United States Senate to work on the things that he holds dear. I join with all of my colleagues in hopes that he will be back here shortly, and I welcome the opportunity to walk across the aisle down here across the Capitol and welcome my friend back.

MARCH FOR LIFE

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Madam Speaker, I rise today to welcome the tens of thousands of people traveling to Washington, D.C., to show their support for the cause of life and give a voice to those who do not have one.

Since the ruling of Roe v. Wade 39 years ago, tragically, over 50 million abortions have occurred in this country. There are over 3,500 abortions a day, 10 an hour, and sadly, one pregnancy is aborted every 29 seconds.

Each year, the March for Life gives Americans who are heartbroken by these tragedies a time to come together and pray for these lost souls and for the families and women hurt by the abortion epidemic in this country.

As we renew our efforts to support legislation that will restore the sanctity of life, I thank all of these impassioned Americans who today chose to come together in support of life."

RECOGNIZING DONALD SCHNEIDER

(Mr. SHUSTER asked and was given permission to address the House for 1 minute.)

Mr. SHUSTER. It is my privilege today to celebrate the life and mourn the passing of Donald Schneider, a pioneer who transformed the transportation industry through his ingenuity and entrepreneurial spirit.

Mr. Schneider, who was chairman emeritus and former president of
Mr. WITTMAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1141) to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on the island of Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1141

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

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Rota Cultural and Natural Resources Study Act".

(b) FINDINGS.—Congress finds as follows:

(1) The island of Rota was the only major island in the Mariana Islands to be spared the destruction and large scale land use changes brought about by World War II.

(2) The island of Rota has been described by professionals as having the most numerous, most intact, and generally the most unique prehistoric sites of any of the islands of the Mariana Archipelago.

(3) The island contains remaining examples of what is known as the Latte Phase of the cultural tradition of the indigenous Chamorro people of the Mariana Islands. Latte stone houses are remnants of the ancient Chamorro culture.

(4) Four prehistoric sites are listed on the National Register of Historic Places: Monchon Archeological District (also known locally as Monchon Latte Stone Village), Taga Latte Stone Quarry, the Dagui Archeological Site that contains, latte stone structures, and the Chugai Pictograph Cave that contains examples of ancient Chamorro rock art. Alagan Bay Ancient Village is another late stone prehistoric site that is surrounded by tail-canopy limestone forest.

(5) In addition to prehistoric sites, the island of Rota boasts historic sites remaining from the Japanese period (1914-1945). Several remains of Japanese structures have been identified in the Latte Stone Forest.

(6) The island of Rota's natural resources are significant because of the extent and intact condition of its native limestone forest that provides habitat for several federally endangered listed species, the Mariana crow, and the Rota bridled white-eye birds, that are also native to the island of Rota. Three endangered plant species are also found on Rota and two are endemic to the island.

(7) Because of the significant cultural and natural resources listed above, on September 23, 2005, the National Park Service Pacific West Region, completed a preliminary resource assessment on the island of Rota, Commonwealth of the Northern Mariana Islands, which determined that the establishment of a unit of the national park system appears to be the best way to ensure the long term protection of Rota's most important cultural and its best examples of its native limestone forest.

SEC. 2. NPS STUDY OF SITES ON THE ISLAND OF ROTA, COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) STUDY.—The Secretary of the Interior shall—

(1) carry out a study regarding the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on the island of Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System; and

(b) STUDY PROCESS AND COMPLETION.—Except as provided by subsection (c) of this section, section 8(c) of Public Law 91-383 (16 U.S.C. 460c-8c) shall apply to the conduct and completion of the study required by this section.

(c) SUBMISSION OF STUDY RESULTS.—Not later than 3 years after the date that funds are made available for this section, the Secretary shall submit to the Committee on Resources of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. WITTMAN) and the gentleman from Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WITTMAN. Madam Speaker, I yield myself as much time as I may consume, and I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. WITTMAN. Madam Speaker, I yield myself as much time as I may consume.

Mr. SABLAN. I yield myself as much time as I may consume.

Mr. SABLAN asked and was given permission to revise and extend his remarks.

Mr. SABLAN. Madam Speaker, I rise in support of H.R. 1141, the Rota Cultural and Natural Resources Study Act. The bill authorizes the Secretary of the Interior to determine whether it is suitable and feasible to add certain cultural, archeological, historical, and natural resources of the island of Rota in the Northern Marianas to the National Park System.

This same measure was approved by the House in 2010 without dissent, and I hope my colleagues will approve its passage again today. I want to thank Chairman HASTINGS and Ranking Member MARKEY of the Natural Resources Committee for their support of H.R. 1141. I also want to...
thank Chairman BISHOP and Ranking Member GRIJALVA of the Sub-
committee on National Parks, Forests and Public Lands for their help in
bringing this measure to the floor.

We all understand that resources are limited and that we must not add
to the debt of those resources that we hold in trust for them today. Therefore, when
considering adding a unit to the Na-
tional Park System, we have to bal-
cance these two requirements. And we have a well established process for do-
ing so.

The National Park Service began this process on the island of Rota in 2004. A
study team assessed the ancient
Mochon Latte Stone Village and other
sites of the Chamorro people, who first
inhabited the Marianas some 3,500
years ago. The team explored the
Chugai Cave, containing over 90 picto-
graphs of prehistoric origin. They
inventoried the rare species of plants
and animals endemic to the limestone
forests that still blanket parts of Rota,
home to the critically endangered aga,
or Marianas crow, and the endangered
nosa Luta, or Rota bridled white-eye.

Having completed this field re-
connaissance in September of 2005, the
Park Service issued a report that
concluded there are cultural and natural
resources on the island of Rota that
are of national significance. The Park
Service recommended the next step in
designation of a new unit of the Park
System: A suitability and feasibility
study. And H.R. 1141 authorizes the
Secretary of the Interior to take that
next step and conduct the necessary
study.

I would like to note that the people
of Rota look forward to the possibility
of having a national park added to the
National Park System.

It was then-Senator Diego M.
Sangoa of Rota who first encouraged the Park
Service to conduct a reconnaissan-
cce of the archeological sites on his home
island and to determine their importance
as part of America’s legacy.

Rota Representative Teresita A.
Santos testified before the Natural Re-
sources Committee enthusiastically
supporting a national park on Rota.

Representor A. Mendiola of Rota has added his support to the
record, as has Northern Marianas Is-
lands Senate President Paul A.
Manglona, who also hails from Rota.

Of course, during the study author-
ized by H.R. 1141, the people of Rota
will continue to have ample oppor-
tunity to consider along with the Park
Service the suitability and feasibility of
including any particular areas of
their island in park status.

The people of Rota understand the
importance of their culture and of the
natural resources and want to pass this
on to their children and grandchildren.

They also understand that preserving
the remains of ancient Chamorro cul-
ture and the plants and animals of the
limestone forests of Rota has value
today because visitors from elsewhere
in the world want to see that which is
unique and experience what only Rota
has to offer.

Last week, President Obama an-
nounced new initiatives to create jobs
and spur economic growth in America
by improving our visa system and by
providing national parks, wildlife ref-
uges, and historic sites to inter-
national travelers.

Being the closest part of America
to the emerging economies of Asia, the
Northern Marianas is eager to see new
countries added to our visa waiver pro-
gram. We want to have the unique cul-
tural and natural resources of our is-
lands added to the national treasures
the President intends to promote.

We know that having areas on Rota
designated as part of the National Park
System will help create jobs in
ecotourism, transportation, hotels and
restaurants for the people of today.

We understand that protecting and pre-
serving these nationally significant re-
sources on Rota will also help ensure
jobs for our children and grandchildren
in the future.

I urge my colleagues to support pas-
sage of H.R. 1141.

I yield back the balance of my time.

Mr. WITTMAN. Madam Speaker, I
yield back the balance of my time.

SEC. 3. AUTHORITY TO ISSUE ELECTRONIC DUCK
STAMPS.

(a) IN GENERAL.—The Secretary may author-
ize any State to issue electronic stamps in ac-
cordance with this Act.

(b) CONSULTATION.—The Secretary shall im-
pelment this section in consultation with State
management agencies.

SEC. 4. STATE APPLICATION.

(a) APPROVAL OF APPLICATION REQUIRED.—
The Secretary may not authorize a State to issue electronic stamps under this Act unless the
Secretary has received and approved an appli-
cation submitted by the State in accordance with this section. The Secretary may determine
the number of new States per year to participate
in the electronic stamp program.

(b) CONTENTS OF APPLICATION.—The Secretary
may not approve a State application unless the application contains:

(1) a description of the format of the electronic
stamp that the State will issue under this Act,
including identifying features of the license-
that will be specified on the stamp;

(2) a description of any fee the State will charge
for issuance of an electronic stamp;

(3) a description of the process the State will
use to account for and transfer to the Secretary
the amounts collected by the State that are re-
quired to be transferred to the Secretary under
the program;

(4) the manner by which the State will trans-
mit electronic stamp customer data to the Sec-
retary;

(5) the manner by which actual stamps will be
delivered;

(6) the policies and procedures under which
the State will issue duplicate electronic stamps;

and

such other policies, procedures, and infor-
mation as may be reasonably required by the
Secretary.

(c) PUBLICATION OF DEADLINES, ELIGIBILITY
REQUIREMENTS, AND SELECTION CRITERIA.—Not
later than 30 days before the date on which the
Secretary begins accepting applications under this
section, the Secretary shall public-
(1) deadlines for submitting applications; and

(2) eligibility requirements for submitting ap-
lications; and

PERMANENT ELECTRONIC DUCK
STAMP ACT OF 2011

Mr. WITTMAN. Madam Speaker, I
do not want to suspend the rules and pass the
bill (H.R. 3117) to grant the Secretary of
the Interior permanent authority to authorize
States to issue electronic duck stamps, and
for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3117

Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in Congress as-
sembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Permanent
Electronic Duck Stamp Act of 2011".

SEC. 2. DEFINITIONS.

In this Act:

(1) ACTUAL STAMP.—The term "actual stamp"
means a Federal migratory-bird hunting and

conservation stamp required under the Act of
March 16, 1934 (16 U.S.C. 718a et seq.) (popu-
larly known as the "Duck Stamp Act"), that is
printed on paper and sold through the means
established by the authority of the Secretary
immediately before the date of enactment of this
Act.

(2) AUTOMATED LICENSING SYSTEM.—The term "auto-
mated licensing system" means an electronic, computerized
licensing system used by a State fish and wild-
life agency to issue hunting, fishing, and other
licensed and nonlicensed products.

(3) EMBRACE.—The term "electronic stamp" means an electronic version of an actual stamp
that

(A) is a unique identifier for the individual to

whom it is issued;

(B) can be printed on paper or produced

through an electronic application with the same

indicators as the State endorsement provides;

(C) is issued through a State automated li-
censing system that is authorized, under State
law, by the Secretary under this Act, to

issue electronic stamps;

(D) is compatible with the hunting licensing
system of the State that issues the electronic

stamp; and

(E) is described in the State application ap-
pproved by the Secretary under section 4(b).

(4) THE SECRETARY.—The term "Secretary" means the
Secretary of the Interior.

SEC. 3. AUTHORITY TO ISSUE ELECTRONIC DUCK
STAMPS.

(a) IN GENERAL.—The Secretary may author-
ize any State to issue electronic stamps in ac-
cordance with this Act.

(b) CONSULTATION.—The Secretary shall im-
pelment this section in consultation with State
management agencies.

SEC. 4. STATE APPLICATION.

(a) APPROVAL OF APPLICATION REQUIRED.—
The Secretary may not authorize a State to

issue electronic stamps under this Act unless the
Secretary has received and approved an appli-
cation submitted by the State in accordance with this
section. The Secretary may determine
the number of new States per year to participate
in the electronic stamp program.

(b) CONTENTS OF APPLICATION.—The Secretary
may not approve a State application unless the application contains:

(1) a description of the format of the electronic

stamp that the State will issue under this Act,
including identifying features of the license-
that will be specified on the stamp;

(2) a description of any fee the State will charge
for issuance of an electronic stamp;

(3) a description of the process the State will

use to account for and transfer to the Secretary
the amounts collected by the State that are re-
quired to be transferred to the Secretary under
the program;

(4) the manner by which the State will trans-
mit electronic stamp customer data to the Sec-
retary;

(5) the manner by which actual stamps will be
delivered;

(6) the policies and procedures under which
the State will issue duplicate electronic stamps;

and

such other policies, procedures, and infor-
mation as may be reasonably required by the
Secretary.
(3) criteria for approving applications.

SEC. 5. STATE OBLIGATIONS AND AUTHORITIES.

(a) DELIVERY OF ACTUAL STAMP.—The Secretary shall require that each individual to whom an electronic stamp is issued under this Act shall receive an actual stamp—

(1) by not later than the date on which the electronic stamp expires under section 6(c); and

(2) in a manner agreed upon by the State and Secretary.

(b) COLLECTION AND TRANSFER OF ELECTRONIC STAMP REVENUE AND CUSTOMER INFORMATION.—

(1) REQUIREMENT TO TRANSMIT.—The Secretary shall require each State authorized to issue electronic stamps to collect and submit to the Secretary in accordance with this section—

(A) the last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(B) the value of each electronic stamp sold by the State; and

(C) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(2) TIME OF TRANSMITTAL.—The Secretary shall require the submission under paragraph (1) to be made with respect to sales of electronic stamps to a State according to the written agreement between the Secretary and the State agency.

(3) ADDITIONAL FEES NOT AFFECTED.—This section shall not apply to the State portion of any fee collected by a State under subsection (c).

(c) ELECTRONIC STAMP ISSUANCE FEE.—A State authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under this Act, including costs of delivery of actual stamps.

(d) DUPLICATE ELECTRONIC STAMPS.—A State authorized to issue electronic stamps may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(e) LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under this Act.

SEC. 6. ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.

(a) STAMP REQUIREMENTS.—The Secretary shall require an electronic stamp issued by a State under this Act—

(1) to have the same format as any other license, validation, or privilege the State issues to enter, possess, or control migratory waterfowl; and

(2) to include the terms of the application of the State approved by the Secretary under section 4; and

(b) provides to the State written notice of the termination by not later than the date that is 30 days before the date of termination; or

(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the termination date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. WITTMAN) and the gentleman from the Northern Mariana Islands (Mr. SABLON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WITTMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to re-examine and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. WITTMAN. Madam Speaker, I yield myself such time as I may consume.

In 1934, the Congress enacted the Migratory Bird Hunting Stamp Act. This law required purchase a Federal duck stamp in order to hunt migratory waterfowl. Proceeds from the sale of these stamps have been used to preserve vital wetlands and waterfowl habitats across the country. Every year, hunters, bird watchers, and conservationists purchase the Federal duck stamp to support the work of the Fish and Wildlife Service.

For the past 4 years, eight States have participated in an electronic duck stamp pilot program. Instead of having to wait a significant amount of time to receive their official duck stamp, electronic stamps come with a unique identifying number that serves as proof of purchase and allows hunters to receive 45 days until the actual stamp arrives via the postal service. In October, at the hearing on H.R. 3117, the Fish and Wildlife Service supported the bill’s intent to continue the electronic duck stamp program.

I commend my colleagues, Congressman Wittman and Congressman Ron Kind, for introducing this bill and for their leadership on this issue.

I have no additional speakers, and I yield back the balance of my time.

Mr. WITTMAN. With that, Madam Speaker, I have no further speakers, and I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. WITTMAN) that the House suspend the rules and pass the bill, H.R. 3117, as amended.

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. WITTMAN. Madam 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, further proceedings on this question will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3261

Mr. LUJÁN. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3261.

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

There was no objection.

RECESS

The SPEAKER pro tempore. TheSpeakepro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 6:30 o'clock and 16 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 6 o'clock and 51 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.R. 3117 and H.R. 1141, in each case by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

PERMANENT ELECTRONIC DUCK STAMP ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3117) to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. WITTMAN) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 373, nays 1, not voting 59, as follows:

<table>
<thead>
<tr>
<th>Yea</th>
<th>Nay</th>
<th>Vac</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>373</td>
<td>1</td>
<td>59</td>
<td>433</td>
</tr>
</tbody>
</table>

The roll is closed. The bill passed by the yeas and nays.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to make a brief announcement concerning floor practice.

Members should periodically rededicate themselves to the core principles of proper parliamentary practice that are so essential to maintaining order and deliberacy in the House. The Chair believes that a few of these principles bear emphasis today.
Members should refrain from traffic-
king the well when another (includ-
ing the presiding officer) is addressing
the House.

Members should wear appropriate
business attire during all sittings of the
House, however brief their presence on
the floor might be.

Members who wish to speak on
the floor should respectfully seek and ob-
tain recognition from the presiding of-
ficer, taking the time to do so in prop-
er forms (such as “I ask unanimous
address the House for 1 minute”).

Members should take care to yield
and reclaim time in an orderly fashion,
bearing in mind that the official re-
porters of debate cannot properly trans-
scribe two Members simultaneously.

Members should address their
marks in debate to the presiding offi-
cer, taking the time to do so in prop-
port. Members who wish to speak on the
floor (or to speak) should recognize
the presiding officer before doing so,
and not to others in the second per-
nativeness of, and participation in, the
sciousness, and should be aware that
such utterances could render the mo-
tion, request, point of order, or appeal
untimely.

Following these basic standards of
practice will foster an atmosphere of
mutual respect. It will insure against personal confronta-
tions between Members and the presiding of-
ficer. It will facilitate Members’ pre-
prehension of, and participation on the
business of the House. It will enable ac-
curate transcriptions of proceedings. In
sum, it will ensure the comity that ele-

The Chair appreciates the attention
of the Members to these matters.

**ROTA CULTURAL AND NATURAL
RESOURCES STUDY ACT**

**THE SPEAKER.** Without objection, 5-
minute voting will continue.

There was no objection.

**THE SPEAKER.** The unfinished busi-
ness is the vote on the motion to sus-
pend the rules and pass the bill (H.R. 1141)
in order to authorize the Secretary of the
Interior to study the suitability and fea-
bility of designating prehistoric, histor-
achlorine soils forest sites on Rota, Commonwealth of the
Northern Mariana Islands, as a unit of the Na-
tional Park System, on which the yews and
nays were ordered.

**The Clerk read the title of the bill.**

Mr. PASCRELL. Mr. Speaker, I want to
state for the Record that on January 23,
2012, I missed the two rollcall votes of the
day.

Mr. YOUNG of Indiana changed his
vote from “yea” to “nay.” So (two-thirds
being in the affirmative) the rules were
suspended and the bill was passed.

The result of the vote was announced
as above recorded.

A motion to reconsider was laid on
the table.

**Mr. FILNER.** Mr. Speaker, on rollcall
No. 6, I was away from the Capitol due
 prior commit-
ments to my constituents. Had I been
present, I would have voted “yea.”

**PERSONAL EXPLANATION**

Mr. PASCRELL. Mr. Speaker, I want to
state for the Record that on January 23,
2012, I missed the two rollcall votes of the
day.

Had I been present I would have voted
“yea” on rollcall No. 5, on H.R. 3117—
Permanent Electronic Duck Stamp Act of
2011. Additionally, had I been present, I
would have voted “yea” on rollcall No. 6, on
H.R. 1141—Rota Cultural and Natural
Resources Study Act.

**PERSONAL EXPLANATION**

Mr. GUTIERREZ. Mr. Speaker, I was un-
avoidably absent for votes in the House
 Chamber today. Had I been present, I
would have voted “yea” on rollcall Nos 5 and
6.
Mr. JOHNSON of Illinois. Mr. Speaker, I had a previously scheduled meeting with constituents in Champaign County Illinois and was unable to attend votes this evening. Had I been present, I would have voted “yea” and “yea” on H.R. 1141, the Rota Cultural and Natural Resources Study Act and H.R. 3117, the Permanent Electronic Duck Stamp Act of 2011.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3261

Mr. ROSS of Florida. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3261.

The SPEAKER pro tempore (Mr. Poe of Texas). Is there objection to the request of the gentleman from Florida?

There was no objection.

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFERENCE REPORTERS ON H.R. 3630, TEMPORARY PAYROLL TAX CUT CONTINUATION ACT OF 2011

Mrs. CAPPS. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct in H.R. 3630, the conference report to extend payroll tax, unemployment insurance, and sustainable growth rate payments for doctors.

The form of the motion is as follows:

Mrs. Capps moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3630 be instructed to file a conference report not later than February 17, 2012.

Mr. SCALISE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3261.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3261

Mr. GRIFFIN of Arkansas. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3261.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3609

Mr. LANKFORD. Mr. Speaker, due to a clerical error, I ask that the name of the gentleman from Michigan, Justin AMASH, be removed as a cosponsor from H.R. 3609.

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

There was no objection.

MARCH FOR LIFE

Mr. FLEISCHMANN asked and was given permission to address the House for 1 minute.

Mr. FLEISCHMANN. Mr. Speaker, I was honored to speak at the March for Life today at the rally on the National Mall earlier today. Thousands of Americans came together in our cause to protect the sanctity of all human life and voice our continued opposition to the decision made in Roe v. Wade.

I am reminded each and every day how precious life is and why we should stand up for its intrinsic value. It is our belief that life is sacred from the moment of conception until the grave.

That separates us from so many others in the world. Every abortion is a tragedy, but being pro-life isn’t just about conception to birth; it’s about the entire existence of a person. It encompasses more than just their physical well-being. A soul cannot flourish, a person cannot prosper if they aren’t first allowed to live. Being pro-life is also promoting faith, education, jobs and the overall quality of life.

I will continue to fight against the culture of abortion and fight for the right of life, liberty and the pursuit of happiness.

CENTER AISLE CAUCUS

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Connecticut. Mr. Speaker, I am so grateful that as we prepare to receive the President tomorrow night for his State of the Union Address that we’re going to be joined by our colleague, Congresswoman GABBY GIFFORDS. The courage that she has shown in her recovery has been an inspiration to all of us, and I’m proud to call her a friend.

Last year, in the aftermath of that terrible and tragic shooting, we came together as a Congress for the State of the Union. We put aside our partisan differences, and we convened as a united body. Republicans sat with Democrats, conservative Members sat with liberal Members. It was a small but symbolic gesture that this place can rise above partnership for the greater good of this Nation.

As cochair of the House’s Center Aisle Caucus, I, along with my fellow cochairs are calling on this House to do it again. Tomorrow night, let’s sit together and show the world that with GABBY in our midst we can be one rather than be divided.

Our country is very grateful for the service of Army Master Sergeant John F. Baker, Jr. today with great sadness to report the passing of former Illinois Representative Edward Derwinski.

Congressman Derwinski dedicated his life to public service, including 24 years here in the House serving Illinois’ Fourth District through 1983. He passed away on January 15 at the age of 85. Perhaps best known for his colorful and engaging personality, he went on to serve as the Undersecretary of State for National Security Affairs, and in 1989 he led efforts to renew our country’s commitment to its veterans as first ever Secretary for Veterans Affairs.

President George H.W. Bush once said of Ed, a former infantryman in World War II, that he had the skill of a seasoned legislator, the patience of a practiced administrator, the finesse of a diplomat, and the heart of a man who knows what it means to start his government career as a private in the United States Army.

Today I join my colleagues in the Illinois delegation in honoring his service to our State and Nation. My thoughts and prayers are with all those who knew him best, especially his wife, Bonnie; son, Michael; daughter, Maureen; stepdaughter, Maggie; stepson, Kevin; sister, Bernadette; and his seven grandchildren.

TRIBUTE TO ARMY MASTER SERGEANT JOHN F. BAKER, JR.

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last Friday retired Army Master Sergeant John F. Baker, Jr., a recipient of the Medal of Honor, died at the age of 66.

Master Sergeant Baker was a native of Davenport, Iowa, before relocating to South Carolina. My thoughts and prayers are with his wife, Donnell, and the Baker family. Master Sergeant Baker served in Vietnam and received the Medal of Honor after bravely in- tervening on behalf of U.S. servicemembers to save the lives of eight American soldiers on November 5, 1966.

Master Sergeant Baker was one of 239 servicemembers to receive our Nation’s highest honor for conspicuous gallantry and courage during their service in the Vietnam War. He was also the last Army soldier to be awarded the Medal of Honor and have residency in South Carolina.

Our country is very grateful for the service of Master Sergeant John Baker. He went well beyond the call of duty, sacrificing so much for this great Nation, and will be remembered as a true
American hero, along with the late Colonel Chuck Murray of Columbia.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

TIE TIME TO STAND UP FOR LIFE

(Mr. FLEMMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMMING. Mr. Speaker, as a family physician for more than 30 years, I've had the privilege of delivering hundreds of babies. I have witnessed the miracle of life itself first-hand, and I believe that every human life at any stage is unique and fully deserving of my protection as a physician. The authority of our government should stand behind the protection of human life.

I am proud to be from Louisiana, a State recently ranked number one on life issues by Americans United for Life. Louisiana has implemented some commonsense protections, including a requirement that any woman seeking an abortion must understand how that unborn child is developing, the pain her child will experience during the abortion, and the facts about risks and the alternatives to abortion.

Louisiana has banned partial birth abortion and prohibits abortion providers from getting taxpayer dollars to pay for abortion services. We are making progress.

But abortion still happens. In the last 39 years, there have been more than 54 million babies terminated. This is a heart-breaking number, and it is past time to end this scourge and protect human life from conception to natural death.

KEYSTONE XL PIPELINE

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I was listening to Rush Limbaugh today, as I quite frequently do, and they had a Democrat truck driver, African American Democrat truck driver, come on and he talked for about 4 or 5 minutes, which is unusual, when you listen to Rush, for him to let somebody talk that long.

But the fellow was very intelligent, and his remarks were something I wish everybody, including the President, could hear. And he said, you know, I was a big supporter of President Obama, and I voted for him. He said, but when he stopped that pipeline, which would bring thousands of jobs to America, and also maybe help us lower the price of gasoline and diesel fuel—and I presume he used a lot of diesel fuel—he said that really, really bothered me.

And he said, when they started talking about inflation, whether or not we had it, he said, I'm telling you, there is inflation. I can't hardly afford to buy groceries or to live anymore. And he said because of that, I'm not going to vote for President Obama this time, I'm going to vote for whoever is running against him.

Now, I hope, since the President is working on his State of the Union speech, he'll take what that African American, intelligent young man said today and take it to heart. It's extremely important that we get that pipeline and start worrying about American jobs.

JOE GROWTH

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, fostering job growth for the American people continues to be the number one job for House Republicans. We certainly don't know what the number one job is for President Obama, but it doesn't seem to be creating jobs. He talks a good game, but when it comes to delivering, he does nothing. He has refused to approve the Keystone pipeline, which would immediately create 20,000 jobs, bring down the price of gasoline for hardworking Americans, and ultimately create hundreds of thousands of jobs.

You would think with unemployment at 8 percent for the past 35 months and the Obama economy continuing to produce the Nation's worst jobless record since the Great Depression that we would see different actions out of the President.

Last year, following the House Republican plan for America's job creators, the House passed more than 30 bipartisan bills on behalf of the American people. We outline them on this card. Each bill is aimed at unleashing the power of our private sector to freely and confidently build, invest, innovate, and expand again and put millions of Americans back to work. The Keystone pipeline is one of those projects that should be done.

Unfortunately, 27 of these bipartisan House-passed jobs bills are being ignored or blocked in the Democrat-controlled Senate. The American people are tired of waiting. It's time for the Democrats in the Senate and the White House to put politics aside and pass these jobs bills.

PREGNANCY CARE CENTERS

(Mr. MANZULLO asked and was given permission to address the House for 1 minute.)

Mr. MANZULLO. Mr. Speaker, today we recognize the Roe v. Wade decision and its aftermath. In 1982, my wife and I had the opportunity to work to start what became the seventh crisis pregnancy center in the country. Now they are known as pregnancy care centers. The work that we did in Rockford, Illinois, spilled into Freeport, Illinois, and DeKalb, Illinois. We set up these centers so we could be there to minister to the hardworking Americans, and ulti-

...
to working with the women and with the fathers involved in a very difficult situation.

We commemorate that today we honor those who worked so hard for these crisis pregnancy centers. My wife and I are proud to have been two people who helped start the one in Rockford, Illinois.

SANCITTY OF HUMAN LIFE ACT

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. The greatest moral issue that this Nation faces today is the killing of 4,000 babies every single day through abortion. God cannot and will not continue to bless this land while this atrocious practice continues.

The first bill I introduced in this Congress when I was elected in 2007, and in every single Congress since then, has been my Sanctity of Human Life Act that scientifically describes the beginning of life when a spermatozoon, or the sperm cell, enters the cell wall of the ovum, the egg, to create a one-cell human being, the zygote.

Mr. Speaker, it’s absolutely critical, if we want to continue to expect God to bless America, that we stop murdering these unborn babies, and I will continue to fight to do so. And I hope my colleagues will see the reality that these are human beings. It’s not a glob of tissue; it’s a human being created by God, and we have to protect their lives.

LIVES LOST TO ABORTION

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, I rise this evening in recognition of the over 55 million American lives lost to abortion since the passage of Roe v. Wade 39 years ago.

In President Obama’s statement celebrating the anniversary of Roe v. Wade, he emphasized the principle that government should not intrude on private family matters. Ironically, on Friday, the Obama administration made an unprecedented decision to require all U.S. employers to cover the cost of contraception, including emergency contraceptive drugs, despite the protest from faith-based institutions such as Catholic hospitals and universities. This is a violation of citizens’ religious convictions. It will force the organizations to either violate their deeply held views or pay a heavy fine and terminate health insurance plans.

Every human life has inherent value because he or she is made in the image of God. I will continue to fight for the right to life for America’s youngest pre-born citizens and for freeing taxpayers from being forced to pay for abortions.

WORDS MATTER

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, a gentleman by the name of Andrew Adler located in Atlanta, Georgia, and writing for an Atlanta, Georgia, newspaper offered instructions to the prime minister of Israel on how to protect that great nation. He suggested an attack on Hezbollah and Hamas and an attack on Iran. And then he gave number three: Give the go ahead for U.S.-based Mossad agents to take out a President of the United States now. Words matter.

Mr. Adler has been called upon to apologize, and he did. But he has brought shame to Jewish Americans, to Americans and Israel. And, frankly, the latitude in which he thought he could talk about assassinating the President of the United States without in any way a suggestion of, if you will, challenging the President of the United States now. Words matter.

I believe in the First Amendment, but words do matter. We should come together and be unified as a Nation, find ways to disagree with each other without raising words that are hostile and devastating. I beg for this Nation’s leaders to stop calling names and talk about policies and how to build this Nation up.

I’m outraged, Mr. Adler. An apology is not enough.

† 1930

CONGRESSIONAL BLACK CAUCUS HOUR: VOTING RIGHTS ACT

The SPEAKER pro tempore (Mr. SCHWEIKERT). Under the Speaker’s announced policy of January 5, 2011, the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

GERNAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject matter of this special order.

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

The Speaker said there was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, tonight we are here on the floor of the House of Representatives on the eve of the 50th anniversary of President Barack Obama, the first African American President of the United States and some 46 years after the passage of the Voting Rights Act which made his election and ours possible. And I’m pleased to be joined by members of the Congressional Black Caucus this evening for this special order.

I’d like to yield such time as he might consume to the gentleman from New York, who I believe is the most senior member of the Ways and Means Committee, a former chair of the Congressional Black Caucus and a founding member of the Congressional Black Caucus, Mr. CHARLIE RANGEL.

Mr. RANGEL. Let me thank the gentlewoman from the Virgin Islands for having the foresight to protect our Constitution and the voting rights that all Americans are entitled to. Before I get into the subject matter, I would like to really first thank the Speaker for pointing out the guidelines that we would have to the decorum of Members in the House of Representatives. I think it’s well needed and we can walk away with some pride. I just assume that included in that was not to make derogatory remarks about the President of the United States. But recognizing that the whole body and the world has already spoken about this issue, then I don’t think there is any need for me to elaborate.

Because of the reputation of the United States of America, no matter what we find in our fiscal system or whatever problems we have day-to-day and year-to-year, we still remain the source of hope and inspiration for people all over the world. People teach their kids that if you only get to America this is the place where you can come from the depth of poverty, and with hard work and education there’s no limit to how far you can go.

And while we have fought over the years in order to get equality for those that came as immigrants to this country or slaves, we do recognize that in this country, this country offers all of us the best opportunity in the world to be able to provide a better life for ourselves, our kids and for society generally.

Madam Chairlady, when the early sixties was there, and I marched from Selma to Birmingham, Alabama, it was 54 miles. But, quite honestly, I don’t know whether I’ve written publicly or not, I had no idea that I was going to march 54 miles. I thought I could go down, have my picture taken and come back and say I was with Andy Young, John Lewis, Ralph Bunche, and Dr. King. But, somehow, I got caught up in it, and I was cussing every step of the way wondering how did I get caught up walking through all of these dark streets and being insulted.

It was much later, when I heard Lyndon Johnson say those words, that theme that had directed us emotionally and patriotically that “we shall overcome,” I felt so proud, notwithstanding my lack of knowledge of the importance of the issue, that I did march. Then I found out that the Civil Rights Act and the Voting Rights Act weren’t just something that made minorities feel good, it made Americans feel good. And the ripple effect of this throughout the world was that we had to say, yes we tell people that in the United States, it’s not what we want, but in the United States of America we are working toward full equality.
Now, even today when we give assistance to a country that aspires to have a democracy, more often than not they come here to see how we were able to do it, and we send people to watch what they are doing. And they listen to America with what they are learning about democracy and how to avoid fraud and how everybody should have an opportunity to participate. And notwithstanding what happens in America, we used to have a sense of pride that even though we have problems with it, we are the standard expected throughout the world. And what is happening today in certain States that have had a long history of discrimination, it seems as though now they want to take this backward step to cause it to be difficult for people to vote.

Why in the world would this great country want people not to vote? What could it be to have more and more people express themselves? You go to countries that have 80 and 90 percent of the population participating in this great democracy, and when you vote you care more about the direction in which your country is going. God knows that in America today with the performance of the Congress, if the people involved we'd do a better job and do it in a hurry. But having said that, these States are now changing their laws to make it difficult for people to vote.

Even though I have my own suspicions as to why, if you lay out the facts and see what is happening, which States are they and what prohibitions are they putting? They’re asking for ID. Well, do we have cases of people misusing ID? The Attorney General doesn’t know of any. And then they’re going after those who allow participation on Sundays, then they’re going after communities with a high number of poor people, then they go into minority communities, and then they ask older people who have no reason for ID that they have to do it. And people who fought so hard for these rights that were given to them now find themselves, in this late stage, being denied the right to vote.

It is so embarrassing. Not only is it not the right thing to do as Americans, but how can we continue to send people to foreign and developing countries as being the major spokespersons for democracy, when right in this country we are prohibiting, not prohibiting—but discouraging people from participating in the right to vote?

I don’t know whether the color of the President or the fact that this President has received record-breaking participation by the very same people that they’re making it difficult to vote, but I tell you for you taking the opportunity to bring the attention of this to the Congress, and therefore to the Nation, for you to be able, with the Congressional Black Caucus, to say that we’re fighting for our rights, protecting our Constitution, we’re protecting our country, and there is no question in my mind that we felt better as a people when we were able to overcome the obstacles that were placed.

Mr. Speaker, I rise today to address the covert voter suppression effort under way in the United States of America. This effort might have begun as a stealth operation, but my colleagues, organized across the Nation, and I will ensure that Americans are informed and protected, such that voters are well prepared for the gimmicks under way to keep them from casting their ballots in 2012.

During 2011, 34 States introduced legislation that would require voters to show a photo ID to cast a ballot. Approximately 13 States introduced bills to end Election Day and same-day voter registration. As many as nine States introduced bills to reduce early voting opportunities. Two States took steps backward by reversing prior executive actions that make it easier for citizens with past felony convictions to restore their voting rights.

For many years, America has been described as a beacon of light for the world; the model of democracy and the home of fair elections. As a Nation, we have always rejected voter intimidation at polling places in foreign nations that limit the right of its citizens to vote. Yet we now face the same issues that fall disproportionately on the same class of voters that these very laws were designed to protect—the elderly, the disabled, students, and minorities.

I will not stand by, Mr. Speaker, and watch silently as State legislatures attempt to compromise the right of citizens to vote. And I will not be silent. We will not stand by idly as decades of struggle for equal voting rights are trampled upon. We will not turn our backs on voters who now face the erosion of the very premise upon which our Nation is built, and that is the right to vote and to representation.

I am proud to report, however, that 2012 is looking much better than 2011. Connecticut’s Secretary of State and Governor introduced a package to streamline voter registration and increase access to absentee voting. In Florida, a bill was proposed to repeal legislation that shortened early voting periods and restricted voter registration drives. A bill introduced in Nebraska that would require a photo ID to vote was removed from the legislature’s agenda. In Washington, a bipartisan bill was introduced that would allow 16-year-olds to preregister to vote. The Department of Justice rejected South Carolina’s photo ID law, and last week a circuit court in Wisconsin heard a case against Wisconsin’s voter ID law. It looks like 2012 will be a very good year for the protection of voting rights.

These attempts to restrict voting are especially hard on young folks. More than 1 million students attend colleges, universities, and technical schools in the State of Texas alone, but because of the State’s new voter ID law, none will be allowed to use their student ID cards to cast a ballot. Texans, however, can show a gun permit and be allowed to vote, but a college student attempting to use their school-issued ID will be denied.

Earlier this month, Bill O’Reilly vehemently defended the law in Texas. He said if students don’t know they can vote absentee, they’re too stupid to vote. You’re in college, but you’re too stupid to vote? What an insult.

During the Jim Crow era, people said African Americans were too stupid to vote. If you were black and you couldn’t count the number of jelly beans in a jar or tell the person at the ballot box how many bubbles were in a bar of soap, you were too stupid to vote. We refuse to return to those days. Stand with us. Protect the franchise. Protect the right to vote.

Mrs. CHRISTENSEN. Thank you, Congresswoman Fudge, for some very strong words, and thank you for the ray of hope by pointing out some of the States that are reversing some of those laws that are making it easier for their voters to vote.

We would like to yield to the former chair of the Congressional Black Caucus, a leader not only in California but in the country, a person who has always been the conscience of the
the CBC as we are the conscience of the Congress, Congresswoman BARBARA LEE.

Ms. LEE of California. Thank you very much. I thank the gentlelady for her kind remarks, and I also thank Congressional Black Caucus Chairwoman JACKSON LEE, Congressman BOBBY SCOTT and Chairman RANGEL for their leadership. She serves as the first vice chair of the Congressional Black Caucus and has led on so many issues in this House on behalf of our country and on behalf of her constituents. Thank you very much.

Let me also take a moment to thank Congresswoman FUDGE and Congresswoman CHRISTENSEN, for their focus on this very critical issue. His leadership is making such a difference on so many important issues in our country.

The right to vote is our most fundamental right that guarantees and preserves all other legal rights. When Americans lose their right to vote, that endangers their ability to defend further attacks on their rights.

Their right to vote continues in 2012. In this election year, a coordinated campaign designed to block access to the polls to tens of millions of Americans threatens to undermine our democracy and change election outcomes. Sadly, Mr. Speaker, it’s no secret which communities these laws are designed to disenfranchise—communities of color, students, elderly Americans, impoverished families, and the disabled.

Let me say that the Republican legislators and Governors who are pushing these antivoter laws know exactly what they are doing. They saw the election results of 2008, with the surge of voter participation from Americans who demanded that we do better before. They see the rising tide of Americans who seek to change their country by doing their basic civic duty on Election Day. Instead of embracing change, they are desperately trying to avoid change by undermining our voting process.

These Republican legislators are proposing partisan laws that require voters to show a government-approved photo ID before voting. Those who are truly concerned about voter fraud have plenty of actual, documented problems to take on. Why aren’t they going after those who spread false information meant to trick voters or public officials who improperly purge eligible voters or political operatives who tamper with election equipment and forms? Instead, they all are pushing laws designed to change election outcomes by reducing voting, repressing turnout, and turning the clock back.

Now, I have an aunt who is 106 years old, who has been at a time her records were not kept like they are today. How in the world would my aunt know where to start to find her birth certificate to be eligible to qualify for a government ID? How can I ask her to pay to do the research so she can figure out where her birth certificate may be and then pay to get a government ID to vote? Outrageous.

One hundred years ago, my aunt did not have the right to vote. Thanks to the hard work of women before me, my aunt witnessed the expansion of voting rights to women with the 19th Amendment and the protection of African American and other minority voters with the Voting Rights Act. Regrettably, some need to turn my aunt back to where she was a century ago when she could not vote and her fundamental right to fully participate in our democratic society was cut off, mind you, just cut off by unjust laws.

These partisan laws are shameful and a disgrace to our country. These antidemocratic efforts have no place in a modern democracy, and we must unmask these shameful attempts to disenfranchise voters.

I yield back to the gentlelady from the Virgin Islands for her conclusion.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentlelady from the Virgin Islands for the opportunity to speak. And today I rise in opposition to unfounded fears that try to creep up all over the country, laws that add unnecessary complications to the process of voter registration and the process of voting.

Now, some of these initiatives include photo ID laws, reduction in time to vote or to register to vote, laws complicating the rules for running voter registration drives.

Now, none of these little schemes prevent individuals from voting, but the unnecessary complications guarantee that many will not get their paperwork in on time and, as a consequence, many will not be able to vote. In some States, those few votes can make the difference in a presidential election.

Now, we need to protect the right to vote, not add unnecessary complications that will result in fewer people voting. But we see all over the country efforts to reduce the Election Day registration. In those States that have allowed it for decades, those who could have registered on Election Day will find that they cannot vote.

In States that allow early voting, we’re seeing efforts to reduce the number of days of early voting, meaning that some people may not be able to get their votes in as they could have with the longer period.

In some States the rules for voter registration drives are becoming more onerous, so much so that groups that have traditionally conducted voter registration drives, such as the League of Women Voters, are having second thoughts about conducting those drives under the new rules, and that will mean fewer people will be registered to vote.

And many States are imposing for the first time a requirement that voters display a specific voter ID. This scheme that is so slanted that, as has been previously stated, some government-issued IDs are acceptable and some are not. Texas proposed to accept the concealed weapons permit as acceptable government-issued ID, but not student IDs from a State college.

Now, Mr. Speaker, that voter ID requirements are a solution in search of a problem. There is no credible evidence that in-person voter fraud, which is the only kind of fraud that the photo ID would prevent, is any problem around the country. In fact, multiple studies have found that virtually no cases of in-person voter fraud can be found.

And the requirement of voter ID in subjecting people to that time and expense will guarantee that many will not get their paperwork done in time. There are complications that can occur when you’re trying to get that paperwork done. Some of the elderly have...
We’re also joined by another fighter for justice and equality, a strong voice in the Congressional Black Caucus, the gentlelady from Texas, Congresswoman SHEILA JACKSON LEE.

Mrs. JACKSON LEE of Texas. I’d like to thank Dr. CHRISTENSEN, with whom I enjoy calling Iowa that because she has been of such value and service to this Congress and to this body, the Congressional Black Caucus, and thank her for her leadership in convening this very important discussion on voter protection.

I’m very delighted to be joined, and I thank him very much, by Congressman BOBBY SCOTT, who has served and we are serving on the Judiciary Committee. And I know that he remembers that in about 2006, 2007, after years of rumors of the Voting Rights Act ending, we clarified it by coming together in a bipartisan manner and over months of hearings, convinced a then, I believe, Republican and moving into a Democratic Congress that a bipartisan Congress, that the Voting Rights Act was needed, and it needed to be reauthorized in certain sections.

And so our stand today is to reinforce that issue. And so I would like to thank, again, Congressman RANGEL, who so movingly told of his long journey and walk to support the Voting Rights Act, Congresswoman FUDGE, who has been a champion in her State in Ohio, Congresswoman LEE, and then Congressman SCOTT, who all bring to the table a personal story about voter protection.

But I must make mention of our friend Congressman JOHN LEWIS, who is the epitome of the civil rights movement around the idea of voter protection and enhancement. Many of us are not aware of Mr. FILNER, who was one of the Freedom Riders and celebrated the 50 years of the Freedom Riders in the last year, their 50 years. My colleague Congressman AL GREEN, who led the NAACP in Georgia and Alabama, where African Americans had still not had the full impact. I remember working for the Southern Christian Leadership Conference in the South in the aftermath in the 1970s of the Voting Rights Act actually going to many States, from North Carolina to South Carolina to Georgia and Alabama, where African Americans were still not registered, had still not had the full impact. I remember walking miles with Prairie View University students to allow the students to vote.

So this is a cause for which we have been on a long journey, and it saddens me that we are here again today fighting for voter protection in the year 2012 as we look to our Presidential elections.

I might offer to my colleagues the words of Barbara Jordan, who could not have come to Congress if it had not been for the passage of the 1965 Voting Rights Act. Sitting in the Judiciary Committee she offered these words: ‘I believe hyperbole would not be fictional and would not overstate the solemnness I feel right now. My faith in the Constitution is whole, it is complete, it is total.’

But the thought that fraud is bad and that it’s clear that those situations need exception and require people to go through the time and expense of getting photo ID if they don’t have one.

Now, if we’re going to look for problems in the voting process maybe we ought to look at that. Or maybe we ought to look at the candidate who tried to become a candidate on the Virginia Republicen Presidential Primary this year. He has publicly stated that petition signatures submitted on behalf of his campaign, of those signatures, hundreds were, in fact, bogus. And if they had not been caught, he would have qualified for the ballot. But fortunately, it has been ascertained that so many were bogus signatures that he, in fact, did not qualify for the Virginia ballot. But as we see all over the country, efforts to reduce Election Day registration are making it possible for many people to lose those rights. While the situations like Iowa and in Virginia, where it’s clear that those situations need scrutiny, there is no evidence that impersonator voter fraud is a problem anywhere in the United States.

Voting is not an arbitrary, inessential act. The cumulative effect of individual voting elects our government officials who directly create our laws and policies. It is important that we ensure that every eligible voter is given the opportunity to vote, free from unnecessary barriers and schemes. Those schemes that erect barriers to the right to vote are unfair in our democracy.

And I thank the gentlelady from the Virgin Islands for giving us the opportunity to make these statements.

Mrs. CHRISTENSEN. I thank you for joining us and for pointing out some of that data and helping to explain to the American public the injustice that’s being done by these voter restriction on voting and restrictions on registration.
Center for Justice of the New York University School of Law found that African Americans are more than three times as likely as Caucasians to lack a government-issued ID.

You talk to many of our seniors and they say, ‘I’m going to vote, mother. God rest her soul, we could not, as long as we looked for her birth certificate, could not find it, but she did have a voter registration card. Nationwide, 18 percent of eligible voters over 65 lack an ID. Voter ID laws are costly, and despite the deficit, reasonable estimates that the ID law would cost the State over $20 million to implement, and it goes on to say North Carolina, $14 million.

This is a shame on us. This is a pox on our House. And it is a pox on our House because fraud cannot be documented. As my colleague indicated how ironic it is that a student ID, students at State colleges, private colleges, historically black colleges, Hispanic-lean- ing colleges can’t use a credible ID that colleges take great pride or great ef- forts to secure. Photo ID. Young people who we who want to see cherish the democ- racy of this country can not in fact use their ID. But yet a gun ID can be used. And so the production of photo ID—somewhat related—we were trying to pass legislation that says if you have a gun ID in Georgia, you can use your gun permit in another State. We’re willing to give all of these rights to those carrying a gun ID, which may in fact jeopardize our law enforcement officers in all of the dif- ferent States by not knowing who’s in there carrying a gun permit.

But yet the sacred and simple act of choosing the candidate of your choosing causes the ire of so many State legislatures who, after the 2010 election and the misrepresentation that there was fraud in the 2008 election, maybe because we elected the first African American President, or some crisis generated this response, we have this kind of map that shows prac- tically 40 States, it looks like, all but 11, that require photo ID, that photo ID is requested, that photo ID legislation is proposed.

Congresswoman, I ask on what basis have we now taken the Constitution, the Voting Rights Act, and the constitutionality of the Voting Rights Act to do it?

Let me just share these points as I come to a close and ask that we con- tinue the efforts.

I look forward to a voter protection meeting by the Congressional Black Caucus in Houston. The State of Texas has the voter ID law that is now being pre-eclipsed. I understand that all of my colleagues are in the middle of redistri- buting, but let me just say this is not in any way promoting Texas, but I be- lieve that we may be the singular case that is going to ascertain the integrity of the Voting Rights Act and voter protec- tion.

Right now Texas is in three courts: the Supreme Court, the District Court of Appeals here in the District of Co- lumbia, and the San Antonio Federal Court. We are fighting on three dif- ferent levels.

I might say this without any punitive comments intended. We had an interim plan, and this is under the Voting Rights Act. One vote, one person. And Congresswoman, I think it is im- portant to note that the Voting Rights Act protects all Americans, its premise is one vote, one person. Its premise is not fraud but opportunity.

So we were giving redistricting and some sections of the Voting Rights Act protect the idea of one person, one vote, we take these cases not for personal promotion, meaning Members of Congress and State legislators, but to ensure the integrity of the vote.

So when the court ruled in San Anto- nio just briefly that the plan did not work, that the State of Texas wrote and gave us a new plan, the State of Texas went to the Supreme Court—not the individuals trying to protect the right of voters—went to the Supreme Court to stay that plan.

Well, the Supreme Court did render a decision. We’re still in the midst of our confusion. But I just have to put this in perspective, the Supreme Court ass- essed us, the ones who did not appeal, $18,000 to pay for printing. For those of us who are lawyers, we are simply questioning in wonderment how you can charge individuals who did not take the case up to the Supreme Court, who were been guided, the Federal Court, who had a plan and assessed us $18,000.

I simply say here is another way that you can not protect voting, because inevi- tably, those who are on the side of the Voting Rights Act are not rich. We inevitably in many instances are not the State.

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It’s the State coming against those who are trying to say, “One vote, one person.” I bring this up just as I close.

Let me just say that, in the course of the hearings that we had in reautor- izing the Voting Rights Act, we discov- ered that there were problems with voting across the country. In 2004, nearly 4,500 people reported problems with ballots that were coming to them; 1,000 people reported voting intimida- tion; 7,000 reported registration prob- lems.

Also, as you well know, the status of voting laws now, meaning the voting ID or voter identification, limits the kind of voter ID you can use. It ex- cludes the most common forms of iden- tification: things like the Social Secu- rity cards—and they offer no alter- natives. There are changes requiring proof of citizenship as a condition for voter registration, limitations or the outright elimination of early voting opportunities, and barriers to first-time voters—so that there is no same-day registration.

So I would simply argue that this is an important Special Order that you have tonight. What I feel in my heart is that we have to educate the public. They have to raise their level of, not anxiety, but of cause, in that they have a cause. They’ve got to get their marching shoes on again. They’ve got to get their shoes of being the carriers of their ideas, so when those who oppose them and heroes did. They’ve got to get like the movie “The Help” when those domes- tics, those people who work for others, walked in the Montgomery Bus Boycott because they were trying to do something. So I want to thank you for allowing me to share this with you this evening.

I also want to indicate that this very fine letter that was sent by Members of Congress to the Attorney General on July 25, 2011, should be upheld; that of these voter ID laws that may suppress the vote, we want to have voter protec- tion by having a vigorous review of all of these laws, and one of them happens to be the voter ID requirement in the State of Texas.

Thank you for allowing me to par- ticipate in an opportunity to share and in an opportunity to tell a message to our colleagues that the justice of voting is justice for everyone and that the protection of voting is the protection of voting for everyone.

Mrs. CHRISTENSEN. I thank the gentlelady for those strong words.

Again, I’m going to go back to the article in Politico because everyone has reference to the okays of fraud. In this article, it reads, “official and academic studies have consistently shown that the chances of being hit by lightning are greater than the likely incidence of such fraud.”

So today, as we prepare for the elec- tions in November of this year, we have seen an unprecedented—at least un- precedented since August of 1965—at- tack on the rights of Americans to vote. As you’ve heard, these attacks have taken many forms: creating bans that prevent felons from voting; cutting election administration budg- ets in States; curtailing early voting, something that was used very effec- tively in previous elections; elimi- nating same-day registration; intimi- dating voter registration by some groups, which extends in some places to intimidation on Election Day; im- posing strict ID requirements; creating barriers to getting the required ID; and creating barriers to voting by students in schools outside of campus.

Again, the voter fraud claims are bogus, and as our chairman, EMANUEL CLEAVER, said in testimony before the Senate Committee on the Judiciary late last year, “The laws are solutions in search of problems, especially when it comes to voter ID, because there is basically no evidence of fraud.” Many studies, as I’ve said, have supported that statement.

With an estimated 11 percent of African Americans not having IDs that would meet the requirement, it is projected that these new attacks on the rights of American citizens to vote will prevent
many millions of people—mostly Democrats, mostly minorities and the elderly—from voting and could affect as many as 171 electoral votes. It is clear to me, whether racially based or not, that this is a direct attempt not only to undermine the election process but to undermine the faith that we all have that what surely would be and ought to be the re-election of Barack Obama.

The CBC is speaking out as is the NAACP, but I’m still waiting for the cries of the good people of this country. This is an egregious injustice and a threat to democracy and to the stability of our Nation, and it must not be allowed to continue. The Congressional Black Caucus has met with officials of the Justice Department; and as Congresswoman JACKSON LEE has stated, the CBC has sent a letter to Attorney General Eric Holder, which has over 100 signatures from other Members, registering our grave concern over these laws and proposed laws, urging them to carefully examine them and ensure that the rights of voters are protected.

In March, we will take up the torch of those who marched across the Edmund Pettus Bridge to continue to fight, for equal rights and the South, with the NAACP and other partners, to begin a voter protection tour to key cities in order to call attention to the injustice; to mobilize efforts to help individuals get the required ID or vote where they can cast their vote instead of being disenfranchised by voting; and to continue to press the Justice Department to do all that is in its authority to protect this right that so many fought, sacrificed, and died for.

As Congresswoman JACKSON LEE showed, this is the map. It’s called the “Map of Shame.” Only 11 States are without voter ID laws or are requesting one or have legislation proposed. How will we ever be able to lead and speak for the disenfranchised in other parts of the world? That was something raised by Congressman RANGEL as we began the Special Order. Where will we get the moral authority if this travesty is allowed to exist and if we undermine this very fundamental right, the right to vote?

Already the undue influence of big money from undisclosed donors is influencing elections. Already the ugly specter of racism has been raised to divide us and to misinform and inflame some segments of our country. This is not the country that we want to be. The Voting Rights Act was passed in August of 1965, and at that time, it ended over a century of denial of the right to vote to African Americans in the South and to Latinos in some of the Southwest as well. In voting rights, as with health care reform, as someone said earlier, we are not going back.

I would like to just take a few minutes of the time we have left to call attention to a crisis in my district, in the U.S. Virgin Islands. Last Wednesday, January 18, we suffered an economic earthquake with the announcement that the HOVENSA oil refinery—it’s either the second or the third largest oil refinery in the Western Hemisphere—is going to close in the middle of February. Now, we’re a small community—110,000 throughout the entire Virgin Islands—and we’re home about 55,000 on the Island of St. Croix, so a hit of over 2,000 jobs is a big hit to our economy. Those are the direct jobs. Of the people who work either for HOVENSA or their subcontractors on the island, we continue to be about 100 employees for oil storage facilities, but the impact will reverberate throughout that entire community. Businesses that rely on HOVENSA from some of their suppliers—hotels and restaurants and even some of our private schools—are wondering how they are going to survive and keep their doors open when HOVENSA closes.

We are looking at a number of issues, and we still have a lot of questions that we need to ask, but I wanted to bring this to the attention of my colleagues because this is a severe crisis. As all of our States have been, we were already having layoffs and having to cut services, and this will exacerbate those measures on our population. The closing of this refinery is a major hit, and it has left my community reeling. So I ask for your prayers, and at the appropriate time I will probably come and ask for your assistance on behalf of the people of the Virgin Islands.

I want to take this opportunity to thank my colleagues Congressman RANGE, Congresswoman FUDGE, Congressman SOUTER, Congresswoman LEE, and Congresswoman JACKSON LEE for joining me in this Special Order to speak to the issue of voter protection for the people of this country—the protection of a fundamental right that must not be abridged.

I would be happy to yield to my colleague from Texas if she would like to have some more time.

Mr. JACKSON LEE of Texas. First, I want to speak to the gentlelady’s last comment and say that you have been a champion for the Virgin Islands. I have had the privilege of having several meetings there. They are generous people, they are our neighbors, and so I personally want to say, experiencing and understanding the impact of the loss of a major entity is something many of us have gone through.

In this instance I wanted to say, yes, we will stand with you and be of help. I’m introducing legislation that deals with trying to look at the energy industry in a way to help it grow in a fair way, to be environmentally safe, and I know that you are certainly someone who is a champion of the environment but have found that that business is served economically, and I want to make sure that we have these kinds of industries in our community.

My legislation talks about using the energy industry to also support improving the environment, and I think that creates jobs as well. So I just want to say that I look forward to working with you and thank you for bringing that issue to our attention, because while we have the opportunity to express our views, we know that the opportunity for work and for jobs is crucial as well.

Mr. Speaker, I rise today to speak about the need to protect democracy, to protect the voice of the American people, and to ensure the right to vote continues to be treated as a right under the Constitution rather than being treated as though it is privilege.

I am joined by my colleagues here today to call on all Americans to reject and denounce tactics and measures that have absolutely no place in our democracy. I call on African-Americans, Hispanic and Latino Americans, as well as Asian-American voters to band together to fight for and to work together to understand their voting rights and to demand that it be protected by our laws by our laws and our Constitution.

I call on these citizens to stand against harassment and intimidation, to vote in the face of such adversity. The most effective way to curb the tactics of intimidation and harassment is for us to stand together to fight against any measures that would have the effect of preventing every eligible citizen from being able to vote. Voting ensures active participation in democracy.

As a member of this body, I firmly believe that we must protect the rights of all eligible citizens to vote. Over the past few decades, minorities in this country have witnessed a pattern of efforts to intimidate and harass minority voters through so-called “Voter ID” requirements. I am sad to report that as we head into the 21st century, these efforts continue.

Never in the history of our nation, has the effect of one person, one vote, been more important. A great Spanish Philosopher, George Santayana once said “Those who cannot learn from the history are destined to repeat it.” Our history has taught us that denying the right to vote based on race, gender or class is a stain on the democratic principles that we all value. The Voting Rights Act was a reaction to the actions of our passed and a way to pave the road to a new future.

The Voting Rights Act (VRA) was adopted in 1965 and was extended in 1970, 1975, 1982, and 2007. This legislation is considered the most successful piece of civil rights legislation ever adopted by the United States Congress. Contrary to the prevailing rumor that it is due to expire, even though minorities with no rights, the Act is actually due for reauthorization in the 115th Congress. There is no doubt about whether it will continue to protect our rights in the future.

The VRA codifies and enforces the 15th Amendment’s permanent guarantee that, throughout the nation, no person shall be denied the right to vote on account of race or color. Adopted at a time when African Americans were substantially disfranchised in many Southern states, the Act employed measures to ensure the right to vote to citizens of all U.S. states.

By 1965, proponents of disenfranchisement made violent attempts to thwart the efforts of
civil rights activists. The murder of voting-rights activists in Philadelphia and Mississippi gained national attention, along with numerous other acts of violence and terrorism.

Finally, the unprovoked attack on March 7, 1965, by state troopers on peaceful marchers crossing the Edmund Pettus Bridge in Selma, Alabama, in route to the state capitol in Montgomery, persuaded the President and Congress to overcome Southern legislators’ resistance to effective voting rights legislation. President Johnson issued a call for a strong voting rights law and hearings began soon thereafter on the bill that would become the Voting Rights Act.

Congress adopted this far-reaching statute in response to a rash of instances of interference with attempts by African American citizens to exercise their right to vote—a rash that appears to be manifesting itself again in this nation. Perhaps a legislative measure is needed to respond in a way that the VRA did.

The Supreme Court upheld the constitutionality of the VRA in 1966 in a landmark decision—South Carolina v. Katzenbach, 383 U.S. 301, 327–28:

U.S. 301, 327–28: Day; to shorten the time allowed for early voting to register to vote and to submit a change of address, and to adopt laws to require proof of citizenship and to exempt minor citizens from registration and voting requirements.

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advanced initiatives are laws that require voters to register to vote and to submit a change of address within the same state on Election Day; to shorten the time allowed for early voting; to make it more difficult for third-party organizations to conduct voter registration; and even to eliminate a mandate on poll workers to direct voters who go to the wrong precinct.

These recent changes are on top of the disfranchisement laws in 48 states that deprive an estimated 5.3 million people with criminal convictions—disproportionately African Americans and Latinos—of their political voice.

Voter ID laws are becoming increasingly common across the country. Today, 31 states have laws requiring voters to present some form of identification to vote in federal, state, county, and local elections, although some laws or initiatives passed in 2011 have not yet gone into effect. Some must also be precleared under the Voting Rights Act prior to implementation. In 16 of those 31 States, voters must (or will soon be required to) present a photo ID—that in many states must be government-issued—in order to cast a ballot.

Voter ID laws deny the right to vote to thousands of registered voters who do not have, and, in many instances, cannot obtain the limited identification states accept for voting. Many of these Americans cannot afford to pay for the required documents needed to secure a government issued photo ID. As such, these laws impede access to the polls and are at odds with the fundamental right to vote.

In total, more than 21 million Americans of voting age lack the documentation that would satisfy photo ID laws, and a disproportionate number of these Americans are low-income, racial and ethnic minorities, and elderly. As many as 25% of African Americans of voting age lack government-issued photo ID, compared to only 8% of their white counterparts. Eighteen percent of Americans over the age of 65 do not have government-issued photo ID.

Laws requiring photo identification to vote are a “solution” in search of a problem. There is no credible evidence that in-person impersonation voter fraud—the only type of fraud that photo IDs could prevent—is even a minor problem. Multiple studies have found that almost all cases of alleged in-person impersonation voter fraud are actually the result of a voter making an inadvertent mistake about their eligibility to vote. Even when these mistakes are extremely infrequent.

It is important, instead, to focus on both expanding the franchise and ending practices which actually threaten the integrity of the elections, such as improper purges of voters, voter harassment, and distribution of false information about when and where to vote. None of these issues, however, are addressed or can be resolved with a photo ID requirement.

Furthermore, requiring voters to pay for an ID, as well as the background documentation necessary to obtain an ID in order to vote, is tantamount to a poll tax. Although some states issue IDs for free, the birth certificates, passports, or other documents required to secure a government-issued ID cost money, and many Americans simply cannot afford to pay for them. In addition, obtaining a government-issued photo ID is not an easy task for all members of the electorate. Low-income individuals who lack the funds to pay for documentation, people with disabilities with limited access to transportation, and elderly Americans who travel and whose birth certificates and new IDs must travel to preserve their right to vote in the U.S., are among those who face significant or insurmountable obstacles to getting the photo ID needed to exercise their right to vote. For example, because of Texas’ recently passed voter ID law, an estimated 36,000 people in West Texas’ District 19 are 137 miles from the nearest full service Department of Public Safety office, where those without IDs would need to present their right to vote under the state’s new law.

In addition, women who have changed their names due to marriage or divorce often experience difficulties with identity documentation, as did Andrea, who recently moved from Mississippi to South Carolina and who, in the span of a month, spent more than 17 hours online and in person trying without success to get a South Carolina driver’s license.

Voter ID laws send not-so-subtle messages about who is and is not encouraged to vote. As states approve laws requiring photo ID to vote, each formulates its own list of acceptable forms of documentation. Another common threat emerging from disparate state approaches is a bias against robust student identification across the country.

Henceforth, students at Wisconsin colleges and universities will not be able to vote using their student ID cards, unless those cards have issuance dates, expiration dates, and signatures.

Broad political participation is particularly suspect, appearing on the heels of unprecedented youth turnout in the 2008 election. Four states with new voter identification mandates, including my home state of Texas, South Carolina, Mississippi, and Alabama, are required under the Voting Rights Act to have these voting changes pre-cleared by either the Department of Justice (DOJ) or a panel of federal judges. Before they may be implemented, DOJ must certify that these laws do not have the purpose or effect of restricting voting by racial or language minority groups.

Thus far, South Carolina and Texas both have submitted applications to DOJ that have been formally opposed in written submissions. DOJ has requested further information from both states, and the applications are on hold. Alabama’s ID requirements do not take effect until 2014, so the state has not yet applied to DOJ for preclearance. Mississippi’s voter ID requirement was approved by voters on November 8, 2011, so a preclearance request has not yet been submitted.

In countries scattered across this earth, citizens are denied the right to speak their hearts and minds. In this country, only a few decades ago, the right to vote was limited by race, sex, financial ability. When a vote is cast, it is a referendum on all those who fought so hard and tirelessly for our rights. When a vote is cast, it is a cast not only for you and the future but also for all those who never had the chance to pull a lever. We are still working to preserve Martin Luther King’s dream a reality, a reality in which our government’s decisions are made out in the open not behind cigar filled closed doors.

The time to take back the country is at hand, and we are the ones with the power to do just that. To do so, we must follow all citizens who are eligible to vote, with the right to excise this decision without tricks or tactics to dilute their right to vote.

VOTER IDENTIFICATION

There have been several restrictive voting bills considered and approved by states in the past several years. The most commonly advanced initiatives are laws that require voters to present photo identification when voting in person. Additionally, states have proposed or passed laws to require proof of citizenship when registering to vote; to eliminate the right to register to vote; to submit a change of address within the same state on Election Day; to shorten the time allowed for early voting; to make it more difficult for third-party organizations to conduct voter registration; and even to eliminate a mandate on poll workers to direct voters who go to the wrong precinct.
Instances of voter intimidation are not long ago and far away. Just last year I sent a letter to U.S. Attorney General Eric Holder to draw his attention to several disturbing instances of voter intimidation that had taken place in Houston. In a single week there were at least 15 reports of abuse of voter rights throughout the city of Houston.

As a Senior Member of the House Judiciary Committee, I called for an immediate investigation of these instances. Many of these incidents of voter intimidation were occurring in predominantly minority neighborhoods and had been directed at African-Americans and Latinos. It is unconscionable to think that anyone would deliberately employ the use of such forceful and intimidating tactics to undermine the fundamental, Constitutional right to vote. However, such conduct has regrettably occurred in Houston, and I urge you to take appropriate action to ensure that it does not recur.

I am here today in the name of freedom, patriotism, and democracy. I am here to demand that the hard fought right to vote continues to be protected.

A long, bitter, and bloody struggle was fought for the Voting Rights Act of 1965 so that all Americans could enjoy the right to vote, and that we could not be denied the right to vote because we were African-Americans or Latinos. Americans died in that fight so that others could achieve what they had been forcefully deprived of for centuries—the ability to walk freely and without fear into the polling place and cast a voting ballot.

Efforts to keep minorities from fully exercising that franchise, however, continue. Indeed, in the past thirty years, we have witnessed a pattern of efforts to intimidate and harass minority voters including efforts that were identified as “ballot security” programs that include the mailing of threatening notices to African-American voters, the carrying of video cameras to monitor polls, the systematic challenging of minority voters at the polls on unlawful grounds, and the hiring of guards and off-duty policemen to intimidate and frighten voters at the polls.

My colleagues on the other side of the aisle have a particularly poor track record when it comes to documented acts of voter intimidation. In 1982, a Federal Court in New Jersey found that the city of Houston.

Before the 1965 Voting Rights Act, however, the right to vote did not exist in practice for most African Americans. And, until 1975, most American citizens who were not proficient in English faced significant obstacles to voting, because they could not understand the ballot. Even though the Indian Citizenship Act gave Native Americans the right to vote in 1924, state law determined who could actually vote, which effectively excluded many Native Americans from political participation for decades. Asian Americans and Asian immigrants also have suffered systematic exclusion from the political process and it has taken a series of court challenges to the Chinese Exclusion Act in 1943, and passage of amendments strengthening the Voting Rights Act three decades later, to fully extend the franchise to Asian Americans. It was with this history in mind that the Voting Rights Act of 1965 was designed to make the right to vote a reality for all Americans.

And the Voting Rights Act has made giant strides toward that goal. Without exaggeration, it has been one of the most effective civil rights laws passed by Congress. In 1964, there were only approximately 300 African-Americans in public office, including just three in Congress. Few, if any, black elected officials were elected anywhere in the South. Today there are more than 9,100 black elected officials, including 43 members of Congress. There is no number ever thought possible when the Act was signed.

In 1982, a Federal Court in New Jersey concluded that the vast majority of the approximately 6,000 Latino public officials that have been elected and appointed nationwide, including 263 at the state or federal level, 27 of whom serve in Congress. And Native Americans, Asians and others who have historically encountered barriers to full political participation also have benefited greatly.

We must not forget the importance of protecting this hard earned right.

An election with integrity is one that is open to every eligible voter. Restrictive voter ID requirements degrade the integrity of our elections by systematically excluding large numbers of eligible Americans.

I do not argue with the notion that we must prevent individuals from voting who are not allowed to vote. Yet a hidden argument in this bill is that immigrants may “infiltrate” our voting system. Legal immigrants who have successfully navigated the citizenship maze are unlikely to draw the attention of the authorities attempting to do so. Similarly, undocumented immigrants are even less likely to risk deportation just to influence an election.

If for no other reason than after a major disaster be it earthquakes, fires, floods or hurricanes, we must all understand how vulnerable our system is. Families fleeing the hurricanes and fires suffered loss of property that included lost documents. Compounding this was the devastation of the region, which virtually shut down civil services in the area. For example, New Orleans residents after Hurricane Katrina in 2005 were unable to vote in 44 states. These uprooted citizens had difficulty registering and voting both with absentee ballots and at satellite voting stations. As a result, those elections took place fully 8 months after the disaster, and it required the efforts of non-profits, such as the NAACP, to ensure that voters had the access they are constitutionally guaranteed.

We need to address the election fraud that we know occurs, such as voting machine integrity and poll volunteer training and competence. After every election that occurs in this country, we have solid documented evidence of voting inconsistencies and errors. In 2004, in New Mexico, malfunctioning machines mysteriously failed to properly register a presidential vote on more than 20,000 ballots. 1 million ballots nationwide were flawed by faulty voting equipment—roughly one for every 100 cast.

Those who face the most significant barriers are not only the poor, minorities, and rural populations. 1.5 million college students, who are registered voters, will also have difficulty providing documentation.

In fact, newly married individuals face significant barriers to completing a change in surname. For example, it can take 6-8 weeks to register a marriage, and additional one or two weeks and one or two weeks and one or two weeks (and a full day waiting in line) to get the new Social Security card, and finally three-four weeks to get the new driver’s license. There is a significant possibility that this bill will also prohibit newlyweds from voting if they are married within three months of Election Day.

The right to vote is a critical and sacred constitutionally protected civil right. To challenge this is to erode our democracy, challenge justice, and mock our moral standing. I urge my colleagues to join me in dismissing this harmful legislation and pursue effective solutions to the real problems of election fraud and error. We cannot let the rhetoric of an election year destroy a fundamental right upon which we have established liberty and freedom.

CONGRESS OF THE UNITED STATES, WASHINGTON, DC, July 25, 2011.

Hon. Eric Holder
U.S. Attorney General, United States Department of Justice, Robert F. Kennedy Building, 950 Pennsylvania Ave., N.W., Washington, DC.

DEAR ATTORNEY GENERAL HOLDER: We are concerned about the restrictive voter photo identification legislation pending or already signed into law in a number of states. Many of these bills only have one true purpose, the disenfranchisement of eligible voters—especially the elderly, young voters, students, minorities, and low-income voters. Approximately 11 percent of voting-age citizens in the country—or more than 20 million individuals—lack government-issued photo identification. We urge you to protect the voting rights of all Americans by using the full power of the Department of Justice to review these voter identification bills and scrutinize their implementation.

The Voting Rights Act vests significant authority in the Department to ensure laws are not implemented in a discriminatory manner. Section 5 of the Voting Rights Act requires preclearance by the Department when there is an attempt to change any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting, in covered jurisdictions. In Section 5 jurisdictions, whenever photo identification legislation is considered, the Department should closely monitor the legislative process to track any unlawful intent evinced by the proceedings. In jurisdictions not covered by Section 5, the Department should exercise vigilance in overseeing whether these laws are implemented in a way that discriminates against protected classes in violation of Section 2 of the Voting Rights Act.

Restrictive voter photo identification legislation has the potential to block millions of eligible American voters, and thus suppress the right to vote. We urge you to exercise your authority to examine these laws so that the voting rights are protected. We also request that you brief us on the efforts the Department is undertaking to ensure
Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to speak in strong opposition to voter suppression efforts in Texas and in several other states throughout the country.

In the United States, we use voting as a means for the people to elect their representatives at all levels of government. This is a basic tenet of American democracy that some have sought to manipulate and curtail.

Through a series of regressive voting laws, a number of state legislatures have already taken extraordinary measures to disenfranchise entire segments of the population, our youth, minorities, and the poor from access to the polls and casting their ballots.

Whether in the form of voter ID mandates, obstructions to voter registration, or even outright intimidation, these measures to keep eligible voters from exercising their right to vote are contrary to our founding principles as a Nation.

In Texas, strict voter ID laws were passed in the State Legislature last year. This law requires each voter to present a valid government-issued ID, regardless of whether they possess a voter registration card and are listed among the voting rolls. These efforts are specifically tailored to exclude specific voting groups.

The only mechanism keeping these discriminatory policies from becoming effective in Texas is preclearance, required under the Voting Rights Act in states that have a history of voting rights violations.

We need only to look to history to know that these kinds of devious tactics have been used before. In essence, these laws mimic the literacy tests and poll taxes that defined the days of Jim Crow. Except today, these laws target not only minorities but also seniors, students, the disabled, and the poor.

Yet here we find ourselves again battling the same problem with a different guise. I refuse to accept that these laws seek to address existing weaknesses in our electoral system. In fact, these laws do nothing to address the kinds of fraud that were exposed through early voting.

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Mr. Speaker, it is absolutely critical that we work toward strengthening the integrity of our elections and avoid tactics meant to sway our outcome in favor of a select few. It is undemocratic and I will continue to oppose any efforts to suppress our electorate.

RIGHT TO LIFE

The SPEAKER pro tempore (Mr. GARDNER). Under the Speaker’s announced policy of January 5, 2011, the gentleman from New Jersey (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of New Jersey. Mr. Speaker, the right-to-life movement is the greatest human rights movement on Earth, a remarkable decades-long struggle embraced by millions of selfless women and men of all ages, races, colors and creed and made up in recent years, three times the level of psychological problems and three times the level of depression as compared to 31 percent of their peers.

Abortion also has a deleterious effect on subsequent children born to women who have aborted. At least 113 studies show that abortion is a significant predictor between abortion and subsequent premature births. One study by Shah and Zoe showed a 36 percent increased risk for preterm birth after one abortion and a staggering 93 percent increased risk after two.

What does this mean for subsequent children born to women who have had abortions? Preterm birth is the leading cause of infant mortality in the industrialized world after congenital abnormalities or anomalies. Preterm infants are greater risk of suffering from common lung disease, sensory deficit, cerebral palsy and cognitive impairment and behavioral problems.

Low birth weight, which is also one of the consequences, and is associated with neo-natal mortality and morbidity.

Finally, Mr. Speaker, at the March for Life today, there were large, large numbers of people, tens of thousands of people. As cochair of the Pro-Life Caucus, I was proud to stay with so many of them, many of whom are on the floor tonight, and also with our leadership, Speaker JOHN BOHNER, Majority Leader CANTOR, KEVIN...
McCARTHY and JEB HENSARLING, among the most profoundly important speeches made about the sanctity and the dignity of human life.

And they have produced the No Taxpayer Funding for Abortion Act, H.R. 3, which not only would be a government-wide ban on government funding for abortion, it also had a robust, very significant conscience clause as part of that legislation.

The Protect Life Act and, of course, the defunding of Planned Parenthood, a group that aborts in its clinics some 330,000 abortions, 330,000 dead babies in its clinics each and every year. It was a great march and we had women from Silent No More campaign, post-abortion women who eloquently speak to all women not to have abortions because they are the ones who have been victimized by it, but also as a pathway to healing and reconciliation for those who have. This movement is all about forgiveness and all about reconciliation and reaching out to those who are on the other side, especially post-abortion women.

I would like to now yield to the distinguished gentlelady from Tennessee, MARSHA BLACKBURN.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman for his kindness. I thank the gentlelady from New Jersey for yielding.

Mr. Speaker, he said something that is so important. This is a special day, it’s a somber day and solemn in many ways, but yet it is a day when you think about hope and encouragement and reconciliation. We all have had constituents who have come in today to express their opinion and to mark this 39 years to be here to protest, 39 long, painful years of government-sanctioned abortion on demand.

My constituents and many Tennesseans that came here today and that gathered in churches and at the State Capitol in Nashville have done it for two reasons. One is to protest abortion. The other is to show respect for life.

Life is a beautiful gift from God and no government should be able to take that life away. We know in our hearts what is true. Life is a natural right, and the Declaration of Independence calls for us to protect the smallest and the weakest among us. After all, there is no independence without our most basic, fundamental right, the right to life.

There are a couple of things that have concerned many of us lately. One is abortion being smuggled into our health care system through ObamaCare. It is something that I think is morally indefensible, it is fiscally irresponsible, it is an issue that we’re going to hear more about each and every day as we go through the year.

As a woman, I believe that America and our citizens deserve better than abortion. And I believe, and this is the second thing that has really caught a lot of attention lately and is an area where we are going to place some additional attention this year, and that is on Planned Parenthood. America deserves better than Planned Parenthood. And it’s important that everyone realize, Mr. Speaker, that Planned Parenthood continues to profit from the destruction of the human beings with taxpayer money. This year, we are going to delve into that issue a little bit more and find out more about what has happened with these funds and the organization of Planned Parenthood.

Today, as our constituents have come into the city, we have been encouraged, and we have encouraged others. It’s nice to be able to encourage one another. We all have prayed for the millions of women and children who are hurt by abortion, and we have also prayed that God will provide the courage and the steadfastness that is needed for us to put an end to this national tragedy.

Mr. SMITH of New Jersey. I want to thank my friend, Mrs. BLACKBURN, for her very eloquent comments, and thank her for her leadership.

I would now like to yield to the gentlelady from Ohio (Mrs. SCHMIDT), who has led both in Ohio when she was there in the legislature as well as here in Washington.

Mrs. SCHMIDT. Mr. Speaker, I thank my good friend from New Jersey (Mr. SMITH). Your courage on this issue will not go unnoticed.

I really, Mr. Speaker, wanted to talk to you tonight about a little girl, a little girl with a 2-inch foot and the last impression that that little 2-inch foot has made.

I come from southern Ohio, and my parish is St. Elizabeth Ann Seton, led by Father Michael Cordier. Father Cordier has a brother, Andy, and his sister-in-law, Ann. And just recently they buried their 5-month-old daughter.

Sophia Grace Cordier was born with a chromosomal condition, one that was diagnosed long before she was born. The doctors made the suggestion that perhaps they should abort the child because the risks were so great that she wouldn’t even be born alive. Given the statistics, even if she was born alive, it was likely she would not make her first birthday, so why bother. But Ann and Andy understand the meaning of life at all levels. They know that life is precious, and Ann knew that her life was worthy of respect.

The amazing thing is not just the hundreds of people who came to the funeral, but what happened on December 23. See, the Cincinnati Enquirer had a front-page story on the miracle baby. They showed the risks, but they also talked about life and pro-life positions, our Cincinnati Enquirer.

At the funeral, there were many pictures of Sophia Grace. But the one that left the imprint on my mind were her little 2-inch footprints. And her mother had, and I wished I could remember the exact words, but typed up something that said to the point that no matter how small the footprint, every footprint can make a lasting impression. Had Sophia not been born, the Enquirer wouldn’t have run the story and it wouldn’t have provoked the discussion for life, and who knows what other child wouldn’t have been saved.

And today, while hundreds of thousands marched on the lawn of the Capitol in the rain to protest a really bad decision that was made 39 years ago, I saw Sophia’s little footprints in my mind. As I saw those footprints on the lawn, I thought those big footprints are making as lasting an impression as little Sophia because no matter how great or how small, we all have life’s value because we are children of God.

Mr. SMITH of New Jersey. I thank my good friend for her excellent statement.

I now yield to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Mr. Speaker, I thank the gentleman for his courage, his leadership, and his bravery. I know on this issue of life. It’s an important issue. And tonight, we will have the privilege of hearing from lawyers and doctors and business people who all hold the same position, the position that the framers and founders of this great country when they began in writing the greatest document man has ever written, I believe, the Declaration of Independence, that said many things, but this tonight comes in very important to us when they said:

They understood in their wise minds as they deliberated together and as they contemplated doing something that had not been done in this world before, they sought their Creator for wisdom, and they understood truths that were unique and special and truths that were blessed ultimately by their Creator.

And so tonight, I don’t want to speak to you from a medical perspective or from a legal perspective, but I want to speak to you from a perspective of really we give credeMTUS to when we look above the Speaker’s rostrum and we see our motto for this great Nation: In God we trust. What does he think about what went on today? What does he think of what went on 39 years ago, tonight?

Well, the Psalmist said in the word of God that was left for us to understand and our framers and founders read, meditated upon, deliberated over, and came up with something great for this life and this country, they read words such as this. The Psalmist in Psalm 127 said:

Behold, children are a gift of the LORD, the fruit of the womb is a reward.
The prophet Jeremiah heard from God himself who said to Jeremiah:  
Before I formed you in the womb, I knew you, before you were born I set you apart.  

Unique. Not a product of conception, a product of God’s planning and gift.  

And then in that beautiful Psalm, Psalm 139:  

For You formed my inward parts; you wove me in my mother’s womb. I will give thanks to You, for I am fearfully and wonderfully made; Wonderful are Your works, And my soul knows it very well. My frame was not hidden from You, When I was made in secret, And skillfully wrought in the depths of the earth; Your eyes have seen my unformed substance, And in Your book were all written The days that were ordained for me, when as yet there was not one of them.  

In God we trust. He designed us. He created us. And as Congressman SMITH mentioned, and in the case of Dr. Roe, we have, in this Congress, a number of OB/GYN doctors, as Congressman SMITH mentioned, and in the group that I belong to tonight, and that I was there, we delivered over 25,000 babies, myself almost 5,000 babies.  

What I got to see during that time, it’s been an amazing transition. When Roe v. Wade was passed, we didn’t have access to ultrasound; and as ultrasound came along from just a little gray blur to where we’re able to see in 3-D and 4-D ultrasound that you’re able to visualize the fingers, the hands and the movement, to see this little person very early on. We can identify a heartbeat at 28 days post-conception. And I will defy anyone to tell me that that is not a living, breathing, in utero human being. It’s a person that’s there that just hasn’t been there quite long enough yet.  

And I remember in my practice when I first began in 1977, at 32 weeks, half of the children died of prematurity at that point. Now, in 2008, we were able to save 5,000 babies.  

We can think of medical practices and terms, and those are good. We can have arguments from law and Constitution, and those are good and decent. But I take the words of God, the Creator himself, and find great sustenance in my belief that life is the greatest gift that God has given. And the Savior that He gave who was born of a woman said: Keep it confidential.  

I am come that you might have life, and have it abundantly.  

We do well to do great in this country to say “Amén” to that issue and to support life in all its forms.  

Mr. SMITH of New Jersey. Mr. WALBERG, thank you very much for that very eloquent and God-centered testimony on behalf of life. I would point out that throughout the Capitol and through the country there were religious services on behalf of the unborn seeking reconciliation and wisdom from above and healing. One of those was the National Memorial for the Preborn and Their Mothers and Fathers right here in the Capitol. Clergy from various denominations gathered together to pray and to hear readings from the Gospels, Old and New Testaments, and to hear the preaching of Father Frank Pavone, director of Priests for Life and president of the National Pro-Life Committee, and so many others of all denominations and faiths pleading before the Lord for reconciliation and, frankly, for forgiveness for this terrible tragedy of abortion on demand.  

I would like to now yield to the gentleman from New York, ANN MARIE BURECKLE. Mr. WALBERG talked about the lawyers. Well, she is a lawyer and a nurse and brings a unique perspective to this fight. She was one of the first for the human rights of the unborn and for their mothers.  

Ms. BURECKLE. And I thank the gentleman from New Jersey for his leadership in this issue. Mr. Speaker, I stand before you this evening as we commemorate the 39th anniversary of the infamous Supreme Court decision Roe v. Wade. And as we stand here and we reflect as a Nation the loss of millions and millions of unborn lives and the destruction and the damage that is done to the woman—there are two victims in an abortion, both the mother and the unborn—I think there is reason for us to be hopeful. This day we witnessed hundreds of thousands of Americans marching on the Capitol in support of life; and of those hundreds of thousands, so many of them were young people, high school students and college students standing up for life, doing the right thing. So I am hopeful we are changing the hearts and minds of the American people. The youth of today are willing to stand up for what’s right, and they understand the words of the Declaration of Independence, that we are endowed by our Creator with inalienable Rights, among them, life, liberty, and the pursuit of happiness, and the most basic right is the right to life.  

So we celebrate those youth who have the courage to stand up on behalf of life, and we pray for the change of the hearts and minds of the American people to understand that every life, regardless of how that life was conceived, is valuable; it has intrinsic value, and we must protect that life. Mr. SMITH of New Jersey. Thank you, Ms. BURECKLE.  

I would like to now yield to the gentleman from Tennessee, Dr. ROE. We have, in this Congress, a number of medical doctors, most of whom are profoundly pro-life. And in the case of Dr. ROE, I believe he has delivered at least 5,000 babies. Mr. ROE of Tennessee. I thank the gentleman for yielding. And I want to first start out by thanking my friend and colleague, Congressman SMITH, for being one of the most steadfast leaders in this Nation, not tonight, not for this 1 hour of Special Order tonight, but for decades, Chris, for standing up for life and what’s right, and I am proud to associate with you.  

Today, as we went out on The Mall here, for those of you all who didn’t see it on television, it was a cold, rainy day—and it was very cold last year and clear—but it didn’t dampen the spirits of literally thousands and thousands of people who came from all over the Nation, and as Congresswoman BURECKLE just said, the scores of young people who are here to celebrate life.  

I'm a father of three gifts; I'm a grandfather of four; one in heaven that I look forward to seeing again some day and I lived for years on this Earth. I'm a grandfather of two others who are on the ground who I enjoy to the fullest, and a grandfather of one who is in the womb at this very time growing into what God intends him to be. And in a little over a month, I look forward to meeting and greeting others who are on the ground who I think there is reason for us to be hopeful. This day we witnessed hundreds of thousands of Americans marching on the Capitol in support of life; and of those hundreds of thousands, so many of them were young people, high school students and college students standing up for life, doing the right thing. So I am hopeful we are changing the hearts and minds of the American people. The youth of today are willing to stand up for what’s right, and they understand the words of the Declaration of Independence, that we are endowed by our Creator with inalienable Rights, among them, life, liberty, and the pursuit of happiness, and the most basic right is the right to life.  

So we celebrate those youth who have the courage to stand up on behalf of life, and we pray for the change of the hearts and minds of the American people to understand that every life, regardless of how that life was conceived, is valuable; it has intrinsic value, and we must protect that life. Mr. SMITH of New Jersey. Thank you, Ms. BURECKLE.  

I would like to now yield to the gentleman from Tennessee, Dr. ROE. We have, in this Congress, a number of medical doctors, most of whom are profoundly pro-life. And in the case of Dr. ROE, I believe he has delivered at least 5,000 babies. Mr. ROE of Tennessee. I thank the gentleman for yielding. And I want to first start out by thanking my friend and colleague, Congressman SMITH, for being one of the most steadfast leaders in this Nation, not tonight, not for this 1 hour of Special Order tonight, but for decades, Chris, for standing up for life and what’s right, and I am proud to associate with you.  

Today, as we went out on The Mall here, for those of you all who didn’t see it on television, it was a cold, rainy day—and it was very cold last year and clear—but it didn’t dampen the spirits of literally thousands and thousands of people who came from all over the Nation, and as Congresswoman BURECKLE just said, the scores of young people who are here to celebrate life.  

I sadly stand here and tell you that 19,500 women in Tennessee in 2008 had an abortion. That’s just in one State. The rate is going down, and across the Nation it’s going down, but it’s far, far too many. And we’ve just heard a number, 54 million, that boggles my mind about how many people that is. And I can tell you, having had the opportunity to live in the community I have for 35 years and to watch young babies that I have delivered grow up to be teachers, coaches, apprentices, friends of mine—many of them are close, personal friends that I have delivered. I’ve watched them now take their children to soccer matches and to school plays and learn to play musical instruments and to add to this hold to the culture of this Nation, I can’t imagine what this world would be like without them there.  

And one of the great privileges that I’ve had in my life was a person that I know very well at home came to me and he said, Dr. ROE, do you remember that boy you delivered of mine 20 years ago? I said, Yeah, I do. He said, You also had the privilege of nominating him to the military academy to Annapolis. And I stand here with great pride, and I’m probably one of the few people that’s been able to do that. And what if we had the opportunity to have that young leader in this country, these are the future leaders of our Nation.
Mr. SMITH of New Jersey. I would like to now yield to the gentlewoman from Alabama, Congresswoman MARTHA ROBY.

One of the blessings of this Congress is that we have so many articulate and bold women who speak out in defense of life. I have been here for 32 years and I think we have now more pro-life women than ever.

Mrs. ROBY. I thank the gentleman for yielding.

Mr. Speaker, I also rise today to recognize the 39th anniversary of the monumental court decision of Roe v. Wade.

Since the legalizing of abortion in 1973, approximately 50 million abortions have been performed in the United States of America alone. Just today, 4,000 babies have been aborted. Over the course of 2012, as you heard the doctor just say, 1.2 million children in the United States will not be granted.

I am unapologetically pro-life and it is a tremendous honor to be a part of this pro-life caucus. I believe that the miracle of human life begins at the moment of conception but that every human life has the inherent right to life and that this must be protected by law. As a woman, a wife and a mother of two precious young children of my own, I will continue to fight for the unborn as a Representative of Alabama’s Second Congressional District.

I applaud my own home State of Alabama in its admirable fight to protect human life. Alabama recently became the fifth State to pass a measure banning physicians from performing abortions after 20 weeks, which according to the research you just heard is the point where an unborn child can experience pain. I applaud the Alabama legislature for taking such a strong stance on abortion and protecting the unborn. I believe that I have an obligation to do everything in my power to fight for the unborn, prevent taxpayer money from funding abortions and to protect our system from the encroachment of this powerful industry.

Today is the time to celebrate the gift of life and to mourn those lives that were unjustly ended before birth. Let us use the 39th anniversary of Roe v. Wade as an occasion to reaffirm our belief and to vow to fight for the life of every child.

Mr. SMITH of New Jersey. I thank the gentlewoman.

I would like to now yield to my good friend and colleague from Indiana, MARLIN STUTZMAN, who before coming to the House, fought for life in the legislature. And he did a wonderful job.

Mr. STUTZMAN. I thank the gentleman for yielding.

Mr. Speaker, I stand here before you today as a father of two young boys. I am very proud of, Payton and Preston.

In this day of technology, it is amazing what we can now see in the womb...
Today I brought with me a picture of my niece that my brother sent to me and it is on my BlackBerry. If you could see the picture, it is a picture of a little girl with a pudgy nose, pudgy cheeks and a lot of hair. The doctor tells my brother and my sister-in-law that she talks a lot and it doesn’t surprise me for a Stutzman.

It is amazing to see a color picture like this of a little baby girl 27 months old in the womb and to see this picture and to realize the life that is inside the womb is truly amazing and remarkable. I believe that is what is going to be a big part in leading the battle in overturning Roe v. Wade or reversing this tragic decision that has led to so many lost lives here in America.

As I served in the Indiana legislature for so many years, we fought this issue year after year. And I applaud the Indiana legislature, especially last year, in passing legislation and preventing the subsidization of abortions with State and federal dollars. At the same time, I want to bring to the floor the important matter that we have to continue to push back on the Federal Government because the Federal Government has threatened to withhold other health care dollars from the State of Indiana for this decision.

Indiana has actually been most recently named the most improved over 2011 by Americans United for Life and now ranks as the number 10 State in the Nation for defense of the unborn. Planned Parenthood received over $487.4 million in government funding. That is an astounding $1.34 million per day. By their own count, they performed 329,445 abortions in that same time. That is over 900 abortions a day.

Mr. Speaker, today is the day that we stop a tragedy that is going to be a blight on this country. I believe that the young people across America that marched today here in Washington, D.C., are going to be the generation that will end this tragedy. At the same time, I want to bring to the floor the important matter that we have to come here tonight on the anniversary of the Roe v. Wade decision. And today it was so encouraging to see the hundreds of thousands of people from all across this country come here to march and to commemorate this deadline, this decision, and to celebrate life and to pray for the day when all life is valued in this country.

It was cold, about 36 degrees here, and it was rainy, but I was happy I came to this tragedy.

Mr. SMITH of New Jersey. Thank you very much and thank you for recognizing us today.

Mr. SMITH of New Jersey. Thank you very much for that very, very eloquent statement. I would like to now yield to VICKY HARTZLER from Missouri, a New Member of Congress who has already made a serious impact, particularly on the life issue. So thank you for having you here.

Mrs. HARTZLER. Thank you so much, Congressman. It is an honor to be here tonight on the anniversary of the 39th year of the Roe v. Wade court decision. And today it was so encouraging to see the hundreds of thousands of people from all across this country come here to march and to commemorate this deadline, this decision, and to celebrate life and to pray for the day when all life is valued in this country.

It was cold, about 36 degrees here, and it was rainy, but I was happy I came to this tragedy.

Mr. Speaker, in that, basically because it’s a child, not a choice. We see those bumper stickers around and we don’t think about them very much. But those words and that reality certainly has meaning for me because words matter.

I was in sixth grade when the Roe vs. Wade decision came down, and I remember hearing a little bit about it, but not thinking too much about it. I was just busy being a 12-year-old kid. But I remember one day in the hallway at school when a girl stopped me and said something about well, what do you think about abortion? What do you think? And I said, well, I don’t know. And she said, well, do you think a woman should have a right to do with her body whatever she wants, and the government shouldn’t tell her what to do? And I said, well, yeah. And she said well, you’re pro-choice.

And I said, well, okay. And I didn’t feel quite right about it, but I didn’t have much information, I didn’t have much facts, I didn’t know. So I remember in the future somebody asked me whether I was pro-choice, and I said yeah.

But then something happened. I got some facts, I got some information. It was in high school, in a child development class. And all of a sudden I got to see, for the first time, pictures of a developing baby. And let me show you one now. This is one of the pictures that I saw, and this is of a 2-month old baby.

And I looked at all of these pictures, and I heard the information, and I realized that abortion is taking this life, and it’s alive. It is a child. It is not a choice.

Here’s some facts that I learned: That at day 22, that’s just over 3 weeks, when most girls don’t even know they’re pregnant yet, the heart begins to beat. By the end of the third week the child’s backbone, spinal column, and nervous system are forming.

By week six, brain waves are detectable. Fingernails and fingernail beds are forming. Week seven, eyelids and toes form. The nose is distinct and the baby is kicking and swimming.

By the end of the second month, which is how old this baby is here, every organ is in place. Bones begin to replace cartilage. Fingerprints begin to form, and the baby begins to hear.

By week 9 and 10, the baby can turn his head and frown, and the baby can hiccup. By weeks 10 and 11, the baby can breathe in the amniotic fluid and it can grasp objects in its hand. Perhaps you’ve seen that famous picture of that surgery on that unborn baby and how that hand came out and grasped the doctor’s finger.

Week 12, end of the third month, the baby has all the parts necessary to experience pain. Like my colleague talked about, its vocal cords are complete, and the baby can suck its thumb. By week 16, the baby is almost a pound and a half; for instance, in 2008 there were 1.21 million abortions done and of those, 92 percent of those abortions were done during the first 3 months of life. So what that means is that there are abortions, and it would average out to about 136 an hour, I figured up, two for the minute that I’m talking here, where abortions are taking place on babies that can hear, that have a beating heart, that have brain waves going, and that have vocal cords; it is not the right to life, whether they’re born or unborn.

So thank you, Mr. Speaker, for having us today.

Mr. SMITH of New Jersey. Thank you very much.

I would like to yield to the gentleman from Nebraska, JEFF FORTENBERRY, who is the prime sponsor of the
Respect for Rights of Conscience Act and has combated abortions both at home as well as in foreign nations.

Mr. FORTENBERRY. I thank the gentleman, my good friend from New Jersey, for the time and for his courageous position in this, a central American issue of justice.

Mr. Speaker, let me say this first. What a day this has been. I spent the morning with a group of young Nebraskans who walked all this way to participate in the March for Life. And they came here to express one similar purpose, one truth: that all life is worthy of protection. All life should be loved and nurtured.

These young people are saying that we should be big enough, caring enough, loving enough as a Nation to see to it that all mothers and their unborn children are provided for. And these young people are saying that we should not stand further. We acted a very important law called the Contraceptive Equity Act. This was a very significant piece of legislation to protect the right of women to make the great woundedness of the Roe v. Wade decision a thing of the past.

Now, Mr. Speaker, it's important to note that in the same year when Roe v. Wade was decided by the Supreme Court, stripping unborn children of their dignity and right to life, that Congress came together and enacted a very important law called the Endangered Species Act. This was a very significant piece of legislation to ensure that the majesty and wonder of nature's creations were rightfully protected.

I believe the responsible stewardship of our environment is an essential cause, but there is a certain irony here. The life of a child should be of no less value than any other creature on earth. And in 2010, with my support, we passed a bill prohibiting the interstate commerce of videos that were depicting the torture of vulnerable amniots. Yet, in that same year, we could not move a bill forward that prohibited interstate abortions of vulnerable children and minors without parental protection. There is a grave inconsistency in these walls.

But, Mr. Speaker, I don't know if you had a chance to look out on the National Mall today. But the hundreds of thousands of young people out there braving both the bite of cold and wind, who understand the principle for which they marched, were saying this. These young people know that abortion hurts women. These young people are saying women deserve better. And they know that abortion is so often the result of a tragic circumstance of abandonment, an unsupportive family or, worse yet, a coercive boyfriend or unscrupulous doctor, and they are saying that we can do better as a country.

Mr. Speaker, I recently received a newsletter in my mailbox at home, and it described some people who were standing in front of an abortion clinic legally, peacefully providing witness to alternatives to abortion.

A car pulled up in the driveway. The car hesitated. The man driving was very anxious and nervous. And these people who were witnessing there walked up and asked if they could be of assistance. The woman who was with him who was going in for an abortion had three children. She was unsure that she could care for a fourth child. In fact, she didn't know where her next meal was coming from.

They talked a bit. The couple decided to seek these nice people's help, who had provided a little bit of assistance, comfort, and care for them. And now 9 months later, that act of compassion, there is a baby named David.

We should be big enough and loving enough as a country to help people get through no matter how tough the circumstances.

It is that courageous woman who made the decision to keep her child that gives me strength to stand on this floor to defend our shared convictions and fight to see the day when the scales are lifted from our eyes and we declare the unborn worthy of protection under the 14th Amendment. Before I conclude and yield back to my good friend from New Jersey, I'd also like to say a word of thanks, Mr. Speaker, to the women who are saying they will be silent no more, providing the most powerful example of women who have been wounded by abortion but now who are speaking out against the abortion industry in saying we can do better as a Nation.

Mr. SMITH of New Jersey. Thank you so much for your powerful statement.

I'd like to now yield to G.T. Thompson, a good friend and colleague from Pennsylvania who has spoken out so eloquently time and again on behalf of the sanctity of life.

Mr. THOMPSON of Pennsylvania. I thank my good friend from New Jersey. I'd also like to say a word of thanks. How many more Roe v. Wade anniversaries must we endure until justice is done and this decision is overturned?

I thank my good friend from New Jersey.

Mr. SMITH of New Jersey. Thank you.

Mr. Speaker, surely the President knows that we will never know the dreams of the countless unborn daughters that are not with us today because of the pro-abortion policies this administration enforces. Mr. Speaker, I stand with my colleagues tonight to say that enough is enough.

Mr. Speaker, surely the President knows that we will never know the dreams of the countless unborn daughters that are not with us today because of the pro-abortion policies this administration enforces.

Our Nation's Founders expressed in our Declaration of Independence that all individuals are endowed by their creator with certain unalienable rights, and that among these are the right to life. Yet, since January 22, 1973, over 50 million Americans have been denied that very basic right to life. Their unborn voices call from silent graves, asking America to change once and for all.

There's another group who suffers in silence: our mothers, our wives, our daughters, and our sisters. Those who
have been exploited as victims of a multibillion dollar industry that profits on their grief.

On this, the 39th anniversary of that decision, we re dedicate our decision to stand for life. The measure of a society is how it values the least valuable of its citizens. For far too many unborn children, our Nation has abandoned that protection.

Now, there are those who say that since the Supreme Court has declared it, it is right. This is the Supreme Court that looked at Mr. Dred Scott and said, "Mr. Scott, in the eyes of the law, you're not a man, but chattel." The legal equivalent of a cow. The Supreme Court was wrong in 1857, and it was wrong in 1973.

We will answer to a higher law, a law higher than we debate in this hallowed Chamber, a law higher than is discussed across the street in the Supreme Court. And that law says:

For You formed my inward parts; You wove me in my mother's womb. I will give thanks to You, for I am fearfully and wonderfully made. My frame was not hidden from You, when I was made in secret, and skillfully wrought in the depths of the Earth; Your eyes have seen my unformed substance; and in Your book were all written the days that were ordained for me when as yet there was not one of them.

Mr. Speaker, I echo the prophet of old:

This day I call on heaven and earth as witnesses against you, that I have set before you life and death, blessings and curses. Now choose life, so that you and your children might live.

This night we choose life.

Mr. SMITH of New Jersey. I thank the gentleman from Mississippi.

I yield to the gentleman from Kansas (Mr. POMPEO).

Mr. POMPEO. Mr. Speaker, we often come to the podium to talk about a bill or piece of legislation. Today I have the great privilege to stand in support of protecting every human life.

In Kansas is a place that has marked a great piece in the history of the pro-life movement. In the early 1990s, the Summer of Mercy was held in Kansas. A huge step forward in people speaking out about the tragedy that is abortion. I, personally, a couple years later had the privilege of working doing some research for a woman named Mary Ann Glendon, who became the ambassador of the Vatican, who taught me about how a woman can work and, and how we can begin to eradicate this plague that sits on top of America after still 39 years.

For me, too, it's personal. I have a nephew and a niece that, but for a pregnancy crisis center in Wichita, Kansas, would not be my niece of 6, Emily, and my nephew of 10, James. Two brave women who made the right decision.

Today was an incredible privilege. I got to stand with these young women who have had a look at hundreds of thousands of folks, including enormous groups of young people who came from Kansas on buses of 25-hour rides from Clearwater and from Norwich and from Garden Plain, and from our high schools and colleges in Kansas who came today to stand for life and to say that this movement will continue, that we are winning, that after 39 years we can now say that America understands that this is not about choice but about protecting those lives.

To see those young faces and those young smiles was a glorious thing. I want to thank them for coming to Washington, D.C., to be part of this today, and with our continued effort we can do the right thing and protect every human life.

Mr. SMITH of New Jersey. I yield to the gentleman from Oklahoma, Mr. LANKFORD.

Mr. LANKFORD. Mr. Speaker, I recently read about a couple who found out there was a problem in their pregnancy, that their child had not developed all four sections of its heart. So, at 23 weeks, they did a surgery where they reached in with a needle into the womb. They used a balloon technique to be able to open up the fourth chamber of the child. At 23 weeks, the family could gather around and see the video and celebrate this incredible scientific act of medical bravery, and then the family celebrated something wonderful that had happened. They did a surgery, they didn't wait. They reached into a beating heart, still in the womb at 23 weeks, and saved that child.

The frightening part is, across town, a different mother at 23 weeks of pregnancy, which is before viability in many States, could go to a different doctor, who could reach into that womb and pull that child apart limb by limb. The family wouldn't stand and celebrate nor would we look at the video and say that's beautiful, like we did with the other surgery.

Yet, in the cognitive dissonance of our Nation, we celebrate one mother, and we protect the other one simultaneously. It is unmistakable to look in that womb and see a life for both of them. Understand, this is a child in both instances, and they must stand to be protected.

It is a difficult thing for the President to say today that we must reduce the need for abortion. There is only one need to reduce the need for abortion: that is if the President understands the same thing that we do, that it's a life. He would not stand and say we need to reduce the need for some skin tissue or some mole on your arm. If it were only tissue, there is no need to try to reduce the need, but he understands we do need to reduce the need. As the President stated today, this is not protecting the dreams of our daughters; this is protecting the daughters that will never be and the nightmare guilt that is on someone who have gone through an abortion.

We must stand for life. I look forward to the day. I look forward to the day that generations ahead of us will look back at this time and say. I am so glad that the Nation finally chose life.

Mr. SMITH of New Jersey. I yield to the gentleman from Illinois (Mr. HULTGREN).

Mr. HULTGREN. Henry Hyde was a personal friend and mentor of mine. He first helped restrict abortion funding just 3 years after Roe v. Wade. Today, Planned Parenthood receives over 363 million tax dollars a year. We're giving 1 million tax dollars a day to an organization in desperate need of oversight. If he were here today, I think Henry Hyde would be shocked and appalled at the abhorring conditions of fraud, overbilling, and the general lack of transparency found at Planned Parenthood and at other abortion clinics across the country.

We must win this fight for life. It's the only way that we can literally win our future.

Mr. SMITH of New Jersey. I now yield to the gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA. Of Michigan, I, too, want to rise today in recognition of this 39th year since this decision has come down from the Supreme Court, and it is something that has affected my family, my life. I think we have all known somebody who has had an abortion, whether she felt forced into it or whether she made that choice. Every single one of them, I know, has regretted that.

This issue of life became very personal for my wife and me as we had to move forward through troubled pregnancies and after losing quite a few pregnancies, struggling with that whole notion of "what is life?" and of "what does that mean to have that life growing in you?" We firmly came down on the side of this being a gift from God, that creation that happens. That's something that we want to protect.

To tell you that working taxpayers don't expect their dollars to go towards procedures such as this and that it's something that this House has continued to fight for. I hold this issue very dear, and my wife, who now serves on the board of a women's center back in west Michigan, also holds that very near and dear. I will continue to fight for that sanctity of life and for that dignity of life at the beginning as well as at the end as long as we're here in Congress.

Mr. SMITH of New Jersey. In conclusion, tomorrow night, the President will call for a return to American values in his State of the Union message.

Mr. President, the violent destruction of the child in the womb, of the killing of babies and of the wounding of their moms is not an American value.

Mr. Speaker, I yield back the balance of my time.

THE MARCELLUS SHALE CAUCUS:
THE POTENTIAL OF NATURAL GAS DEVELOPMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New
York (Mr. REED) is recognized for 30 minutes.

Mr. REED. Thank you very much, Mr. Speaker.

I rise today with a few of my colleagues to talk about an issue that, I think, is not only game-changing in the United States of America, which is the natural gas development potential that we find in the shale formations throughout the United States. We have been privileged to cofound the Marcellus Shale Caucus here in the U.S. House of Representatives with my colleague from Pennsylvania, MARK CRITZ, who will be joining us shortly. The purpose of the caucus is to come to this issue from an objective, scientific, database point of view in order to talk about the pros and cons of natural gas development in America and, in particular, of the Marcellus shale formation, which is located in my district of western New York, throughout Pennsylvania, and in other areas of the Northeast.

One of the things we wanted to highlight today is the indirect benefits that natural gas development will have on our country and probably most importantly from an economic point of view at this time when we face in our Nation's history some of the most enduring and high levels of unemployment we have ever seen.

What we are fundamentally talking about today is not only the jobs related to extracting the natural gas itself, and laying the pipeline to transport that natural gas to its markets, but the jobs that come as a result of the indirect benefits of that natural gas production. What I and my colleagues hope, going to talk about tonight are things like the benefits to the public local municipalities with regard to the tax base, road construction and the improvements of the road structures that are located within the areas upon which natural gas development is occurring as a result of the shale formations.

Through these conversations, I think that we will be able to establish that the benefits of extracting natural gas in America will be that game-changing event when it comes to domestic supplies of energy that come from American sources—an event we have never seen before in our lifetimes or potentially in the lifetimes of our children. So I would like to preface this entire conversation by laying some preliminary remarks based upon some concerns that have been raised as to natural gas development in America.

I travel my district. I go to many town hall meetings and get out in front of the people. At times, this issue can become sensitive in the sense of the environmental concerns that are raised. I have always taken the position that this issue should only be dealt with when we can establish that natural gas exploitation and development of Marcellus can be done in a safe, clean, responsible manner. That's why, tonight, I am going to read some quotes to you, Mr. Speaker, and to those who may be tuning in and watching this conversation, because there has been a lot of discussion about the potential threat to our aquifers and to our water supplies as a result of hydrofracking and natural gas development out of the Marcellus shale formations. For the record, I would just like to quote some of our leading environmental government officials in America:

“When it comes to natural gas development, the key is to make sure we say we do it safely, without harming water supplies,’ and I think we're well on the way. On chemicals, we don’t have data that shows those chemicals showing up in someone’s well. Over time, that may not be a true statement. Unless there’s a problem with well construction, hydrofracking chemicals shouldn’t end up in aquifers,” Lisa Jackson, head of the EPA for the United States of America, October 14, 2011.

“I'm not aware of any proven case where the fracking process itself, has affected water, although there are investigations ongoing,” Lisa Jackson, Director of the Environmental Protection Agency for the United States of America, May 24, 2011.

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You know, these are comments coming from our EPA Director, but then there’s comments. With respect to hydraulic (fracturing), because it occurs so far underground, we don't know any examples of (contamination) on public lands. But it demonstrates the importance of ensuring we have well bore integrity up and down the entire well bore.” That’s our Interior Secretary, Kenneth Salazar, testifying to the House Natural Resources Committee on November 16, 2011.

I read these quotes to tell the American people and Mr. Speaker, that the concern about the environmental impacts to our aquifers, though legitimate, I think have been fully vetted and have had a long, serious, scientific review and approach in determining that risk is not what many people in America are making it out to be. And again I reiterate my position on this matter, that we need to look at this resource through the economic opportunity that it represents to us in our districts, in our homes, but to us as a Nation.

And we have to look at this economic opportunity and this natural resource potential based on making sure that it is done in a safe and reliable way, but we also have to look at it from a third point of view, and that is “what are the national security implications of tapping this domestic supply of energy. Natural gas and oils are now being found all throughout America. They are also being found right here in the United States of America in the shale formations. We have the Utica shale formation, and also the tight sands formations that exist here in our Nation.

I don’t think I have to speak long or hard to the American people or to you, Mr. Speaker, to explain what impact that would have on our national security. If we can establish an energy supply such that is estimated to be under ground in oil and gas, we will not be sending millions of billions, if not trillions of dollars, to people in the Middle East who have publicly declared that we are enemy number one. I think this is good public policy to promote.

On the indirect benefits, I just want to highlight three examples of people that are benefiting from this from my district. Now in New York in the 29th Congressional District, we have not had any development in the Marcellus shale on a recent basis because of the moratorium in the Department of Environmental Conservation on the State level, which has been expanded beyond. The business has seen a tangible impact from the development across the border.

Mr. Dalrymple has reported to me that he has undertaken contracts for total construction of 65 miles of rural roads, a value over $2 million of road construction being fully funded by private investment. Let me stress that again, Mr. Speaker, $22 million of private dollars going into road construction upon which Mr. Dalrymple and his company have benefited.

Now, it’s not just Mr. Dalrymple. I know this man, he’s a good man, and in that $22 million worth of additional investment in his company and in the projects that it represents, he has been able to create and hire over 60 new men and women averaging $40 per hour to his business to fulfill those contracts. Those are 60 families that now benefit directly as a result of this development occurring in the northern tier of Pennsylvania.

Mr. Speaker, Mr. Dalrymple and I share a common background in the sense of he’s a small business owner, I was a small business owner before I came to Congress. And I could tell you there is nothing, nothing like looking at a man or a woman when you hire them and bring them into your business, and you put them to work.

When you have sat in that position, you know when you look at that person, you’re not just benefitting that person, that person becomes part of your family as a small business owner, and
you’re taking care of him or her, but you’re also taking care of his family, his children by putting food on their table, by providing extra dollars for their children and their education. That is the American ideal. That’s the American Dream, just to give someone the opportunity to work to take care of their families.

And I also will bring to the record tonight a story of our local dry cleaning company. I could not believe it, Mr. Speaker. I was over to pick up the family dry cleaning, and I was talking to Rick over in Painted Post, New York, just adjacent to my hometown of Corning. And he said, Tom, come back here, I want to show you something.

And we went into his back room and he showed me piles of uniforms that were used by industrial workers, by the workers on the fields in the northern tier of Pennsylvania. He related to me that he was adding an additional $5,000-plus revenue to his business every month. Rick talked about how he was able to give bonuses to his employees because of that new opportunity. He was another small business owner that knew what it was to take care of not only his employees, but their families and their communities. But I was forward of the hard work that they put together in that dry cleaning operation.

Mr. Speaker, I would be remiss if we didn’t talk a little bit about the public benefit that has been brought to our attention. You know, I look to our county executive in Chemung County, adjacent to my home county of Steuben County, and I see that his county, a small geographical county, mind you, is leading New York State in sales tax growth. He’s leading New York State in hotel tax revenue increases—a small county leading the great Empire State of New York by what is going on in the northern tier of Pennsylvania.

And I think if I didn’t tell you the story when I spent the day down in the northern tier of Pennsylvania and met with the commissioners of Bradford County and they told me about the history of their tax sales. You know these sales, Mr. Speaker, these are the sales of people who cannot pay their real property tax bill, lose their property at an auction.

I’ve been to those auctions. I’ve looked at families that have lost their properties, they couldn’t pay the tax bill. Well, in Bradford County, I believe in my friend’s district, Mr. Thompson, they used to have sales of 100, 150 parcels is my understanding. I know we have had them in Steuben County and Chemung County in New York and guess how many parcels went up for tax sale in the last year or two? Essentially zero, maybe one or two over those 2-year periods. That is a fundamental shift in what is going on in our part of the country, and hopefully it’s going to be shared across America.

And as that one commissioner told me as we talked about some of the concerns and issues that have to be dealt with, and traffic is always a concern that is raised, he said I’d much rather see traffic lines in my home county than unemployment lines. And I, when I heard that line, I said, Doug, that is exactly what we’re talking about. As a commissioner of Bradford County, you nailed it right on the head. What we are talking about creating traffic lines of economic opportunity and development for generations of Americans rather than compounding and growing unemployment lines.

And so we will come at this issue of making sure that it is a clean and safe resource that is developed, but let us focus and join hands in bringing this opportunity for America forward.

My colleague from Pennsylvania has joined us. Mr. Thompson, if you would like that I serve, and that’s 22 percent of the land mass of Pennsylvania. Mr. Speaker, 15 of my 17 counties have Marcellus shale, and I give thanks for many blessings that God has provided me in my life, and I thank God for the blessings of natural gas at this time for our country.

I also benefit from having an institution like Pennsylvania State University, Penn State, in my district, and specifically the agronomic part of that land grant university that has experts that are out in the field helping everyday citizens with decisions about leases, leasing their land, and helping them with issues related to making sure that it is done in a way that represents good stewardship by the companies.

And here is the part I am most excited about: They are also helping them with finding the right kind of source of income management. That is the kind of problem we like to see our citizens have, a need for wealth management, because there were a lot of farmers who were going out of business. But today, they have a new John Deere tractor sitting there, and largely that is Marcellus shale. So that is good because it’s going to be good for agriculture, which is good for all of America in terms of food.

Let me talk about some of the benefits because that’s what we’re here to focus on. And I want to start with a big one, and that’s energy security. Marcellus shale is taking that large valve that controls our oil, all that oil that we buy from the Middle East, and we’re going to be less dependent on energy security, moving towards energy independence that natural gas is going to allow this country to have. That’s something, whether you’re in an area that’s blessed with natural gas or not, I think this country should hope and pray and give thanks for the fact that we will move ourselves in the direction of being energy secure, and that natural gas is going to contribute to that significantly.

I want to put that out there. It is the first benefit that absolutely every American, I don’t care where they live in this country, is benefitting from natural gas.

Secondly, it really is jobs. I know that is localized to where the jobs occur. I happen to live in an area that has benefited significantly. I represent a very rural part of Pennsylvania, and we’ve had our difficult times. We have had to see certain industries that have natural gas, we are growing jobs.

Let me just give a couple of examples. In Tioga County there is a manufacturer. Actually, it’s an international company. And the international company, that company, is looking to expand a plant. Guess where they’re looking to? They’re looking to Pennsylvania. And they’re looking to Tioga County. And a big part of that is manufacturing, a key feedstock ingredient, whether used for heating, processing, or an ingredient, is natural gas. And the price of natural gas being delivered domestically, how it is available, so plentiful and so cheap right now, they want to take advantage of it and expand the plant right there in Tioga County. That’s very exciting.

As I wander around Tioga County, I see help wanted signs everywhere. And it’s not just in traditional businesses that you would think of when you think of natural gas. It’s all businesses, because the economy is good. The income is up. The unemployment is way below both State and national averages in the counties where the natural gas production has really taken off. And it’s not just the manufacturers.

In terms of jobs, there’s an entrepreneur in Elk County who I serve. This is a gentleman who’s a real smart businessman. He saw something that these natural gas companies need, and he saw out an app that he created a small manufacturing business to provide it. He’s creating jobs, really good jobs for people, skilled jobs in order to produce the supplies that the companies need. And you know what, that’s good for everybody. That’s Tioga County that thing that’s going to contribute to that.

In Centre County, my home county, there’s a road contractor there. We know that we have a lot of problems
with our roads. We’re challenged both in the State and Federal budget in terms of money right now. But this road contractor is doing great things, as are a lot of small excavating companies, in terms of pad preparation and paving those roads. You talk about our roads. We’ve got a lot of red clay out there. The companies are investing a significant amount of money early on to build roads, rebuild roads that really have never been built before.

In Pennsylvania, we have what’s called Pinchot roads, named for a former Governor, that don’t have much of a base. So in the spring when the farmers are out there and are running their tractors, they rut up and get muddy. They’ve never had a firm base. Well, today, these Pinchot roads are being rebuilt really appropriately for the first time. And all of that is driven, that’s a secondary benefit of the natural gas opportunity.

If you go to Warren County, we’ve got a tremendous natural gas producer up there. It’s a small, independently owned company. They’ve been in the oil and natural gas business I have to think for decades. Now today, they’re partnering with a very large national company helping to bring hundreds of millions of outside dollars into the Fifth District of Pennsylvania, and they’re creating more jobs.

The growth of the hotels, the hotel industry, is just booming, and those hospitality jobs are good hospitality jobs. In Clinton County, closer to my hometown, we have international companies that are relocating to rural Pennsylvania. International companies relocating and creating a significant amount of jobs. It’s a very exciting opportunity that we’re blessed with today.

I want to talk about heating costs, another benefit. This was two winters ago when the Marcellus was just starting to take off. You know, today, natural gas prices are somewhere in the neighborhood of about $2.60 for 1,000 cubic feet. Just 3 or 4 years ago, back when we didn’t produce domestic natural gas—we imported it all from other countries—natural gas was somewhere from $12 to $15 per 1,000 cubic feet, or more. And today, it’s like $2.60 per 1,000 cubic feet.

Two or three winters ago, the utility in Philadelphia, about as far in Pennsylvania as you can get from where we drill, was raising rates over 15 percent. And today, those communities in Philadelphia, their home heating costs were at an all-time low. I would argue this winter, if we look in New York and Pennsylvania and all of the areas where, because of natural gas prices today, being domestically produced, we’re spending less money—people who benefit from heating their homes and cooking with natural gas, their costs in a difficult economy are at an all-time low. That’s something that everybody can benefit from.

In fact, one of the projects that I’m trying to work on, I think it is very important. I would like to see how we get those distribution lines for natural gas into more of our communities. My hometown doesn’t have natural gas. I would love to be able to heat my home with natural gas, and I would like to at least see what Federal regulations are standing in the way of making that happen. I’m sure there’s something out there that’s a roadblock that we could work on.

The opportunities that we have today in terms of the benefits from natural gas are significant. They span a lot of different areas. I’m sure there are things that I just don’t know. But what I do want to take this opportunity to thank you for hosting this forum where we’re talking about the benefits. These are really benefits that every American can experience as a result of accessing a resource that God has blessed us with.

Mr. REED. I appreciate my colleague from Pennsylvania for joining us here this evening. If I could continue this conversation with you. I’m sure you’ve been reminded of the benefits of what’s going on in Pennsylvania. It’s a very exciting time. When I have traveled home, up state Route 15, right through the heart of your district on the way home to Corning, just over the Pennsylvania border, oftentimes I would take a few moments and kind of ring off the road and kind of go into the local communities there as we filled up the car or we got a cup of coffee. Most of the time I drive with a staff member who lives in the district, and I’d say: Let’s go off road a couple of miles and see what’s going on. And when I do that, every time I have pulled into a gas station there, I have been reminded of the benefits of what this can be to a community in that the parking lots are full. I had to wait in line to fill up the car because there’s a lot of trucks. There’s a lot of workers. There are a lot of folks coming and going out of those convenient marts.

And some of the most compelling stories I had, I can remember two vividly, coming down the road, pulling off at one of these gas stations and one of these convenience marts and talking to the lady behind the counter. And we did it twice. I can remember vividly saying, what does this mean to you? What’s going on here? Why is it so busy? What’s causing all this? Kind of playing dumb, obviously, I had an idea of what was causing all this. But in both circumstances, the response was just, well, you know, it’s not the same community. What they would say is that it wasn’t the same community as when I grew up here, but, boy, everyone seems to be doing well. Everybody seems to be happy. And one lady said that I had to conversation because she was working a side job and her husband was a contractor. And she said, my husband used to get up at 2, 3 o’clock in the morning until this came along, and they were receiving a small check, not a retirement size check as a couple source of additional income coming into their household. And she looked at me and she said, it just kind of takes the edge off. It just kind of took the edge off at the end of the month having to pick and choose what bill they may be able to pay that month and which one they may have to put off for another 30 days.

We’ve all been there. I know growing up in that type of family and when we first started in our private sector life, my wife and I putting our family business together and struggling. There’s a lot of stress at the end of the month. It’s that who you have and maybe why you lost your hair. But it was amazing to look that one lady in the eye who said, I just appreciative the fact that he doesn’t have to get up at 2, 3 o’clock in the morning anymore, and we’ve got a little side income that’s going to take care of their kids.

That conversation you’re not having in America right now in many places, but we’re having it in your district. And not so much in our district in the sense because we don’t have the natural gas going right now, but we’ve seen the positive impacts like that. And I don’t know if my colleague has any similar stories to those two young ladies that I refer to.

Mr. THOMPSON of Pennsylvania. I don’t think we talk about just out of fair- ness and equity, two young men, and this was actually published in the local paper. And they were doing a coverage of the Marcellus shale. And I was very impressed with this article because it’s about two young men who just graduated from a local high school, actually in Clinton County, not too far off over the line from where I live. And they had decided they were going to go for a little technical training. They were going to go to a community college setting, get a certificate program, basically for driving a truck. And they did that, and then they secured jobs with someone who I assume was hauling sand or hauling water for the Marcellus operations area. These young men I have no doubts are today, and fairly fresh out of high school, are earning somewhere in the neighborhood of over $60,000 a year, and probably with overtime a little more. That’s a pretty incredible start for a youngster.

Because I have to believe that my district, the 22 percent of the landmass of Pennsylvania that I serve is probably a lot like your district that our young people who are unemployed—and we have had folks of all types. And that’s the exciting part. When I hear about people that are unemployed—and we have just grassed economic reform just now in the eyes, and today, opportunity has returned. That is what this has been.

And there are jobs sitting open now of all types. And that’s the exciting part. When I hear about people that are unemployed—and we have just grassed economic reform just now in the eyes, and today, opportunity has returned. That is what this has been.
natural gas industry, because the natural gas industry they’ve kind of taken, they’ve been able to recruit some really good folks out of other positions. Some of those have been retail positions, service positions and manufacturing positions, but now those jobs are back open. And that’s the effect that this kind of an economic opportunity has.

Mr. REED. And I so appreciate my colleague, and it is the sentiment, and I know there’s a feeling out there that something that also touched me. I’ve done a few tours in the northern tier of Pennsylvania in your district, and I’ve gone back on my own to go and verify information that has been presented to me. And I came back at the last, over the recess, over the holiday, I came back, and one thing struck me as I was driving home, and that’s when talking about having the ability to educate their grandchildren and the children from these family farms, and I know you’ve had those conversations. I had those conversations, we down here in Washington have spent billions if not trillions of dollars of public taxpayer money to try to lift people up out of poverty; that in the welfare society we have invested billions, trillions of dollars here. And look what happened based on private economic opportunity and development in the northern tier of Pennsylvania. You have generations of families that are now lifting themselves out of poverty and out of conditions that we are spending billions down here, they’re doing it on their own, and I think it makes them a stronger individual in our society and it unites families for generations, and it empowers families for generations to control their own destiny. That’s what the American Dream is all about.

So my colleagues joining me this evening and having this conversation. And I so appreciate the invite coming to your district and your coming to my district and our continuing the efforts to educate the American people on the benefits of natural gas development in America, the benefits of Marcellus shale and through the Marcellus Shale Caucus getting the best science and information out to the American people.

With all that, I thank my colleague, and I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULIHERSON (at the request of Mr. CANTOR) for today on account of illness.

Mr. LATOURETTE (at the request of Mr. CANTOR) for today on account of illness.

Mr. CLYBURN (at the request of Ms. PELOSI) for today on account of illness.

Mr. DAVIS of Illinois (at the request of Mr. PELOSI) for today on account of weather delay.

Mr. DEFAZIO (at the request of Ms. PELOSI) for today and the balance of the week on account of official business in the district.

Mr. FARR (at the request of Ms. PELOSI) for today and the balance of the week on account of health reasons.

ADJOURNMENT

Mr. REED. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; according to Rule I, paragraph (2) and (10).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker’s table and referred as follows:


4631. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Difenzoconazole; Pesticide Tolerances [EPA-HQ-OPP-2010-0699; FRL-9328-6] received December 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4632. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Tepraloxydim; Pesticide Tolerances [EPA-HQ-OPP-2010-0865; FRL-9330-2] received December 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4633. A letter from the General Counsel, National Credit Union Administration, transmitting the Agency’s final rule — Golden Parachute and Indemnification Payments; Technical Correction [RIN: 3133-AD73] received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4634. A letter from the General Counsel, National Credit Union Administration, transmitting the Agency’s final rule — Community Development Revolving Loan Fund Access for Credit Unions [RIN: 3133-AD91] received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.


4636. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department’s final rule Schedule of Controlled Substances Placement of National Prohibited Plant Schedules IV [DOCKET NO. DEA-333] received December 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4637. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Approval and Promulgation of Air Quality Implementation Plans; California; Determinations of Failure to Attain the One-Hour Ozone Standard [EPA-R09-OAR-2011-0468; FRL-9630-10] received December 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


4643. A letter from the Chief, Division of Consultation, Recovery, BCP and State Grants, Department of the Interior, transmitting the Department’s final rule — Endangered and Threatened Wildlife and Plants; Reinstatement of Listing Protections for the Preble’s Meadow Jumping Mouse [DOCKET ID: FWS-R6-ES-2011-0062] (RIN: 1018-AX35) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4644. A letter from the Chief, Branch of Permits and Regulations, Division of Migratory Bird Management, Department of the Interior, transmitting the Department’s final rule — Migratory Bird Permits; States Delegated Falconry Permitting Authority; Technical Corrections to the Regulations [FWS-R9-MB-2011-0088; 91200-1231-9BPP] (RIN: 1018-AX89) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.


4646. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Revisions to Fishery Management Plans for the Gulf of Mexico; Amendment 26 and Amendment 29 [DOCKET NO.: 11060616-1652-02] (RIN: 96088777)
CONGRESSIONAL RECORD — HOUSE

0648-BH15 received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

0647. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — International Fisheries: Redhill Seabream Fishery; Final Adjudication of International Ocean Fishing Violations in the Eastern Pacific Ocean [Docket No.: 11026352-1659-03] (RIN: 0648-BG06) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

0646. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries Off West Coast States: Modification of the Coast Complex Recreational Salmon Fisheries; Inseason Actions #5 Through #26 [Docket No.: 10022562-1269-01] (RIN: 0648-XA55) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

0645. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries Off West Coast States: Modification of the Coast Complex Recreational Salmon Fisheries; Inseason Actions #5 Through #26 [Docket No.: 10022562-1269-01] (RIN: 0648-XA55) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

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0642. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries Off West Coast States: Modification of the Coast Complex Recreational Salmon Fisheries; Inseason Actions #5 Through #26 [Docket No.: 10022562-1269-01] (RIN: 0648-XA55) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

0641. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries Off West Coast States: Modification of the Coast Complex Recreational Salmon Fisheries; Inseason Actions #5 Through #26 [Docket No.: 10022562-1269-01] (RIN: 0648-XA55) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

0640. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries Off West Coast States: Modification of the Coast Complex Recreational Salmon Fisheries; Inseason Actions #5 Through #26 [Docket No.: 10022562-1269-01] (RIN: 0648-XA55) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

0639. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries Off West Coast States: Modification of the Coast Complex Recreational Salmon Fisheries; Inseason Actions #5 Through #26 [Docket No.: 10022562-1269-01] (RIN: 0648-XA55) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

0638. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries Off West Coast States: Modification of the Coast Complex Recreational Salmon Fisheries; Inseason Actions #5 Through #26 [Docket No.: 10022562-1269-01] (RIN: 0648-XA55) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

0637. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department’s final rule — Workforce Investment Act: Revision of the Temporary Non-Agricultural Employment H-2B Program; Delay of Effective Date; Impact on Prevailing Wage Determinations (RIN: 1250-AD06) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

0636. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Honeywell International Inc. Turbofan Engines [Docket No.: FAA-2011-1261; Directorate Identifier 2011-NE-38-AD; Amendment 39-16875; AD 2011-24-11] (RIN: 2120-AA64) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

0635. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-1256; Directorate Identifier 2011-N3-006-AD; Amendment 39-16874; AD 2011-24-10] (RIN: 2120-AA64) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CAMP, Committee on Ways and Means. H.R. 1173. A bill to repeal the CLASS program (Rept. 112-342, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3117. A bill to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes; with an amendment (Rept. 112-374). Referred to the Committee of the Whole House on the state of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LOBIOND:

H.R. 3791. A bill to amend chapter 178 of title 27, United States Code, to permit during a 4-year period States to enact statutes that exempt from the operation of such chapter, lotteries, sweepstakes, and other gambling or wagering schemes involving professional and amateur sports; to the Committee on Agriculture.

By Mr. SCHRAFER (for himself, Mr. GALLAGHER, Mr. PARRY, and Mr. DENHAM):

H.R. 3798. A bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes; to the Committee on Agriculture.

By Mr. LATHAM (for himself, Mr. COLBY, Mr. CHABOT, Ms. JENKINS, Mr. BONNER, and Mr. NUNES):

H.R. 3799. A bill to prohibit the disbursement of funds for salaries and expenses of the officers of Members and committees of Congress and to hold the salaries of Members of Congress in escrow if Congress does not adopt a concurrent resolution on the budget for the fiscal year; and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, to which referred, as follows:

By Mr. MICA (for himself, Mr. RAHALL, Mr. CAMP, Mr. LEVIN, Mr. PETRI, Mr. COSTELLO, and Mr. LEWIS of Georgia):

H.R. 3800. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS (for herself and Mr. RICE):

H.R. 3801. A bill to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes; to the Committee on Ways and Means, and for other purposes; to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each
case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN of South Carolina (for himself, Mr. WILSON of South Carolina, and Mr. JORDAN):
H.R. 3802. A bill to require an abortion provider, before performing an abortion, to wait for a period of 24 hours to the Committee on Energy and Commerce.

By Mr. FRANKS of Arizona (for himself, Mr. GOMESZ, Mr. FLEMING, Mr. WALBERG, Mr. HUELSKAMP, Mr. PITTS, Mr. LAMBORN, Mr. SMITH of Texas, Mr. KENTON, Mr. SMITH of New Jersey, Mr. SOUTH Hier, Ms. SCHMITZ, Mr. ABERHOLTZ, Mr. HARRIS, Mr. BUSCHON, Mr. PINCE, Mr. HULTGREEN, Mr. BOUWER, Mr. PARIS of Alabama, Mr. MANZULLO, Mr. Ross of Florida, Mrs. HARTZLER, Mr. FORTEENBERY, Mr. HIERGOOD, Mr. CASSECO, Mr. LANKFORD, Mrs. LUCHEMS, Mr. AUGUSTIN of Georgia, Mr. ROE of Tennessee, Mr. NUNNELER, Mr. MARCHANT, Mr. HUZENGA of Michigan, Mr. MURPHY of South Carolina, Mr. JONES, Mr. LANDEY, Mr. BACHUS, Mr. ROGERS of Kentucky, Mrs. ROBY, Mr. MCKINLEY, Mr. LIPINSKI, Mr. KELLY, Mr. GOWDY, Mr. BACHMANN of Minnesota, Ms. ELLERMES, Mr. AMASH, Mr. ISSA, Mr. SCHWIECKERT, and Mr. SCALISE):
H.R. 3803. A bill to amend title 18, United States Code, to extend pain-capable undamaged children in the District of Columbia, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUELSKAMP:
H.R. 3804. A bill to permanently extend tax relief and repeal certain tax increases; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JORDAN (for himself, Mr. AKIN, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BARTLETT, Mrs. BLACK, Mrs. BLACKBURN, Mr. BOUSTANY, Mr. BRADY of Pennsylvania, Mr. BRISCOE of Indiana, Mr. CALVERT, Mr. CANSCRO, Mr. DUNCAN of South Carolina, Mr. DUNCAN of Tennessee, Mr. FLORES, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GARETT, Mr. HALL, Mr. HIERGOOD, Mr. HUZENGA of Michigan, Mr. HULTGREEN, Mr. JOHNSON of Ohio, Mr. JONES, Mr. KELLY of Iowa, Mr. KIEFER, Mr. LIPINSKI, Mr. LONG, Mr. MANZULLO, Mr. MARCHANT, Mr. MCCOTTER, Mr. MURPHY of Pennsylvania, Mr. NUNNELER, Mr. ROE of Tennessee, Mr. ROGERS of Alabama, Mr. ROSS of Florida, Mrs. SCHMITZ, Mr. SMITH of New Jersey, Mr. SOUTHIER, Mr. WATTS, Mr. WATT, Mr. HUELSKAMP, Mr. FLEMING, and Mr. MILLER of Florida):
H.R. 3805. A bill to ensure that women seeking an abortion receive an ultrasound and the opportunity to review the ultrasound before giving informed consent to receive an abortion; to the Committee on Energy and Commerce.

By Mr. MARINO:
H.R. 3806. A bill to end the practice of introducing a subject in a single bill by requiring that each bill enacted by Congress be limited to only one subject, and for other purposes; to the Committee on the Judiciary.

By Mr. MURPHY of Connecticut:
H.R. 3807. A bill to provide for funding of the Low-Income Home Energy Assistance Program (LIHERAP) with a dedicated revenue source consisting of a tax on offshore oil production; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MYRICK (for herself, Mr. COBB, and Mr. MCDONALD):
H.R. 3808. A bill to amend the Immigration and Nationality Act with respect to detention of unlawfully present aliens who are apprehended for driving while intoxicated, and for other purposes; to the Committee on the Judiciary.

By Mr. PALLONE:
H.R. 3809. A bill to amend title 28, United States Code to exclude the State of New Jersey from the prohibition on professional and amateur sports gambling to the extent approved by the legislature of the State; to the Committee on the Judiciary.

By Mr. PETRI:
H.R. 3810. A bill to amend title 28, United States Code, to modify a provision relating to minimum penalties for repeat offenders for driving while intoxicated or driving under the influence, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. WILSON of Florida (for herself, Mrs. BASS of California, Mr. BERMAN, Mr. BISHOP of Georgia, Ms. BROWN of Florida, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. CARSON of Indiana, Ms. CARSTENSEN of Minnesota, Ms. CHU, Mr. CICILLINE, Mr. CLARKE of Maryland, Mr. CLARKE of New York, Mr. CLAY, Mr. CLEVER, Mr. CLYBURN, Mr. CONNYER, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. EDWARDS, Mr. ELLISON, Mr. FATTAL, Ms. FUDGE, Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. JACKSON LEE of Texas, Mr. JACKSON of Illinois, Mr. EDDIE BERNIER of Louisiana, Mr. JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. MEeks, Ms. MOORE, Ms. NORTON, Mr. PAYNE, Mr. RANGEL, Ms. RICHARDSON, Mr. RICHMOND, Mr. RUSH, Mr. SCHARSKOWY, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Ms. SEWELL, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, and Mr. WATTS):
H. Res. 521. A resolution expressing the sense of the House of Representatives that the United States should work with the Government of Haiti to address gender-based violence against women and children; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT
Pursuant to clause 7 of rule XII of the Rules of the House of Representa-tives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LoBIONDO:
H.R. 3797. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution
By Mr. SCHRADER:
H.R. 3798. Congress has the power to enact this legislation pursuant to the following: Congress has the authority to act under Article I, clause 3—the Commerce Clause.

H.R. 3799. Congress has the power to enact this legislation pursuant to the following: Article I, Sections 6 and 9 of the Constitution of the United States.

By Mr. MICA:
H.R. 3800. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution
By Mr. DUNCAN of South Carolina:
H.R. 3802. Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution
By Mr. FRANKS of Arizona:
H.R. 3803. Congress has the power to enact this legislation pursuant to the following: The District of Columbia Pain-Capable Unborn Child Protection Act is introduced pursuant to Article I, Section 8, clause 17: “The Congress shall have Power . . . to exercise exclusive legislation in all Cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of the particular states, and the Acceptance of Congress, become the seat of government of the United States.

By Mr. HUELSKAMP:
H.R. 3804. Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution
By Mr. JORDAN:
H.R. 3805. Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution and Amendment XVI of the United States Constitution.

Clause 1 of Section 7 of Article I of the United States Constitution: "All bills for raising revenue shall originate in the House of Representa-tives.

By Mr. MARINO:
H.R. 3806. Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution

By Mr. MURPHY of Connecticut:
H.R. 3797. Congress has the power to enact this legislation pursuant to the following:
Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I of the Constitution.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

Clause 4 of Section 8 of Article I of the Constitution.

H.R. 1964: Mr. DESJARDINS, Mr. WOMACK.

H.R. 1791: Mr. FITZPATRICK.

H.R. 2010: Mr. MCCOTTER.

H.R. 3590: Mr. HOLT.

H.R. 3596: Mr. ACKERMAN, Mrs. LINDA T. SANCHEZ of California, Mr. PALAZZO, Mr. McCLEINTOCK, Mr. FINCHER, and Mr. COLI.

H.R. 3575: Mr. McCLEINTOCK and Mr. DUNCAN of Tennessee.

H.R. 3577: Mr. BERG and Mr. SCOTT of South Carolina.

H.R. 3579: Mr. RIBBLE.

H.R. 3581: Mr. AMASH, Mr. WALSH of Illinois, Mr. MULVANEY, Mr. MCCLEINTOCK, and Mr. WOODALL.

H.R. 3582: Mr. AMASH, Mr. MCCLEINTOCK, and Mr. SCALISE.

H.R. 3638: Mr. AMASH.

H.R. 3590: Mr. HOLT.

H.R. 3596: Mr. ACKERMAN, Ms. LINDA T. SANCHEZ of California, Mr. PALAZZO, Mr. McCLEINTOCK, Mr. FINCHER, and Mr. COLI.

H.R. 3575: Mr. McCLEINTOCK and Mr. DUNCAN of Tennessee.

H.R. 3577: Mr. BERG and Mr. SCOTT of South Carolina.

H.R. 3579: Mr. RIBBLE.

H.R. 3581: Mr. AMASH, Mr. WALSH of Illinois, Mr. MULVANEY, Mr. MCCLEINTOCK, and Mr. WOODALL.

H.R. 3582: Mr. AMASH, Mr. MCCLEINTOCK, and Mr. SCALISE.

H.R. 3638: Mr. AMASH.

H.R. 3590: Mr. HOLT.

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H.R. 3581: Mr. AMASH, Mr. WALSH of Illinois, Mr. MULVANEY, Mr. MCCLEINTOCK, and Mr. WOODALL.

H.R. 3582: Mr. AMASH, Mr. MCCLEINTOCK, and Mr. SCALISE.

H.R. 3638: Mr. AMASH.

H.R. 3590: Mr. HOLT.

H.R. 3596: Mr. ACKERMAN, Ms. LINDA T. SANCHEZ of California, Mr. PALAZZO, Mr. McCLEINTOCK, Mr. FINCHER, and Mr. COLI.

H.R. 3575: Mr. McCLEINTOCK and Mr. DUNCAN of Tennessee.

H.R. 3577: Mr. BERG and Mr. SCOTT of South Carolina.

H.R. 3579: Mr. RIBBLE.

H.R. 3581: Mr. AMASH, Mr. WALSH of Illinois, Mr. MULVANEY, Mr. MCCLEINTOCK, and Mr. WOODALL.
DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3261: Mr. Scalise, Mr. Luján, Mr. Griffin of Arkansas, and Mr. Ross of Florida.
H.R. 3609: Mr. Amash.
The Senate met at 2 p.m. and was called to order by the Honorable Richard Blumenthal, a Senator from the State of Connecticut.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, the source of wisdom and might, with renewed powers and refreshed spirits, we return to this national Chamber of deliberation. We begin our work with the awareness that without You nothing of significance can be accomplished. Be the guardian and guide of our Senators as they travel the unbeaten path into our national future. Grant them wisdom and courage for the living of these days.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Richard Blumenthal led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The Presiding Officer. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Inouye).

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Richard Blumenthal, a Senator from the State of Connecticut, to perform the duties of the Chair.

Daniel K. Inouye, President pro tempore.

MEASURES PLACED ON THE CALENDAR—H.R. 440 AND H.R. 3012

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The Acting President pro tempore. The clerk will read the bills by title for the second time.

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

RECOGNITION OF THE MAJORITY LEADER

The Acting President pro tempore. The majority leader is recognized.

WELCOME

Mr. REID. Mr. President, I, first of all, welcome everyone back after the long break we had. I hope it was restful and productive for everyone.

As happens every 4 years, we have a Presidential election year and, as a result of that, things should be more tense than usual, but I certainly hope not.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

MEASURES PLACED ON THE CALENDAR—H.R. 440 AND H.R. 3012

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The Acting President pro tempore. The clerk will read the bills by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 440) to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

A bill (H.R. 3012) to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

Mr. REID. Mr. President, I object to further proceedings in regard to these two bills.

The Acting President pro tempore. Objection is heard.

The bills will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in morning business until 4 o’clock today, with Senators permitted to speak for up to 10 minutes each. Following that morning business, the Senate will proceed to executive session to consider the nomination of John Gerrard to be United States District Judge for the District of Nebraska. At 5:30 p.m., we will vote on confirmation of that nomination.

ORDER OF PROCEDURE—S. 968

Mr. REID. Mr. President, I ask unanimous consent that the cloture motion with respect to the motion to proceed to Calendar No. 70, S. 968, be vitiated.

The Acting President pro tempore. Is there objection? Without objection, it is so ordered.

WISHING SENATOR KIRK A SPEEDY RECOVERY

Mr. REID. Mr. President, I was saddened to hear that Senator Mark Kirk suffered a stroke over the weekend. He had surgery this morning. I have followed it as closely as I have been able to. The doctors say he will recover, and I am confident that is true. He is young and in very good health. I wish him a full and speedy recovery and look forward to him returning to his work in the Senate as soon as possible.

FINDING COMMON GROUND

Mr. REID. Mr. President, Winston Churchill said:

Courage is what it takes to stand up and speak. Courage is also what it takes to sit down and listen.

I know each of my colleagues in the Senate—regardless of political party—has the courage to stand up and speak in defense of his or her principles. This year I hope we each find the courage and faith to listen and cooperate as well.

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
The Founders, in their wisdom, when drafting our Constitution, created a bicameral government. That is what they did with this bicameral legislature they envisioned. They also looked to see a robust debate on important issues, and I believe they envisioned the obstructionism and gridlock that ground the Senate to a halt last year. Influenced by the tea party voices, Republicans forced us to waste months on routine legislation, they nearly shut down our government, and they held hostage the full faith and credit of the United States.

So I remind my Republican colleagues that every issue into an all-or-nothing battle, we cannot back down—we should not back down—and we will always side with the middle class. We saw the results of Republican brinkmanship in December. If we repeat that, we will not talk about TV shows—but as soon as we had the vote here, I walked up to the press gallery, as I was requested to do, and complemented publicly.my Republican colleague Senator McConnell—and I was happy it did get some press—because Senator McConnell and I made an arrangement here to complete this legislation, and he stuck by that. I know he had tremendous pressure, and I cannot understand all the pressure he did have. But I admire and appreciate what he did in sticking with what the Senate did. So we then refused to give up on a tax cut for hard-working families, and it turned out well because Members of Congress came to the realization that the American people could not afford a thousand-dollar tax hike. Putting money back in the pockets of 160 million American workers should not have been so difficult. It should not have been a fight in the first place. I hope we all learned a lesson in this battle. It is time for us to stop fighting. I repeat, we do not have to fight about everything. There comes a time—and that time is now—when we need to have the courage to stand up and fight for what is right.

This year it will be as important that we summon the courage to sit down and listen. Rather than standing up and fighting, we need to sit down and listen more often.

COLLEGE BASKETBALL

Mr. REID. Mr. President, before my friend starts, the Republican leader and I deal with a lot of issues that come up in the Senate, and some of them are difficult. But the one thing we have that is kind of a diversion for us is we follow college athletics in our respective States. I have been very fortunate in Nevada that the University of Nevada has had a very good football team the last 5 or 6 or 7 years. I will not talk about the UNLV football item; it is not worth doing, as I told the university president.

But we also have in Nevada—and this is always the way it is in Kentucky; they always have good basketball teams. We have done very well in recent years, especially at UNLV; and now what UNR has is, I believe, the longest winning record in Division I basketball. They have only lost three games. So we have been in our few minutes together talking about basketball. I have never seen a more avid fan of the University of Louisville. He, of course, follows the University of Kentucky, which is easy to follow, because their teams are always so good. But so is Louisville’s team. And Louisville and UNLV have had, in recent years, some very tight basketball battles.

So I want the Acting President pro tempore and everyone else to know Senator McConnell, and I do, on occasion, divert from the business of the Senate.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I will add, we do enjoy our sports discussions. Of course, I added, on what ultimate trump, which is the University of Kentucky has won seven NCAA championships and the University of Louisville two. So my friend is always trying to catch up. And I would say that—

Mr. REID. We only have eight more to go.

Mr. MCCONNELL. Only eight more to go. UNLV has a good team this year, probably not as good as Kentucky, maybe as good as Louisville, but it does give us an opportunity to catch up on each other’s teams every day as we head to the floor.

WISHING SENATOR KIRK A SPEEDY RECOVERY

Mr. MCCONNELL. Mr. President, let me start on a sort of sober note by saying we are all thinking of our colleague Mark Kirk. It is at moments such as these that we are all reminded of how fragile life is, and that there are far more important things in life than politics. So we send Mark and his family our prayers and our wishes for a speedy recovery.

THE JOBS CRISIS

Mr. MCCONNELL. I wish to begin my remarks today by stating the obvious: The jobs crisis we are in continues for millions of Americans. Many millions more are worried about the future. And Republicans are quite eager to work with the Democratic majority here in the Senate to jump-start our economy and set our Nation on an entirely different course than the one we have been on the last few years.

Let’s be clear: The reason our economy has gotten worse and our future more uncertain has nothing to do with what Republicans in Congress will not do at some point in the future and everything to do with what this President has already done.

Americans are looking for an entirely new direction. It is one that focuses on growing the economy, not growing our Nation’s debt.

So we are happy to work with the Democratic majority in the Senate to achieve these goals. But based on some of the news stories I have read over the last few weeks, it does not appear they are all that interested. Based on what I have read, it appears Democratic leaders right here in the Senate have gotten together with the White House
and mapped out a plan to actually guarantee gridlock for the rest of the year.

This is sort of a stunningly cynical strategy when you think about it. Millions of Americans cannot find work. The rate of unemployment is the longest it has ever been. Hundreds of thousands of Americans who had a job when this President took office have simply dropped out of the workforce. And yet the Washington Democrats’ plan for this year is to sit on their hands and blame it on the other guy.

I certainly hope this was just a couple of overzealous staffers saying this. I hope our Democratic friends have not decided this is how they plan to spend the rest of this year. I hope they have not given up on governing in favor of campaigning and complaining because, to borrow a phrase, facing up to the economic crises we face cannot wait. Democrats in Congress cannot simply throw up their hands because there are no longer getting everything they want.

The fact is, Democrats got everything they wanted for 2 years—for 2 years after this President was elected. The American people decided to improve on a little bit more. In the November 2010 election, and they are still waiting for White House and Democratic leaders in Congress to work on a different approach. So it is about time we got started. President Obama’s 3-year experiment with big government has made our economy worse and our future more uncertain. Americans want a government that is simpler, streamlined, and secure.

But we will not be able to achieve these things if Democrats refuse to even try, if they have decided to spend the next year on show votes and legislation that is designed for bus tours instead of bill signings.

The No. 1 issue facing our country is jobs, and the No. 1 goal of Republicans in 2012 is to continue to make it easier for American small business to create jobs. We will accomplish this by focusing on three things: fundamental tax reform, regulatory reform, and energy security. But we will surely fail if the Democratic majority in the Senate refuses to help.

So Republicans will continue to make the case for policies that will spark an economic revival and create new opportunities for struggling Americans, and we hope the Democrats will join us. Tomorrow, the President will come to the Capitol to tell us what he thinks about the state of our country and to outline his plans for the future. We welcome him. We look forward to working with him as always on an agenda that will get our Nation moving again, not an agenda to divide, not a repackaging of the same ideas that have made our economy worse and our future more uncertain. bipartisanship is a da that gets us beyond past skirmishes and onto a different path entirely.

There is much we can and should do together. Let us focus on that and put the rest aside.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

GERRARD NOMINATION

Mr. NELSON of Nebraska. I rise to speak on behalf of an outstanding Nebraskan, State Supreme Court Justice John Gerrard. His nomination to fill a vacancy on the U.S. District Court for Nebraska is now before the Senate.

John Gerrard has built an exceptional record as a state judge and on the Nebraska Supreme Court and will do an exemplary job as a U.S. district judge for the District of Nebraska. I have known him for more than 20 years and believe he has the experience, the intellect, and temperament needed on our Federal bench. I cannot think of anyone better qualified than John Gerrard.

I was very pleased the President nominated him. I have welcomed my colleague Senator Johann’s strong support, and I believe the Senate should confirm him for the position of a U.S. district court judge.

John Gerrard, a native of Schuyler, NE, has served as a private attorney, a city attorney, counsel to several public school districts in Nebraska, and he has an outstanding public record as a judge. In private practice, Judge Gerrard tried dozens of cases, both civil and criminal, to verdicts in State and Federal courts. He was highly respected as a trial attorney earning an “AV” Martindale-Hubbell rating from his colleagues. He was elected to the American Board of Trial Advocates by his peers.

During my tenure as Governor, I appointed him, in 1995, to the Nebraska Supreme Court. Nebraska voters have shown their confidence in him by re-electing him in office three times: in 1998, 2004, and 2010. He has consistently received top ratings by the Nebraska State Bar Association in its biennial judicial evaluations, particularly in the areas of legal analysis, judicial temperament, and fair treatment of litigants and their lawyers.

Furthermore, the Nebraska judicial system gave him its Distinguished Attorney of the Year and the Judicial System Award in 2006. This was in recognition of his work as cochair of the system’s Minority Justice Committee and the Interpreter Advisory Committee, as well as leading initiatives promoting racial and ethnic fairness under the law.

Also, in 2008, the Nebraska State Bar Foundation gave him its Legal Pioneer Award. This was for courts more user friendly for citizens from all cultures by utilizing technology and other means to improve both understanding and participation in the courts. I would note that in the Nebraska Supreme Court, Judge Gerrard has authored more than 450 opinions, and he is widely considered a leader on that court.

Judge Gerrard is held in the highest regard by both the bench and the bar in Nebraska, and the American Bar Association has deemed him “unanimously well qualified” to serve as a U.S. district judge. Judge Gerrard maintains the same even temperament off the bench that he does on it. Clearly, he is an exemplary person who has contributed much to our society.

Furthermore, he and his wife Nancy have been married for 34 years and raised four exceptional children. I would also note that during my years as Governor, I appointed 81 judges in the State of Nebraska, including the Nebraska State Supreme Court. Since I have been in the Senate, I voted on numerous judicial nominees. In all cases, I have supported candidates for the judiciary who convinced me they would follow the law and would not manipulate it to promote a personal or activist agenda. This is a critical test for me and it is relevant concerning Justice Gerrard. I am convinced he would not allow personal beliefs to interfere with his judicial duties, nor would he bring an activist agenda to the Federal bench. He has proven this beyond a doubt with his disciplined approach to the law over the last 16 years as a judge on the Nebraska Supreme Court.

Questions, however, have been raised to Justice Gerrard on those points, and I would like to address them now. He has been asked whether a matter may be constitutional and not the next based on a changing legal landscape. He has answered for the record that the U.S. Supreme Court and the circuit courts set the binding precedent on whether a matter is constitutional, which he would follow as a district judge.

He has stated a Federal district court judge can conclude the law has changed by legislation or by a ruling by a higher court. Justice Gerrard has a clear understanding of the limitations of a Federal district court judge. He has demonstrated that understanding in the deference he has given to the legislative branch and a higher court precedent during his years on the Nebraska Supreme Court.

He has also been asked specifically whether he has personal beliefs that would make him unable to carry out the death penalty. Again, he has answered, for the record, that he does not. More to the point, Nebraska carried out the death penalty while I was
Governor and Justice Gerrard was serving on the Nebraska Supreme Court. As a matter of fact, the court has concurred in establishing an execution date to take place this March 6 in the State of Nebraska.

Issuing and authorizing a death sentence is one of the most solemn responsibilities the judicial and executive branches are entrusted with. In every instance, Justice Gerrard has ruled on the death penalty, he has been balanced, even-handed and, most important, faithful to the Constitution. In fact, Judge Gerrard has confirmed for the record that the U.S. Supreme Court and the Nebraska Supreme Court have repeatedly held that the death penalty is an acceptable punishment as long as the laws for imposing it are followed and the constitutional limitations imposed by the U.S. Supreme Court are respected.

Finally, Judge Gerrard has stated, and the record shows, he has voted to confirm sentences and convictions of those sentenced to death, and he has authored more than one State court opinion upholding the constitutionality of Nebraska’s death penalty law. In my view, Judge Gerrard’s answers would corroborate more than adequately address any concerns about his ability or willingness to both apply the law with impartiality and to carry out the law effectively.

To sum up, John Gerrard deserves to be confirmed by the Senate because he possesses the proper temperament needed on the Federal bench, and he will follow legal precedent to carry out the law rather than interpret as he sees it. He has been and will be an impartial judge, not an activist. So I urge his confirmation by my colleagues.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHANNES. Mr. President, I am very pleased today to rise in support of a man who has proven himself worthy to serve as a Federal judge on the U.S. district court.

Justice John Gerrard has experience, integrity, and respect for the Constitution—all of which are necessary for someone serving on our Federal bench. He has earned the respect and the admiration of the people of Nebraska. He consistently receives top ratings from the Nebraska State Bar Association, and the people of Nebraska have expressed their confidence in him not once, not twice, but three times, voting to return him to the bench. Justice Gerrard has authored hundreds of opinions throughout his 16 years as a member of the Nebraska Supreme Court. These decisions reveal with clarity his philosophy regarding the powers and limitations of a judge. They reflect his commitment to adhere to the Constitution and the laws of our great Nation.

When asked about judicial restraint after his nomination to the U.S. district court, Justice Gerrard responded: I firmly believe that a judge should rely on the admission evidence and applicable law (and nothing else) when rendering a decision. He further responded: I do not believe a judge should consider his or her own values or policy preferences in determining what the law means—and I have never done so at any time in my judicial career.

This unequivocal statement says a lot. Justice Gerrard knows that his more than 450 opinions are a matter of public record and that they are open to everyone’s scrutiny. He has welcomed that. He has welcomed it with humility.

You will not hear him boast about being the youngest person ever appointed to my home State’s high court, nor will you hear him boast about his successful years as a private attorney and city attorney—and they were successful. He is absolutely unassuming. He is reflective and he is articulate. He speaks with great reverence about the oath he took to uphold the Constitution.

I did not know Justice Gerrard prior to his appointment to the Nebraska Supreme Court, but he quickly developed a reputation as a disciplined judge who renders very well researched opinions.

I believe Justice John Gerrard is a worthy member to join the U.S. district court, and so I stand here today urging my colleagues to vote in favor of his confirmation.

I would also like to take a moment to talk about the process that brought us here this afternoon. In this regard, I would like to offer my appreciation and thanks to my colleagues from Nebraska, the senior Senator, Ben Nelson. Senator Nelson called me before this nomination was made and asked for my input. I took that opportunity to sit down with Judge Gerrard and to talk to him. After our meeting and knowing what I knew about the justice, it was my decision to support his nomination to the U.S. district court. In fact, I would say, if I had total control of this nomination, I would do it all over again.

This is a fine man. This is a man who I hope will have strong bipartisan support this afternoon when we vote on making him a U.S. district judge. He is a good man, and he deserves a strong bipartisan vote. He is going to adhere to the laws of our Nation with integrity, humility, and strict adherence to the law.

I yield the floor.

I suggest the absence of a quorum.

The assistant legislative clerk pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF JOHN M. GERRARD TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of John M. Gerrard, of Nebraska, to be United States District Judge for the District of Nebraska.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 90 minutes for debate, with 60 minutes divided in the usual form and 30 minutes under the control of the Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask that I be notified after 12 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, by all accounts, Judge Gerrard of the Nebraska Supreme Court is a good man with a good family and many friends, and he has done a pretty good job over the years—maybe a good job over the years—as a capable practicing jurist now on the Supreme Court of Nebraska.

I will vote against that nomination, reluctantly. I really do not want to in one sense, but his nomination raises an important issue about the duty of a judge to be faithful to the law and to commit to serve under the law and under the Constitution, as the oath of a Federal judge requires. In other words, as a judge you are a servant to the law.

You honor the law. You venerate the law. You follow the law whether or not you like it, whether or not you think it is a good idea, whether or not you had been at the Constitutional Convention in the 1700s, you would have voted for that phrase or not voted for that phrase or whether if you had been in the House or the Senate you would have worked to change the Constitution or change the law of the State of Nebraska. Those are matters that are outside the province of a judge. If judges choose to be involved in policy-setting, then they ought to invest themselves in the policy-setting branches, the legislative and executive branches.
So judges are, as Justice Roberts said so wonderfully, “neutral umpires.” They do not take sides in the game; they enforce the rules of the game. How those rules have been written and established and what motivation causes a judge to pass them is not the critical issue. So there was a very troubling matter to me which reveals an activist tendency in this judge, and it was the case of State v. Moore.

The case of State v. Moore in Nebraska is very significant because it raises quite clearly these very issues. In the Moore case, Judge Gerrard took an active role as one of the members of the court. Mr. Moore had been on death row since 1980. He had confessed to murdering two people. He had appealed to the Nebraska Supreme Court three times. Three times the Nebraska Supreme Court had denied his appeals. He had quite appealing. In fact, he filed a motion and said he did not desire any more appeals. He had no longer wished to challenge his sentence, and he was being set for an execution that by law he deserved.

Judge Gerrard intervened on his own motion and stayed that execution even though it had been scheduled. He did it on the basis that while Moore was set for electrocution, he was aware that another case that was coming up to the Supreme Court of Nebraska dealt with the constitutionality of the death by electrocution statute. Apparently the judge did not like the death by electrocution statute. But he stopped it. Technically, I am not sure that was correct. He was criticized by three members of the court, but he did that.

Then the case came before the court, this other case, the Mata case. The judge then confronted the fundamental question of whether the utilization of electrocution was a constitutional matter.

Now in Nebraska and in most States there are two types of constitutions: the U.S. Constitution and the Nebraska Constitution. As is often the case, the exact same words with regard to the death penalty are in the U.S. and Nebraska Constitutions: that the Constitution prohibits the carrying out of a death penalty by cruel or unusual means. “Cruel and unusual” actually is the phrase. So it must be cruel and it must be unusual; otherwise, otherwise States can all carry out death penalties as they choose.

In fact, at the time the Constitution was adopted, every colony, every State that formed our Union had a death penalty. The U.S. Government had a death penalty. There are multiple references in the U.S. Constitution to the imposition of a death penalty. It says, for example, that you cannot deny a person “life” without due process. It makes reference to “capital crimes” which are death penalty crimes. There are several, multiple references to that. Implicit in the Constitution itself is a constitutional acceptance of the ability of the Congress or the State legislatures to impose a death penalty.

The Constitution was in no way ever thought to be a document that would have prohibited all death penalty cases. But there became a movement in cases that the Court in the early 1950s held that the death penalty was bad and that judges should overthrow it. Actually two judges on the Supreme Court opposed every death penalty case because they said it was cruel and unusual.

That was not the Constitution. They were allowing their personal views about the wisdom, or lack of it, of the death penalty to influence their judicial decisionmaking. How can we say the Constitution prohibits the death penalty when it makes multiple references to the death penalty? Every State and the Federal Government have been utilizing the death penalty since the time the Republic was founded.

So I am not debating the death penalty. I am not debating the death penalty. Good people can disagree. It ought to be brought up on the floor of this Congress, on the floor of the legislatures of Nebraska, Alabama, Texas, and New York. The question is, do they want to have one and how will it be carried out.

The Constitution says, however, that we cannot use cruel and unusual methods of carrying out the death penalty. Apparently the judge did not like the death by electrocution statute. But he stopped it. Technically, I am not sure that was correct. He was criticized by three members of the court, but he did that.

The question of electrocution was brought up. The guy was defending a person who had been sentenced to die as a result of his crimes. They objected, saying electrocution was cruel and unusual in 1890. In 1890 the Supreme Court ruled that it was not unconstitutional. Then again it was ruled in 1947 that electrocution was not cruel and unusual punishment. Since that time, up until recent years—Mr. Moore had been appealing—some courts have said it was cruel and unusual.

So the question of electrocution was brought up. The guy was defending a person who had been sentenced to die as a result of his crimes. They objected, saying electrocution was cruel and unusual in 1890. In 1890 the Supreme Court ruled that it was not unconstitutional. Then again it was ruled in 1947 that electrocution was not cruel and unusual punishment. Since that time, up until recent years—I would say probably every majority of States—used electrocution as being less painful and more consistent with our values than a firing squad or hanging. So it was seen as a reform, a better way to carry out the severe penalty of death.

The Supreme Court of the United States has since repeatedly denied appeals to seek to raise again electrocution as being unconstitutional.

This other case came up in Nebraska, State v. Moore. It squarely challenged the constitutionality of electrocution as a method of execution. Although he acknowledged the Nebraska Supreme Court had always held that electrocution was not cruel and unusual, Judge Gerrard asserted in the Moore case that “a changing legal landscape raises questions regarding the continuing vitality of that conclusion.” He was not saying anything in the landscape that would justify any change in that. I think 1 State in the United States out of 50 has held that electrocution is not appropriate. I don’t know how it violates the cruel and unusual clause. I am not sure how they possibly so ruled, but they did. So it came up before this court. The Mata case came up before the court and, to sum it up, let me just say they concluded, contrary to the previous rulings of the Nebraska Supreme Court, contrary to the rulings of the U.S. Supreme Court, that electrocution amounts to a cruel and unusual punishment and eliminated and stayed the execution of two individuals, Mr. Mata and Mr. Moore.

I guess what I will say is this: We all in this body have to make a decision about whether judges make errors—which they sometimes do—and then how serious those errors are and what those errors reflect about the ability of the Constitution to fulfill what they take. The oath, remember, is to serve under the Constitution, under the laws of the United States, and to do equal justice to the rich and the poor and to follow the law, in effect, whether you like it or not.

I think this was not a little bitty matter. I think the people of the United States and judges on the Supreme Court of the United States have dealt with death penalty cases for some time, and the American people have been called upon on a number of occasions to eliminate death penalties in their States. A few have; most have not.

Mr. President, 30 minutes has been sensed for me, almost.

The ACTING PRESIDENT pro tempore. That is correct. The Senator has used just over 13 minutes.

Mr. SESSIONS. I ask to be notified after 7 additional minutes.

The ACTING PRESIDENT pro tempore. The Chair will notify the Senator.

Mr. SESSIONS. Mr. President, it is not a little bitty matter. These matters have gone to the Supreme Court. Electrocution was challenged by legislatures and voters for one reason. They thought it was a way to carry out a grim death penalty sentence in a way less painful than a firing squad and hanging. That is why they did that. It was not any more cruel and unusual than the firing squad and hanging. It is instantaneous, and it is an effective method and is consistent with our Constitution, as the Supreme Court held and as the Nebraska Supreme Court held.

Here we are in this body and we have heard the debates. A lot of good people with very plausible arguments—I don’t agree with them, but I respect them—
say we should not have a death penalty. This is a debate we should have and talk about with the American citizens. It is not a matter for judges to effectively decide by altering the plain meaning and principles of the U.S. Constitution. Considering they think it is not right. They are not legislators. This is a big issue around the country and people are tired of it. They say people are not happy with the judges and they don’t understand the law. Well, they understand the death penalty. They have directives and comprehensive guidelines. The representatives have voted on it. It has been approved in most States. They expect their judges to carry out the law, unless it plainly violates the Constitution of their State or the Nation.

I just suggest that I believe this decision was a product of an ill will or a bias against the death penalty, consistent with the effort of a lot of people working around the legal system every day. I was the attorney general of Alabama in the 1980s. So, I have wrestled with these issues. I know how the deal works. Everybody in the system understands what this is.

For the Supreme Court of Nebraska to hold that electrocution violates the cruel and unusual clause of the Constitution of Nebraska or the Constitution of the United States—they said in this case, Nebraska, which has exactly the same language as the U.S. Constitution, to rule that way, I believe, is outside the bounds of what I am willing to accept. We have people saying the evolving standards of decency, evolving legal principles, and evolving national and international law says we ought to change. No, the American people rule and they elect their representatives and they pass laws; and judges have one obligation, which is to enforce the law, unless it is plainly contrary to the Constitution. My opinion, as someone who has been in the legislature and had to defend death penalties as the attorney general of the State of Alabama—my opinion is that declaring electrocution to be an unconstitutional method of imposing the death penalty steps out of objective, neutral judging and evidences a plain activist tendency to promote a result.

I think it is compounded by the fact that the judge went out of his way, contrary to other judges’ wishes on the court, to lead an effort to stay one execution until they could take up this case and then to rule over the Chief Judge’s dissent that it was indeed unconstitutional.

Mr. Moore remains now, since 1980, even today, still on death row. People are unhappy about that. They rightly think the law is not working and that there is too much politics in it, and people are undermining duly enacted law. There was no question of this defendant maneuvered two people and he confessed to it.

That is the way I feel about this. I can see a lot of other people saying Judge Gerrard is a good man, a smart lawyer, and he will do a good job on the bench—and I hope he does—but I am not voting for judges, as I have said before, who will not establish that they are willing to follow the law even if they don’t like it. Particularly, I am very reluctant to support judges who, I believe, in this most controversial area where much debate has occurred, in one form or another, take extraordinary, unlawful steps in my view, to undermine the death penalty because they don’t like it.

You say: Somebody else said that may have been a mistake, but it is not disqualifying. I respect other people’s opinions. I am not calling on other people to reject Judge Gerrard. As I said, by all accounts, he is a good man. I am saying I don’t feel comfortable voting for someone based on a legal issue such as this that I personally dealt with over the years. I would not oppose him if he personally opposes the death penalty. That is fine. But as a judge he is required to carry it out in an effective way. We have had far too much obstruction of the death penalty, and I hope we will see an end to it and get our judges on the bench who will follow the law.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. JOHANNS. Mr. President, I ask if the Senator from Alabama will yield me 3 minutes to speak on Judge Gerrard.

Mr. SESSIONS. I will. I appreciate my colleague’s interest in this matter. I believe there is considerable time left on the other side. He can certainly have that on my time.

The ACTING PRESIDENT pro tempore. There is about 10 minutes.

Mr. SESSIONS. Mr. President, I yield what time I have to the Senator from Nebraska.

Mr. JOHANNS. Mr. President. I thank the Senator from Alabama for yielding the time. One thing I wish to say, to start out with, is that the Senator from Alabama and I would almost always agree about judicial appointments. It is a very unusual situation that we would be in any kind of disagreement. Many times I come to the floor and seek out the Senator from Alabama and ask his thoughts on things or to tell me more about a nominee. I am here this afternoon with great respect for the Senator from Alabama and his views of judicial nominees.

I have very strong feelings, though, about Justice Gerrard. I have had an opportunity to observe this man on the Nebraska Supreme Court for many years. In my view—and I doubt there would be many who would disagree with this—judges, especially Federal judges, should follow the law and not their own inclinations or personal preferences. I feel some personal feelings on a matter or controversy before them. I think we need to examine this issue very carefully.

There has been some suggestion that Justice Gerrard might seek to craft his own preferred outcomes instead of following the law. I wish to respond to that. The concerns, of course, relate to a case out of Nebraska, State of Nebraska v. Moore.

In that case, Justice Gerrard ordered a stay of a death warrant pending the outcome of another case the Nebraska Supreme Court was considering. At issue in the second case was whether the death penalty by electrocution, as provided by Nebraska law, is constitutional. I believe that electrocution is consistent with the Nebraska Constitution. Because the defendant in Moore was scheduled to die by electrocution, Justice Gerrard stayed the warrant pending the court’s decision in that second case. In the majority opinion in Moore, Justice Gerrard noted that the court was using its inherent authority to stay the warrant.

If I might, let me take a moment to explain what Justice Gerrard was saying in the Moore case. Some have concluded that what he was saying was he was calling on some nebulous, indistinct legal authority merely to cloak his own wishes. But I would suggest respectfully that Justice Gerrard has fully and very satisfactorily explained exactly what he meant by the specific choice of those words. He was, in fact, carefully using authorities granted to him by Nebraska law. As the judge explained in a letter, Nebraska law provides that the Nebraska Supreme Court is responsible for issuing the order of execution of prisoners sentenced to death. So when Judge Gerrard used his inherent authority to stay the execution at issue in Moore, he was using authority granted by Nebraska statute to order the execution in the first place. In other words, the Nebraska Supreme Court, by Nebraska law, has the power to issue the order and then deal with that order in the future.

This is what Judge Gerrard said in his letter in a series of questions that were posed to him relative to his nomination for the U.S. district court:

The “inherent authority” referred to in the Moore order was only the court’s inherent authority to control the implementation of its own orders, just as any court, at any level, can control its own orders.

I should note also that Judge Gerrard makes plain that he considers the death penalty to be the law of the land, one that he must uphold.

On the question of whether the death penalty is constitutional, Justice Gerrard writes:

I am aware of no authority, nor any persuasive evidence, supporting the conclusion that the death penalty itself is unconstitutional. Our court has concluded in multiple cases that the death penalty itself is constitutional, and I have joined in (and authored many of those decisions).

Mr. President, as I have indicated in my remarks in support of this nominee, I do believe Judge Gerrard will base his decisions on the evidence before him and the applicable law. I have
had an opportunity to watch him do that for years and years. That is what he will do. He will base his decisions on the evidence before him and the applicable law and nothing else. Furthermore, he has earned the respect and support of Nebraskans who have seen him time and time again to return him to the bench. I believe he is well qualified to serve our Nation in the Federal courts as a district judge. Justice Gerrard’s nomination deserves our support, and I again urge my colleagues to support him today.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I wish to compliment the Senator from Nebraska for his comments. I totally agree with him.

As last year drew to a close, I spoke about the Senate’s lost opportunity to take long overdue steps to address the serious vacancies crisis. On both sides of the Federal courts throughout the country. With nearly one out of every 10 Federal judgeships vacant, the Senate should not have adjourned with 21 judicial nominations on the calendar and stalled a vote. Regrettably, Senate Republicans chose to end last year using the same obstructionist tactic that they used the year before. They continue to delay final confirmation votes on consensus judicial nominees for no good reason. Such delaying tactics are harmful to the American people and prevent the Senate from doing its constitutional duty and ensuring the ability of our Federal courts to provide justice to Americans around the country.

The result of the Senate Republicans’ inaction is that the people of New York, California, West Virginia, Florida, Nebraska, Missouri, Washington, Utah, the District of Columbia, Nevada, Louisiana, and Texas are without the judges they need. The result is that judicial emergency vacancies in Florida, Utah, California, Nevada and Texas remain unfilled. Last year it took us until June to make up the ground we lost when Senate Republicans refused to complete action on judicial nominees at the end of 2010. The Senate starts this year with 19 judicial nominees awaiting final Senate action, all but one of them reported with significant bipartisan support, 16 of them unconfirmed. The Senate should have been confirmed last year.

By repeating its obstruction and refusing to consent to votes on consensus nominees before the end of the year, Senate Republicans have again ratcheted up the partisanship in connection with filling judicial vacancies. While once Republican Senators threatened to blow up the Senate to force votes on a handful of President Bush’s most extreme ideological picks, Senate Republicans now stall and block every President Obama’s mainstream, consensus nominees across the board. Those they delayed are the kind of qualified, consensus nominees who in the past would have been considered and confirmed by the Senate within days of being reported with the support of their home state Senators and the support of both Democrats and Republicans on the Senate Judiciary Committee.

Last year, final consideration of qualified, consensus judicial nominees took months because Senate Republicans refused to consent to confirmation votes. They took this to a new extreme by holding the votes by refusing to hold votes on any judicial nominees. Meanwhile, the millions of Americans who are served by the Federal courts in those districts and circuits whose vacancies could be filled with qualified, consensus nominees are left with overburdened courts and unnecessary delays in having their cases determined.

I thank the Majority Leader for arranging for final consideration of Justice John Gerrard’s nomination. Since 1995, Justice Gerrard has served on the Supreme Court of Nebraska, and his nomination received the highest possible rating from the ABA’s Standing Committee on the Federal Judiciary, unanimously “well qualified.” He received a unanimous vote before the Senate Judiciary Committee back in mid-October last year and has had the support of his home state Senators, a Democrat and a Republican, from the outset. Recently, the senator from Nebraska stated, “I have always enjoyed working with Senator Nelson. He has worked hard and represented the people of his state well. He has been diligent with respect to judicial nominations for vacancies in Nebraska and tirelessly pressed to fill vacancies there to ensure that cases before the Federal courts in Nebraska were not needlessly delayed. I am sorry that confirmation of this judicial nomination, one he has so strongly supported, has been needlessly delayed more than three months while the Federal trial court for the District of Nebraska remains overburdened.

More than half of all Americans live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans just agreed to vote on the nominations that have been voted out of the Senate Judiciary Committee and have been awaiting a final vote by the Senate since last year. It is wrong to delay votes on these qualified, consensus judicial nominees. The Senate should be helping to fill these numerous, extended judicial vacancies, not delaying final action for no good reason.

Our courts have qualified Federal judges not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hardworking Americans who are seeking their day in Federal court to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of medical expenses, that plaintiff should not have to wait for three years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute. With one in 10 Federal judgeships currently vacant, we should have come together to address the serious judicial vacancies crisis on Federal courts around the country.

Professor Carl Tobias makes the point in his column at the end of last year’s titled, “Judicial Openings Erode U.S. Justice System.” He correctly observed: “The Senate recessed without considering any of the 21 nominees, 16 of whom the Committee unanimously reported, on its calendar because Republicans refused to debate and vote on them.” He goes on to describe some of the slowdown tactics Senate Republicans have employed and concludes: “Most problematic has been Republican refusal to vote on uncontroversial nominees.” I ask consent that a copy of Professor Tobias’ column be included at the conclusion of my statement.

In his 2010 Year-End Report on the Federal Judiciary, Chief Justice Roberts reiterated his critical comments from the previous year entitled, “Judicial Openings Erode U.S. Justice System.” He went on to outline the problems facing the Federal system during the prior year and called for the Senate’s help in reducing judicial vacancies throughout the country. Indeed, the workload in our Federal trial courts has increased 5 percent during President Obama’s term in office and 22 percent over the last 10 years. Senate Republicans have shown no interest in adding the judgeships that the Judicial Conference, Chief Justice Rehnquist and Chief Justice Roberts have requested. To the contrary, they have been stalling needed Federal judges and keeping judicial vacancies at historically high levels for unprecedented lengths of time. Unfortunately, the unprecedented obstruction of consensus judicial nominations by Senate Republicans continues. They have dramatically departed from the Senate’s longstanding tradition of regularly considering consensus non-controversial nominations. Their obstruction marks a new, dark chapter in what Chief Justice Roberts had called the “persistent problem of judicial vacancies in critically overworked districts.”

Chief Justice Rehnquist had chastised Senate Republicans for their stalling tactics on judicial nominees during the Clinton administration. In his 1997 and 1998 Year-End Reports on the Federal Judiciary, Chief Justice Rehnquist reiterated his critical comments from 1997 and 1998 when Senate Republicans were responsible for stalling scores of qualified, needed judicial appointments. By the next year, Senate Democrats had completed confirmations of 100 of President Bush’s nominees and reduced judicial vacancies throughout the country to 60. By the end of the third year of the Bush administration, the Chief Justice reported that he was “very concerned about filling vacancies and focused his attention on seeking to raise judicial salaries. With respect to judicial vacancies, he
noted that the Federal trial courts had only 27 vacancies.

Regrettably, that progress is not being replicated despite President Obama's efforts to work with home state Republican Senators and to nominate mainstream candidates. A New York Times editorial from January 4, 2011, properly noted that Senate Republicans' "refusal to give prompt consideration to non-controversial nominees" in 2010 was a "terrible precedent." Regrettably, Senate Republicans continued that tactic through 2011. They replicated the blockade of consensus judicial nominees they had conducted at the end of 2010 by again blocking consensus nominees across the board at the end of 2011. At the end of 2010, they blocked 17 judicial nominees who should have been confirmed in 2010 but had to be carried over for months before finally being acted upon by the Senate. In 2011, Senate Republicans ended the year needlessly stalling another 19 judicial nominees, including 18 who were by any measure consensus nominees, who should have been confirmed.

Their partisan tactics are at odds with the concern about caseloads that Republican Senators contended justified their filibuster of Caitlin Halligan and prevented a vote on her nomination to the D.C. Circuit. The Washington Times' banner headline that day correctly claimed that with the Senate Republican filibuster of that nomination "GOP Ends Truce on Judicial Hopefuls." Of course, if caseloads were really what mattered to Senate Republicans, they would not have blocked the Senate from voting to confirm consensus nominees to fill judicial emergency vacancies around the country.

If caseloads were really what mattered to Senate Republicans, they would have been interested to consider the nomination of Judge Adalberto Jordan of Florida, which was reported unanimously last October, to fill a judicial emergency vacancy on the Eleventh Circuit. If they were really concerned with caseloads, they would have consented to move forward to confirm Judge Jacqueline Nguyen of California, a well-qualified nominee to fill a judicial emergency vacancy on the Ninth Circuit, the busiest Federal appeals court in the country. Judge Nguyen is nominated to fill the judicial emergency vacancy that remains after another Republican filibuster, that against the nomination of Goodwin Liu, now a Supreme Court Justice in California. If they cared about caseloads, they should also have consented to votes on the nominations of Michael Fitzgerald to the Central District of California, David Nager to the District of Utah, Miranda Du to the District of Nevada, Gregg Costa to the Southern District of Texas, and Guaderrama to the Western District of Texas, all nominations to fill judicial emergency vacancies in our Federal trial courts.

If Republican Senators were concerned about ensuring that our courts have the judges they need to administer justice for the American people, they would not have refused consent for the Senate to consider qualified, consensus judicial nominees. Republican Senators' refusal was needed to vote to fill these judicial vacancies and support the Federal judiciary, to help them deal with what Chief Justice Roberts calls "demanding dockets" and to further public confidence in the integrity and respect of our Federal justice system. Instead, Senate Republicans' refusal to confirm 18 qualified, consensus judicial nominees before adjourning last year, reminds me of the Republican pocket filibusters that blocked more than 60 of President Clinton's judicial nominations from Senate consideration.

When I became Chairman in 2001 and made the Committee blue slip process public for the first time and worked to confirm consensus judicial nominees for a conservative Republican President in 17 months, I hoped we had gotten past these partisan tactics. I am disappointed after working for more than a decade to restore transparency and fairness in the process of considering judicial nominations that Senate Republicans are again using partisan holds to block progress at filling judicial vacancies.

If Republican Senators were concerned about the courts they have the judges they need to administer justice for the American people, they would do what Democrats did during President Bush's first term. During President Bush's first term we reduced the number of judicial vacancies by almost 75 percent. When I became Chairman in the summer of 2001, there were 110 vacancies. By the time Americans went to the polls in November 2004 there were only 28 vacancies. Despite 2004 being an election year, we were able to reduce the number of judicial vacancies to the lowest level in the last 20 years.

In November of 2008, when I was Chairman with a Republican president, we again reduced judicial vacancies to only 37. I was willing to accommodate Senate Republicans and held expedited hearings and votes on judicial nominations, even as late as September 2008. By working together, even in an election year, we were able to reduce the number of judicial vacancies to the lowest level in the last 20 years.

It is wrong to blame the delays resulting from the Senate Republicans' obstruction as merely tit for tat. This is a new and damaging tactic Senate Republicans have devised. They are stalling action on noncontroversial nominees and have been doing so for the last three years. Meanwhile, millions of Americans across the country who are harmed by delays in overburdened courts bear the cost of this obstruction.

I had hoped and urged that such damaging obstruction not be repeated. I had urged that before the Senate adjourned last year at least the 18 judicial nominees voted on by the Judiciary Committee who are by any measure consensus nominees be confirmed. With vacancies continuing at harmfully high levels, the American people and our Federal courts cannot afford unnecessary delays with pending nominations.

So while I am pleased to see John Gerrard's nomination voted on today, there remain another 17 qualified, consensus judicial nominees still being stalled from last year. Obama's judicial nominations in a row, Republicans have rejected the Senate's traditional, longstanding practice of taking final action on consensus nominations at the end of the Senate session. Senate Democrats consented to consider all of the consensus nominations at the end of President Reagan's third year in office and President George H.W. Bush's third year in office, when no judicial nominations were left pending on the Senate Executive Calendar. That is also what the Senate did at the end of the first 18 months of President Clinton's third year in office, when only a single nomination was left pending on the Senate calendar.

That is also what we did at the end of President George W. Bush's third year. Although some judicial nominations were left pending, they were among the most controversial, extreme and ideological of President Bush's nominees. They had previously been debated extensively by the Senate. The standard then was that noncontroversial judicial nominees reported by the Judiciary Committee were confirmed by the Senate before the end of the year. That is the standard we should have followed in 2010 and 2011, but Senate Republicans would not. They set a new and destructive standard to hold up qualified, consensus judicial nominees for no good reason.

The Senate remains far behind where we should be in considering President Obama's judicial nominations. Three years into his first term, the Senate has confirmed a lower percentage of President Obama's judicial nominees than those of any President in the last 35 years. The Senate has confirmed just over 70 percent of President Obama's circuit and district nominees, with more than one in four not confirmed. In stark contrast, the Senate confirmed nearly 87 percent of President George W. Bush's nominees, nearly three-quarters of every judicial nominee sent to the Senate over two terms. That was a higher percentage of judicial nominees confirmed than President Clinton achieved and is far higher percentage than for President Obama's nominees, most of whom are mainstream, consensus choices.

We remain well behind the pace set by the Senate during President Bush's first term. By the end of his first term, the Senate had confirmed 205 district and circuit nominees. At the beginning of his fourth year in office, the Senate had lowered judicial vacancies to 46 and already confirmed 168 of his judicial nominees. In contrast, the Senate...
has confirmed only 124 of President Obama’s district and circuit nominees, leaving judicial vacancies at more than 80. The vacancy rate remains nearly double what it had been reduced to by this point in the Bush administration. Senate Republicans have refused to consider the strategy of across-the-board delays and obstruction of the President’s judicial nominations, again leading to persistently high judicial vacancies. In 2009, the Senate was allowed to confirm only 29 Federal circuit and district court judges, the lowest total in 50 years. In 2010, the Senate was allowed to confirm 48 Federal circuit and district judges. That has led to the lowest confirmation total for the first two years of a new presidency in 35 years. As a result, judicial vacancies rose again over 110 and stayed at about 90 for the longest period of historically high vacancies in 35 years.

Last year, we worked hard to overcome the delays that have impeded our ability to confirm judicial nominations, again leading to serious concerns. I reached out to the administration to work with the Senate Republican majority to confirm 68 Federal judges. And it was lower than the 66 Federal judges the Senate Democratic majority confirmed in the last year of President George H.W. Bush’s presidency during a presidential election year.

The Senate starts this year with 18 qualified, consensus judicial nominations that should have been confirmed last year. Senate action on those 18 qualified, consensus judicial nominations would have gone a long way to helping resolve the longstanding judicial vacancies that are delaying justice for so many Americans in our Federal courts across the country. I urge Senate Republicans to abandon these destructive practices and join with us to confirm the qualified, consensus judicial nominations they have staked. This cycle of unnecessary delays must end.

Mr. President, I ask to proceed in morning business to speak about an important effort to help the American economic recovery and preserve American jobs. Stealing and counterfeiting are wrong. They are harmful. The Institute for Policy Innovation estimates that copyright infringement alone costs more than $50 billion a year, and the sale of counterfeit online is estimated to be more than $650 billion a year. The AFL-CIO estimates that hundreds of thousands of jobs are lost to these forms of theft.

And this is not just an economic and jobs problem for Americans. This is a view and safety issue. I am writing to a study released earlier this year, a couple dozen websites selling counterfeit prescription drugs had more than 141,000 visits per day, on average. Counterfeit medication, brake linings and other products put America’s safety at risk. These are serious concerns. These are the concerns I have kept in mind over the last several years as I have worked with Senators on both sides of the aisle to help resolve these serious problems.

I admire and respect the marvels advances of technology and, in particular, those represented by the Internet. I have promoted its democratizing impact around the world. I have fought to keep the Internet free and open, as it has become the incredible force that it is today. I have promoted its potential for access in rural areas, for distance learning, for increasing points of view and allowing all wishing to be heard and as a means for small start ups and firms in Vermont and elsewhere to market quality products. Nor is this a newfound interest or passing fancy. I started and chaired a Judiciary Committee panel two decades ago on technology and the law and was a founder of the bipartisan, bicameral congressional Internet Caucus. Yesterday, the Washington Post got it right in its editorial entitled “Freedom on the Internet”.

A free and viable Internet is essential to nurturing and sustaining the kind of revolutionary innovations that have touched every aspect of modern life, from medicine and lawlessness are not synonymous. The Constitution does not protect the right to steal, and that is true whether it is through the theft of intellectual property and the American jobs that depend on it is important. Last year we were able to reform our patent laws to unleash American innovators and help boost our economic recovery. Now we need to confront the threat to our economic recovery posed by Internet piracy.

As I have demonstrated throughout my service in the Senate and again during the last two years, I have remained flexible in terms of the legislative language in order to best meet our goals of stemming the criminals and protecting legitimate activities and guarding against doing anything to undercut innovation or fetter free discussion. I have urged those with concerns to come forward and to work with us. We adjusted the very definitions suggested by Senator Wyden. We held additional hearings to which we invited Google and Yahoo! And we redrafted the legislative measure and reintroduced it as the Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act, more commonly known as the PROTECT IP Act. Senator Grassley joined as an original cosponsor. I continued to work with all those who showed interest. The measure was reported unanimously from the Judiciary Committee in May 2011, and 40 Senators from both sides of the aisle have cosponsored it. It is rare that editorial boards with divergent viewpoints such as The Wall Street Journal and The Washington Post agree on a problem and legislative approach. As I have noted, this problem of foreign rogue websites engaging in piracy, theft and counterfeiting is one such that editorial boards with divergent viewpoints such as The Wall Street Journal and The Washington Post will agree on in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Few issues unite the United States Chamber of Commerce and the AFL-CIO: the National Association of Manufacturers and the cable industry, the broadcast industry. By targeting the worst-of-the-worst and protecting the integrity of the Internet, we have been able to create a broad ranging coalition of support of the PROTECT IP Act. Along with law enforcement groups, more than 400 companies, associations, and unions have come together to support this targeted, bipartisan legislation to combat foreign rogue websites.

Protecting American intellectual property and the American jobs that depend on it is important. Last year we were able to reform our patent laws to unleash American innovators and help boost our economic recovery. Now we need to confront the threat to our economic recovery posed by Internet piracy.

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I took seriously the views of all concerned. I reached out to the administration. We incorporated revised definitions suggested by Senator Wyden. We held additional hearings to which we invited Google and Yahoo! And we redrafted the legislative measure and reintroduced it as the Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act, more commonly known as the PROTECT IP Act. Senator Grassley joined as an original cosponsor. I continued to work with all those who showed interest. The measure was reported unanimously from the Judiciary Committee in May 2011, and 40 Senators from both sides of the aisle have cosponsored it. It is rare that editorial boards with divergent viewpoints such as The Wall Street Journal and The Washington Post agree on a problem and legislative approach. As I have already noted, this problem of foreign rogue websites engaging in piracy, theft and counterfeiting is one such that editorial boards with divergent viewpoints such as The Wall Street Journal and The Washington Post will agree on in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.
I regret that the Senate will not be proceeding this week to debate the legislation, and any proposed amendments. I thank the Majority Leader for seeking to schedule that debate on this serious economic threat. I understand that the Republican leader recently objected and Republican Senators who had cosponsored and long supported this effort jumped ship, he was faced with a difficult decision. My hope is that after a brief delay, we will, together, confront this problem. Everyone says they want to stop the Internet piracy. Everyone says that they recognize that stealing and counterfeiting are criminal and serious matters. This is the opportunity for those who want changes in the bill to come forward, join with us and work with us. This is the time to suggest improvements that will better achieve our goals.

The PROTECT IP Act is a measure that has been years in the making, and which has been studied, reviewed and debated by the Senate Judiciary Committee to better enforce American intellectual property rights and protect American consumers. It has been awaiting Senate action since last May. Today the rogue foreign websites, based in Russia that are stealing America’s property, are delighted to continue their operations and counterfeiting sweatshops in China are the beneficiaries of Senate delay. People need to understand that the PROTECT IP Act would only affect websites that have been judged by a federal court to have no significant use other than engaging in theft whether through stolen content or the selling of counterfeits. It is narrowly targeted at the worst-of-the-worst. Websites that have some infringing content on their sites but have uses other than profiting from infringement are not covered by the legislation. Websites like Wikipedia and YouTube that have obvious and significant uses are among those that are not subject to the provisions of the bill. That Wikipedia and some other websites decided to “go dark” on January 18 was their choice, self-imposed and was not caused by the legislation and could not be.

It was disappointing that sites linked to descriptions of this legislation that were misleading and one-sided. The Internet should be a place for discussion, for all to be heard and for different points of view to be expressed. That Internet emerges and develops without the constraint of the provisions of the bill. That Wikipedia and some other websites decided to “go dark” on January 18 was their choice, self-imposed and was not caused by the legislation and could not be.

I am sorry the confirmation of Justice Kagan was delayed. I am sorry the confirmation of Judge Sotomayor was delayed. I am sorry the confirmation of Judge Bork was delayed. I am sorry the confirmation of Judge Scalia was delayed. I am sorry the confirmation of Judge Thomas was delayed. I am sorry the confirmation of Judge Breyer was delayed. It was a difficult decision. My hope is that after a brief delay, we will, together, confront this problem. Everyone says they want to stop the Internet piracy. Everyone says that they recognize that stealing and counterfeiting are criminal and serious matters. This is the opportunity for those who want changes in the bill to come forward, join with us and work with us. This is the time to suggest improvements that will better achieve our goals.

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CONGRESSIONAL RECORD — SENATE
January 23, 2012

BRAKE THE INTERNET PIRATES
Wikipedia and many other websites are shutting down today to oppose a proposal in Congress on foreign Internet piracy, and the White House is backing the protest. One covert lobbying war between Silicon Valley and most other companies in the business of intellectual property is now in the open, and this could become—or reinvigorate—copyright in the digital era.

Everyone agrees, or at least claims to agree, that the illegal sale of copyrighted and trademarked products has become a world-wide, multibillion-dollar industry and a legitimate and growing economic problem. This isn’t college kids swapping MP3s, as in the 1990s websites that spread overseas and sell U.S. consumers bootleg movies, TV shows, software, video games, books and music, as well as pharmaceuticals, cosmetics, fashion, jewelry and more.

Often consumers think they’re buying copies or streams from legitimate retail enterprises, sometimes not, either way, the technical term for this is theft.

The tech industry says it wants to stop such crimes, but it also calls any tangible effort to do so censorship that would “break the Internet.” It has never worked itself out before on any other political issue, nor have websites like Mozilla or the social news aggregator Reddit. How’s that for irony? Even those professing devotion to the free flow of information are gagging themselves, and the only practical effect will be to enable fraudsters. They’ve taken no comparable action against, say, Chinese reproduction.

Meanwhile, the White House let it be known over the weekend in a blog post—how fitting that it was a Sunday paper that discovered itself out before on any other political issue, nor have websites like Mozilla or the social news aggregator Reddit. How’s that for irony? Even those professing devotion to the free flow of information are gagging themselves, and the only practical effect will be to enable fraudsters. They’ve taken no comparable action against, say, Chinese reproduction.

The House bill known as the Stop Online Piracy Act, or SOPA, and its Senate counterpart are far more modest than this cyber tautroling war would suggest. They would create new tools to target the worst of the worst black markets. The notion that a SOPA-like attack on a Facebook post or Twitter link is false.

Under the Digital Millennium Copyright Act of 1998, U.S. prosecutors and rights-holders can and do file injunctions to shut down rogue websites and confiscate their domain names under asset-seizure laws. Such powers stop at the water’s edge, however, SOPA is meant to target the international pirates that are currently beyond the reach of U.S. law.

The bill would allow the Attorney General to sue and get a court order to shut down rogue websites and confiscate their domain names under asset-seizure laws. Such powers stop at the water’s edge, however, SOPA is meant to target the international pirates that are currently beyond the reach of U.S. law.

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member of the court at that time and had no objections to the executions. It is the methodology that the court dealt with.

It is important to recognize that in the Moore case the issue was not whether the death penalty itself was constitutional; it was whether a particular means of execution was constitutional. Those are completely different questions.

Senator Sessions claims that Judge Gerrard staked the defendant’s execution in the light of “a changing legal landscape.” However, it is not uncommon for a court, when presented with different cases involving related issues, to withhold ruling on any one case until all of the related issues are resolved. Therefore, the Moore order reflects a pragmatic decision to wait until both cases could be resolved.

I agree with Senator Sessions that this is about the duty of a judge to be faithful to and to serve under the law. However, I strongly disagree with Senator Sessions’ characteriza-
tion of Judge Gerrard as an activist judge. Judge Gerrard has written 450 opinions in his 15-plus years on the Nebraska Supreme Court. The U.S. Supreme Court and the Nebraska Supreme Court have held in a related matter that the death penalty is not cruel and unusual. Judge Gerrard would have no difficulty following precedent. As a matter of fact, he has. He has no personal beliefs that would prevent him from enforcing the death penalty. In fact, he has authored several opinions and voted to affirm the convictions and sentences of defendants who have actually been sentenced to death.

Judge Gerrard believes the death penalty is an acceptable form of punishment. He understands the significant difference between a judge on a court that is strictly binding precedent. As a matter of fact, he has. He has no personal beliefs that would prevent him from enforcing the death penalty. In fact, he has authored several opinions and voted to affirm the convictions and sentences of defendants who have actually been sentenced to death.

Judge Gerrard is held in the highest regard by both the bench and the bar in Nebraska. He has earned an “AV” Martindale-Hubbell rating from his colleagues, and the American Bar Association has deemed him “unanimously well-qualified” to serve on the U.S. district court.

I thank my colleague, Senator Johanns from Nebraska, for his support and his comments which I think were also very supportive, clearly supportive, of Judge Gerrard and the decisions. Clearly, he is not an activist judge.

I yield the floor.

RECESS APPOINTMENTS

Mr. GRASSLEY. Mr. President, just over a month ago, on December 17, the Senate entered into a unanimous consent agreement to consider the nomination of John M. Gerrard, of Nebraska, to be United States District Judge for the District of Nebraska. We are proceeding with this nomination, which I will support, despite the President’s actions on recess appointments.

During the last session we acted responsibly in considering the President’s nominees. Even the Majority Leader acknowledged this. He stated, “We have done on nominations the last couple of months. Actually, in the last 3 months, we have accomplished quite a bit.”

I will have more to say about the recess appointments. But with regard to this nominee, some colleagues understand that even though we are proceeding under regular order today, it is only because this unanimous consent agreement was locked in before the President demonstrated his monumental mentality by making those appointments. I am not going to hold this nominee accountable for the outrageous actions of the President.

However, as this is a matter of concern to our Republican colleagues, as it would have been to Judge Gerrard, I must consider how we will respond to the President and restore a Constitutional balance. Since the adoption of the unanimous consent agreement governing the nomination before us, President Obama has unconstitutionally made recess appointments without the advice and consent of the Senate. The President has no personal beliefs that would prevent him from enforcing the death penalty. In fact, he has authored several opinions and voted to affirm the convictions and sentences of defendants who have actually been sentenced to death.

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pressedly prohibit, the danger arises that his advisers will feel pressure to say that the Constitution does not stand in the way. At that point, a President is no longer a constitutional figure with limited powers as the founders intended. Quite the contrary, the President looks more like a king than the Constitution was designed to replace.

This OLC opinion reflects the changes that have occurred in the relationship between the Justice Department and the President regarding the separation of powers. Formerly, the Justice Department gave legal advice to the President based on an objective reading of texts and judicial opinions. It was not an offshoot of the White House Counsel's office.

This more objective view of the limits of Presidential power also provided a level of protection for individual liberty, the principle at the core of our constitutional separation of powers. The President could accept the advice. He might choose to fire the officer who gave him advice with which he disagreed. He could seek to appoint a new officer who would provide the advice he preferred. But he risked paying a political price for doing so. An official who thought that loyalty to the Constitution exceeded his loyalty to the President could refuse to comply, at great personal risk. That is what Elliot Richardson did during the Saturday Night Massacre of the Watergate era.

During the Reagan Administration, OLC issued opinions that concluded that the President lacked the power to undertake certain acts to implement some of his preferred policies. The President did not undertake those unilateral actions.

President Obama originally submitted a nominee for OLC that was wholly objectionable. The Senate had good reason to believe that she would not interpret the law without regard to ideology. We refused to confirm her.

The President ultimately withdrew her nomination and nominated instead Virginia Seitz. We asked important questions at her confirmation hearing and thorough questions for the record.

Ms. Seitz responded that OLC should adhere to its prior decisions in accordance with the doctrine of stare decisis. And she stated that if the administration contemplated taking action that she believed was unconstitutional, she would not stand idly by. Relying on those assurances, the Senate confirmed Ms. Seitz.

Ms. Seitz is the author of this wholly erroneous opinion that takes an unprecedented view of the Recess Appointments Clause. And I suppose it is literally true that Ms. Seitz did not stand idly by when the administration took unconstitutional action: rather, she actively became a lackey for the administration. The administration's poorly reasoned opinion that placed loyalty to the President over loyalty to the rule of law.

That opinion, and her total deviation from the statements she made during her confirmation process, show extreme disrespect for the institution of the Senate and the constitutional separation of powers. I gave the President and Ms. Seitz the benefit of the doubt in voting to confirm her nomination. However, after reading this misguided and dangerous legal opinion, I am sorry the Senate confirmed her. It’s likely to be the last confirmation she ever experiences.

The Constitution outlines various powers that are divided among the different branches of our Federal government. Some of these powers are vested in only one branch, such as granting pardons or conducting impeachment proceedings. Other powers are shared, such as passing and signing or vetoing bills. The appointment power is a shared power between the President and the Congress. When one party turns a shared power into a unilateral power, the fabric of the Constitution itself is violated, and a response is called for.

In Federalist 51, Madison wrote that the separation of powers is more than a philosophical construct. He wrote that the “separate and distinct exercise of the different powers of government” is “essential to the preservation of liberty.”

The Framers of the Constitution wrote a document that originally contained no Bill of Rights. They believed that liberty would best be protected by not granting government the power to unconstitutionally usurp the liberty in the first place. That was the reason for the separation of powers. They designed a working separation of powers through checks and balances to ensure a limited government that protected individual rights. Madison wrote, “Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place.”

For instance, President Obama argued in a nationally televised rally that his actions were justified because “[e]very day that Richard [Cordray] works to be confirmed, the next day other day when millions of Americans were left unprotected.... And I refuse to take ‘no’ for an answer.”
Justice Jackson anticipated these hyperbolic statements. He wrote: "The tendency is strong to emphasize the transient results upon policies, and lose sight of enduring consequences upon the balanced power structure of the Republic." President Obama has definitively let transient policy goals overtake the Constitution. His argument is that the end justifies the means.

His argument is that he can say no to the Constitution. In essence, the Constitution does not apply to him. But the Constitution demands that the means justify the ends, and that adherence to established procedure is the best protection for liberty. A monarch or a king could say no to the Constitution. But under our Constitution, the President may not. It is the Constitution, and not the President, that refuses to take no for an answer.

Justice Jackson was also aware that the modern President's actions "overshadow the House and Senate, and even the Constitution itself," and that the President "can be considered as a more recent institutionalist—Robert C. Byrd? He defended the powers of the Senate institutionalist—Robert C. Byrd, of course. But under our Constitution, the Senate has confirmed nominees who were appointed without a recess. But the Constitution demands that the President's powers are political as well as legal. Many presidential powers derive from his position as head of a political party. Jackson wrote: "Party loyalties and interests sometimes more binding than law, extend his effective control into branches of government other than his own, and he often may win, as a political leader, what he cannot command under the Constitution."

Finally, he concluded, "[O]ur system of checks and balances was designed to prevent power from slipping through the fingers."

Outside these walls, in the reception room, are portraits of great Senators of the past. The original portraits were made of clay, calhoun, LaFollette, and Taft. They included such figures as Webster, Clay, Calhoun, LaFollette, and Taft. Yes, these Senators were partisans. But they were selected because of the role they played in maintaining the unique institution that is the Senate in our constitutional system. In particular, they protected the Senate and the country from the excessive claims of presidential power that were made by the chief executives of their time. Where are such Senators today? Where is a member of the President's party today who is like a more recent Senate institutionalist—Robert C. Byrd? He defended the powers of the Senate when Presidents overreached—and Presidents of his own party. Where are the Members who recognized that our sessions every 3 days rightly prevented President Bush from making recess appointments but who stand idly by as President Obama makes recess appointments without a recess?

I remind my colleagues of my experiences as chairman or ranking member of the Finance Committee. I refused to process nominations that passed through that committee to whom President Bush gave recess appointments. That is how I used the authority that I had to protect the rights of the Senate.

I do believe we should let the powers vested in the elected representatives of the American people slip through our fingers because we place partisan interests above the Constitution. I have shown how the Framers understood that supposedly expedient departures from the Constitution risked individual liberty. The constitutional text in this situation is clear. It must be upheld. We must take appropriate action to see that it is done.

Nor should we wait for the courts. The Constitution grants Congress the power to determine whether appointments are already the subject of litigation, we should take action ourselves rather than rely on others. The stakes are too high. On the other hand, even the OLC opinion recognizes, as it must, the litigation risk to the President.

For more than 200 years, Presidents have made very expansive claims of power under the Recess Appointments Clause. The President and the Senate have worked out differences to form a workinggovernment. Now, the Obama administration seeks to upend these precedents and that working relationship. It may well find, as did the Bush administration, that when overbroad claims of presidential power find their way to court, that not only does the President lose, but that expansive arguments of presidential power that had long been a part of the public discourse can no longer be made.

Although I believe that this ironic result will ultimately occur here as well, the Senate must defend its constitutional role on its own, as intended by the framers of the Constitution that we all swore an oath to uphold. Mr. KYL. Mr. President, important questions have been raised about Judge Gerrard's willingness to follow established precedent in a reasoned way in death-penalty cases. Too often, the Senate has confirmed nominees who are appointed without a recess, and who then abuse their authority and twist the law to block the execution of defendants. The opinions cover a variety of legal issues, including homicide appeals, tort issues, and evidentiary disputes. While serving on the State's highest court, Judge Gerrard has served on a number of committees, including those focusing on issues pertaining to gender, race and the judicial system.

The American Bar Association Standing Committee on the Federal Judiciary has rated Judge Gerrard with a unanimous "Well Qualified" rating. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. CONRAD. Mr. President, I yield back all time on our side.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of John M. Gerrard, of Nebraska, to be United States District Judge for the District of Nebraska?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Carolina (Mrs. HAGAN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from...
Georgia (Mr. Chambliss), the Senator from South Carolina (Mr. Graham), the Senator from Utah (Mr. Hatch), the Senator from North Dakota (Mr. Hoeven), and the Senator from Illinois (Mr. Kirk).

Further, if present and voting, the Senator from Utah (Mr. Hatch) would have voted “yea.”

The PRESIDING OFFICER (Mr. Manchin). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 16, as follows:

(Rollcall Vote No. 1 Ex.)

YEAS—74

Akaka
Durbin
Merkley

Alexander
East
Moran

Ayotte
Feinstein
Murkowski

Barrasso
Franken
Murray

Baucus
Gillibrand
Nelson (NE)

Begich
Grassley
Nelson (FL)

Bennet
Harkin
Portman

Bingaman
Heller
Prevote

Blumenthal
Hutchison
Pryor

Boxer
Inouye
Reed (RI)

Brown (MA)
Johnson (SD)
Reid (NV)

Brown (OH)
Kerry
Rockefeller

Burr
Klobuchar
Schrader

Cardin
Kohl
Shaheen

Capito
Kyl
Snowe

Carpenter
Landrieu
Stabenow

Casey
Leahy
Tester

Coats
Levin
Thune

Coons
Lugar
Udall (CO)

Collins
Mansin
Udall (NM)

Conrad
McCain
Warner

Cochran
McCaskill
Webb

Corker
Menendez
Whitehouse

Crapo
Menendez
Wyden

NAYS—16

Boozman
Johnson (WI)
Shelby

Coburn
Lee
Tomainey

Correa
Paul
Vitter

DeMint
Risch
Wicker

Inhofe
Rutte
Whitehouse

Isakson
NOT VOTING—10

Chambliss
Hoover
Mikulski

Graham
Kirk
Sanders

Hagan
Laufenberg
Steil

Hatch
Lieberman

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate’s action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Illinois is recognized.

MORNIG BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, reserving the right to object, can I kindly ask the assistant leader something, and this is a matter of accommodation. We have two speakers on the Republican side and two on the Democratic side. Would he be amenable to entering into an order to lock in the order and go back to the Senator from Illinois (Mr. Kirk).

Mr. CORNYN. Yes.

Mr. WYDEN. Five or 10 minutes each. We will be brief.

Mr. DURBIN. And then we will go back to the Senator’s side. Is that fair?

Mr. CORNYN. Yes.

Mr. DURBIN. I ask unanimous consent that that be the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR MARK KIRK

Mr. DURBIN. Mr. President, we have been gone for 6 weeks or so. It is great to see our colleagues back here. A lot of things have been exchanged about what we did back home during the break, but the focal point of most conversations on the floor this evening has been, rightfully, about my colleague, Senator Mark Kirk. Most everybody knows now he suffered a stroke over the weekend, and he underwent surgery in Chicago at Northeastern Hospital last night.

All that I know about this comes from a press conference his surgeon gave in Chicago today. We want to make it clear to Mark that he is in our thoughts and that we will turn it over to him. I will not speak at length. After they have spoken—can the Senator suggest a time?

Mr. WYDEN. I have no objection. May I have some suggestion about the time for each? Senators Wyden and Moran want to speak.

Mr. DURBIN. Mr. President, I think that is a reasonable request. Senator Moran and I, who have teamed up on Internet policy, wish to speak for a few minutes, if we could follow each other.

We plan to be brief. The Senator from Illinois will be brief. Is that acceptable?

Mr. CORNYN. I ask whether the Senator from Illinois would agree that following his comments I be recognized for 10 minutes, and then go back and forth.

Mr. DURBIN. Mr. President, here is what I suggest to the Senator from Texas. Senator Wyden and Senator Moran already asked for time. I only ask for 3 minutes to speak about Senator Kirk, and then I will turn it over to them. I will not speak at length. After they have spoken—can the Senator suggest a time?

Mr. WYDEN. I have no objection. Mr. President, I want to take a few minutes with Senator Moran tonight to reflect on the events of the last few days with respect to the Internet legislation. I want to begin by thanking Majority Leader Harry Reid for reopening the debate on anticounterfeiting and copyright protection legislation. In pulling the Protect IP Act from the floor, Leader Reid has given the Senate an opportunity to get this policy right.

The Senate now has the opportunity to consult all of the stakeholders, including the millions of Internet users who were heard last week. The Senate has the opportunity to ensure that those exercising their first amendment rights through the Internet, those offering innovative products and services, and those looking for new mediums for sharing and expression, have their voices heard.

I also express my appreciation to Senator Moran. He is an impassioned advocate for job creation and innovation on the Net—the first on the other side of the aisle to join me in this cause. My colleague, Senator Cantwell from Washington State, who is as knowledgeable as anybody in public service about technology, and Senator Rand Paul, who is a champion of the Internet as a place where those who look at the Net as a marketplace of ideas, stand together and approach policy in an innovative way.

Last week, tens of millions of Americans empowered by the Internet effected political change here in Washington. The Congress was on a trajectory to pass legislation that would change the Internet as we know it. It would reshape the Internet in a way, in my view, that would be harmful to our economy, our democracy, and our national security interests.

When Americans learned about all this, they said no. The Internet enables us to walk all the way to learn about the legislation and then take collective action to urge their representatives in Washington to stop it.

So everybody asked, come Wednesday, what would happen? In fact, the American people stopped this legislation. Their voices counted more than all of the advertising, more than all of the phone calls that were made by the heads and the executives of the movie
The global nature of the Internet has spawned a profusion of websites in countries that can’t or won’t enforce intellectual property law. Under S968, if a website were considered to be ‘dedicated’ to copyright or trademark infringement, its underlying numerical address or through overseas domain-name servers. These risks argue for tightening the name of a Web site.

Another provision would allow the attorney general to sue foreign sites that ‘facilitate’ piracy, and to demand that domestic search engines stop linking to them and that Internet service providers redirect traffic. Legislators should also think hard about how to manage the haphazardly global commercial and quasidomestic regimes like China’s, which outline block political Web sites.

Against the idea that the bill is in its effort to render sites invisible as well as unprofitable. Once a court determines that a site is dedicated to infringing, the measure would require the companies that operate payment processors to sever Internet users away from it. This misdirection, however, wouldn’t stop people from going to the site, because it would still be accessible via its underlying numerical address or through overseas domain-name servers.

A group of leading Internet engineers has warned that the bill attempts to hide piracy-oriented sites cooperated some legitimate sites because of the way domain names can be shared or have unpredictable mutual dependencies. And by encouraging Web consumers to cut off foreign or underground servers, the measure could undermine efforts to create a more reliable and friction-free domain-name system. This risks forcing Congress to take a more measured approach to the problem of overseas rogue sites.

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

(POLICING THE INTERNET)

A Senate bill aims to cut off support for any site found by the courts to be ‘dedicated’ to copyright or trademark infringement. Its goals are laudable, but its details are problematic.

Hollywood studios, record labels and U.S. trademark owners have been pushing Congress to give them more protection against parasitical foreign websites that are profiting from counterfeit or bootlegged goods. The Senate Judiciary Committee has responded with a bill (S968) that would force online advertising networks, credit card companies and search engines to cut off support for any site found by the courts to be ‘dedicated’ to copyright or trademark infringement. Its goals are laudable, but its details are problematic.

The threat of the Internet has spawned a profusion of websites in countries that can’t or won’t enforce intellectual property law. Under S968, if a website were deemed to be ‘dedicated’ to copyright infringement, federal agents could then tell the U.S. companies that direct traffic, processing payments, serve advertisements and locate information online to end their support for the site in question. Copyright and trademark owners would be able to follow up on these court protections in suit to stop ad networks and advertising systems that do not comply.

Cutting off the financial livelihood of communities that are counting on the income that against payment processors and advertising networks that do not comply.

The main problem with the bill is that it is not clear that all of its provisions are aimed only at rogue Web sites overseas. Foreign sites must be granted the same secure harbor immunity—punishments for domestic sites that abide by the 1998 digital copyright law. And rather than encouraging the companies and advertising networks to pre-emptively cut off business to Web sites accused of wrongdoing, a court order should be required before they take action.

(POLICING THE INTERNET)

GOING AFTER THE PIRATES

Online piracy is the bane of the Internet. Still, bills proposed in the House and the Senate have overreached. The legislation needs to be tightened to protect intellectual property without hindering online speech and innovation.

FORTY billion music files were shared illegally in 2006, according to the International Federation of the Phonographic Industry, amounting to 95 percent of all music downloads worldwide. Three-quarters of the three global music companies late 2010 and early 2011 were shared illegally.

Musicians, moviemakers, authors and software designers are not the only victims. Piracy’s cost is measured in lost innovation and less economic activity, as creators lose hope of making a living from their creations. Still, the definition of wrongdoing in the Stop Online Piracy Act introduced in the House is too broad.

Under the bill, copyright owners could direct payment providers like Visa and advertising networks and payment systems like MasterCard or PayPal to stop doing business with a Web site simply by filing notice that the site—or a “portion” of it—‘engages’ in, enables or facilitates’ intellectual property infringement or is being willfully blind to it.

Accused Web sites would have only five days to assert their innocence. And the payment providers and ad networks could not be sued by sites that were wrongly cut off, so their easiest course of action might be to just comply with copyright owners’ requests.

The bill’s legal definitions imply that copyright owners could starve a Web site of money simply by telling a payment processor that the site was infringing on intellectual property, the bill could stymie legitimate enterprises.

The purpose of the legislation is to stop business flowing to foreign rogue Web sites like the Pirate Bay in Sweden. But these provisions could affect domestic Web sites that are already covered by the 1998 Digital Millennium Copyright Act. That act has safe harbors for websites that don’t knowingly host pirated content, as long as they take it down when notified.

Another provision would allow the attorney general to sue any Web site that ‘facilitate’ piracy, and to demand that domestic search engines stop linking to them and that Internet service providers redirect traffic. Legislators should also think hard about how to manage the haphazardly global commercial and quasidomestic regimes like China’s, which outline block political Web sites.

The House bill is right to focus on payment systems and credit card companies to cut off the money to rogue Web sites. But like its Senate companion, the Protect IP bill, it has serious problems that must be fixed.

FGOING AFTER THE PIRATES

Online piracy is a huge business. A recent study found that Web sites offering pirated digital content or could not be measured in ilicit movie downloads or bootleg software, record $33 billion hits per year. That robs the industries that create and sell intellectual products of hundreds of billions of dollars.

From the New York Times, June 8, 2011

INTERNET PIRACY AND HOW TO STOP IT

Online piracy is a huge business. A recent study found that Web sites offering pirated digital content or could not be measured in illicit movie downloads or bootleg software, record $33 billion hits per year. That robs the industries that create and sell intellectual products of hundreds of billions of dollars.

The problem is particularly hard to crack because the villains are often in faraway countries. Bad apps can be difficult to pin down in the sea of Web sites and pirates can evade countervailing measures as easily as tweaking the name of a Web site.

Commandingly, the Senate Judiciary Committee is trying to bestow the government’s power to enforce intellectual property protections. Last month, the committee approved the Protect IP Act, which creates new tools to disrupt illegal online commerce. The bill is not perfect. Its definition of wrongdoing is broad and could be abused by companies seeking to use the law to quickly start Web sites. Some proposed remedies could also unintentionally reduce the safety of the Internet. Senator Ron Wyden put a hold on the bill over these issues, which, he argued, could infringe on the right to free speech. The legislation is, therefore, in limbo, but it should be fixed, not discarded.

Under the law, those that have ‘no significant use other than engaging in, enabling, or facilitating’ the illegal copying or distribution of copyrighted material in ―substantially complete form‖—entire movies or songs, not just snippets.

If the offender can’t be found to answer the accusation (a likely occurrence given that most Web sites targeted will be overseas), the government or a private party can seek an injunction from a judge to compel ad networks and payment systems like MasterCard or PayPal to stop doing business with the site.

The government—but not private parties—can use the injunction to compel Internet service providers to redirect traffic by not translating a Web address into the numerical

The 15 million Americans who were raising concerns months before the 15 million who looked up their names to Web sites around the country. They are joined by millions of other Americans who were raising concerns about our most cherished speech. The 15 million Americans who took action, who signed petitions, who provided their e-mail addresses and ZIP Codes in a desire to be informed are now urging us up to Web sites around the world. The 15 million who looked up their names to Web sites around the country. They are joined by millions of other Americans who were raising concerns months before the 15 million Americans who took action, who signed petitions, who provided their e-mail addresses and ZIP Codes in a desire to be informed are now urging us up to Web sites around the world. The 15 million Americans who took action, who signed petitions, who provided their e-mail addresses and ZIP Codes in a desire to be informed are now urging us up to Web sites around the world. The 15 million Americans who took action, who signed petitions, who provided their e-mail addresses and ZIP Codes in a desire to be informed are now urging us up to Web sites around the world. The 15 million Americans who took action, who signed petitions, who provided their e-mail addresses and ZIP Codes in a desire to be informed are now urging us up to Web sites around the world. The 15 million Americans who took action, who signed petitions, who provided their e-mail addresses and ZIP Codes in a desire to be informed are now urging us up to Web sites around the world.
language that computers understand. And they could force search engines to stop linking to them.

The broadness of the definition is particularly troubling. Because private companies are given a right to take action under the bill, in one notorious case, a record label demanded that YouTube take down a home video showing in the background a tune by Prince, claiming it violated copyright law. Allowing firms to go after a Web site that “facilitates” intellectual property theft—namely, that kind of over-reaching—and allow the government to blacklist a site.

Some of the remedies are problematic. A group of Internet safety experts cautioned that the procedure to redirect Internet traffic from offending Web sites would mimic what hackers do when they take over a domain. It occurred to me that the law could impair efforts to enhance the safety of the domain name system.

This kind of blocking is unlikely to be very effective. Users could reach offending Web sites simply by writing the numerical I.P. address in the navigator box, rather than the URL. The Web sites could distribute free plug-ins that translate addresses into numbers automatically.

The bill before the Senate is an important step toward making piracy less profitable. But it shouldn’t pass as is. If protecting intellectual property is important, so is protecting the Internet from overzealous enforcement.

Mr. Wyden. Mr. President, while the 15 million are no doubt pleased, as I am, that Majority Leader Reid pulled PIPA, they are waiting to see if we will now retrench into the old ways of doing things—the old way where Senators went behind closed doors and wrote legislation with the help of well-heeled lobbyists, the old way that has eroded the trust Americans have with the Congress and the confidence that we are here on their behalf—or will the Congress instead construct legislation that responds to a trend toward civil liberties in our broad collective interests? The American people want just that, and they deserve it. Among the lessons we should have learned from the events of the past few weeks is the importance of letting the public in on what we are doing.

There are serious unintended consequences when Members of Congress and staff think they have all the answers and rush to construct and pass legislation. There are clear virtues in engaging with my colleagues and a broad range of stakeholders in ways that allow for the legitimate sharing of information and protect the architecture and value of the Internet. I look forward to working with my colleagues and a broad cross-section of stakeholders to do that.

I have proposed an alternative with Senator Moran and Senator Cantwell here in the Senate. Chairman Issa and Congresswoman Lofgren have proposed exactly that kind of alternative in the House. It is called the OPEN Act. It is bipartisan. It is bicameral. It would allow us to go after the problem of these rogue foreign Web sites while at the same time protecting what we value so greatly about the Internet.

We are going to have more discussions about this legislation and other approaches in the future, but we now have an opportunity to get this right. To a great extent, that is possible because of my colleague from Kansas who has joined me in this effort, the first on the other side of the aisle to step up and say, “Let’s work with our colleagues.”

I also thank the Senator from Texas, Mr. Cornyn, for his courtesy so that Senator Moran and I, because of our broad legislative work, could make these brief remarks.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. Moran. Mr. President, I appreciate the remarks of the Senator from Oregon, Mr. Wyden.

It was a significant moment in my brief time as a Member of the Senate when, 3 months ago, Senator Wyden and I had a conversation here on the Senate floor about this legislation, about PIPA and about SOPA and about the open Internet, and it was a moment in which Senator Wyden found me looking for ways in which I could be engaged in the process of trying to create an environment in which entreprenuerism flourished in the United States.

I had been discouraged or disillusioned a bit by the lack of Congress’s and the President’s ability to find ways to reduce spending and to balance the budget, and while I don’t intend ever to walk away from those important issues, it became clear to me that another way we can reach a more balanced budget is to have a growing economy, and that a bill such as this that would suggest how we get there.

When Senator Wyden presented this thought to me about engaging on this issue, it was one that made so much sense to me, and I am very grateful for the part that we have developed.

Senator Wyden and I, as he said, intended to speak this evening about our concerns about the PROTECT IP Act prior to the bill being considered this week on the Senate floor. But because of the actions of millions of Americans in voicing their concerns about this legislation, it is no longer necessary for us to throw procedural obstacles in the way of the PROTECT IP Act, and I...
appreciate the majority leader withdrawing his plan to hold a vote tomorrow on this legislation.

Last week’s events in which we all received so much input is a very good reminder of what a powerful tool the Internet can be. It was encouraging to see so many Americans get involved, particularly young Americans who often choose not to be involved in the process. But they saw something important and they knew exactly how to communicate with elected officials. What became clear last week was that Congress, in this issue and its far-reaching implications, was not fully yet understood, and so to take a pause, to take a step back and to reconsider the direction we were going seems so appropriate to me.

Congress has the responsibility to remain engaged and up to speed on all issues the opportunity to use the Internet to communicate, the opportunity for free speech. And certainly we had concerns about national security. My concerns about the PROTECT IP Act were summed up like this: Certain provisions of legislation that threaten free speech, innovation, and our national security.

I am adamantly opposed to legislation that tampers with the Internet security, specifically the domain name system. Internet engineers have worked for 15 years to develop a way to authenticate the sites we visit to make sure they are secure and to enhance commerce on the Internet. At a time when our Nation faces increasing numbers of cyberattacks from abroad, PIPA and SOPA would create significant security risks and set America back more than a decade.

Second, both PIPA and SOPA would create legal battles because of the definitions in the bills that would drag companies into unnecessary and protracted litigation. We don’t need more legal battles. Congress should not put in place a system that would force law-abiding innovators to utilize their limited legal resources to defend themselves rather than invest in their companies, develop new products, and hire new workers.

America is a country of innovation that was founded on freedom and opportunity, and that has been true since the birth of our Nation when entrepreneurs have strengthened our country and its economy by creating new products and sharing them around the world. America will want the opportunity to develop new products and to innovate in the marketplace. Because of the power of technology, ideas that were once only imaginable have now become a reality.

About 1 year ago, I announced that it was accepting applications from cities across the United States to deploy a 1-gigabit Internet connection, which is roughly 100 times faster than what most users could experience today. Last March, much to my delight and the delight of many Kansans, Google chose Kansas City as the Nation’s first Google Gigabyte City. In fact, Kansas City was selected from more than 1,100 cities that had applied and competed.

Many people in the Kansas City area were soon asking: What is actually possible with a gigabit Internet connection? What happens when you connect an entire community with a gigabit Internet connection? The Gigabit Challenge was a project with the Internet2 Corporation. They predicted that when Americans are given access to cutting-edge technology—in this case, one of the fastest bandwidths in the world—new innovations, new applications, and new products would be created. So they challenged entrepreneurs and innovators to come up with products that will leverage this new network capacity and offered significant cash prizes for the three best ideas.

The response was overwhelming. Mr. President, 113 ideas were submitted from 5 continents, 7 countries, and 22 States. The list was eventually narrowed down to 17 companies that presented last week to a distinguished panel of judges. I had the opportunity to join Think Big Partners in Kansas City last week for part of that event, and I was impressed, so impressed, by what I saw. I congratulate the prize winners tonight who competed, and I congratulate all who competed, and I hope to see much more in the future.

The Gigabit Challenge underscores the fact that Americans want to innovate, and Congress should encourage innovation rather than create new hurdles for American creators and innovators. One of the most important things Congress can do to encourage innovation is to make it easier for entrepreneurs to start a business.

Last month, Senator Warner and I introduced bipartisan legislation called the Start-Up Act to jump-start the economy through creation and growth of new businesses. Data from the Kaufman Foundation in Kansas City shows that between 1980 and 2005, nearly all of the net jobs that were created in the United States were created by companies less than 5 years old. In fact, new businesses create about 3 million jobs each year.

The Start-Up Act recognizes the job-creating potential of entrepreneurs and is based upon five pro-growth principles: First, the Start-Up Act will reduce the regulatory burden on new businesses and startups. New businesses, which are almost always small, face a tough challenge complying with the various rules and regulations that govern business behavior. According to the U.S. Small Business Administration, companies with fewer than 20 employees spend 36 percent more per employee than larger firms to comply with Federal regulations.

Second, both PIPA and SOPA would create tax incentives to help facilitate the financing of new businesses so they can get off the ground and grow more quickly.

Third, the Start-Up Act recognizes that innovation drives the American economy. Some of the world’s best research and development occurs at American universities. The innovation that occurs on campuses across the Nation contribute to the strength and vitality of our economy. To speed development of new technologies to the marketplace where they can propel economic growth, the Start-Up Act uses a portion of existing Federal research and development funding to support innovative projects at American universities in order to accelerate and improve the commercialization of cutting-edge technologies developed through faculty research. When more good ideas make their way out of the laboratory and into the marketplace, more businesses and more jobs are created.

Fourth, the Start-Up Act encourages pro-growth State and local policies through the publication of reports on
new business formation and the entrepreneurial environment in States. I am proud that Kansas City leaders recognize the importance of policies that support entrepreneurs. Last year, area leaders declared that Kansas City should be called America’s Most Entrepreneurial City.” Dr. Robert Atkinson, the President and Founder of the Information Technology & Innovation Foundation, echoed those remarks. He said:

The United States is at risk of losing its economic leadership and vitality and it is essential for policymakers to unite in practical ways to reverse this trend. The Startup Act is a commendable example of what is needed to restore U.S. innovation-based competitiveness.

The millions of Americans who spoke out last week against a bill that would stifle innovation on the Internet understand the importance of this too.

Fostering innovation and promoting entrepreneurship are not Republican or Democrat ideas they are American values.

What occurred last week is a reminder to all of us in this Senate about the leadership that is necessary. Again, I congratulate Senator Wyden for providing that leadership. With good leaders in Washington, DC, and with the American people who understand in many instances better than we often do the value of entrepreneurship, of free speech and an open Internet, great things can once again happen in the United States of America. Our economy can flourish and grow.

It is so important that what occurred this week, with the legislation not proceeding, sets the stage for greater opportunities for our country to have a dream, to pursue it, to succeed, to spend their time pursuing that dream, and in achieving their dreams they have the opportunity to create success for others.

I urge my colleagues to work with me. Let us work together. Our country cannot wait until another election to get the economy growing again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

SENATOR MARK KIRK

Mr. CORNYN. Mr. President, I join my colleagues from Illinois in expressing our concerns about the junior Senator from Illinois, Senator Kirk, who, unfortunately, suffered a medical incident, has had surgery, and is now recovering in Chicago. We know once again we are reminded that life is short and it is fragile. It can happen to any one of us or our families or anyone we care about and love. I know all of us extend our sympathy and our well wishes to Senator Kirk as he begins his convalescence and recovery from this surgery and this medical incident that he has experienced.

THE BUDGET

Mr. CORNYN. Mr. President, I wish to observe that tomorrow night the President of the United States will make his annual State of the Union Address to Congress. This signals, of course, the beginning of the annual budget and appropriations process. But what has not happened for too long is the Senate passing a budget for the Federal Government. In fact, tomorrow, the same day the President will speak to the Nation, it will be the 1,000th day since the budget was passed by the Senate. That day was April 29, 2009. As the facts would reveal, it is our Democratic friends, led by the majority leader, Senator Reid, who have resisted bringing a budget to the floor for amendment and debate and a vote.

I believe with all my heart that is one of the reasons why the American people hold the Congress in such low regard. It is because we have failed in our most basic responsibilities, now for more than 1,000 days. None of us can imagine a family or small business operating without a budget. It is unthinkable. I suspect there are not many, if any, small businesses that do not sit down and do the hard work of working out a budget. A budget, after all, is a matter of priorities. As the distinguished occupant of the chair knows as a former Governor, there is no way a State, a city, a county, a small business, or a family can get by without a budget because it is the discipline that comes with a budget where you decide what is absolutely essential, you decide what you want to have that you maybe could put off for another day, and it forces you to reach the conclusion in some instances that things you would like to do are simply unaffordable. Unfortunately, the majority leader has simply resisted those hard decisions. That is regrettable.

As a member of the Budget Committee, I was especially disappointed by the Budget Committee’s very purpose of which is to debate and pass a budget, did not debate one this last year. The majority leader, when asked about this in the press, said that it would be foolish for the majority to produce a budget. I suspect he wanted to protect his Democratic Members from some tough votes and tough decisions. But that is what we were sent here for, to make hard but important decisions on behalf of our constituents and the American people, even if they are tough votes and even if they are unpopular decisions. That is our responsibility. But under the leadership of Senator Reid the Senate has completely abdicated that responsibility for now 1,000 days.

Nothing could be more foolish or foolhardy than refusing to provide the Nation’s job creators, investors, and, yes, the taxpayers, with a blueprint for our fiscal future. How is it that the majority can continue to shrink from the most basic responsibilities of governing? I am amazed sometimes. People say they want to serve in public office. They like the prestige, perhaps, the visibility, the power that goes along with it. Yet when it comes to actually discharging their responsibilities and making tough decisions, they may say no, I don’t want to make anybody mad.

But that is what we were sent here for. It is our responsibility. It is plain fact that the American people cannot afford to have this body continue paying just lip service to fiscal sanity while seeing our fiscal ship go off keel.

It should come as no surprise that during this period of time we have not had a budget for the Federal Government, the Nation has spent $9.4 trillion. And $4.1 trillion has been added to the national debt, if you account for the fact that the President recently asked for another $1.2 trillion in additional borrowing authority. The national debt has grown to more than $15 trillion and is now larger than the whole U.S. economy, our gross domestic product. Government spending has reached a post-World War II record and now makes up 25 percent of the economy. That is just government spending alone. The average has been somewhere around 20 percent of our gross domestic product. Now it is up to about 25 percent.

Unfortunately, because the economy is so depressed, revenues are around 15 percent, hence a 10-percent annual
budget deficit which, as it accumulates, adds to our national debt.

As we all know, our Nation has lost its triple-A credit rating from Standard & Poor's, casting further doubt about the solvency of the U.S. Government and its commitment to pay our debts. All three rating agencies have assigned a negative outlook, something short of a downgrade, but they have issued a warning to those who lend money to the U.S. Government. A negative outlook on the Nation's long-term rating is a signal too that future downgrades are more likely in the near future. You know what happens when the rating agencies downgrade our debt; it is more expensive for the Federal Government to borrow money.

Indeed, I have read that over a 10-year period of time, a 1-percent increase in the cost of paying China or somebody to buy our debt, in terms of a return on that investment, a 1-percent increase in the cost of persuading somebody to buy our debt would negate and wipe out any savings by a cut. To forgive a budget is simply a recipe for more debt and more out-of-control spending. While the majority has abdicated its responsibility to pass a budget, as required by law, and even refused to bring it to the floor, the Government has acted responsibly and has passed its own budget. But instead of offering their own blueprint in the Senate, the majority leader and the majority party have simply demagogued the House budget.

We have seen that from the President of the United States. Ultimately, Senator Reid brought the House budget up for a vote on the floor, knowing it would fail because it actually reduced spending; it continued much-needed tax relief, and it put the Government on a diet, something the Federal Government sorely needs.

The Senate also had an opportunity to finally vote on the budget submitted by the President last year. This was something that was prompted by action of Senator McConnell, the Republican leader, because our friends across the aisle did not, apparently, even want to vote on the President's proposed budget. But while there was support to pass the budget, not one Senator on either side of the aisle supported the President's budget. It went down 97 to 0, which was quite a remarkable vote. Even my colleagues on the other side of the aisle realized that the budget submitted by the President was an irresponsible budget, not one that would increase taxes, increase spending, and increase debt.

We know that higher debt leads to slower economic growth. Economic studies have shown that high levels of government debt inhibit economic growth by creating economic uncertainty, about the economy, about tax increases, and it actually crowds out or displaces investment in the private sector. Slower economic growth means fewer jobs. According to Christina Romer, former chair of the White House Council of Economic Advisers, a 1-percent change in gross domestic product growth is equivalent to 1 million jobs.

I would recall, back during the time the administration proposed its stimulus to try to get the economy moving again—$787 billion plus interest, roughly $1.3 trillion—they projected growth of the economy during 2011-2012 to be roughly 4.3 percent of gross domestic product. Unfortunately, in the third quarter of 2010, which is the last quarter for which some numbers are available, the economy grew at a rate of 1.8 percent—not 4.3 percent but 1.8 percent.

So the warning sound has clearly been heard. The fiscal tsunami that many budget experts predicted could suddenly arise is fast approaching. It is a challenge that faces the country today, not tomorrow, and we need solutions today. But it takes leadership and it takes courage. All we have to do is look across the Atlantic Ocean and watch what many of our European friends are doing through today to see what happens when government spending and debt are allowed to grow unchecked. When governments and nations live beyond their means and continue to rack up debt, passing it on to the next generation of Americans, they hold their children and grandchildren, at some point the creditors of that nation, the holders of that sovereign debt, lose confidence in the ability of those nations to actually pay it back and we see the kind of sovereign debt crisis like we are seeing in Europe today.

All of these challenges require Presidential leadership, but I am confident we will not hear the President talking about these issues tomorrow. The President and his party failed to embrace bipartisan fiscal overhaul plans such as the one produced by his own bipartisan debt commission, the Simpson-Bowles commission. Unfortunately, the President has chosen to ignore the work of his own debt commission.

Over the past 2 years we have also noted an explosion in the number of Federal regulations which have further created uncertainty in the economy and have cost the economy and job creators to sit on the sidelines not knowing what the cost is going to be of their doing business, whether their business model will actually work or whether in addition to taxes, regulation, and the cost of health care they can actually break even, much less make a profit. Well, it is no coincidence because of the higher debt, runaway regulations, and the threat of higher taxes that we have experienced the weakest economic recovery since World War II, leaving millions of Americans without jobs.

My constituents—all 25 million of them in Texas—and everyone in America deserve better, and they are telling us in unequivocal terms that they think the country is on the wrong track. How could they possibly believe otherwise? When my constituents know Washington borrows 40 cents out of every dollar it spends and knows the economic liability for the country, how would they say the country is on the right track when clearly it is not. Every man, woman, and child in my State and across the country is roughly $40 a month worse off, increased by almost 40 percent since President Obama took office in 2009.

The unemployment rate in Texas, while, thankfully, is lower than the national rate, consistently remains above what it was since the last time the Senate passed a budget. The unemployment rate in Texas is 20 percent higher than it was when the administration told Texans that its stimulus plan would make sure the national rate would go above 6 percent—clearly, they were off the mark, and the stimulus failed to meet the administration’s own stated goals.

My constituents also believe, with some justification, the national debt is a national security risk. ADM Mike Mullen, former Chairman of the Joint Chiefs of Staff, said it is the single biggest threat to our national security. It struck me as unusual to hear the Chairman of the Joint Chiefs of Staff saying it is our financial condition that is our national security threat. But when we think about it, if America cannot pay its debt back, if we experience a sovereign debt crisis, if the interest demanded by our creditors goes through the roof—as we have seen for Italian bonds and other bonds in Europe—it means we must spend the money to pay not only for the safety net programs that are important for the most vulnerable of Americans and keep our commitments for Social Security and Medicare, it means we will not be able to protect the national security of the United States, which is the No. 1 responsibility of the Federal Government.

Secretary of State Hillary Clinton has said the debt “undermines our capacity to act in our own interest . . . and it also sends a message of weakness internationally.”

My constituents know that successful debt reduction measures must rely on spending cuts, not tax increases, and that economic growth is one of the main goals. Right now if we don’t act before the end of the year, due to expiring tax provisions we will see the single highest tax bill in American history, almost $5 trillion more by some estimates.

For example, the State and local sales tax deduction—my State doesn’t have an income tax, and income taxes are deductible under Federal tax law,
but State sales taxes are not right now but for the provision that will expire by the end of the year. This is an important issue to my constituents and a matter of fundamental fairness.

In 2009, 2.1 million taxpayers in Texas claimed more than $1 billion in deductions. According to tax comptroller Susan Combs, extending the sales tax deduction will benefit millions of Texans who are working hard to keep our Nation’s economy vibrant.

I am proud my State has been a beacon from the economic standpoint of opportunity where people have voted with their feet, and they have moved from places where they don’t have jobs and don’t have opportunities to Texas where they do. It is no coincidence that as a result of the most recent reapportionment, Texas got four new congressional seats. This is primarily due to people moving to where the opportunity is. It makes perfect sense.

Why would we want to do anything that would threaten the economy of Texas or any other State of the Union? We know the President will give another speech to the American people tomorrow night, and he will send his budget—as required by law—to Congress next month. At this time, the American people will be able to see for themselves if we have a leader who possesses the audacity to bring us to where we need to be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBuchar. Mr. President, I speak as if in morning business for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ST. CROIX BRIDGE

Ms. KLOBuchar. Mr. President, we are about to pass unanimously the St. Croix bill. It is something we have been working on very hard—the two Senators from Minnesota, myself, Senator Franken, Senator Johnson, as well as Senator Kohn—to get through the Senate.

This bill allows a bridge to be built that has been waiting for 30 years. It is a bridge that exists now and is a beautiful bridge, but it is falling apart. Pieces of the bridge have fallen into the St. Croix River. It is a bridge that is expected to take 18,000 cars a day, and the Department of Transportation and the State of Minnesota believe very strongly we need a new bridge.

This legislation allows the bridge to move forward. I appreciate all of the help from my colleagues on both sides of the aisle. They have helped me to work on this legislation over the last few months. Senator Coon has made some changes at the end, and we worked with every single Senator to get this done.

The bill now moves to the House where it also enjoys bipartisan support, and both Governors of both States support this bill. They will then be allowed to build the bridge they want.

There has been questions raised about this kind of precedent under the Scenic Rivers Act. This is a very unique situation. It has taken us a year to pass. We are in a situation where any new bridge would need an exemption to the Scenic Rivers Act.

We are pleased this bill is getting passed today. I don’t believe anyone believed we could have done this unanimously after 30 years of work, but tonight we are getting it done.

I yield the floor.

TRIBUTE TO ADRIENNE POWERS

Mr. REID. Mr. President, I rise today to honor Adrienne Powers, who recently retired as Head Interior Designer for the Architect of the Capitol at the end of last year.

Many on Capitol Hill join my wife, Sandra, and me in expressing a sincere and warm congratulations on a well-earned retirement to Adrienne. Although her stylish genius and sensitivity to the integrity and history of the walls and floors of the Capitol will be missed, she has left an indelible mark that will not be forgotten.

In 1984, after receiving her Bachelor’s degree in interior design from American University, Adrienne began her career as interior designer with the Architect of the Capitol. Her first assignment was to style the legendary Senator Moynihan’s third floor office in the Russell Senate Office Building. After impressing Senator Moynihan with her ornate style and keen eye for fine art, other Senators quickly sought her services for their offices as well. This trend continued until she recently retired, making her one of the most popular figures among Members on both sides of the Capitol.

One would struggle to find some part of the Capitol that has not been improved by Adrienne’s immense talent and impeccable taste. After 27 remarkable years balancing history and purpose, she leaves behind an indelible community on Capitol Hill that will forever remember her friendship, professionalism and dedication.

RECOGNIZING THE FINANCIAL GUIDANCE CENTER

Mr. REID. Mr. President, I rise today to honor the Financial Guidance Center, FGC, a nonprofit organization that has remained steadfast in its commitment to providing financial literacy services to all Nevadans.

This year marks 40 years of empowering Nevadans by providing quality financial and credit counseling. FGC is a HUD-approved housing counseling agency that has remained steadfast in its commitment to providing financial literacy services to all Nevadans.

More than ever, their services are crucial to countless homeowners in Nevada. FGC provides access to free financial, housing, and bankruptcy counseling, debt management, downpayment assistance, and financial literacy programs that are essential to making our community and our country financially sound. The Financial Guidance Center should be proud of its enduring resolve to provide families with the important tools that contribute to a healthy community.

Selected by the Las Vegas Chamber of Commerce as the 2010 Non-Profit of the Year, FGC has remained dedicated to helping Americans get back on their feet, reach their housing goals, and attain much needed financial sustainability in these trying economic times.

I am pleased to stand today in recognition of the Financial Guidance Center and their many contributions to Nevada and Utah, and I wish them continued success in the years to come.

TRIBUTE TO JHETT JOHNSON

Mr. BARRASSO. Mr. President, today I wish to honor a true American Cowboy, Jhett Johnson. At the Wrangler National Finals Rodeo in Las Vegas, Jhett and his teammate, Turtle Powell, took home the gold buckle in the team roping competition after 10 rounds of competition against the best of the best.

Those of us in Wyoming talk about the Code of the West. As a sixth-generation Wyoming rancher and now a world champion rodeo cowboy, Jhett Johnson personifies the code. He lives each day with courage, takes pride in his work, and rides for the brand. Jhett has demonstrated this in all aspects of his life, not just his rodeo career. When still in his twenties, Jhett survived cancer. He approached his illness, and his recovery, by living the code. He wanted to finish what he started, and he intended to do what needed to be done. He knew that there were hundreds of rodeos ahead of him, and he wasn’t going to let cancer slow him down.

We can all learn from Jhett Johnson and his teammate, Turtle Powell. Team roping is not an individual sport. You must trust your partner. Team roping takes in incredible amount of practice and skill, but you must acknowledge that sometimes you catch one and sometimes you don’t. Competing requires miles and miles of travel to rodeos across our great Nation, which means time away from family and loved ones.

When he is not rodeoing, Jhett enjoys training horses on the family ranch near Casper, WY. He is the devoted husband to Jenny and father to three sons, Kellan, Carson, and Cress. Mr. President, congratulations, Wyoming’s world champion cowboy, Jhett Johnson, on his terrific accomplishments.
ADDITIONAL STATEMENTS

RECOGNIZING THE 100TH ANNIVERSARY OF THE HAWAIIAN VOLCANO OBSERVATORY

Mr. AKAKA. Mr. President, today I wish to commemorate the centennial anniversary of the founding of the Hawaiian Volcano Observatory, HVO, on the island of Hawaii on January 17, 1912. Currently situated on the northwest flank of the island of Kilauea, one of Earth’s most active—and most studied—volcanoes, HVO has collaborated with top scientists from around the world to achieve its mission: to create a detailed account of Hawaii’s volcanic activity. During its 100 years of operation, HVO’s pursuit of this mission has not only led to great strides in the study of volcanology, it has made living near these volcanoes safer for island residents.

Established by the late visionary geologist Thomas A. Jaggar, Jr., the observatory has been continuously monitoring Kilauea and other Hawaiian volcanoes for the past century, collecting data critical to the understanding of volcanic activity. Jaggar’s work built on the predecessor contributions of the world-renowned American volcanologist, Frank A. Perret, who received essential contributions from several local businessmen, who pledged significant sums to establish the observatory at Kilauea.

Over time, the sponsorship and operation of HVO has been administered through various Federal agencies, including the States Weather Bureau from 1919 to 1924; the United States Geological Survey, USGS, from 1924 to 1935; the National Park Service, NPS, from 1935 to 1947; and the USGS again from 1947 to the present. Throughout HVO’s history, it has worked with local interests to further public safety, education and outreach, and geological science. HVO has enjoyed a long partnership with the University of Hawaii’s Hilo and Manoa campuses, as well as close working relationships with NPS at Hawaii Volcanoes National Park, the County of Hawaii, and Hawaii’s news media.

The observations made from HVO have led to groundbreaking contributions in modern geological science through their precision and diligence in data collection, thorough analysis of the observatory’s vast record, and innovation in monitoring devices and techniques. Today, HVO scientists analyze data collected from more than 100 field stations, which include seismic, deformation, volcanic-gas, geologic, and other monitoring tools. These stations transmit data to HVO around the clock, with a single instrument sending as much as 60 terabytes of data each year. As a result, HVO-guided efforts have successfully diverted or stopped lava flows threatening Hilo and neighboring communities, mitigated the damage caused by tsunamis by providing early warnings, and I have painted a rich, detailed account of the activity of some of the world’s most volatile volcanoes.

Finally, I wish HVO and USGS the best of luck and continued successes as they carry on their important work. I know that they are excited to begin the next hundred years of the observatory’s work, and I look forward to the advances that will result from their efforts.

REMEMBERING JIM CAPOOT

Mr. BOXER. Mr. President, I ask my colleagues to join me in honoring the life of James ‘Jim’ Capoot—a dedicated husband, proud father, loving son, devoted friend and respected colleague. Officer Capoot lost his life in the line of duty while serving the Vallejo Police Department on November 17, 2011. He was 45 years old.

Jim Capoot was originally from Little Rock, AR, and served in the U.S. Marine Corps and as a California Highway Patrol Officer before joining the Vallejo Police Department in 1992. Officer Capoot was a highly decorated officer having received the Vallejo Police Department Office of the Year award, the Medal of Merit, the Life Saving Medal, and twice awarded the Medal of Courage. In addition to his work with the Police Department, Officer Capoot was the volunteer coach of the Vallejo High School girls’ basketball team and led the team to a section championship in 2010.

Officer Jim Capoot, like all those who serve in law enforcement across California, put his life on the line to protect his community. I extend my deepest condolences to his loving wife Jennifer and three daughters. My thoughts and prayers are with them. We are forever indebted to him for his courage, service and sacrifice.

REMEMBERING WARREN HELLMAN

Mrs. BOXER. Mr. President, today I ask my colleagues to join me in honoring the life and legacy of Warren Hellman, a San Francisco financier, philanthropist, and community leader who died last month at age 77 from complications of leukemia.

In addition to its spectacular beauty, the City of San Francisco is known around the world for its great heart and free spirit, its celebration of diversity, and its charm. In recent years, perhaps no San Franciscan has embodied the beloved city more than Warren Hellman. He was a fantastically successful businessman and investor who liked to dress casually, ride horses, run 100-mile races, and play bass on his banjo.

Here is how Warren was remembered by the Bay Citizen, the free newspaper he founded when he felt that local news coverage was in decline: ‘‘A rugged iconoclast whose views on life rarely failed to surprise, Hellman was a lifelong Republican who supported labor unions, an investment banker whose greatest joy was playing songs of the working class in a bluegrass band, and a billionaire who wanted to pay more taxes and preferred the company of crooners and horsemen who shared his love of music and cross-country ‘‘ride and tie’’ races.’’

Warren Hellman was born in New York and raised in San Francisco. He graduated from the University of California, Berkeley and earned an MBA at Harvard Business School. After becoming the youngest director in the history of Lehman Brothers, Warren moved home to California and co-founded the private equity firm of Hellman & Friedman. Though he made a lot of money, he much preferred giving it away. One of his favorite sayings was ‘‘like manure: If you spread it around, good things will grow—and if you pile it up, it just smells bad.’’
Among the many institutions Warren helped grow were the San Francisco Free Clinic, the Hellman Fellows Program at UC Berkeley, and hisHardly Strictly Bluegrass festival, where more than half a million people come each year to hear free concerts from top entertainers and from Warren’s band, the Wronglers.

He served as chairman and trustee emeritus of The San Francisco Foundation; advisory board member of the Walter A. Haas School of Business at UC Berkeley Foundation; trustee emeritus of The Brookings Institution; board member of the Committee on JOBS; member of the Board of Directors and Executive Committee of the Jewish Community Federation; chairman of the Jewish Community Endowment Fund; board member of the San Francisco Chamber of Commerce and the Bay Area Council; and chairman of Voice of Dance.

Warren also led many efforts to support civic initiatives in San Francisco, from the underground parking garage that saved two major museums in Golden Gate Park to the broad-based campaign to reform San Francisco’s city elections system. On behalf of the people of California, who have benefitted so much from Warren Hellman’s great generosity and public spirit, I send my deepest gratitude and condolences to his wife, Patricia Hellman; his children, Marco “Mick” Hellman; daughters Frances Hellman, Judith Hellman, and Patricia Hellman Gibbs; his sister, Nancy Hellman Bechtel; and his 12 grandchildren. Warren’s passing is a great loss to his family, his friends, and the city he loved and served so well.

RECOGNIZING THE ANNENBERG RETREAT AT SUNNYLANDS

Mrs. BOXER. Mr. President, this year the late Walter and Leonore Annenberg’s legendary California estate, Sunnylands, will open its doors to the public as the Annenberg Retreat at Sunnylands. I ask my colleagues to join me in honoring the Annenbergs’ remarkable legacy and saluting the new institution’s noble goals.

Sunnylands was designed and built in the mid-1960s as the Annenbergs’ desert home in Rancho Mirage. It served as their winter residence and as a tranquil retreat and meeting place for President of the United States and the Secretary of State to bring together world leaders to promote and facilitate peaceful solutions to world crises; for the President and the Cabinet, the Supreme Court, and the bipartisan leadership of the Congress to meet to focus on ways to improve the functioning of the three branches of government; and for leaders of major social institutions, such as universities, colleges, public schools, charities, and government agencies, to meet and determine how these institutions might better serve the public good.

I invite my colleagues to join me in congratulating the Annenberg Retreat at Sunnylands for realizing the Annenbergs’ dream of creating a world-class center that provides our leaders with an atmosphere to discuss vital issues, promote cooperation, and craft solutions for our Nation and the world.

TRIBUTE TO LILY TOMLIN AND JANE WAGNER

Mrs. BOXER. Mr. President, on March 16th, two of the Nation’s greatest theatrical talents will be recognized when my friends Lily Tomlin and Jane Wagner are added to the Palm Springs Walk of Stars.

As we all know, Lily Tomlin is a dazzling star of stage, screen, and television. She first won the hearts of millions of Americans more than 40 years ago on Rowan and Martin’s Laugh-In, where she created unforgettable characters such as the world famous telephone operator Ernestine and the precocious young child Edith Ann. Lily said of these characters, “I don’t necessarily admire them, but I do them all with love.” From the beginning, audiences fell in love with Lily Tomlin.

In 1971, Lily began working on an Edith Ann comedy album with a brilliant, award-winning young playwright named Jane Wagner. They produced acclaimed recordings and television specials and went on to further triumphs on Broadway and in Hollywood. It is fitting that Lily and Jane will be honored together on the Palm Springs Walk of Stars, not only because of their long personal and professional partnership, but because they have formed one of the most fruitful creative collaborations in the history of American performing arts. Over the past four decades, Jane Wagner has written 12 hit plays, three motion picture scripts, and three television specials. This expertise led him to produce this remarkable young playwright’s work, and together they brought 12 characters into being that continue to entertain and delight audiences around the world.

TRIBUTE TO STEVEN D. GARBARINO

Mr. CARDIN. Mr. President, I wish to take this opportunity to congratulate Mr. Steven D. Garbarino of Owings Mills, MD, on the highly successful 27-year career as a civilian employee within the Department of the Army, U.S. Army Corps of Engineers Baltimore District, on January 31, 2012. Mr. Garbarino’s entire career was marked by his daily demonstration of the Army’s values. His performance reflected a strong loyalty to the organization and its members; a selfless dedication to duty, his customers and the Corps’ public service mission; and a non-nonsense “can-do” attitude built upon trust, integrity, superb competence, and the personal courage to strive for excellence in his job performance. I applaud his commitment to public service and recognize the sacrifices he has made for the good of our Nation. Mr. Garbarino highlights the importance of hard-working Federal workers who strive to keep us healthy, safe, informed, and free to enjoy the lifestyle that we, as Americans, have grown to appreciate and expect. He is a model Federal employee who readily deserves recognition for his distinguished career as a professional member of the U.S. Army Corps of Engineers.

As a project manager, Mr. Garbarino made significant personal efforts to become a subject matter expert on policy, procedures, and processes associated with the Civil Works Program and projects. This expertise led him to serve as a mentor to project team members and other Civil Works project managers.

Mr. Garbarino has also authored several environmental technical report/papers and made numerous presentations related to his work. Forums for these presentations have included numerous workshops, conferences, public meetings, televised interviews, radio talk shows, and the United Nations 1995 conference on environmental restoration. Over his career he has developed a strong public speaking presence and is recognized for his outstanding professional representation of the Corps.

I also want to thank Diane, Steve’s wife of over 30 years, and their two
sons, Garret and Zachery. The families of outstanding Federal employees have to make sacrifices, too, as they share their loved ones with a job serving the American people. I know they join me in my best wishes to Steve for a happy and well-earned retirement.

Mr. President, it is my sincere pleasure to congratulate Mr. Garbarino on the occasion of his retirement. He was a highly valued employee of the Baltimore District and well deserves recognition in 2012 for his outstanding public service career as a distinguished member of the Federal workforce. He is an outstanding example of the Federal workforce who worked tirelessly day in and day out for the American people.

REMEMBERING ROGER DOUGLAS KOTTER

Mr. CRAPO. Mr. President, today I wish to honor the life of Roger Kotter, a husband, father, community leader, businessman, and exemplary Idahoan.

At the core of Roger Kotter’s accomplishments were his dedication to family, strong sense of community, and his ability to connect with his customers. He was a counselor in the Boise Idaho Stake for the Church of Jesus Christ of Latter-day Saints in Santiago, Chile, from 1966 to 1968, married his wife of 43 years, Karen, and graduated from Brigham Young University and earned his degree in business. In 1971, he moved back to Nampa and started working for Stone Lumber in 1972 and became part owner in 1980. Stone Lumber has been a staple of Nampa since 1906, and under the direction of Roger and Monte Schlerf, has continued in the tradition of providing jobs and exceptional customer service. Roger also devoted decades of service and was involved in various organizations, including Nampa Exchange Club past president—Nampa Boys and Girls Club, Nampa Schools Foundation, Boy Scouts of America, and through Stone Lumber, worked with Habitat for Humanity. Roger was active in supporting the local Hispanic community acting as a mentor and teaching English. He was also actively involved with his church and served in stake presidencies, bishoprics, and was most recently a counselor in the Boise Idaho Mission presidency. Roger has been recognized for his commendable skills through honors, such as his selection as Idaho Businessman of the Year in 2000.

I join Roger’s wife Karen; five children, Kristin, Jason, Brent, Matthew, and Amy; 12 grandchildren; father, James; 6 siblings; other family members; many friends; the Nampa community, and the numerous people he inspired in mourning his loss and expressing gratitude for his contribution. Roger Kotter will be missed, and his legacy of devotion to his family and community will not be forgotten.

TRIBUTE TO REAR ADMIRAL KAREN A. FLAHERTY

Mr. INOUYE. Mr. President, I rise today to recognize a great American and a true military visionary who has humbly served our country for close to 40 years in the Navy Nurse Corps, both Active and Reserve components: RADM Karen A. Flaherty. For reasons of privacy, Karen of Winsted, CT, joined the U.S. Navy as a Nurse Corps candidate in July 1973. Upon graduation from Skidmore College, she attended Officer Indoclination School in Newport, RI, in August 1974.

Admiral Flaherty’s first assignment was Quantico Naval Hospital, where she served as a staff nurse and charge nurse of the Surgical Ward, Orthopedic Ward, and the Maximum Care Unit. Upon transfer to the Philadelphia Naval Medical Center in 1977, she assumed the duties as charge nurse for the General Surgery Unit and the Obstetrics and Gynecology Clinic. Admiral Flaherty then served as the officer programs officer for Naval Recruiting Command, Navy Recruiting District New Jersey in 1979. She transitioned to the Naval Reserve in 1982.

Admiral Flaherty’s subsequent reserve tours included assignments to numerous naval hospitals and fleet hospital commands. In her distinguished career she has served as commanding officer, Fleet Hospital, Fort Dix, N.J., excelling in the areas of nursing services, officer-in-charge, and training officer. In February 1991, she was recalled to serve with Fleet Hospital 15, Al Jubail, Saudi Arabia, in support of Operation Desert Shield/Storm. She served as commanding officer of the OPNAV 093 Reserve Unit prior to assuming Flag duties as the Deputy Commander Force Integration National Capital Area and the deputy chief for health care operations at the Bureau of Medicine and Surgery. In 1997, Admiral Flaherty and her husband moved back to Nampa and started working for Stone Lumber in 1972 and became part owner in 1980. Stone Lumber has been a staple of Nampa since 1906, and under the direction of Roger and Monte Schlerf, has continued in the tradition of providing jobs and exceptional customer service. Roger also devoted decades of service and was involved in various organizations, including Nampa Exchange Club past president—Nampa Boys and Girls Club, Nampa Schools Foundation, Boy Scouts of America, and through Stone Lumber, worked with Habitat for Humanity. Roger was active in supporting the local Hispanic community acting as a mentor and teaching English. He was also actively involved with his church and served in stake presidencies, bishoprics, and was most recently a counselor in the Boise Idaho Mission presidency. Roger has been recognized for his commendable skills through honors, such as his selection as Idaho Businessman of the Year in 2000.

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REMEMBERING CHARLES M. PALLESEN, JR.

Mr. NELSON of Nebraska. Mr. President, today I wish to pay tribute to a good friend who can quite aptly be called a gentleman and a scholar, as well as one very likeable person who touched the lives of many of my fellow Nebraskans. Charles M. “Chuck” Pallesen, Jr., passed away on November 26, 2011, at the age of 74.

First and foremost a loving husband and father, Chuck married his college sweetheart, Lorraine Sysel; and two sons, Mike and Ed, together with their families, blessed this union. He was also a former Boy Scout, a U.S. Army veteran who served in the Judge Advocate General’s Corps; and a partner for more than 40 years in a successful law practice—Cline Williams Wright Johnsson & Oldfather, L.L.P.—specializing in health care and business law.

Chuck was one of the most active people in civic and political matters that I have ever met. He was engaged in the Nebraska efforts of every Presidential campaign from John F. Kennedy to Barack Obama. He was a key adviser not only to me, but also to former Nebraska Governors and Senators Jim Exon and Bob Kerrey.

Yet Chuck was so much more than his résumé. A good friend of his, Gerry Finnegan, said recently that: “Chuck was at his best, both professionally and politically, lodged between disagreeing parties coaxing them to resolve their conflict—a masterful mediator blessed with an innate sense of how much adversity could give and how hard he could push for a resolution.”

This ability, combined with an outgoing personality and a keen eye for details, made him invaluable to Senators Exon, Kerrey, and myself.

Always a very busy guy, Chuck and a colleague, former Judge Samuel Van Pelt, Jr., had been in the process of authoring a book about Senator Exon. Chuck spoke to me several times, both for and about his upcoming book. It was extremely enjoyable, and I looked forward to every opportunity to walk down memory lane and swap stories about “Big Jim.”
one of the greatest Nebraskans to ever serve my home State. Chuck's untimely passing has made me look forward even more to reading his labor of love when it is published, and when I do, I will be remembering not only the great J. James Exon, but Charles Pallesen, Jr., as well—on every page and throughout every chapter.

In closing, Chuck Pallesen was a man who will be missed by all who knew him and remembered as an individual who served his community, State and country well. A true statesman, we are all the better for Chuck's countless contributions, his enthusiasm, his dedication, and most of all, his compassion. He was truly a giant among men.

CATHOLIC SCHOOLS WEEK

Mr. VITTER. Mr. President today, I would like to recognize and honor the valuable contributions of Catholic schools in educating our young people throughout our great Nation. This year from January 29 to February 5, we will celebrate Catholic Schools Week to recognize the exceptional work of Catholic education programs across the country.

Our Nation's Catholic schools have received international praise for academic excellence and have provided students with lessons that extend far beyond the classroom. These schools have continued to impart comprehensive curriculums that emphasize moral, intellectual, and physical development in young people.

In Louisiana, our Catholic schools maintain high academic standards, foster a healthy learning environment for students, and encourage family involvement in the ongoing education of children. Today, more than two million students attend Catholic schools in the United States, and Catholic schools nationally graduate 99 percent of students with more than 97 percent pursuing college degrees.

The National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives."

This statement not only stresses the importance of education as part of the mission of the Catholic Church, but also the importance of community and schools in shaping our young people as they go out in to the world to become valuable members of society and their community.

This week, we recognize the students, their families, teachers, administra-

tors, all of our parish leaders, and our communities for their efforts to support our Catholic schools and continued achievement towards the education of our young people.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(REPORTS RECEIVED DURING THE DEBT LIMIT, RECEIVED DURING ADJOURNMENT OF THE SENATE ON JANUARY 12, 2012—PM 36]

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

THE WHITE HOUSE,
Hon. Joseph R. Biden, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Pursuant to section 3101A(a)(2)(A) of title 31, United States Code, I hereby certify that the debt subject to limit is within $100,000,000,000 of the limit in 31 U.S.C. 3101(b) and that further borrowing is required to meet existing commitments. Sincerely,
Barack Obama

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on January 18, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following resolutions:

H. Res. 511. Resolution that Paul D. Irving of the State of Florida, be, and is hereby, chosen Sergeant-at-Arms of the House of Representatives.

H. Res. 513. Resolution that the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The message also announced that pursuant to House Resolution 512, the Speaker appoints the following Members of the House of Representatives to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and that Congress is ready to receive any communication that he may be pleased to make: Mr.

CANTOR of Virginia and Ms. PELOSI of California.

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

H.J. Res. 98. Joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on January 12, 2012.

The message also announced the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 96. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

The message further announced that pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), the Minority Leader appoints the following member on the part of the House of Representatives to the Election Assistance Commission Board of Advisors: Mr. Gregory T. Moore of Washington, DC.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 440. An act to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

H.R. 3012. An act to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

The following joint resolutions were read the first and second times by unanimous consent, and placed on the calendar:

S.J. Res. 34. Joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on January 12, 2012.

H.J. Res. 98. Joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on January 12, 2012.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on December 20, 2011, she had presented to the President of the United States the following enrolled bill:

S. 278. An act to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with
accompanying papers, reports, and documents, and were referred as indicated:

EC-4401. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTCT-11-137, of the proposed sale or export of defense articles and/or defense services to a Middle East country, pursuant to law, to the Committee on Armed Services.

EC-4402. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Michael C. Vitale, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-4411. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an of- ficer, pursuant to law, to the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4412. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the advancement of Jeffrey A. Remington, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4413. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report relative to the Foreign Language Skill Proficiency Bonus program; to the Committee on Armed Services.

EC-4414. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Cyanophos; Pesticide Tolerances” (FRL No. 9076-7) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4415. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Cyhalofop-butyl; Pesticide Tolerances” (FRL No. 9328-4) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4416. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Tepraloxydim; Pesticide Tolerances” (FRL No. 9330-2) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4417. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Regulation of Fuels and Fuel Additives: 2012 Renewable Fuel Standards” (FRL No. 9614-4) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4418. A communication from the Acting Director, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Classes of Poultry” (RIN 0589-AC93) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4419. A communication from the Secretary of the Commission, Division of Clearing and Risk, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled “Investment of Customer Funds and Funds Held in an Account for Foreign Futures and Foreign Options Contracts” (RIN 8105-AD4) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4420. A communication from the Secretary of the Commission, Division of Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled “Registration of Foreign Boards of Trade” (RIN 35388-AD19) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4421. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “United States Savings Bonds, Series EE and I” (31 CFR Parts 351, 359, and 363) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4422. A communication from the Deputy Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled “Temporary Registration as a Municipal Advisor; Required Amendments; and withdrawal from temporary registration” (RIN3235-AK59) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4423. A communication from the Chairman of the Federal Housing Finance Agency, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-4424. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-4425. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Financial Stability Oversight Council’s report relative to prompt corrective action; to the Committee on Banking, Housing, and Urban Affairs.

EC-4426. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Suspension of Community Eligibility” (41 CFR Part 6) (Docket No. FMA-2011-0002) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4427. A communication from the Chief Counsel of the Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; State of New Jersey Implementations; State of New York Implementations” (44 CFR Parts 201 and 202) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

January 23, 2012
EC-4440. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Wisconsin and Determination for Kansas Regarding Interstate Transport of Ozone” (FRL No. 9610-9) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Environment and Public Works.

EC-4441. A communication from the Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Federal Implementation Plans for Iowa, Ohio, Oklahoma, Wisconsin and Determination for Kansas Regarding Interstate Transport of Ozone” (FRL No. 9609-9) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Environment and Public Works.

EC-4442. A communication from the Secretary of the Interior, transmitting, pursuant to law, a legislative proposal relative to the Migratory Bird Hunting and Conservation Stamp, popularly known as the Duck Stamp, to the Committee on Environment and Public Works.

EC-4443. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of a rule entitled “Highly Erodible Land and Wetland Conservation” (RIN9560-AH97) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Environment and Public Works.

EC-4444. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Modification of Administrative Procedures; Determination Letter Program Changes” (Announcement 2011-82) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Finance.

EC-4445. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Employee Plans; Determination of Failure to Attain the One-Hour Ozone Standard” (FRL No. 9612-8) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2011; to the Committee on Environment and Public Works.

EC-4446. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; West Virginia; revised Motor Vehicle Emission Budgets for the Charleston, Huntington, Parkersburg, Beckley, Cabin Creek, and Hinton Air Pollution Control Districts” (FRL No. 9609-1) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Environment and Public Works.

EC-4447. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Oklahoma; Federal Implementation Plan for Interstate Transport of Pollution Affecting Visibility and Best Available Retrofit Technology Determinations” (FRL No. 9611-2) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Environment and Public Works.

EC-4448. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting” (FRL No. 9610-9) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Environment and Public Works.
Treasury, transmitting, pursuant to law, the report of a rule entitled “2011 Cumulative List of Changes in Plan Qualifications Requirements” (Notice 2011–97) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2011; to the Committee on Finance.

EC–4458. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Reporting of Specified Interests in Financial Assets” (RIN1545–BK17) (TD 9567) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2011; to the Committee on Finance.

EC–4454. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Corporate Reorganizations; Guidance on the Measurement of Continuity of Interest” (RIN1545–BG15) (TD 9565) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2011; to the Committee on Finance.

EC–4455. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Tax Return Preparer Penalties Under Section 6690” (RIN1545–BK16) (TD 9570) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2011; to the Committee on Finance.

EC–4456. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Guidance Regarding Payroll Sales Taxes” (RIN1545–BI14) (TD 9563) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2011; to the Committee on Finance.

EC–4457. A communication from the Senior Advisor, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled “Revisions to Rules of Conduct and Standards of Responsibility for Representatives” (RIN0960–AH12) received during adjournment of the Senate in the Office of the President of the Senate on December 27, 2011; to the Committee on Finance.

EC–4458. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report on the Child Support Enforcement Program for fiscal year 2009; to the Committee on Finance.

EC–4459. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Relief for IRA Owners Subject to Certain Broker Agreements” (Announcement 2011–73) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2011; to the Committee on Finance.

EC–4460. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration’s Competitive Sourcing Report for fiscal year 2011; to the Committee on Finance.

EC–4461. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Ronald Andrew Mayo v. Internal Revenue Service, 136 T.C. 81 (2011)” (AOD–2011–06) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2011; to the Committee on Finance.

EC–4462. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Case–Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of a rule entitled ‘Relief for IRA Owners Subject to Certain Broker Agreements’; to the Committee on Foreign Relations.

EC–4463. A communication from the Chairman of the Special Senate Selection Committee, Department of the Senate, transmitting, pursuant to law, the report of a rule entitled “Regulations Implementing the Longshore and Harbor Workers’ Compensation Act: Recreational Vessels” (RIN1240–AA02) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–4473. A communication from the Deputy Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled “Conflict of Interest Regulations” (RIN3325–AK83) received during adjournment of the Senate in the Office of the President of the Senate on December 27, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–4474. A communication from the Executive Director, Senate Select Committee on Intelligence, transmitting, pursuant to law, the report of a rule entitled “Regulation of Carriers of International Traffic in Arms Regulations” (RIN3142–AA06) received during adjournment of the Senate in the Office of the President of the Senate on December 27, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–4475. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; FAR Case 2010–055, Updated Financial Accounting Standards Board Accounting Reference”, (RIN1545–AK60) (FAC 2005–55) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–4476. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; Technical Amendments” (FAC 2005–55) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–4477. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; Federal Acquisition Circular 2005–55, Small Entity Compliance Guide” (FAC 2005–55) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–4478. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; Federal Acquisition Circular 2005–55, Introduction” (FAC 2005–55) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–4479. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; FAR Case 2008–032, Preventing Abuse of Interagency Contracts” (RIN1540–AL69) (FAC 2005–55) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–4480. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; FAR Case 2010–016, Public Access to the.
Federal Awardee Performance and Integrity Information System’’ ((RIN9000–AL94) (FAC 2005–55)) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–481. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ‘‘Federal Acquisition Regulation; FAR Case 2005–037. Brand-Name Specifications’’ ((RIN9000–AK55) (FAC 2005–55)) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–482. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ‘‘Federal Acquisition Regulation; FAR Case 2005–037. Brand-Name Specifications’’ ((RIN9000–AL94) (FAC 2005–55)) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–483. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ‘‘Federal Acquisition Regulation; FAR Case 2005–037. Brand-Name Specifications’’ ((RIN9000–AM14) (FAC 2005–55)) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–484. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a rule entitled ‘‘Cost Accounting Standards Pension Harmonization’’ ((RIN9000–AP00) (FAC 2005–55)) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–485. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a rule entitled ‘‘Cost Accounting Standards Pension Harmonization’’ ((RIN9000–AP00) (FAC 2005–55)) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–486. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ‘‘Audit of the District of Columbia Lottery and Charitable Games Control Board From Fiscal Year (FY) 2007 to FY 2009’’; to the Committee on Homeland Security and Governmental Affairs.

EC–487. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Committee’s Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–488. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled ‘‘Performance and Accountability Report Fiscal Year 2011’’; to the Committee on Homeland Security and Governmental Affairs.

EC–489. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Semiannual Report from the Office of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.


EC–491. A communication from the Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report entitled ‘‘2011 Sector Critical Infrastructure Protection Annual Report for the Postal and Shipping Sector’’; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES DURING ADJOURNMENT

Under the authority of the order of the Senate of December 17, 2011, the following reports of committees were submitted on January 13, 2012:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 140. A bill to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes (Rept. No. 112–103).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 247. A bill to establish the Harriet Tubman National Historical Park in Auburn, New York, to honor Harriet Tubman, Underside of the Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes (Rept. No. 112–105).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 290. A bill to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman Dam and Pumping Plant project in Oklahoma, and for other purposes (Rept. No. 112–110).


S. 888. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System (Rept. No. 112–119).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 896. A bill to amend the Public Land Corps Act of 1990 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation’s natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of those services (Rept. No. 112–121).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 499. A bill to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project (Rept. No. 112–116).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 500. A bill to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Fork Valley Electric Cooperative and, for other purposes (Rept. No. 112–111).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 526. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Arizona to the Arizona Game and Fish Commission, for use as a public shooting range (Rept. No. 112–122).

S. 1080. A bill to authorize the Secretary of the Interior to establish the Rio Grande del Norte National Conservation Area in the State of New Mexico, and for other purposes (Rept. No. 112–113).

S. 766. A bill to provide for the designation of the Pelletier’s Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild rivers, and for other purposes (Rept. No. 112–117).

S. 779. A bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program (Rept. No. 112–116).


S. 888. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System (Rept. No. 112–119).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1099. A bill to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee, and for other purposes (Rept. No. 112–123).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources:

Report to accompany S. 1134. A bill to authorize the Secretary of the Interior to issue permits for microhydro projects in nonwilderness areas within the boundaries of Denali National Park and Preserve, to assign land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes (Rept. No. 112–125).

S. 1325. A bill to direct the Secretary of Agriculture to take immediate action to recover ecologically and economically from a catastrophic wildfire in the State of Arizona, and for other purposes (Rept. No. 112–126).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1421. A bill to authorize the Peace Corps Innovation Fund to establish a commemorative work in the District of Columbia and its environs, and for other purposes (Rept. No. 112–127).

S. 1424. A bill to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes (Rept. No. 112–128).

H.R. 441. To authorize the Secretary of the Interior to issue permits for microhydro projects in nonwilderness areas within the boundaries of Denali National Park and Preserve, to assign land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes (Rept. No. 112–129).

H.R. 461. A bill to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes (Rept. No. 112–130).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself and Mr. HARKIN):

S. 2053. A bill to amend the Internal Revenue Code of 1986 to end the costly derivativeblend rate loophole, and for other purposes; to the Committee on Finance.

By Mr. LEVIN:

S. 2055. A bill to amend the Higher Education Act of 1965 regarding proprietary institutions of higher education in order to protect students and taxpayers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN:

S. 2055. A bill to amend the Internal Revenue Code of 1986 to end the costly derivativeblend rate loophole, and for other purposes; to the Committee on Finance.

By Mr. McCONNELL (for himself, Mrs. HUTCHISON, Mr. LIEE, Mr. HATCH, Mr. BARRASO, Mr. CORNYN, Ms. AYOTTE, Mr. MORGAN, Mr. ALEXANDER, Mr. CRAPO, Mr. RUBIO, Mr. COATS, Mr. ENZI, Mr. SESSIONS, Mr. BURRI, Mr. VITTER, Mr. ISAACKSON, Mr. BLUMENTHAL, Mr. BOOZMAN, Mr. KYL, Mr. MCCAIN, Mr. SCHRADER, Ms. CAMPBELL, Mr. CHAMBLISS, Mr. LUIGAR, Mr. RISCH, Mr. ROBERTS, Mr. INHOFE, Mr. GRASSLEY, Mr. KIRK, and Mr. GRAHAM):

S.J. Res. 34. A joint resolution relating to the disapproval of the President’s exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on January 12, 2012, placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. GILLIBRAND:

S. Res. 352. A resolution expressing the sense of the Senate that the United States should work with the Government of Haiti to address gender-based violence against women and children; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. HATCH, the name of the Senator from Arizona (Ms. SNOWE) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 296

At the request of Ms. KLOBUCAR, the names of the Senator from New Hampshire (Ms. SHAHEEN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 381

At the request of Mr. TESTER, the name of the Senator from Montana (Ms. STABENOW) was added as a cosponsor of S. 381, a bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes.

S. 418

At the request of Mr. LEVIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 418, a bill to amend the Harbor Maintenance Trust Fund Act, and for other purposes; to the Committee on Finance.

S. 432

At the request of Mr. HARKIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 432, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 547

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 547, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 567, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 634

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 634, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to the Dominican Republic camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 665

At the request of Mr. BROWN of Ohio, the name of the Senator from New York (Mr. SCHUMER) was added as a co-sponsor of S. 665, a bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 829

At the request of Mr. CARDIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 829, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 968

At the request of Mr. HATCH, his name and the names of the Senator from Missouri (Mr. BLUNT), the Senator from Florida (Mr. RUBIO), the Senator from Arkansas (Mr. BOOZMAN), the Senator from New Hampshire (Ms. AYotte) and the Senator from Idaho (Mr. Risch) were withdrawn as cosponsors of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

At the request of Mr. BENNET, his name was withdrawn as a cosponsor of S. 968, supra.

S. 1018

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor...

At the request of Mr. Cardin, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

At the request of Mr. Rubio, the name of the Senator from North Dakota (Mr. Hoeven) was added as a cosponsor of S. 1241, a bill to amend title 18, United States Code, to prohibit taking account numbers across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

At the request of Mr. Blunt, the name of the Senator from Connecticut (Mr. Blumenthal) was added as a cosponsor of S. 1245, a bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

At the request of Mr. Moran, the names of the Senator from Iowa (Mr. Grassley), the Senator from Hawaii (Mr. Akaka) and the Senator from Nebraska (Mr. Johanns) were added as cosponsors of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

At the request of Mrs. Feinstein, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 1355, a bill to regulate political rockballs.

At the request of Mrs. Gillibrand, the names of the Senator from Illinois (Mr. Durbin) and the Senator from Florida (Mr. Nelson) were added as cosponsors of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

At the request of Mr. Brown of Ohio, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 1597, a bill to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

At the request of Mr. Blumenthal, the name of the Senator from Rhode Island (Mr. Whitehouse) was added as a cosponsor of S. 1607, a bill to include shellfish to the list of crops eligible for the noninsured crop disaster assistance program and the emergency assistance for livestock program of the Department of Agriculture.

At the request of Mr. Conrad, the name of the Senator from Montana (Mr. Tester) was added as a cosponsor of S. 1608, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

At the request of Mr. Burr, the name of the Senator from Idaho (Mr. Crapo) was added as a cosponsor of S. 1707, a bill to amend title 28, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

At the request of Mr. Udall of Colorado, the name of the Senator from California (Ms. Feinstein) was added as a cosponsor of S. 1802, a bill to authorize the Secretary of the Interior to carry out programs and activities that connect Americans, especially children, youth, and families, with the outdoors.

At the request of Mr. Lautenberg, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 1816, a bill to amend title 23, United States Code, to modify a provision relating to minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.

At the request of Mr. Wyden, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 1845, a bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes.

At the request of Mr. Menendez, the name of the Senator from Connecticut (Mr. Lieberman) was added as a cosponsor of S. 1863, a bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation.

At the request of Ms. Ayotte, the name of the Senator from Ohio (Mr. Portman) was added as a cosponsor of S. 1896, a bill to eliminate the automatic inflation increases for discretionary programs built into the baseline projections and require budget estimates to be compared with the prior year's level.

At the request of Mr. Leahy, the names of the Senator from Maryland (Mr. Cardin), the Senator from New Jersey (Mr. Lautenberg), the Senator from Michigan (Mr. Levin) and the Senator from Vermont (Mr. Sanders) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

At the request of Mr. Johanns, his name was added as a cosponsor of S. 1930, a bill to prohibit earmarks.

At the request of Mr. Toomey, the name of the Senator from Ohio (Mr. Portman) was added as a cosponsor of S. 1930, supra.

At the request of Mrs. Hutchinson, the name of the Senator from Florida (Mr. Nelson) was added as a cosponsor of S. 1941, a bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

At the request of Mr. Isakson, the names of the Senator from Louisiana (Ms. Landrieu) and the Senator from Alaska (Mr. Begich) were added as cosponsors of S. 1963, a bill to revoke the charters for the Federal National Mortgage Corporation and the Federal Home Loan Mortgage Corporation upon resolution of their obligations, to create a new Mortgage Finance Agency for the securitization of single family and multifamily mortgages, and for other purposes.

At the request of Mr. Schumer, the name of the Senator from New York (Ms. Gillibrand) was added as a cosponsor of S. 1994, a bill to prohibit deceptive practices in Federal elections.

At the request of Mrs. Feinstein, the names of the Senator from California (Mrs. Boxer), the Senator from Maryland (Ms. Mikulski) and the Senator from Oregon (Mr. Wyden) were added as cosponsors of S. 2003, a bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

At the request of Mr. Lautenberg, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 2006, a bill to amend the Surface Transportation and Uniform Relocation Assistance Act of 1987 to authorize the Secretary of Transportation to permit Federal regulation and review of tolls and toll increases on certain surface transportation facilities, and for other purposes.
S. 310

January 23, 2012

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 2010, a bill to amend title II of the Social Security Act to repeal the Gov-ernment pension offset and windfall elimination provisions.

S. RES. 28

At the request of Mr. UDALL of New Mexico, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 22

At the request of Mr. MENENDEZ, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. Res. 222, a resolution recognizing the continued persecution of Falun Gong practitioners in China on the 12th anniversary of the campaign by the Chinese Communist Party to suppress the Falun Gong movement, recognizing the Taijik movement whereby Chi-nese citizens renounce their ties to the Chinese Communist Party and its af-filiates, and calling for an immediate end to the campaign to persecute Falun Gong practitioners.

S. RES. 23

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. BROWN) was added as a co-sponsor of S. Res. 310, a resolution designating 2012 as the “Year of the Girl” and Congratulating Girl Scouts of the USA on its 100th anniversary.

At the request of Ms. MIKULSKI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Res. 310, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. HARKIN):

S. 2032. A bill to amend the Higher Education Act of 1965 regarding proprietary institutions of higher education; in order to protect students and tax-payers; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2032

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Our Students and Taxpayers Act” or “POST Act.”

SEC. 2. 85/15 RULE.

(a) In GENERAL.—Section 102(b) of the Higher Education Act of 1965 (20 U.S.C. 1012(b)) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon;

(B) in subparagraph (B), by striking the period and inserting “; and”;

and

(C) by adding at the end the following:

“(F) meets the requirements of paragraph (2);”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

“(2) REVENUE SOURCES.—

(A) IN GENERAL.—In order to qualify as a proprietary institution of higher education under this subsection, an institution shall derive not less than 15 percent of the institution’s revenues from sources other than Federal funds, as calculated in accordance with subparagraph (B).”;

(3) in section 496(c)(3)(A) (20 U.S.C. 1094), that portion beginning with “The term ‘Federal funds’ means any Federal financial assistance provided to institutions” and ending with “the term ‘Federal funds’ means any Federal financial assistance provided to institutions” is amended—

(1) in subparagraph (A), by striking “section 487” and inserting “section 487(f)”;

(2) in subparagraph (B), by striking “section 487” and inserting “section 487(e)”;

and

(3) in section 496(c)(3)(A) (20 U.S.C. 1099c(c)(3)(A)), by striking “section 487(c)” and inserting “section 487(e)”; and

“(II) the amount of funds the institution received under part C of title IV, unless the institution used those funds to pay a student’s institutional charges;

“(III) the amount of funds provided by the institution as matching funds for any Federal program;

“(IV) the amount of Federal funds provided to the institution to pay institutional charges for a student that were refunded or returned; and

“(V) the amount charged for books, supplies, and equipment, unless the institution includes that amount as tuition, fees, or other institutional charges.

“(D) REPORT TO CONGRESS.—Not later than July 1, 2012, and by July 1 of each succeeding year, the Secretary shall submit to the au-thorizing committees a report that contains, for each proprietary institution of higher education that receives assistance under title IV and as provided in the audited finan-cial statements submitted to the Secretary by each institution pursuant to the require-ments of section 487(c)(1),

(i) the amount and percentage of such institution’s revenues received from Federal funds; and

(ii) the amount and percentage of such institution’s revenues received from other sources.”;

(b) REPEAL OF EXISTING REQUIREMENTS.—

Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended—

(1) in subsection (a),

(A) by striking paragraph (24); and

(B) by redesignating paragraphs (25) through (29) as paragraphs (24) through (28), respectively;

and

(2) in section 153(c)(3) (20 U.S.C. 1019b(c)(3)), by striking “subsection (e)” and inserting “subsection (d)”; and

(3) by redesignating subsections (e) through (j) as subsections (d) through (i), re-spectively;

(4) in subsection (f)(1) (as redesignated by paragraph (3)), by striking “subsection (e)(2)” and inserting “subsection (d)(2)”; and

(5) in subsection (g)(1) (as redesignated by paragraph (3)), by striking “subsection (a)(2)(i)” in the matter preceding subparagraph (A) and inserting “subsection (a)(2)(f)”.

(c) CONFORMING AMENDMENTS.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 116 (20 U.S.C. 1070a)—

(A) in section (a)(1)(A), by striking “subsections (a)(27) and (h) of section 487” and inserting “subsections (a)(26) and (g) of section 487;”;

and

(B) in section (b)(1)(B)(i)(I), by striking “section 487(e)” and inserting “section 487(d)”;

(2) in section 153(c)(3) (20 U.S.C. 1019b(c)(3)), by striking “section 487(a)(25)” each place the term appears and inserting “section 487(c)(25)”;

and

(3) in section 496(c)(3)(A) (20 U.S.C. 1099c(c)(3)(A)), by striking “section 487(f)” and inserting “section 487(e)”; and

(4) in section 3414(e)(2)(C) (20 U.S.C. 1092(b)(2)(C)), by striking “and” after the semicolon;
(4) in section 488(k)(1) (20 U.S.C. 1099(c)(k)(1)), by striking “section 487(f)” and inserting “section 487(e)”.

By Mr. LEVIN:

S. 2033. A bill to amend the Internal Revenue Code of 1986 to end the costly derivatives blended rate loophole, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, the coming year is certain to be focused on two problems: the need to restore prosperity for American working families, and the need to reduce our budget deficit. The answer to both of these challenges is to accomplish these goals together, and not to pursue one at the expense of the other. As I have said repeatedly to this Senate, I believe the only way we can successfully achieve both goals is to pursue deficit reduction strategies that do not rely solely on slashing federal spending and attacking programs that help build opportunity for the middle class. We must recognize that revenue, as well as spending cuts, must be part of our strategy to ensure that the sacrifices that surely will be needed to reduce the deficit fall not just on middle-class Americans, but are spread equitably, and ask for contributions from those who have benefitted so greatly from policies enacted in the past.

Today I introduce the Closing the Derivatives Blended Rate Loophole Act.

This bill meets the twin tests of helping to reduce the deficit while promoting the interests of American families. It will also end a tax loophole that epitomizes how our tax code too often favors short-term speculation over investment in economic growth and job creation. This loophole showers benefits on short-term traders of certain financial instruments, but does nothing to promote economic growth and raises the tax burden on American families.

What is the derivatives blended rate? It’s an example of how the complexities of the tax code has broken for far too few at the expense of the many. Here is how it works.

Generally speaking, taxpayers are allowed to claim the lower long-term capital gains tax rate on earnings only if those earnings come from the sale of assets that they have held for more than a year. The reason is simple: we tax long-term capital gains at a lower rate because we want to encourage the long-term investment that helps our economy grow.

In fact, the increasing focus of our financial markets on short-term profit through trades that last just minutes or seconds threatens real damage to our economy. This speculation is hardly the sort of activity that our tax code should subside.

We also lose significant tax revenue by allowing this tax break—a revenue loss that means we must either ask for more from American families, or add to the deficit. What’s more, this misguided policy contributes to the basic unfairness that characterizes too much of our tax code, by providing an unusual and unnecessary tax break to a small group of financial speculators. Instead of encouraging growth and investment, these loopholes contribute to what Warren Buffett has called the “coddling” of the wealthy and well-placed.

Closing this loophole is a commonsense, mainstream idea. I ask my colleagues to heed the advice of the tax experts at the American Bar Association’s Tax Section, who wrote in December to the tax-writing committees of the House and Senate:

We are aware of no policy reason to provide preferential treatment for these gains and losses. Lower capital gains rates are intended to encourage long-term investments in capital assets such as stock. Whatever the merits of extending preferential rates to derivatives financial instruments generally, we do not believe that there is a policy basis for providing those preferential rates to taxpayers who have not made such long-term investments.

Ending this loophole by passage of the Closing the Derivatives Blended Rate Loophole Act would not solve all the problems in our tax code, nor end our deficit dilemma. But it would be another important step toward a saner, fairer tax code. It would demonstrate that Congress shares the concerns of so many Americans that the tax system is too often stacked against the interests of working families and in favor of the privileged few. It would end a policy that encourages short-term speculation over long-term investment in growth. It would provide a down-payment on the revenue we need to restore if we are to overcome in serious deficit reduction and avoid slashing critical programs. I urge my colleagues to join me in the effort to pass it.

By Mr. MCCONNELL (for himself, Mrs. HUTCHISON, Mr. LEE, Mr. HATCH, Mr. BARRASSO, Mr. CORNYN, Ms. AYOTTE, Mr. MORAN, Mr. ALEXANDER, Mr. CRAPO, Mr. RUBIO, Mr. COATS, Mr. ENZI, Mr. SESSIONS, Mr. BURR, Mr. VITTER, Mr. ISAKSON, Mr. BLUNT, Mr. BOOZMAN, Mr. KYL, Mr. McCAIN, Mr. SHELBY, Mr. WICKER, Mr. CHAMBLISS, Mr. LUGAR, Mr. RISCH, Mr. ROBERTS, Mr. INHOFE, Mr. GRAVES, Mr. KIRK, and Mr. GRAHAM):

S.J. Res. 34. A joint resolution relating to the disapproval of the President’s exercise of authority to increase the revenue we need to restore if we are to overcome in serious deficit reduction and avoid slashing critical programs. I urge my colleagues to join me in the effort to pass it.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. Res. 34

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves of the President’s exercise of authority to increase the revenue we need to restore if we are to overcome in serious deficit reduction and avoid slashing critical programs. I urge my colleagues to join me in the effort to pass it.

Mr. GILLIBRAND submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 352

Whereas, since 1993, research has shown tens of thousands of women and girls have been victims of sexual or gender-based violence in Haiti, particularly in times of conflict or natural disaster;

Whereas approximately 50 percent of the victims are adolescent girls under the age of 18, with many of the cases involving the use of weapons, gang rape, and death threats for reporting the crime;

Whereas members of many medical professionals are insufficiently trained to attend to the special needs of victims of gender-based violence, whether they be children or adults;

Whereas some medical providers report as many as 20 percent of adolescent victims they have treated for sexual violence become pregnant from their rape;

Whereas some women’s rights groups in Haiti have witnessed dramatic increases in rates of sexual violence in many of the displacement camps formed after the earthquake;

Whereas the January 12, 2010, earthquake in Haiti increased the economic and social vulnerabilities of many women who are now unable to protect their young children from sexual predators, thereby increasing their risk for sexual violence;

Whereas, according to data from public interest law firms litigating cases of sexual violence, significant gender-based barriers to justice continue to exist at all levels of the justice system in Haiti;

Whereas an effective, transparent, and impartial judicial system is key to the administration of justice, and the failure to ensure
Resolved, That the Senate—

(1) sympathizes with the families of women and children victimized by sexual and other forms of gender-based violence in Haiti;

(2) urges all national and international non-governmental organizations within the reconstruction process; and

(3) asserts its support for the passage of Haiti’s first comprehensive law on the prevention, punishment, and elimination of all forms of violence against women and children as a priority for the United States Government’s humanitarian and reconstruction efforts in Haiti;

(4) calls on the Government of Haiti to establish urgent plans that address the needs of vulnerable and unprotected children who are in situations of sexual exploitation, forced labor, or face sexual and or domestic violence, and to take steps to immediately implement those plans, in consultation with grassroots organizations working specifically on the protection and promotion of the rights of children;

(5) calls on the Government of Haiti to take steps to implement the recommendations of the Inter-American Commission on Human Rights issued in response to incidents of sexual violence in camps for internally-displaced persons on December 22, 2010, including—

(A) ensuring participation and leadership of grassroots organizations in planning and implementing policies and practices to combat and prevent sexual violence and other forms of violence in the camps; (B) ensuring provision of comprehensive, affordable, adequate, and appropriate medical and psychological care in locations accessible to victims of sexual violence in camps for those internally displaced, including, in particular, ensuring—

(i) privacy during examinations; (ii) availability of female medical staff members, with a cultural sensitivity and experience with victims of sexual violence; (iii) timely issuance of free medical certificates; (iv) availability of HIV prophylaxis, and (v) sexual reproductive health and emergency contraception;

(C) implementing effective security measures in displacement camps, such as providing street lighting, adequate patrolling in and around the camps, and a greater number of female security officers in the camps and in police stations in proximity to the camps; (D) ensuring that public officials, such as police officers, prosecutors, and judges, responsible for responding to incidents of sexual violence receive specialized training from experienced Haitian and international women’s organizations with a proven track record in gender-sensitive protection enabling them to respond adequately to complaints with a cultural sensitivity and in a nondiscriminatory manner; and

(E) maintaining effective special units within the Haitian Ministry of Women’s Affairs and decentralized assessments and in direct consultation with national, regional, and local government officials and grassroots organizations, including women’s groups and international institutions that focus on solutions to gender-based violence; and

to amend, repeal, or refashion into law a revised gender protection plan that reflects current post-earthquake realities, the needs and recommendations of victims of gender-based violence and the community groups that support them, integrates provisions for judicial and medical services for gender-based violence victims, and reflects key findings of decentralized assessments in both urban and rural zones.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1468. Ms. KLOBUCHAR (for herself, Mr. JOHNSON of Wisconsin and Mr. FRANKEN) submitted an amendment intended to be proposed by her to the bill S. 1134, to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values.

TEXT OF AMENDMENTS

SA 1468. Ms. KLOBUCHAR (for herself, Mr. JOHNSON of Wisconsin and Mr. FRANKEN) submitted an amendment intended to be proposed by her to the bill S. 1134, to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values; as follows:

SEC. 3. OFFSET. (a) IN GENERAL.—Notwithstanding any other provision of law, amounts made available for items 676, 613, 3166, 4558, and 5132 in the table contained in section 1702 of the SAFETEA-LU (119 Stat. 1238, 1380, 1423) shall be subject to the limitation on obligations for Federal-aid highways and highway safety construction programs provided in section 129(a)(6) of title I of division C of Public Law 112-55 (23 U.S.C. 104 note; 125 Stat. 652).
CONGRESSIONAL RECORD — SENATE

January 23, 2012

THE SOAR TECHNICAL CORRECTIONS ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration of H.R. 3237 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

The filling date for the 2011 fourth quarter Mass Mailing report is Wednesday, January 25, 2012. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Senate Office of Public Records will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at (202) 224–9505.

SEC. 2. AUTHORIZATION OF PROJECT WITH MITIGATION MEASURES.

Notwithstanding section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1275(a)), the head of any Federal agency or department may authorize and assist in the construction of a new extradosed bridge crossing the St. Croix River approximately north of the I-94 crossing if the mitigation items described in paragraph 9 of the 2006 St. Croix River Crossing Project Memorandum of Understanding for Implementation of Riverway Mitigation Items, signed by the Federal Highway Administration on March 28, 2006, and by the National Park Service on March 27, 2006, including any subsequent amendments to the Memorandum of Understanding, are included as enforceable conditions.

SEC. 3. OFFSET.

To provide an offset for the funds made available to carry out this Act, there is rescinded from the Department of the Interior franchise fund authorized under section 113 of division A of title I of Public Law 104–208 (31 U.S.C. 501 note; 110 Stat. 3009–181) $8,000,000.

SEC. 4. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary and synchronizing effects", transmitted to Congress pursuant to section 90.3 of the 2006 St. Croix River Crossing Project Authorization Act.

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to and be considered original text for the purposes of further amendment; that the Kloubuchar-Johnson of Wisconsin amendment, which is at the desk, be agreed to, the bill as amended, be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment was agreed to. The amendment (No. 1498) was agreed to, as follows:

(Purpose: To modify the offset)

Strike section 3 and insert the following:

SEC. 3. OFFSET.

(a) IN GENERAL.—Notwithstanding any other provision of law, amounts made available for items 676, 813, 3186, 4358, and 5132 in

THE ST. CROIX RIVER CROSSING PROJECT AUTHORIZATION ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 264, S. 1134.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1134) to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

S. 1134

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "St. Croix River Crossing Project Authorization Act".

SEC. 2. AUTHORIZATION OF PROJECT WITH MITIGATION MEASURES.

Notwithstanding section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1275(a)), the head of any Federal agency or department may authorize and assist in the construction of a new extradosed bridge crossing the St. Croix River approximately north of the I-94 crossing if the mitigation items described in paragraph 9 of the 2006 St. Croix River Crossing Project Memorandum of Understanding for Implementation of Riverway Mitigation Items, signed by the Federal Highway Administration on March 28, 2006, and by the National Park Service on March 27, 2006, including any subsequent amendments to the Memorandum of Understanding, are included as enforceable conditions.

SEC. 3. OFFSET.

To provide an offset for the funds made available to carry out this Act, there is rescinded from the Department of the Interior franchise fund authorized under section 113 of division A of title I of Public Law 104–208 (31 U.S.C. 501 note; 110 Stat. 3009–181) $8,000,000.

SEC. 4. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary and synchronizing effects", transmitted to Congress pursuant to section 90.3 of the 2006 St. Croix River Crossing Project Authorization Act.

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to and be considered original text for the purposes of further amendment; that the Kloubuchar-Johnson of Wisconsin amendment, which is at the desk, be agreed to, the bill as amended, be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment was agreed to.

The amendment (No. 1498) was agreed to, as follows:

(Purpose: To modify the offset)

Strike section 3 and insert the following:

SEC. 3. OFFSET.

(a) IN GENERAL.—Notwithstanding any other provision of law, amounts made available for items 676, 813, 3186, 4358, and 5132 in
the table contained in section 1702 of the SAFETEA-LU (119 Stat. 1288, 1380, 1423) shall be subject to the limitation on obligations for Federal-aid highways and highway safety construction programs distributed under section 102(a)(6) of title I of division C of Public Law 112–55 (23 U.S.C. 104 note; 125 Stat. 652).

(b) RERUNKING.—Any obligation authority made pursuant to subparagraph (a) as the result of receipt of contract authority for the items described in subsection (a) that remain available to the State as of the date of enactment of this Act is permanently rescinded.

The bill (S. 1134), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

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

SECTION 1. SHORT TITLE.
This Act may be cited as the “St. Croix River Crossing Project Authorization Act”.

SEC. 2. AUTHORIZATION OF PROJECT WITH MITIGATION MEASURES.
Notwithstanding section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), the head of any Federal agency or department may authorize and assist in the construction of a new extradosed bridge crossing the St. Croix River approximately 6 miles north of the I–94 crossing if the mitigation items described in paragraph 9 of the 2006 St. Croix River Crossing Project Memorandum of Understanding for Implementation of Riverway Mitigation Items, signed by the Federal Highway Administration on March 28, 2006, and by the National Park Service on March 27, 2006 (including any subsequent amendments to the Memorandum of Understanding), are included as enforceable conditions.

SEC. 3. OFFSET.
(a) IN GENERAL.—Notwithstanding any other provision of law, amounts made available for items 676, 813, 3186, 4358, and 5132 in the table contained in section 1702 of the SAFETEA-LU (119 Stat. 1288, 1380, 1423) shall be subject to the limitation on obligations for Federal-aid highways and highway safety construction programs distributed under section 102(a)(6) of division C of Public Law 112–55 (23 U.S.C. 104 note; 125 Stat. 652).

(b) RERUNKING.—Any obligation authority made available until used to a State as a result of contract authority for the items described in subsection (a) that remain available to the State as of the date of enactment of this Act is permanently rescinded.

SEC. 4. BUDGETARY EFFECTS.
The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go (PAYGO) Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Providing for a Joint Session of Congress to Receive a Message from the President.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 96, which was received from the House and is at the desk; that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 96) was agreed to.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces the following appointments made pursuant to the unanimous consent agreement of December 17, 2011, by the President pro tempore and the majority leader during the adjournment of the Senate:

Pursuant to the provisions of Public Law 106–398, as amended by Public Law 108–7, upon the recommendation of the majority leader, and in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair on behalf of the President pro tempore, announces as the appointment and appointment of the following individuals to the United States-China Economic Security Review Commission: William A. Reinsch, of Maryland, for a term beginning January 1, 2012 and expiring December 31, 2016 (the appointment), and Carter P. Goodwin, of Virginia, for a term beginning January 1, 2012 and expiring December 31, 2013, vice Patrick A. Mulloy of Virginia.

ORDERS FOR TUESDAY, JANUARY 24, 2012
Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, January 24, 2012; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for the remainder of the day; that following any leader remarks, the Senate be in a period of morning business until 4 p.m. with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the first 30 minutes controlled by the majority leader or his designee and the second 30 minutes controlled by the Republican leader or his designee; and that at 12:30 p.m. the Senate be in recess until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW
Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:56 p.m., adjourned until Tuesday, January 24, 2012, at 10 a.m.
CONGRESSIONAL RECORD — SENATE
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MARY E. LINK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 156 AND 3064:

To be brigadier general

COL. RICHARD C. GROSS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 156 AND 3064:

To be brigadier general

COL. JOHN M. CHOI

COL. JEFFREY B. CLARK

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. SAMUEL J. LOCKLEAR III

CONFIRMATION
Executive nomination confirmed by the Senate January 23, 2012:

THE JUDICIARY

JOHN M. GERRARD, OF NEBRASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA.
Mr. GRAVES of Missouri. Mr. Speaker, it is with great pride and pleasure that I rise today to recognize the exceptional service and leadership of Charles L. Bar III on his retirement from a long and successful career in Clay County, Missouri government. A graduate of the University of Missouri, Charlie served as Athletic Supervisor for the St. Joseph Parks and Recreation Department and was responsible for the management of numerous Buchanan county amenities and projects. In 1987, he became Clay County's Assistant Director of Parks, Recreation, and Historic Sites, and supervised the enhancement and construction of new recreational facilities. He also oversaw countless special functions, from races and concerts to historical site events.

More recently, Charlie served as Assistant County Administrator, handling the oversight of purchasing activities and staff, and then became the overall Director of Parks and Recreation. There, he expertly managed over 5,000 acres of park land, 34 miles of trail, a 7200-acre lake, and a large staff dedicated to assisting Clay County citizens and maintaining the county's public spaces. Finally, having spent the past few months as Interim County Administrator, Charlie retires after 34 years of outstanding service.

Charlie's hard work has not gone unrecognized. A member of the Missouri Parks and Recreation Association, Charlie received the Fellow Award, the Association's highest honor. He has also received Mizzou’s Eye of the Tiger alumni award and numerous recognitions from the YMCA, the city of St. Joseph, and Clay County.

Mr. Speaker, I ask my colleagues to join me in commending Charlie Barr for his dedicated service to the people of Clay County. I know Charlie’s colleagues, family and friends join me in thanking him for his commitment to others and wishing him happiness and good health in his retirement.

Mrs. ROBY of Alabama. Mrs. Speaker, I rise today to recognize the 39th anniversary of the monumental court decision Roe v. Wade. Since legalizing abortion in 1973, approximately 50 million abortions have been performed in the United States alone. Just today, over 4,000 babies will be aborted and over the course of 2012—1.4 million children in the United States will not be granted life.

Mr. Speaker, I am unapologetically pro-life and am proud to be a member of the Pro-Life Caucus. I believe that the miracle of human life begins at the very moment of conception.
I also believe that every human being has the inherent right to life and that this right must be protected by law. As a woman, a wife, and a mother of two small children, I will continue to fight for the unborn as the Representative of Alabama’s Second Congressional District.

I applaud my home state of Alabama in its admirable fight to protect human life. Alabama recently became the fifth state to pass a measure banning physicians from performing abortions after 20 weeks—which, according to research, is the point where unborn children can experience pain. I applaud the Alabama legislature for taking such a strong stance on abortion and protecting the unborn.

I believe that I have an obligation to do everything in my power to fight for the unborn, prevent taxpayer money from funding abortions, and to protect our democratic system from the encroachment of an all-powerful judiciary.

Mr. Speaker, today is a time to celebrate the gift of life and mourn those whose lives were unjustly ended before birth. Let us use the 39th anniversary of Roe v. Wade as an occasion to reaffirm our beliefs and our vow to the 39th anniversary of Roe v. Wade as an occasion to reaffirm our beliefs and our vow to protect our democratic system from the encroachment of an all-powerful judiciary.

Mr. Speaker, today is a time to celebrate the gift of life and mourn those whose lives were unjustly ended before birth. Let us use the 39th anniversary of Roe v. Wade as an occasion to reaffirm our beliefs and our vow to fight for the life of every child.

HONORING FIRE CHIEF ANTHONY BEDNARZ FOR HIS RETIREMENT AFTER 50 YEARS OF SERVICE

HON. DANIEL LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Monday, January 23, 2012

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Fire Chief Anthony Bednarz upon his retirement after 50 years of service to the residents of Western Springs and Riverside, Illinois, two villages in my district. He retired on December 31, 2011. These two villages are, and always will be, safer thanks to his efforts.

The seeds of Chief Bednarz’s career were planted at a young age, since his father served as well. Thinking that he wanted to avoid firefighting, Chief Bednarz entered the United States Army where he served honorably. After his discharge, he changed his mind and joined the Riverside Fire Department in 1961. He knew almost immediately that he wanted to be a leader within the department and took classes to be one of the first to earn a degree in Fire Science from the College of DuPage.

Over the years, Chief Bednarz gained the respect of his peers and eventually became Fire Chief of the Riverside Fire Department in 1976—a position he would hold for the next 30 years. The Riverside Fire Department is one of the most progressive and effective in the area thanks to the leadership of Chief Bednarz. He was pivotal in modernizing the department’s building and rolling stock. He also coordinated the Riverside emergency medical response system in the 1970s.

Chief Bednarz left the Riverside Fire Department five years ago to join the Western Springs Fire Department where he helped make improvements and guided the construction of a new building for the fire department.

Chief Bednarz has touched countless lives as a firefighter, manager, and mentor. He will be missed as a veteran firefighter and we are all sad to see him go. But it is a happy time for his family, as his retirement will give him more time to enjoy with his wife, Marianne, his children, Krista, Lisa, Charles, and Paula, and his grandchildren. I thank Fire Chief Anthony Bednarz for his career of service and I wish him a long and happy retirement.

HONORING RACHEL COLLETT
HON. THADDEUS G. McCOTTER
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Monday, January 23, 2012

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge the extraordinary life and decidedly courageous outlook of Rachel Collett upon her graduation from Livonia Churchill High School.

On January 13, 2012, Rachel, resplendent in her red cap and gown, rose from her wheelchair and walked across the stage to accept her high school diploma. After ceremoniously moving the tassel from right to left, she triumphantly tossed her cap into the air as family, friends and school officials applauded.

Rachel Collett has taught much more than what she has learned. She was diagnosed with osteosarcoma at the age of 11 and though since the initial diagnosis she has been constantly been in some form of treatment but never remission, she has never let the disease define her. Rather, she focused on living and determined to schedule her treatment around life and not life around her treatment. She has resolved to make every moment worth remembering. Rachel was earned a Livonia Rotary Service Award, earned college credits while in high school, coached middle school cheering squads and was a member of the Churchill High School varsity cheerleading squad until this school year. She attended classes until October 2011 when the debilitating pain made it impossible to continue. Even then, the indomitable Miss Collett continued her schoolwork at home.

Rachel Collett is an remarkable young woman who reminds us longevity is never promised in this life. She has accepted what is and is determined to live the days God has given her striving to accomplish the goals she has set for herself. What we take for granted she fights for the opportunity to achieve.

Mr. Speaker, it is my honor and absolute privilege to recognize an incredibly inspiring young woman. For all she has endured, Rachel Collett still embraces life with an imperishable smile. I ask my colleagues to join me in recognizing the incomparable light she is to all who know her and in thanking her for all she has brought to our community and our country. Shine on, Rachel.

IN MEMORY OF SHIRLEY LEVINE
HON. HOWARD L. BERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, January 23, 2012

Mr. BERMAN. Mr. Speaker, I rise to mark the loss of a titan of education in Los Angeles, Shirley Levine, who passed away on January 9, 2012. The entire Los Angeles community suffered a great loss in her passing.

Shirley Levine served as an educator in the LA Unified School District before founding the Abraham Joshua Heschel School in 1972. Encouraged by several local leaders, such as Rabbi Harold Schulweis and Mark Lainer, Shirley laid the groundwork for a school that would fuse humanistic values, a love of Judaism, and unparalleled secular studies. She originally opened the school in North Hollywood, CA, but Heschel quickly outgrew facilities at Adat An El and Valley Beth Shalom synagogues, among other locations, and the school eventually found a permanent home in Northridge, CA. As noted by Rabbi Jan Goldstein, the rabbi-in-residence during Heschel Day School’s early years, each institution was forever impacted by Shirley’s vision and passion.

As Heschel’s Congressman during the 1980s and 1990s, I watched the school mature into a powerful source of moral strength in the San Fernando Valley community, with thousands of roots that trace back to Shirley’s instruction and guidance. I have seen these roots firsthand—many of my constituents are current students and graduates of Heschel, as are some of my staff and close family friends. I can see Shirley’s legacy through the activism and Jewish vitality of these individuals.

One graduate related to me stories of weekly Sabbath gatherings in every classroom at Heschel, and how meaningful it was to mark that day each week with peers. The week had an anchor, with the Sabbath as the focus. That epitomizes Shirley’s approach—she created an institution with a warm, welcoming environment, one imbued with Jewish and humanistic values. I am also aware that many graduates credit Shirley for making them the person they are today, especially those who spent an inordinate amount of time for disciplinary reasons in Shirley’s office. Shirley’s son, Darren, stated during Shirley’s eulogy that his mother’s lasting message is: “Be passionate about what you do, treat others with compassion, and take actions to make the world a better place.” I am inspired by the passion in which Shirley led her life; I am mindful of the compassion she imbued in her students; and I am grateful to Shirley for indeed making our community a better place.

My condolences go out to Shirley’s husband, Arnold; children Mark, Darren and Marc; and the entire Heschel family.

PERSONAL EXPLANATION
HON. STEVE KING
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Monday, January 23, 2012

Mr. KING of Iowa. Mr. Speaker, on rollcall No. 947 I was detained while attempting to reach the house floor to cast my vote.

Had I been present, I would have voted, “yea.”
Honoring the Victims and Survivors of the January 12, 2010 Earthquake in Haiti

Hon. Theodore E. Deutch
Of Florida
In the House of Representatives
Monday, January 23, 2012

Mr. DEUTCH. Mr. Speaker, I rise today in remembrance of the quarter of a million Haitians who lost their lives during the devastating earthquake that occurred on January 12, 2010. As our community reflects on the two years that have passed since this tragedy, it is important to express our gratitude to those who have helped rebuild Haiti and renew our commitment to further assist survivors.

In the aftermath of the earthquake, over 50 percent of American households donated to earthquake victims, and the United States dispatched 20,000 civilian and military personnel to Haiti. These Americans put into operation the largest urban food distribution in history to 3.5 million people, provided emergency shelter to 1.5 million people, and implemented a vaccination campaign for more than 1 million people. Within the past two years, aid has shifted from rescue efforts to innovative reconstruction and development strategies. Still, there remains much more work to be done. The generosity of millions of people around the globe gives us hope that Haiti will be rebuilt.

The South Florida community displayed its continued commitment to the reconstruction of Haiti at a special event recognizing the two year anniversary of the earthquake on January 8th, 2012. Arranged by the Democratic Haitian American Caucus of Florida, the event included a Catholic Mass at St. John the Evangelist Church, a memorial service at Parish Hall, and a donation drive in partnership with a church group to collect supplies for victims.

I am proud to represent so many men and women in South Florida who in these past two years have supported our vibrant Haitian community in a myriad of ways, from housing displaced victims to donating supplies for reconstruction. As we remember those lost in this devastating natural disaster two years ago, we must reaffirm our commitment to helping Haiti rebuild their nation and forge a better future for themselves and their families.

Honoring the National Intel Science Competition Semifinalists of Long Island

Hon. Steve Israel
Of New York
In the House of Representatives
Monday, January 23, 2012

Mr. ISRAEL. Mr. Speaker, I rise today to honor 58 Long Island high school seniors named as semifinalists in the National Intel Science competition. With 300 semifinalists nationwide, the Intel Science Talent Search gives high school seniors the opportunity to engage in ambitious science based research projects. I am especially proud of the constituents from my Congressional District on Long Island who are journeying as semifinalists in this prestigious competition.

This next generation is continuing Long Island’s strong legacy of pushing new innovations and scientific breakthroughs. Using math and science as a foundation, the seniors approached their respective projects from a variety of angles. By gaining access to professional laboratories at local universities, participants were given the opportunity to bring their creative aspirations to fruition. In doing so, they have begun to tackle some of our nation’s most difficult challenges.

From working on a possible cure for Alzheimer’s disease to creating a flame resistant plastic, our Long Island contestants embody the true American spirit of innovation and problem solving. Their sacrifice, patience and determination are instrumental in keeping America’s competitive edge in a global economy.

Coupled with the effort of exceptional students, our Long Island science teachers played a pivotal role in this accomplishment. By pushing the boundaries and setting high expectations, these excellent teachers have helped their students succeed. Long Island’s strong placement in the Intel Science competition semifinals reflects their dedication and strong placement in the Intel Science competition semifinals.

At the end of this month, forty finalists will be selected and invited to Washington, D.C. to meet leading scientists and researchers in a variety of fields. I am optimistic that some of our Long Island seniors have the privilege to attend. For all of the Intel Science Talent semifinalists, I wish them continued success as they pursue their college educations and future careers.

Mr. Speaker, I would now like to formally submit their names to the CONGRESSIONAL RECORD:

Rebecca Alford, Austin Lee and Savina Kim of Commack High School;
Juliana Coraor of Huntington High School;
Malini Desai of Half Hollow Hills High School West;
Jill Dolowich, Neil Mehta, Anuja Shah, Anirudh Chandrashekar, April Pun, Sagar Ramble and Christine Kim of Jericho High School;
Parsa Erfani, Samantha Fradkin, Sherilyn Desai of Half Hollow Hills High School West;
Bethpage John F. Kennedy High School;
Hannah Kenagy of Half Hollow Hills High School East;
Eric Parigoris of Kings Park High School;
Amelia Morales, Shannon Wetzler and Eric Parigoris of Long Island High School East;
Roscoe Russa Nix of Roosevelt High School;
Amelia Morales, Shannon Wetzler and Eric Parigoris of Kings Park High School;
Girma Yadav of Sachem North High School.

The Memory of Roscoe R. Nix

Hon. Chris Van Hollen
Of Maryland
In the House of Representatives
Monday, January 23, 2012

Mr. VAN HOLLEN. Mr. Speaker, it is with sadness that I advise my colleagues of the death on January 4, 2012 of my constituent, civil rights leader and education activist, Roscoe Russa Nix.

Roscoe Russa Nix was born June 22, 1921, in Greenville, Alabama, the second of nine children. His mother was a teachers aide and his father was a county trash collector, who worked to save a little for his family. His family was poor and had to move around to find work, but they always found the faith to help others and work hard for the betterment of their community.

Roscoe was the first in his family to graduate from high school. He then attended Talladega College, where he learned about the civil rights movement. He was a leader in the Montgomery, Alabama, civil rights movement of the 1950s and 1960s. He was a former president of the Montgomery NAACP and a member of the Montgomery County Board of Education.

Roscoe was a dedicated community leader and a man of great compassion. He was the second African American elected to the Montgomery County Board of Education, where he fought against de facto school segregation. As a member of the Board until 1978 and then afterwards, he pushed for greater resources for schools in poorer neighborhoods and spoke out about racial disparities in the schools. He was a champion for early childhood initiatives and fought for increased funding of Head Start and Title I and for lower class size in the elementary grades. In 2006, the Montgomery County Board of Education dedicated the Roscoe R. Nix Elementary School in Silver Spring in recognition of his contributions to the public education of the children in the county.

Roscoe was a dedicated community leader and a man of great compassion. He was the second African American elected to the Montgomery County Board of Education, where he fought against de facto school segregation. As a member of the Board until 1978 and then afterwards, he pushed for greater resources for schools in poorer neighborhoods and spoke out about racial disparities in the schools. He was a champion for early childhood initiatives and fought for increased funding of Head Start and Title I and for lower class size in the elementary grades. In 2006, the Montgomery County Board of Education dedicated the Roscoe R. Nix Elementary School in Silver Spring in recognition of his contributions to the public education of the children in the county.

His passing is a great loss to Montgomery County and the people of Maryland. He leaves behind his daughter, Roscoe Russell Nix, and his wife, Roscoe Russell Nix II. He was known to his family and friends as a kind and caring man, and his passing is a great loss to Montgomery County and the people of Maryland. He leaves behind his daughter, Roscoe Russell Nix, and his wife, Roscoe Russell Nix II. He was known to his family and friends as a kind and caring man, and his passing is a great loss to Montgomery County and the people of Maryland. He leaves behind his daughter, Roscoe Russell Nix, and his wife, Roscoe Russell Nix II. He was known to his family and friends as a kind and caring man, and his passing is a great loss to Montgomery County and the people of Maryland. He leaves behind his daughter, Roscoe Russell Nix, and his wife, Roscoe Russell Nix II.
number of African American officers on the police force.

In 2001, Mr. Nix was inducted into the Montgomery County Human Rights Hall of Fame. After receiving the honor, he said, "So much of what Montgomery County is today is because of struggle. . . . It's hard, especially for young people newer to whose family we are today." He noted, "Blessings come to people through someone else's help or through some unknown entity. Because of that, it is our obligation to use whatever it is that one of us has to help those who are less fortunate or who may be afraid to speak for themselves." These guiding words and the legacy and achievements of Roscoe R. Nix have continued to serve as a guiding light for those who have followed in his footsteps.

I ask my colleagues to join me in paying tribute to this extraordinary American and in offering our condolences to Mr. Nix's wife of 59 years, Emma Coble Nix; his two daughters, Veretta Nix and Susan Webster; his sister, Anita Jackson; his three brothers, Crispus Carey Nix, Pettis Nix and Comer Nix; and his three grandchildren.

RECOGNIZING THE TUSKEGEE AIRMEN

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Monday, January 23, 2012

Ms. NORTON. Mr. Speaker, I rise to ask the House of Representatives to join me in recognizing the Tuskegee Airmen for their excellence in aviation, their courage, and their role as trailblazers for equality. On January 20, 2012, the movie "Red Tails," which depicts the story of the Tuskegee Airmen, debuted nationwide.

The story of the Tuskegee Airmen, as they would become known as, begins long before they fought in World War II. Their first flight began at home, against racial discrimination. Prior to WW II, the U.S. Army Air Corps prohibited African Americans from serving as pilots, because the U.S. government believed that African Americans were incapable of flying an airplane. In October 1940, President Franklin Roosevelt ended the ban on African Americans serving as pilots in the Air Corps. However, it was not until January 1941, in response to pressure from the National Association for the Advancement of Colored People, the Chicago Defender and other African American newspapers, and only one day after Howard University student Yancey Williams threatened to sue the Secretary of War because the Air Corps still had not accepted any African Americans pilots, that the War Department created an all-black squadron in Tuskegee, Alabama, the U.S. Military was racially segregated at the time. Soon thereafter, the Airman received a visit from First Lady Eleanor Roosevelt. During the visit, she asked Charles "Chief" Anderson, the head of the program, "Can Negroes really fly airplanes?" Chief Anderson replied: "Certainly we can; as a matter of fact, would you like to take an airplane ride?" Mrs. Roosevelt accepted and upon landing, she turned to Chief Anderson and said, "I guess Negroes can fly."

By the spring of 1941, the training of the first group of Tuskegee Airmen, the 99th Fighter Squadron, commenced. The squadron consisted of 13 African American men, all of whom were college graduates and had earned their pilot licenses prior to serving in the Air Corps. The Airmen trained under difficult conditions, from overcrowded classrooms and air-strips to racial overtones. In 1942, the Airmen were sent to North Africa and Europe to fight. In their first mission, they managed to shoot down six German aircraft.

The Tuskegee Airmen were known as the "Red Tailed Angels" because of the red paint on the propeller and tail of their planes. In all, approximately 990 men graduated from Tuskegee's pilot training program but only 450 of them were sent overseas for combat assignments. These heroes managed to destroy over 409 German airplanes and 950 railcars, trucks, and other vehicles. The Airmen flew 1,587 missions over Europe and North Africa, escorting more than 200 bombing missions, and were the first to sink a battleship using only machine guns; remarkable accomplishments for a group of men whom the military thought could not fly. In total, the Red Tails were credited with 151 Distinguished Flying Crosses, 744 Air Medals, 8 Purple Hearts, and 14 Bronze Stars. The accomplishments of these brave soldiers helped pave the way for President Harry Truman's decision to integrate the military in 1948. In 2007, several decades after they completed their last mission, President George W. Bush presented the Congressional Medal of Honor to the Tuskegee Airmen, a well-deserved recognition for a group of men who had to fight two battles, one at home and another abroad.

Not surprisingly, there are currently 31 Airman living in D.C. Area. Residents from the District of Columbia, particularly students from Dunbar High School, the-then segregated public high school for black students here, were selected in a disproportionate number as Tuskegee Airmen.

I ask the House to join me in honoring the accomplishments of the Tuskegee Airmen and in thanking them for their service.

HONORING DONALD SCHNEIDER

HON. BILL SHUSTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Monday, January 23, 2012

Mr. SHUSTER. Mr. Speaker, it is my privilege to rise today to recognize Mr. Donald Schneider, a pioneer who transformed the transportation industry as we know it. I am pleased to have the opportunity to call attention to his service and his remarkable story of American entrepreneurship and ingenuity.

Mr. Schneider, chairman emeritus and former president of Schneider National, Inc., ran one of the nation's largest truckload carriers with nearly 12,500 tractors and 35,000 trailers, owned in a distinct shade of orange. You may have seen his trucks driving down our great national highways, hauling goods from coast to coast. Behind these trucks was a stellar businessman who leveraged new technologies and innovations to grow his company into one of the most successful, recognizable and respected transportation and logistics companies in North America.

In the process, an industry was transformed and millions of Americans benefited from his life's work without them even realizing.

Mr. Schneider was a hard working man who began as a mechanic's assistant and truck driver at the age of 18. He graduated from St. Norbert College with an undergraduate degree in business and married his wife, Pat in 1957. After serving in the U.S. Army during the Korean War, Schneider graduated from the University of Pennsylvania Wharton Business School, then began to work in his father's trucking business in 1961, fusing his passion for trucking with a keen business sense.

Over the next three decades, Mr. Schneider expanded his fleet substantially, using modern management techniques and acquisition of regional trucking companies to grow his business. Under Mr. Schneider's leadership, Schneider National was one of only a few pre-deregulation truckload carriers that survived and flourished after the Motor Carrier Act of 1980.

Later in that same decade, his company even began to install satellite communication in trucks. By allowing companies to track their trucks in real time, consumers benefited from faster package deliveries and just-in-time inventory management.

His company's entrance into the logistics business in 1993 heralded a new frontier in trucking by enhancing the ability of companies to manage time-sensitive deliveries and inventories. Meanwhile, his use of standard-sized trailers that could run over the road and ride on railroad flatcars—known as intermodal transportation—established partnerships with the railroads and was followed by all others in the industry.

Now, it is unimaginable how the trucking industry ever fared without Mr. Schneider's visionary ways.

Though Mr. Schneider was a great man, he never lost his common touch. He insisted on being called by his first name, and was a community philanthropist who was active in several charities. In a 1997 interview, he was quoted as saying, "My job is important, but it's no more important than the driver or the people in the service center."

Mr. Schneider was a man who had a true servant's heart, and America has been enriched by his service to this country. His entrepreneurial spirit will endure not only in his company's orange trucks and trailers, but in the homes of countless Americans who have benefitted from his innovations. I invite the American people to join me in celebrating his life.

HONORING THE CARROLL SENIOR HIGH SCHOOL DRAGON CROSS COUNTRY TEAM

HON. KENNY MARCHANT
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, January 23, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I rise to recognize the Carroll Senior High School Dragon cross country boys and girls teams for winning their respective 2011 Texas state championship titles.

Carroll Senior High School competes in the University Interscholastic League Class 5A, the most competitive athletic class composed of the largest schools in Texas. For the girls...
team, this championship was their fifth in Class 5A since 2005, and their first since 2008. For the boys team, this was their first title in school history.

Both teams turned out strong performances by all competitors. The girls won with a team score of 34, three of their runners earned a spot among the top ten finishers at the state competition. Courtney Kriegshauser led the Lady Dragons with a second-place finish.

The boys’ first title broke the championship record for team points. They finished with 20 points, which is the lowest in the history of 5A state meets. Five of the boys made the top ten, with Nate Sullivan leading the way in fifth.

I am extremely proud of the Carroll Dragon cross country teams for their excellence in athleticism and sportsmanship. I would like to recognize each player on these championship teams. For the girls: Shelby Chapin, Rachel Harper, Felice Johnson, Courtney Kriegshauser, Allison Naval, Sarah Roe and Julia Sunderland. For the boys: Jordan Chapman, Alex Hendrickson, Alex Johansson, Joe Sansone and Nate Sullivan. The team was guided by Coach Justin Leonard, Nichole Gilley, Brandon Roges, and Christopher Anderson.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in congratulating the Carroll Dragon cross country teams on winning the boys and girls state championship titles.

**OUR UNCONSCIONABLE NATIONAL DEBT**

**HON. MIKE COFFMAN**

Of Colorado

In the House of Representatives

Monday, January 23, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was $4,801,405,175,294.28. Today, it is $15,236,271,879,792.78. We’ve added $10,434,866,704,498.50 dollars to our debt in 16 years. This is $10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

**TRIBUTE TO GILBERT CATES**

**HON. HOWARD L. BERMAN**

Of California

In the House of Representatives

Monday, January 23, 2012

Mr. BERMAN. Mr. Speaker, I rise today to pay respects to my friend, producer and director, Gilbert Cates who passed away on October 31, 2011 at the age of 77. Let this congressional insert serve as a tribute to his memory and celebration of his meaningful life.

Born June 6, 1934, in New York City to Jewish parents, Mr. Cates was a member of the fencing team at Syracuse University studying pre-med but changed his major to Theater after an experience teaching actors to sword fight during a student production of Richard III. Gilbert began his career directing a number of feature films—including two Oscar nominated films—I Never Sang for My Father, in 1970, and Summer Wishes, Winter Dreams, in 1973. He also produced and directed Broadway and off Broadway plays, most notably the productions of I Never Sang for My Father and You Know I Can’t Hear You When The Water’s Running.

Hailed as a director with a propensity for taking on challenging themes, in 1984 Gilbert directed Consenting Adult, a made-for-TV feature which focused on homosexuality and was followed up in 2002 with the film Do You Know the Muffin Man?, a story centered on child molestation. Mr. Cates received Emmy nominations in the Best Director category for both projects. During his tenure as president of the Directors Guild of America, DGA, Gilbert led the guild’s negotiations committee and four times headed contract negotiations with producers, leading the guild through a strike in 1987. He was instrumental in orchestrating the merger between the Radio & Television Directors Guild and the Screen Directors Guild in 1960. Well known for producing some 14 Academy Awards broadcasts between 1990 and 2008, Gilbert is famed for recruiting Billy Crystal and Whoopi Goldberg as well as David Letterman, Steve Martin, Chris Rock and Jon Stewart as hosts. He also served on the Academy’s Board of Governors from 1984–1993, and won an Emmy in 1991 for the 63rd annual Oscars, returning to the board in 2002 and serving as its Vice President from 2003–2005.

In 1990, Gilbert became the Dean of UCLA’s newly combined School of Theater, Film and Television, a post he held until 1998, after which he continued to educate young filmmakers as a professor. As a result of his many professional accomplishments, Mr. Cates received a star on the Hollywood Walk of Fame. He also received the DGA’s prestigious President’s Award and the Guild’s Robert Aldrich Award for service, as well as having received the DGA’s Honorary Life Membership.

Gilbert was a loving husband and father. He is survived by his wife, Dr. Judith Reichman, four children, two stepchildren and six grandchildren.

I ask my colleagues to join me in celebrating the life and achievements of Gilbert Cates.

**HONORING KENT MORTON**

**HON. THADDEUS G. MCCOTTER**

Of Michigan

In the House of Representatives

Monday, January 23, 2012

Mr. MCCOTTER. Mr. Speaker, today I rise to honor the extraordinary life of Kent Morton and to mourn him upon his passing at the age of 28.

Born on June 12, 1983, Kent Morton was a gregarious man with a ready smile. He loved his close-knit family and called his older brother Shane his best friend. Kent was a man who was always willing to help in any way he could. He was happily involved in his Garden City community and spent many hours as a PTA volunteer at Lathers Elementary School where his daughter Makayla is a student. He often used his formidable painting skills to help beautify his church.

Regrettably, on January 11, 2012, Kent Morton fell more than 100 feet from the painters’ scaffolding on the Ambassador Bridge into the frigid Detroit River. Although he did survive the initial fall, he could not survive the strong current and passed from this earthly world to his heavenly reward. Kent was survived by his beloved parents, Faith and Wario Saramac, and father David Morton. He leaves a legacy in his adored daughter, Makayla, and an unborn child. His treasured siblings, Shane, Amber, Bret and Sarah will forever carry Kent in their hearts. He will be deeply missed by his cherished family, friends, community and his country. Today, as we bid Kent farewell, I ask my colleagues to join me in mourning his passing and honoring his devotion to his country and his community.

**MARCELUS SHALE—ANCILLARY INDUSTRIES**

**HON. SHELLY MOORE CAPITO**

Of West Virginia

In the House of Representatives

Monday, January 23, 2012

Mrs. CAPITO. Mr. Speaker, the natural gas industry is very important to my constituents in West Virginia. Given the exciting opportunities that this state has as a result of the Marcellus Shale, I particularly appreciate the opportunity to discuss ancillary industries that West Virginia has the opportunity to develop as a result of its shale resources. I applaud Congressmen Reed and Critz for organizing a Special Order on the Shale’s ancillary industries.

America’s current energy policy is highly flawed. My constituents can see its flaws when they are forced to pay higher prices at the gas pump. Newly found shale resources have given us a major opportunity to take advantage of home-grown natural resources like natural gas diversifying our energy portfolio and making us less dependent on foreign sources of energy. Our combined recoverable oil, natural gas and coal resources is the largest in the world. The United States must seize the opportunity to tap into these resources; however the Administration remains intent on enforcing a moratorium on energy production and transportation.

In 2009, the oil and natural gas industry supported 24,400 jobs in West Virginia. It is projected that the next decade could see an increase in 18,000 to 26,000 jobs due to Marcellus investment and production. In addition to the economic boost that this nation can receive by utilizing its own energy resources, we also have the opportunity to strengthen existing industries and to also develop new ones. There are abundant resources present in the Marcellus Shale, including natural gas, oil, propane, and ethane. These resources can be used to heat our homes, power our vehicles and fleets, and to serve as a feedstock for chemical production.

As my colleagues from Ohio and Pennsylvania know, our states are currently competing against one another to attract chemical plants known as “crackers”. A single cracker would
result in billions of dollars in investment, tens of thousands of construction jobs, and thousands of permanent jobs. It would also create jobs across the region and across the economic spectrum. A cracker would increase the local tax base, allowing local school districts to have more funds available to improve the education offered to children.

Attracting a cracker to the region will benefit all of our states and the country as a whole, but my hope is that West Virginia is successful at gaining this exciting opportunity. I believe that West Virginia has everything that a company desiring to build a cracker could want. West Virginia has a strong budget picture, an improving tax climate, a ready and able workforce, and a strong history in the chemical industry. I want my constituents to know that I am working with other leaders from West Virginia to attract a cracker. A cracker would give West Virginians what they want the most: good paying jobs that will allow them to put food on the table and live the American dream.

Additionally, production in the Marcellus Shale gives us the opportunity to revive our industrial base. This is especially the case in regions that have historically been dominated by the steel and chemical industries. In order to actually produce the sources available in the shales we must first have steel and industrial equipment. The new demand for these materials will hopefully allow previously shuttered facilities to reopen, new facilities to be built, and existing facilities to increase production. All of this will create jobs.

We are blessed in West Virginia to have abundant, natural resources that power our country. The Marcellus Shale will undoubtedly play a major role in the future of the energy industry, moving us toward energy independence and creating jobs in ancillary industries as well as the energy industry.

Of course we must develop these resources in a responsible manner that ensures our grandchildren have clean air and water. It is essential that a proper regulatory structure is in place, one that balances exploiting this tremendous resource with environmental concerns. However, it is not necessary for the federal government to regulate in Washington to balance these concerns. I fully support States being able to regulate the natural gas industry without undue interference from Washington bureaucrats. I am confident that states have the ability to regulate this industry, West Virginia showed that it had the ability to do so when it passed comprehensive legislation regulating shale gas production.

I urge my colleagues to continue fighting to ensure that we are able to take advantage of our domestic resources to create the jobs that Americans so desperately need.

HONORING THE LIFE AND SERVICE OF RETIRED SUPERIOR COURT JUDGE RAMON V. DIAZ

HON. MADELEINE Z. BORDALLO
OF GUAM
IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Ms. BORDALLO, Mr. Speaker, I rise today to honor the life and service of retired Superior Court of Guam Judge, Ramon Valero Diaz. Judge Diaz passed away on January 15, 2012 at the age of 93.

Judge Diaz was born on October 13, 1918 in Manila, Philippines and is the son of Dr. Vicente Lozada Diaz and Bibiana Valero Diaz. He came to Guam as a young boy in 1951 to work and make a living for his family. In 1956, he was admitted to the Guam Bar Association, and in 1958, became a naturalized U.S. citizen.

In 1980, Judge Diaz became the first person of Filipino descent to be appointed as a judge for the Superior Court of Guam. After 15 years of government service, he retired as a family court judge.

Judge Diaz graduated from the University of Santo Tomas in Manila, Philippines. In 1941, in the wake of World War II, he was commissioned as an officer in the Philippine Army and was soon inducted into the United States Armed Forces of the Far East (USAFFE) as an infantry line officer. On April 9, 1942, he was captured by Japanese forces in the province of Bataan, Philippines, and was held as a prisoner of war in the Bilibid POW Camp in Manila and in the Santo Tomas POW and Concentration Camp. Later that year he was released as a POW and resumed his military duties shortly thereafter. In 1945, he completed studies from the U.S. Army Judge Advocate General School for commissioned officers at University of Michigan in Ann Arbor. Upon his return, he assumed the role of Chief of Claims Branch under JAG, Philippine Army, where he was responsible for the adjudication of all types of war claims in favor of U.S. POWs.

In 1951, Judge Diaz retired from the Philippine Army as Captain. Throughout his distinguished military career, he received various awards, including the United States and Philippine Presidential Unit Citation and the Philippine Presidential Military Medal. Judge Diaz was involved in many community organizations throughout his life. He was among the first ordained permanent deacons in the Archdiocese of Agana and was instrumental in organizing the Knights of Columbus, Guam Council and Assembly. Further, he was a founding member of the Catholic Social Services, and was active in the establishment of St. Dominic's senior care home and the Dominican Catholic schools on Guam.

Judge Diaz was also heavily involved in the founding of the Filipino Community of Guam, where he served as President. He also helped establish the Marianas Audubon Society, the UST Alumni Association of Guam, and the Chapter of Bataan-Corregidor Veterans on Guam.

Judge Diaz was married to Josefina de la Concepcion for 66 years and together they raised 10 children: Marilu Martinez, Carl Diaz (deceased), Marilies Benavente, Marilen Artero, Maribel Chandler, Mariann Carr, Maricar Davis, Tony Diaz, Vicente Diaz, and Ramon Diaz Jr., and have been blessed with 19 grandchildren and 13 great grandchildren.

Our community is mourning the loss of Judge Ramon Diaz. His contributions to the Guam Judiciary and our community will be remembered by the many citizens he helped throughout his life. We extend heartfelt condolences to his many family, friends, and loved ones.

God bless Judge Diaz. He will be missed.

RICHLAND SPRINGS COYOTES STATE CHAMPIONSHIP

HON. K. MICHAEL CONAWAY
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Mr. CONAWAY, Mr. Speaker, I rise today to congratulate the Richland Springs Coyotes on an outstanding 2011 football season. On December 9, 2011, the Coyotes won the Class A, 6-man Division II State Championship with a significant 76-28 victory over the Motley County Mavericks.

The victory capped a perfect season, where 14 of the Coyotes’ opponents were subjected to the 45-point mercy rule—the Matadors were
no exception. This stellar performance earned the Coyotes their second consecutive state championship.

I want to congratulate the team on their work ethic—domination on the grid-iron does not come easy.

As well as the young men on the team, I want to recognize Coach Jerry Burkhart for putting together a football program of unparalleled success. In the 124 games played under his leadership, you can count all the losses on one hand: Incredible.

I encourage the team and the coaches to enjoy this moment to the utmost. It is my honor to represent Richland Springs and their outstanding football program. Again, I congratulate the Coyotes on a perfect season and a state championship.

RECOGNIZING BARRETT BYRNES

HON. TIMOTHY H. BISHOP
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, January 23, 2012

Mr. BISHOP of New York. Mr. Speaker, I rise today to honor and recognize the life of Barrett Byrnes, a constituent and friend, who passed away on December 21, 2011. He was 59 years old.

Barrett Byrnes was raised in Huntington and attended Harborfields High School in Greenlawn before going on to Farmingdale State College. While a student at Farmingdale, Barrett pitched for the baseball team and in 1972 had an ERA of 0.36, fifth in the country and a school record that stands to this day.

Upon his graduation, Barrett followed in his father’s footsteps and began training to become an air traffic controller. Ralph Byrnes was one of New York’s first air traffic controllers at LaGuardia Airport.

Barrett’s career began at Duchess County Airport in Wappingers Falls, a small local airport. It ended at John F. Kennedy Airport in New York, where he was a certified professional controller in the main tower for the final fourteen years of his career, retiring in 2008.

Beyond his valuable work in the control tower, Barrett was also an active leader in the National Air Traffic Controllers Association, of which he was a charter member, and president/faculty representative of the JFK Tower chapter. As a safety advocate, Barrett served as an air safety investigator to the National Transportation Safety Board.

It was through his commitment to legislative activism on behalf of his union that I came to know him, as he served as the face of the NATCA to the New York congressional delegation.

Mr. Speaker, I mourn the passing and honor the memory of Barrett Byrnes. I wish to extend my heartfelt sorrow to his wife, Jacqueline Taylor, and the rest of Barrett’s family.

HONORING COACH JEFFREY R.
STABILE OF BAYONNE HIGH SCHOOL

HON. ALBIO SIRES
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Monday, January 23, 2012

Mr. SIRES. Mr. Speaker, I rise today in honor of Coach Jeffrey R. Stabile, the former head coach of Bayonne High School’s Girls Basketball team, who taught in the district for over 37 years. Recently, the gymnasium in the Bayonne High School Physical Education/Community Education Center was dedicated to him and renamed, “Jeffrey R. Stabile Court.” Coach Stabile’s outstanding coaching career included the Bayonne High School Boys and Girls Basketball and Softball. Additionally, Coach Stabile was a special education teacher.

Coach Jeffrey R. Stabile has been a coach at Bayonne High School for 41 years, including 14 years with the Boys Basketball program as a freshman coach and junior varsity coach, and 27 years with the Girls Basketball program as the head coach. Coach Stabile led the Boys Basketball team to back to back Hudson County Interscholastic Athletic Association Junior Varsity Championships in 1968–69 and in 1969–1970. As the Girls Basketball head coach, Coach Stabile compiled a record of 570 wins and 135 losses, which included 20 Hudson County Interscholastic Athletic Association (HCIAA) Finals and 14 HCIAA Championships. Coach Stabile led his teams to 11 New Jersey State Interscholastic Athletic Association (NJSIAA) Section Finals and won 5 Section Championships. Finally, his teams made 28 straight State Tournament appearances and reached the State final once in 2006. From 1985 until 1992, the team had a 120 game win streak versus Hudson County Teams which led to 7 straight HCIAA Championships.

For his accomplishments, Coach Stabile was inducted into the Hudson County Hall of Fame in 2005, into the New Jersey Scholastic Coaches Association Hall of Fame in 2005, and the St. Aloysius High School Wall of Fame in 2007, where he attended high school.

Please join me in honoring Coach Jeffrey R. Stabile for his service to the community as a teacher and a coach. I thank him, his wife, Maryann, and his two children Jeffrey Jr. and Joelle, for his contribution to our community.

HONORING THE HONORABLE
GABRIELLE GIFFORDS

HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, January 23, 2012

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor my friend and esteemed colleague, the Honorable Gabrielle Giffords.

A little over a year ago an unfathomable tragedy occurred in Tucson, Arizona, where six individuals were killed in a shooting and several others were wounded, including Congresswoman Gabrielle Giffords. Congresswoman Giffords courage and recovery reminds us that freedom defined by an incident will not silence reason and discourse. Congresswoman Giffords unbreakable spirit is a lesson that fear will not drive us. Unity and the dedication to our democracy will help us rise above all adversity.

The victims of this tragedy were individuals who were committed to the well-being of their community. They had gathered that Saturday morning a year ago in Tucson to discuss making their community and our world a better place. It is in good spirit that before Congresswoman Gabrielle Giffords resigns she has chosen to finish what she started by holding a private gathering in Tucson with some of the people who were at present that tragic day a year ago.

As a Ranking Member on the House Committee on Science, Space and Technology I have worked with Congresswoman Gabrielle Giffords closely for the past five years, where she served as both the Chairwoman and Ranking Member of the Space and Aeronautics Subcommittee. She has made an immeasurable contribution to our work on the Committee, and has been a steadfast champion of NASA and encouraging our next generation of scientists. She is one of the most devoted Members of the House of Representatives, and has served our country with distinction.

Congresswoman Giffords is a shining example of our Democratic system of government—a system where we all have a voice. As she departs these hallowed halls of Congress, I take comfort from the fact that she is doing so to devote her energies to restoring her full health, and I wish her the best in her continuing recovery. She and her family will remain in my thoughts and prayers.

I pray that we can rise together as a nation and embody those values of service that Congresswoman Gabrielle Giffords has personified.

IN SUPPORT OF H.R. 3684, THE COMMUTER PROTECTION ACT

HON. TOM REED
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, January 23, 2012

Mr. REED. Mr. Speaker, I rise today in strong support of the Commuter Protection Act, of which I am proud to be an original cosponsor. This bipartisan, responsible legislation brings oversight of our nation’s federally funded highway system back to the United States Department of Transportation, giving them the ability to determine whether tolls imposed by regional and state toll authorities are just and reasonable. This was an authority the Department of Transportation had previously, and one I believe should be restored. Importantly, they would only have oversight when, and if, there was a complaint about a toll practice.

Representing the 29th Congressional District of the great state of New York, this is an issue that impacts my constituents directly. Recent actions taken by the Port Authority of New York and New Jersey are indicative of the abusive toll structure that can be imposed when agencies are left unchecked. The Port Authority recently raised toll rates for all of its bridges and tunnels, which, when fully implemented, will charge 5-axis tractor-semitrailers $105 per crossing. Mister Speaker, this is a 163% cost jump, with rates three times higher than Philadelphia, the next highest city for trucks on trucks.

Mr. Speaker, a toll increase like this has a tremendously negative impact on my constituents who transport goods in and out of New York City. I have heard directly from many of them, like Ken Johnson, owner of Johnsons Express, a trucking company in Ontario County, about the harm this would do for his business and others throughout Western New
York and the Southern Tier. Additionally, it is clear that ultimately consumers will bear the burden of paying higher prices for goods they buy in stores.

While I understand making needed safety improvements to our nation’s roads necessitates increasing tolls from time to time, I do not understand—nor has the Port Authority given—the justification for a rise of this magnitude. Thus, we need the Department of Transportation to be able to review these toll structures, and others across the country, to ensure taxpayer interests are being best served. Consumers and businesses should not be forced to pay the price for mismanagement, and that is why I urge my colleagues to support the Commuter Protection Act.

RECOGNITION OF THE SERVICE OF VINCE PANVINI

HON. FORTNEY PETE STARK
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Mr. STARK. Mr. Speaker, I rise to acknowledge and thank Vince Panvini for his decades of service on behalf of sheet metal workers locally, nationally and internationally. Panvini’s retirement from his position as Director of Governmental Affairs for the Sheet Metal Workers’ International Association is a great loss to the community of sheet metal workers and to the labor community as a whole.

Throughout his career, Panvini has proven himself as a first-rate organizer and representative of his union members. For close to 50 years, this second-generation sheet metal worker has been a member of Local Union 19 in Philadelphia. He won election as a Local 19 trustee and later to their Executive Board. He rose to an appointment as Local Union Organizer, then was appointed—and later elected—as Business Representative for the Local. After attending Harvard Trade School for International Labor Relations, he was appointed as Director of Governmental Affairs for the Sheet Metal Workers’ International Association in January 1994.

His success, friends and coworkers have said, is characterized by the fact that Panvini was “born to do this work.” His love of the job, combined with his unparalleled memory and “funny but stern” personality has won him the respect of his peers and allies. These attributes also won him great respect among peers, politicians, organizers, community leaders and union workers.

The labor community’s loss at Panvini’s retirement, however, will be his family’s gain—a noble tradeoff. With a return to Philadelphia, he’ll get quality time with family, his top priority. Panvini has a son, a daughter and four grandchildren. On top of that, Panvini will have more time to cheer on his Philadelphia Eagles.

I thank Vince Panvini for his years of service and wish him well in retirement.

COLLEGE RIVALRY GOOD FOR TEXAS

HON. TED POE
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Mr. POE of Texas. Mr. Speaker, “Texas fight, Texas fight and it’s goodbye to A&M.” The words of the Texas fight song rang loud for the last time this year at the annual duel between the University of Texas and Texas A&M.

The last match-up between the two Texas football powerhouses was a bittersweet ending to a 117-year rivalry. Now, the eyes of Texas are upon the Aggies as they abandon the Big 12 for the alluring SEC. With that decision, ends one, if not the greatest football rivalries of all time.

The annual Turkey Day battle between the burnt orange and the maroon is not just a game played once a year; it’s not just another test on the schedule. This game makes the breaks the season. It’s a rivalry in every sense of the word; a chance for bragging rights for a whole year among family and friends. Neighborhood kids that grow up playing with each other become gridiron gladiators, fighting for the ultimate goal of beating the other. This football game comes with households, friendships, and the state of Texas.

This past Thanksgiving, a historic battle between two Texas universities ran deep in the pulse of Texans who have watched year after year as these two waged war. With their final game, it’s happy trails to a Texas tradition that has been played; the teams have left the field; the clock has ticked down to 0:00. In their losing effort this year, the Aggie faithful sang, “So it is goodbye to Texas football. Modern Texas revisionists claim this is all bunk. Who knows.

Even today, A&M has their hand in the well-being of the beloved mascot. When BEVO becomes ill, Texas officials have to quietly transport the College Station campus—to A&M’s top ranked veterinarian program. They see it as a top secret mission so as to not invoke the students to “defame” the legendary steer.

Today, the rivalry between the students of each school is still alive. But there is no more football between the schools. The last game has been played; the teams have left the field; and the clock has ticked down to 0:00. In their losing effort this year, the Aggie faithful sang, “So it is goodbye to Texas football. Modern Texas revisionists claim this is all bunk. Who knows.

RECOGNIZING DON DOMINA FOR HIS NEARLY 35 YEARS OF SERVICE TO THE CENTRAL CONNECTICUT COOPERATIVE FARMERS ASSOCIATION

HON. JOE COURTNEY
OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Mr. COURTNEY. Mr. Speaker, I rise today to congratulate Don Domina, General Manager of the Central Connecticut Cooperative Farmers Association who is retiring after nearly 35 years of service to the people and businesses of Connecticut.

Don Domina grew up on a farm in Vermont where his family, including his six siblings, raised dairy cows. Life on the farm led to interests in working with animals as a veterinarian, a passion he pursued as a youngster. As he grew older, Don left his family farm to pursue work in construction, building silos around New England and New York. In the late 1960s, Don moved to Connecticut to do construction work and later became a milk truck driver for Moser’s, returning him to his dairy roots.

In November 1977, Don joined the staff of the Central Connecticut Cooperative Farmers
Associates a truck driver. However in his nearly 35 years at the Co-Op, he has held more than a half dozen positions in nearly every capacity. In March 2004, Don became manager of the Co-op, a position he earned through his hard work and lasting commitment to help his customers and their farms.

While he is retiring from his position as General Manager, I imagine we will continue to see Don active in the agriculture world for many years to come. Whether it is through his work with the Connecticut Poultry Association or the University of Connecticut’s agriculture programs, Don’s commitment to agriculture and the farm families across Connecticut will never tire. I want to extend my heartfelt congratulations to Don on his retirement and ask my colleagues to do the same.

**MIDLAND CHRISTIAN SCHOOL MUSTANGS STATE CHAMPIONSHIP**

**HON. K. MICHAEL CONAWAY**  
**OF TEXAS**  
**IN THE HOUSE OF REPRESENTATIVES**  
**Monday, January 23, 2012**

Mr. CONAWAY. Mr. Speaker, I rise today to congratulate the Midland Christian School Mustangs on a tremendous football season. On December 3, 2011, the Mustangs defeated the Tomball Concordia Lutheran Crusaders to win the TAPPS Division II State Championship.

The Mustangs finish the season with a 12–2 record, winning 12 consecutive games to finish the season and capture the state championship.

I want to congratulate the team on their dedication and hard work. This remarkable season was capped by a thrilling state championship that was a fight to the finish. Throughout the ups and downs of this year, the Mustangs persevered and clung together as a unit, ultimately winning state. I applaud their courage and hard work.

Coach Greg McClenod, as well as the young men on the team, deserves recognition for the accomplishment. This victory marks the fifth 11-man state championship for the Mustangs—an outstanding accomplishment. I encourage them to enjoy this achievement to the utmost.

It is my honor to represent the Midland Christian School Mustangs and their state championship football team. Again, I congratulate the Mustangs on an outstanding season.

**IN HONOR OF CONNIE COKER**

**HON. ELIOT L. ENGEL**  
**OF NEW YORK**  
**IN THE HOUSE OF REPRESENTATIVES**  
**Monday, January 23, 2012**

Mr. ENGEL. Mr. Speaker, in a loss we are only just beginning to feel, Connie Coker stepped down as Rockland County Legislator at the end of 2011. To me she typified the Rockland spirit of enthusiasm, common sense, hard work, and intelligence. She cared for people and worked hard to help them in any way a legislator could. To top it off, she is a genuinely nice person and I’m happy to call her a good friend.

Connie came to the legislature in April, 2006, winning a special election and then winning her re-election in 2007. She was tireless in advocating for clean air and water, affordable housing, green space, clean energy, a fair tax structure, and against overdevelopment and the dangers associated with Indian Point.

In the County Legislature she served as Chair of the Environmental Committee, Vice-Chair of the Multi-Services Committee and the Special County Comprehensive Plan Committee, was a member of the Public Safety Committee, and the Environmental Management Committee. She was a Registered Nurse and a Licensed Midwife and her legislative agenda was based on her commitment to the health, well-being and safety of the citizens of Rockland County.

Connie lives in South Nyack with her husband Erik Larsen, a doctor. They have two daughters: Kaeth Larsen, a graduate of Nyack High School and SUNY New Paltz with a degree in Women’s Studies; and Anika Larsen, also a graduate of Nyack High School who attended SUNY Delhi, SUNY Arts and Rockland Community College.

I will miss seeing Connie at the events we both went to. I will miss far more the wise counsel she had to offer and her sound advice about the areas we both represented. By happy coincidence we both represented a 17th District. She is a good and gracious person who represented her constituents wisely and well. We are all better for knowing her.

**RECOGNIZING JAMES BURKE**

**HON. TIMOTHY H. BISHOP**  
**OF NEW YORK**  
**IN THE HOUSE OF REPRESENTATIVES**  
**Monday, January 23, 2012**

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize and honor the newly invested chief of the Suffolk County Police Department, James C. Burke. A dedicated law enforcement officer, Chief Burke has devoted his career to the service and protection of his community.

Chief Burke began his service at the New York City Police Department in January of 1985, before moving to the Suffolk County PD in July of the following year. During his time with the department, Burke has served in a variety of leadership roles, including supervising the patrol and detective divisions.

In addition to commanding the Organized Crime Bureau of the SCPD, Chief Burke has, since 2006, served as the chief investigator for the Suffolk County District Attorney’s Office. Burke also has demonstrated a commitment to law enforcement education and is frequently called to give lectures to groups around the country.

On January 1, 2012, James Burke was promoted to Chief of the Suffolk County Police Department, the pinnacle, but by no means the end, of a long and distinguished career.

Chief Burke will continue to serve his community as the highest ranking uniformed officer in the county, upholding the high standard for which the SCPD has become known.

Mr. Speaker, I honor James Burke for his invaluable and continuing contributions to our community. It is my great hope that his tenure with the department will be a credit to him and the officers he now oversees. I look forward to working with Chief Burke and supporting the department in its mission to keep Long Island safe and secure.

**FOVERTY IN CUBA**

**HON. ALBIO SIRES**  
**OF NEW JERSEY**  
**IN THE HOUSE OF REPRESENTATIVES**  
**Monday, January 23, 2012**

Mr. SIRES. Mr. Speaker, I submit the following regarding the culture of poverty in Cuba under the Castro regime.

(From the Jersey Journal, Dec. 31, 2011)

**CUBA’S CULTURE OF POVERTY PERSISTS**

(By Roland A. Alum)

The Fidel-(-Raul Castro regime marks 53 years this Jan. 1. The brothers unquestionably enjoyed extraordinary popularity in 1959, but the enthusiasm soon evaporated as they turned Cuba into a financially and spiritually bankrupt Marxist anti-utopia.

As a result, nearly two million Cubans of all social backgrounds have fled, many of them settling in Hudson County.

By the 1950s, Cuba was a regional leader in numerous social indicators, notwithstanding instability and corruption during the republican era (1902–1958). But since 1959 the island-nation has become a backward, closed society beleaguered by unproductivity and rationing.

Sociologist Tomas Masaryk noted that “dictators ‘look good’ until the last minute” in Cuba’s case, “seems particularly fine to certain U.S. intellectuals. Comfortably from abroad, apologists contend that most of the socioeconomic problems that traditionally afflicted the prior five and half decades were eliminated after 1959. Yet, fact-finding by international social-scientists challenges this fantasy.

An early, little-known account uncovering some effects of the Castro’s regimentation came from research in Cuba in 1969–70 by U.S. cultural- anthropologists Oscar Lewis and Douglas Butterworth. They intended to test Lewis’ theory that a culture of poverty would not exist in a Marxist-oriented society. They had naively presupposed that the socially alienating conditions that engender such phenomena could develop among the poor solely under capitalism.

The Lewis-Butterworth early on-the-ground scrutiny validates many accounts by respected experts and the much vilified exiles. There exists a culture of poverty in Cuba, although it is not necessarily a survivor of the old times, but seemingly a byproduct of the Castros’ totalitarian socialism. There were always poor Cubans, and some version of the culture of poverty might have existed before, but in more communicative interactions with Butterworth, he reconnoitered another discovery. The researchers could not.
document a case for a pervasive pre-1959 culture of poverty. The authorities must have suspected the prospective conclusions because the scholars were abruptly expelled and their Cuban statistician imprisoned.

Upon the 53rd anniversary, the old Lewis-Butterworth analysis invites renewed reflection. Apologists customarily replicate propagandistic cliches by blaming failures on external factors, such as the ending, two decades ago, of the multibillion-dollar subsidies from the defunct Soviet Bloc.

The anthropologists’ undertaking, however, revealed that life for average Cubans in the Castro’s first decade was already beset with corruption and time-wasting food lines. Likewise, Butterworth described how ordinary people were engaging in what sociobehavioral scientists now call “everyday forms of resistance.” Cubans were already undermining the police-state through black-marketeering, pilfering and vandalism, as we hear that they continue to do decades later.

After more than half a century of oppression and poor quality of life, one hopes for a transition to an open society with equal opportunities for every Cuban.

CONGRATULATING THE GREATER BETHLEHEM BAPTIST CHURCH ON THEIR 80TH ANNIVERSARY

HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, January 23, 2012

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to congratulate the Greater Bethlehem Baptist Church on their 80th anniversary. This is truly a historic occasion, and I want to commend the Church on this special anniversary for its ardent commitment to service and community outreach.

The Greater Bethlehem Baptist Church’s beginnings were humble. The Church was first organized in 1932, under the auspices of Dr. C. C. Choice. Dr. Choice, along with thirty-five members of the Bethlehem Baptist Church, had a vision of growing the church through good works in the community and being stewards of their faith.

Over the years, their numbers did grow. As their numbers grew, so did their charitable acts. The Church has been devoted in their commitment to serve people from all walks of life in Dallas. They offer many services to church members and the public, including providing health care workshops and screenings, ministries to youth and young adults to cultivate their spiritual and leadership skills, and a performing arts troupe, For His Glory.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating Greater Bethlehem Baptist Church’s congregation. The Church’s decades of commitment to our community has improved the lives of so many. Throughout the years, the Church has continued to bless the lives of countless people. May God continue to bless the congregation with many more years of continued prosperity.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 24, 2012 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

JANUARY 25
2 p.m. Commission on Security and Cooperation in Europe
To hold hearings to examine Kazakhstan, focusing on the stability of their government.
2200, Rayburn Building

2:30 p.m. Homeland Security and Governmental Affairs
Contracting Oversight Subcommittee
To hold hearings to examine contract management at Arlington National Cemetery.
SD–342

10 a.m. Budget
To hold hearings to examine the outlook for the United States and global economy.
SD–608

Judiciary
Business meeting to consider S. 1295, to reauthorize the Violence Against Women Act of 1994, and the nominations of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit, and Dennis J. Erby, to be United States Marshal for the Northern District of Mississippi, Department of Justice.
SD–226

Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold hearings to examine taxation of mutual fund commodity investments.
SD–342

2:15 p.m. Judiciary
To hold hearings to examine the nominations of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit, Christine Gerhard Baker, to be United States District Judge for the Eastern District of Kansas, John Z. Lee, and John J. Tharp, Jr., both to be United States District Judge for the Northern District of Illinois, and George Levi Russell, III, to be United States District Judge for the District of Maryland.
SD–226

2:30 p.m. Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

JANUARY 31
10 a.m. Energy and Natural Resources
To hold hearings to examine the United States and global energy outlook for 2012.
SD–366

FEBRUARY 2
9:30 a.m. Energy and Natural Resources
To hold hearings to examine the final report of the Blue Ribbon Commission on America’s Nuclear Future.
SD–366

2:15 p.m. Indian Affairs
To hold hearings to examine S. 1739, to provide for the use and distribution of judgment funds awarded to the Minnesota Chippewa Tribe by the United States Court of Federal Claims in Docket Numbers 19 and 188, S. 356, to amend the Grand Ronde Reservation Act to make technical corrections, and to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon.
SD–628

FEBRUARY 7
9:30 a.m. Armed Services
To hold hearings to examine the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.
SD–G50

FEBRUARY 8
10 a.m. Veterans’ Affairs
To hold hearings to examine the President’s proposed budget request for fiscal year 2012 for Veterans’ Programs.
SR–418

FEBRUARY 9
10 a.m. Armed Services
To hold hearings to examine U.S. Pacific Command and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.
SD–G50

2:15 p.m. Indian Affairs
To hold an oversight hearing to examine internet gaming, focusing on what’s at stake for tribes.
SD–628

FEBRUARY 14
9:30 a.m. Armed Services
To hold hearings to examine the Department of the Air Force in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.
SD–G50

FEBRUARY 16
2:15 p.m. Indian Affairs
To hold an oversight hearing to examine energy development in Indian country.
SD–628

FEBRUARY 28
9:30 a.m. Armed Services
To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.
SD–106

VETERANS’ AFFAIRS

FEBRUARY 16
To hold joint hearings to examine legislative presentation from the Disabled American Veterans (DAV).
345, Cannon Building

FEBRUARY 29
10 a.m. Veterans’ Affairs
To hold hearings to examine ending homelessness among veterans, focusing on Veterans’ Affairs progress on its five year plan.

MARCH 1
9:30 a.m. Armed Services

MARCH 7
10 a.m. Veterans’ Affairs
To hold joint hearings to examine a legislative presentation from the Veterans of Foreign Wars (VFW).

MARCH 21
10 a.m. Veterans’ Affairs
To hold joint hearings to examine the legislative presentations of the Military Order of the Purple Heart, Iraq and Afghanistan Veterans of America (IAVA), Non Commissioned Officers Association, American Ex-Prisoners of War, Vietnam Veterans of America, Wounded Warrior Project, National Association of State Directors of Veterans Affairs, and The Retired Enlisted Association.
Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Paralyzed Veterans of America, Air Force Sergeants Association, Blinded Veterans Association, American Veterans (AMVETS), Gold Star Wives, Fleet Reserve Association, Military Officers Association of America, and the Jewish War Veterans.

345, Cannon Building
Chamber Action
Routine Proceedings, pages S13–S49

Measures Introduced: Two bills and two resolutions were introduced, as follows: S. 2032–2033, S.J. Res. 34, and S. Res. 352.

Measures Reported:

Reported on Friday, January 13, during the adjournment:

S. 114, to authorize the Secretary of the Interior to enter into a cooperative agreement for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, with an amendment in the nature of a substitute. (S. Rept. No. 112–103)

S. 140, to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan. (S. Rept. No. 112–104)


S. 264, to direct the Secretary of the Interior to convey to the State of Mississippi 2 parcels of surplus land within the boundary of the Natchez Trace Parkway, with an amendment. (S. Rept. No. 112–106)

S. 302, to authorize the Secretary of the Interior to issue right-of-way permits for a natural gas transmission pipeline in nonwilderness areas within the boundary of Denali National Park. (S. Rept. No. 112–107)

S. 322, to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers. (S. Rept. No. 112–108)

S. 323, to establish the First State National Historical Park in the State of Delaware. (S. Rept. No. 112–109)

S. 499, to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project. (S. Rept. No. 112–110)

S. 500, to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, with amendments. (S. Rept. No. 112–111)

S. 526, to provide for the conveyance of certain Bureau of Land Management land in Mohave County, Arizona, to the Arizona Game and Fish Commission, for use as a public shooting range, with an amendment in the nature of a substitute. (S. Rept. No. 112–112)

S. 667, to establish the Rio Grande del Norte National Conservation Area in the State of New Mexico. (S. Rept. No. 112–113)

S. 765, to modify the boundary of the Oregon Caves National Monument. (S. Rept. No. 112–114)

S. 766, to provide for the designation of the Devil’s Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild rivers. (S. Rept. No. 112–115)

S. 779, to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program. (S. Rept. No. 112–116)

S. 802, to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma. (S. Rept. No. 112–117)

S. 883, to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution. (S. Rept. No. 112–118)

S. 888, to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System. (S. Rept. No. 112–119)

S. 896, to amend the Public Land Corps Act of 1993 to expand the authorization of the Secretaries...
of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation’s natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service, with amendments. (S. Rept. No. 112–120)

S. 970, to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System. (S. Rept. No. 112–121)

S. 1047, to amend the Reclamation Projects Authorization and Adjustment of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado. (S. Rept. No. 112–122)

S. 1090, to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee. (S. Rept. No. 112–123)

Report to accompany S. 1134, to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values. (S. Rept. No. 112–124)

S. 1325, to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, with an amendment in the nature of a substitute. (S. Rept. No. 112–125)

S. 1344, to direct the Secretary of Agriculture to take immediate action to recover ecologically and economically from a catastrophic wildfire in the State of Arizona, with an amendment in the nature of a substitute. (S. Rept. No. 112–126)

S. 1421, to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs. (S. Rept. No. 112–127)

S. 1478, to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota. (S. Rept. No. 112–128)

H.R. 441, To authorize the Secretary of the Interior to issue permits for microhydro projects in non-wilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc. (S. Rept. No. 112–129)

H.R. 461, to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District. (S. Rept. No. 112–130)

Measures Passed:

SOAR Technical Corrections Act: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of H.R. 3237, to amend the SOAR Act by clarifying the scope of coverage of the Act, and the bill was then passed.

St. Croix River Crossing Project Authorization Act: Senate passed S. 1134, to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values, after agreeing to the committee amendment, and the following amendment proposed thereto:

Durbin (for Klobuchar) Amendment No. 1468, to modify the offset.

Providing for a Joint Session of Congress: Senate agreed to H. Con. Res. 96, providing for a joint session of Congress to receive a message from the President.

Appointments:

United States-China Economic Security Review Commission: The Chair announced the following appointments made pursuant to the unanimous-consent agreement of December 17, 2011, by the President pro tempore and the Majority Leader during the adjournment of the Senate:

Pursuant to the provisions of Public Law 106–398, as amended by Public Law 108–7, upon the recommendation of the Majority Leader, and in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair on behalf of the President pro tempore announced the reappointment and appointment of the following individuals to the United States-China Economic Security Review Commission:


Protect IP Act—Agreement: A unanimous-consent agreement was reached providing that the motion to invoke cloture on the motion to proceed to consideration of S. 968, to prevent online threats to economic creativity and theft of intellectual property, be withdrawn.

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to the debt limit, received during adjournment of the Senate on January 12, 2012; which was referred to the Committee on Finance. (PM–36)
Nomination Confirmed: Senate confirmed the following nomination:
By 74 yeas to 16 nays (Vote No. EX. 1), John M. Gerrard, of Nebraska, to be United States District Judge for the District of Nebraska. Pages S16–27, S49

Nominations Received: Senate received the following nominations:
Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit.
William J. Kayatta, Jr., of Maine, to be United States Circuit Judge for the First Circuit.
Michael A. Shipp, of New Jersey, to be United States District Judge for the District of New Jersey.
5 Air Force nominations in the rank of general.
36 Army nominations in the rank of general.
1 Navy nomination in the rank of admiral.

Messages from the House:

Measures Placed on the Calendar:

Enrolled Bills Presented:

Executive Communications:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Notices of Hearings/Meetings:

Record Votes: One record vote was taken today. (Total—1) Page S27

Adjournment: Senate convened at 2 p.m. and adjourned at 6:56 p.m., until 10 a.m. on Tuesday, January 24, 2012. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S48.)

Committee Meetings
(Committees not listed did not meet)
No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 14 public bills, H.R. 3797–3810 and 1 resolution, H. Res. 521 were introduced. Pages H113–14
Additional Cosponsors:
Reports Filed: Reports were filed today as follows:
H.R. 1173, to repeal the CLASS program (H. Rept. 112–342 Pt. 2);
H.R. 2606, to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes, with an amendment (H. Rept. 112–373); and
H.R. 3117, to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes, with an amendment (H. Rept. 112–374).

Speaker: Read a letter from the Speaker wherein he appointed Representative Foxx to act as Speaker pro tempore for today.

Recess: The House recessed at 12:20 p.m. and reconvened at 2 p.m.

Recess: The House recessed at 2:14 p.m. and reconvened at 4:01 p.m.

Suspensions: The House agreed to suspend the rules and pass the following measures:

Permanent Electronic Duck Stamp Act of 2011: H.R. 3117, amended, to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, by a 2⁄3 yea-and-nay vote of 373 yeas to 1 nay, Roll No. 5 and

Rota Cultural and Natural Resources Study Act: H.R. 1141, to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System, by a 2⁄3 yea-and-nay vote of 278 yeas to 100 nays, Roll No. 6.

Recess: The House recessed at 4:16 p.m. and reconvened at 6:31 p.m.
Announcement by the Chair: The Speaker addressed the House on matters of decorum.

Notice of Intent to Offer Motion: Representative Capps announced her intent to offer a motion to instruct conferees on H.R. 3630.
Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H90 and H91. There were no quorum calls.

Adjournment: The House met at 12 noon and adjourned at 9:56 p.m.

Committee Meetings

DOING BUSINESS WITH DOD
Committee on Armed Services: Panel on Business Challenges within the Defense Industry held a hearing on Doing Business with DOD: Getting Innovative Solutions from Concept to the Hands of the Warfighter. Testimony was heard from public witnesses.

LEGALLY BINDING BUDGET ACT OF 2011
Committee on Rules: Full Committee held a markup on H.R. 3575, the “Legally Binding Budget Act of 2011.” The bill was ordered reported, as amended.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1364)


H.J.Res. 95, making further continuing appropriations for fiscal year 2012. Signed on December 17, 2011. (Public Law 112–68)

S. 535, to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument. Signed on December 19, 2011. (Public Law 112–69)

S. 683, to provide for the conveyance of certain parcels of land to the town of Mantua, Utah. Signed on December 19, 2011. (Public Law 112–70)

S.J.Res. 22, to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years. Signed on December 19, 2011. (Public Law 112–71)

H.R. 470, to further allocate and expand the availability of hydroelectric power generated at Hoover Dam. Signed on December 20, 2011. (Public Law 112–72)

H.R. 2061, to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment. Signed on December 20, 2011. (Public Law 112–73)

H.R. 2055, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012. Signed on December 23, 2011. (Public Law 112–74)


H.R. 3421, to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001. Signed on December 23, 2011. (Public Law 112–76)


H.R. 3765, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline. Signed on December 23, 2011. (Public Law 112–78)

S. 278, to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado. Signed on December 23, 2011. (Public Law 112–79)

S. 384, to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research. Signed on December 23, 2011. (Public Law 112–80)

H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year. Signed on December 31, 2011. (Public Law 112–81)


H.R. 789, to designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the “Sergeant Matthew J. Fenton Post Office”. Signed on January 3, 2012. (Public Law 112–83)

H.R. 1059, to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports. Signed on January 3, 2012. (Public Law 112–84)

H.R. 1264, to designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the “M.D. Anderson Plaza” and to authorize the placement of a historical identification marker on the grounds recognizing the

H.R. 1801, to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces. Signed on January 3, 2012. (Public Law 112–86)


H.R. 2422, to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the “Sergeant Angel Mendez Post Office”. Signed on January 3, 2012. (Public Law 112–89)

H.R. 2845, to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation’s energy products by pipeline. Signed on January 3, 2012. (Public Law 112–90)

COMMITTEE MEETINGS FOR TUESDAY, JANUARY 24, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Select Committee on Intelligence: closed business meeting to consider certain intelligence matters, 9:45 a.m., SH–219.

Joint Meetings

Conference: meeting of conferees on H.R. 3630, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, 2:30 p.m., 1100, Longworth Building.

CONGRESSIONAL PROGRAM AHEAD

Week of January 24 through January 28, 2012

Senate Chamber

On Tuesday, the Senate will be in a period of morning business until 4 p.m.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on the Budget: January 26, to hold hearings to examine the outlook for the United States and global economy, 10 a.m., SD–608.

Committee on Homeland Security and Governmental Affairs: January 25, Ad Hoc Subcommittee on Contracting Oversight, to hold hearings to examine contract management at Arlington National Cemetery, 2:30 p.m., SD–342.

January 26, Permanent Subcommittee on Investigations, to hold hearings to examine taxation of mutual fund commodity investments, 10 a.m., SD–342.

Committee on the Judiciary: January 26, business meeting to consider S. 1925, to reauthorize the Violence Against Women Act of 1994, and the nominations of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit, and Dennis J. Erby, to be United States Marshal for the Northern District of Mississippi, Department of Justice, 10 a.m., SD–226.

January 26, Full Committee, to hold hearings to examine the nominations of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit, Kristine Gerhard Baker, to be United States District Judge for the Eastern District of Arkansas, John Z. Lee, and John J. Tharp, Jr., both to be a United States District Judge for the Northern District of Illinois, and George Levi Russell, III, to be United States District Judge for the District of Maryland, 2:15 p.m., SD–226.

Select Committee on Intelligence: January 24, closed business meeting to consider certain intelligence matters, 9:45 a.m., SH–219.

January 26, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House Committees

Committee on Agriculture, January 25, full Committee, markup on the following: H.R. 1840, to improve consideration by the Commodity Futures Trading Commission of the costs and benefits of its regulations and orders; H.R. 2682, Business Mitigation and Price Stabilization Act of 2011; H.R. 2779, to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act; H.R. 2586, the “Swap Execution Facility (SEF) Clarification Act”; H.R. 3336, the “Small Business Credit Availability Act”; H.R. 3527, the “Protecting Main Street End-Users from Excessive Regulation.” 9 a.m., 1300 Longworth.

Committee on Armed Services, January 24, full Committee, hearing on Department of Defense Perspectives on Financial Improvement and Audit Readiness Efforts, 10:30 a.m., 2118 Rayburn.

Committee on the Budget, January 24, full Committee, begin markup of the following: H.R. 3582, the “Pro-Growth Budgeting Act of 2011”; H.R. 3583, the “Baseline Reform Act of 2011; H.R. 3581, the “Budget and Accounting Transparency Act of 2011”; and H.R. 3575, the “Legally Binding Budget Act of 2011.” 10 a.m., 210 Cannon.
January 25, full Committee, continue markup of the following: H.R. 3582, the “Pro-Growth Budgeting Act of 2011”; H.R. 3578, the “Baseline Reform Act of 2011; H.R. 3581, the “Budget and Accounting Transparency Act of 2011”; and H.R. 3575, the “Legally Binding Budget Act of 2011.” 10 a.m., 210 Cannon.


Committee on the Judiciary, January 24, full Committee, markup of the following: H.R. 1433, the “Private Property Rights Protection Act of 2011” and H.R. 3796, the “Adam Walsh Reauthorization Act of 2012.” 10 a.m., 2141 Rayburn.

Committee on Natural Resources, January 24, Subcommittee on National Parks, Forests and Public Lands, hearing on the following: H.R. 919, the “Mohave Valley Land Conveyance Act of 2011”; H.R. 938, the “Frank Buckles World War I Memorial Act”; H.R. 1278, to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating the John Hope Franklin Reconciliation Park and other sites in Tulsa, Oklahoma, relating to the 1921 Tulsa race riot as a unit of the National Park System, and for other purposes”; H.R. 2240, the “Lowell National Historical Park Land Exchange Act of 2011”; H.R. 2489, the “American Battlefield Protection Program Amendments Act of 2011”; H.R. 3411, to modify a land grant patent issued by the Secretary of the Interior; H.R. 3440, the “Recreational Shooting Protection Act.” 10 a.m., 1324 Longworth.

January 25, Subcommittee on Indian and Alaska Affairs, hearing on the following: H.R. 2467, the “Bridgeport Indian Colony Land Trust, Health, and Economic Development Act of 2011”; and S. 292, the “Salmon Lake Land Selection Resolution Act.” 11 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, January 24, Subcommittee on Health Care, District of Columbia, Census and the National Archives, hearing entitled “McPherson Square: Who Made the Decision to Allow Indefinite Camping in the Park?” 9:30 a.m., 2154 Rayburn.

January 24, Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs, hearing entitled “How Will the CFPB Function Under Richard Cordray?” 1:30 p.m., 2154 Rayburn.

January 25, Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending, hearing entitled “Volt Vehicle Fire: What did NHTSA Know and When Did They Know It?” 8 a.m., 2154 Rayburn.


Committee on Rules, January 24, Subcommittee on Legislative and Budget Process, hearing on H.R. 114, the “Biennial Budgeting and Appropriations Act of 2011.” 10:15 a.m., H–313 Capitol.

January 24, full Committee, hearing on H.R. 1173, the “Fiscal Responsibility and Retirement Security Act of 2011.” 1:30 p.m., H–313 Capitol.

Committee on Science, Space, and Technology, January 24, Subcommittee on Investigations and Oversight, hearing entitled “A Review of the Advanced Research Projects Agency-Energy.” 2 p.m., 2318 Rayburn.

Committee on Veterans’ Affairs, January 24, Subcommittee on Disability Assistance and Memorial Affairs, hearing entitled “Rating the Rating Schedule—the State of VA Disability Ratings in the 21st Century.” 10 a.m., 334 Cannon.

Committee on Ways and Means, January 24, Subcommittee on Social Security, hearing on combating disability waste, fraud and abuse, 10:30 a.m., B–318 Rayburn.

House Permanent Select Committee on Intelligence, January 25, full Committee, hearing on ongoing intelligence activities, 10 a.m., HVC–304. This is a closed hearing.

Joint Meetings

Commission on Security and Cooperation in Europe: January 25, to hold hearings to examine Kazakhstan, focusing on the stability of their government, 2 p.m., 2200, Rayburn Building.

Conference: January 24, meeting of conferees on H.R. 3630, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, 2:30 p.m., 1100, Longworth Building.
Next Meeting of the SENATE
10 a.m., Tuesday, January 24

Senate Chamber

Program for Tuesday: Senate will be in a period of morning business until 4 p.m.
(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Extensions of Remarks, as inserted in this issue

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Van Hollen, Chris, Md., E53

House Chamber

Program for Tuesday: Joint Session with the Senate to Receive the State of the Union Address from the President of the United States.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Tuesday, January 24

House Chamber

Program for Tuesday: Joint Session with the Senate to Receive the State of the Union Address from the President of the United States.