

I know that when the true issue of infanticide is placed before the American people, with all the facts openly aired, we will have no trouble deciding that a mentally or physically handicapped baby has the same intrinsic worth and right to life as the rest of us. As the New Jersey Supreme Court said two decades ago, in a decision upholding the sanctity of human life, "a child need not be perfect to have a worthwhile life."

Whether we are talking about pain suffered by unborn children, or about late-term abortions, or about infanticide, we inevitably focus on the humanity of the unborn child. Each of these issues is a potential rallying point for the sanctity of life ethic. Once we as a nation rally around any one of these issues to affirm the sanctity of life, we will see the importance of affirming this principle across the board.

Malcolm Muggeridge, the English writer, goes right to the heart of the matter: "Either life is always and in all circumstances sacred, or intrinsically of no account; it is inconceivable that it should be in some cases the one, and in some the other." The sanctity of innocent human life is a principle that Congress should proclaim at every opportunity.

It is possible that the Supreme Court itself may overturn its abortion rulings. We need only recall that in *Brown v. Board of Education* the court reversed its own earlier "separate-but-equal" decision. I believe if the Supreme Court took another look at *Roe v. Wade*, and considered the real issue between the sanctity of life ethic and the quality of life ethic, it would change its mind once again.

As we continue to work to overturn *Roe v. Wade*, we must also continue to lay the groundwork for a society in which abortion is not the accepted answer to unwanted pregnancy. Pro-life people have already taken heroic steps, often at great personal sacrifice, to provide for unwed mothers. I recently spoke about a young pregnant woman named Victoria, who said, "In this society we save whales, we save timber wolves and bald eagles and Coke bottles. Yet, everyone wanted me to throw away my baby." She has been helped by Save-a-Life, a group in Dallas, which provides a way for unwed mothers to preserve the human life within them when they might otherwise be tempted to resort to abortion. I think also of House of His Creation in Catesville, Pennsylvania, where a loving couple has taken in almost 200 young women in the past ten years. They have seen, as a fact of life, that the girls are not better off having abortions than saving their babies. I am also reminded of the remarkable Rossow family of Ellington, Connecticut, who have opened their hearts and their home to nine handicapped adopted and foster children.

The Adolescent Family Life Program, adopted by Congress at the request of Senator Jeremiah Denton, has opened new opportunities for unwed mothers to give their children life. We should not rest until our entire society echoes the tone of John Powell in the dedication of his book, *Abortion: The Silent Holocaust*, a dedication to every woman carrying an unwanted child: "Please believe that you are not alone. There are many of us that truly love you, who want to stand at your side, and help in any way we can." And we can echo the always-practical woman of faith, Mother Teresa, when she says, "If you don't want the little child, that unborn child, give him to me." We have so many families in America seeking to adopt children that the slogan "every child a wanted child" is now the emptiest of all reasons to tolerate abortion.

I have often said we need to join in prayer to bring protection to the unborn. Prayer

and action are needed to uphold the sanctity of human life. I believe it will not be possible to accomplish our work, the work of saving lives, "without being a soul of prayer." The famous British Member of Parliament, William Wilberforce, prayed with his small group of influential friends, the "Clapham Sect," for decades to see an end to slavery in the British empire. Wilberforce led that struggle in Parliament, unflinchingly, because he believed in the sanctity of human life. He saw the fulfillment of his impossible dream when Parliament outlawed slavery just before his death.

Let his faith and perseverance be our guide. We will never recognize the true value of our own lives until we affirm the value in the life of others, a value of which Malcolm Muggeridge says: "... however low it flickers or fiercely burns, it is still a Divine flame which no man dare presume to put out, be his motives ever so humane and enlightened."

Abraham Lincoln recognized that we could not survive as a free land when some men could decide that others were not fit to be free and should therefore be slaves. Likewise, we cannot survive as a free nation when some men decide that others are not fit to live and should be abandoned to abortion or infanticide. My Administration is dedicated to the preservation of America as a free land, and there is no cause more important for preserving that freedom than affirming the transcendent right to life of all human beings, the right without which no other rights have any meaning.

#### IMPROVEMENTS IN MINE SAFETY

Mr. ISAKSON. Mr. President, I come before this Chamber to speak about good news. The Mine Safety and Health Administration confirmed that 2009 was the safest year in the history of American mining.

As many of us have learned in the course of our lives, sometimes good can come from tragedy. Indeed, this is true of American mining after the 2006 disasters at the Sago, Aracoma, and Darby mines. Overall that year, 73 miners perished in American mines. Last year, that number decreased by more than half as a result of efforts made throughout the industry. Thirty-four American miners perished, a new record low.

Also in 2009, nearly 85 percent of all U.S. mines recorded no lost-time injuries. According to the Bureau of Labor Statistics, the 2009 incident rate of nonfatal occupational injuries for mining was 3.5. For comparison, the incident rate for all of private industry was 3.9 and manufacturing and construction were 5.0 and 4.7, respectively.

Four years ago, after a decade of steady improvement in mine safety, the Nation was riveted to the unfolding mine tragedies in Appalachia that claimed the lives of more than a dozen miners. And as some of you in this Chamber will recall, those accidents prompted us and the mining industry to revisit mine safety.

Several of us, including Senators BYRD, ENZI, Kennedy, MURRAY, and ROCKEFELLER, spent long hours and conducted extensive hearings on how we could make our mines safer.

We delved into the safety challenges and how the industry and the Federal

and State regulators were meeting them. We consulted professional safety experts inside and outside the mining community—including academicians and technology experts.

The result was the MINER Act that Congress passed in the summer of 2006.

At the same time Congress was responding to these tragedies, so was the entire mining industry—employers and employees alike. Complacency about safety was no longer acceptable for 21st century mining. Employees and employers set out to put the industry on course to drive serious mine accidents down to zero.

Among their first actions was to go outside the mining community for other perspectives on how best to meet the mine safety challenge. The result was the Mine Safety Technology and Training Commission—a panel of independent experts from public, private and academia established by the National Mining Association, the industry's trade group.

Among the recommendations of the Commission, perhaps none was more far-reaching than the recommendation to better manage risks. The Commission advised the industry to focus particular attention on areas of the mine where incidents were more likely to occur, then manage those risks aggressively with programs specifically designed to raise awareness of them. The idea was not just to respond to accidents better, but to prevent accidents from happening in the first place.

U.S. mining is acting on these recommendations, and has taken steps far and wide with more sophisticated technology and enhanced training to further improve mine safety. A third component of this effort is raising safety awareness among everyone who works at our mines, and one example is a series of initiatives launched by the industry to reduce accidents by drawing attention to the risks in three high-incident areas: proximity to mobile underground equipment, slips and falls, and driving safety. At the same time, U.S. mining has been investing almost a billion dollars in communications technologies; increased oxygen supplies underground, enhanced rescue capabilities and other safety measures under the MINER Act and to meet the recommendations of the independent safety commission.

Every time we discuss mine safety, I cannot help but remember George "Junior" Hamner. Junior Hamner died in the January 2, 2006 disaster at the Sago Mine in Tallmansville, WV. His loving daughter gave me a picture of him and asked that in my capacity as chairman of the Employment and Workplace Safety Subcommittee, I would work to see that future generations of miners would not suffer as her father did. I promised her I would.

It is in light of that promise that I will continue working with the industry, the Obama administration, and my colleagues on both sides of the aisle to

ensure that American mining is unquestionably the safest mining industry in the world.

We know the 34 lives lost last year in American mines were 34 too many and remain committed to seeing zero fatalities and injuries in U.S. mining. That is a goal worth striving for, and it is a goal that increasingly appears to be in reach.

#### HONORING OUR ARMED FORCES

SPECIALIST BRIAN R. BOWMAN

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of Army Specialist Brian R. Bowman. Specialist Bowman, a member of the 1st Battalion, 12th Infantry Regiment, 4th Infantry Division at Fort Carson, CO, died on January 3, 2010. Specialist Bowman was serving in support of Operation Enduring Freedom in Ashoq, Afghanistan, and sustained injuries when insurgents attacked his patrol using improvised explosive devices and small weapons. He was 24 years old.

A native of Crawfordsville, IN, Specialist Bowman moved to Fort Carson in 2007 when he was assigned to the 2nd Infantry Regiment. Specialist Bowman joined the Army in August 2006. He was deployed to Afghanistan in May 2009, where he worked as a health care specialist, or combat medic.

During over 3 years of service, Specialist Bowman distinguished himself through his courage, dedication to duty, and willingness to take on any challenge—no matter how dangerous. Commanders recognized his extraordinary bravery and talent, bestowing on Specialist Bowman numerous awards and medals, including the Army Good Conduct Medal, the National Defense Service Medal, and the Afghanistan Campaign Medal with Bronze Service Star.

As a combat medic, Specialist Bowman worked on the front lines of battle, providing emergency first aid and care to his fellow servicemembers. He is remembered by those who knew him as a consummate professional and friend who they could turn to in times of need. Most of all, they remember his devotion to his wife and his country.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Specialist Bowman's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived without fear.

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Specialist Bowman will forever be remembered as one of our country's bravest.

To Specialist Bowman's mother Paula, his father Robert, his wife

Casie, and all his friends and family I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Brian's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

#### ADDITIONAL STATEMENTS

##### REMEMBERING SMITH BAGLEY

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring Smith Bagley, a beloved philanthropist and entrepreneur with an unwavering dedication to improving the lives of others. Mr. Bagley passed away on January 2 due to complications from a stroke. He was 74 years old. Smith will be deeply missed by all he touched, and he touched many.

Smith Bagley was born in Manhattan on April 1, 1935, to Nancy Reynolds Bagley and Henry Walker Bagley. He graduated from Washington and Lee University and served as a captain in the U.S. Army Reserves.

Smith was a successful businessman and chief executive of the cellular telephone company SBI. Passionate about progressive causes, Smith dedicated much of his life to fighting for social justice, human rights, education, and environmental preservation.

Smith served as president of the Arca Foundation, a grant-making trust dedicated to transparency in government and enterprise, diplomacy, and raising the standard of living here and in the developing world.

A champion of education, Smith founded the precursor to Communities in Schools, the Nation's largest dropout prevention program. He was a former trustee of the John F. Kennedy Center Performing Arts. Smith founded a public policy research institute, the Brenn Foundation, and was a board member of the Sapelo Island Research Foundation, a center for environmental research.

Due to his tireless efforts on behalf of the Catholic University of America, Smith was honored with the title of chairman emeritus and presented with the university's highest honor, the President's Medal.

He is survived by his wife of 26 years, former Ambassador to Portugal Elizabeth Frawley Bagley; his six children, Walker Bagley, Nancy Reynolds Bagley, Nicole Ladmer Bagley, Brett Dylan Bagley, Vaughan Elizabeth Bagley, and Conor Reynolds Bagley; a sister, Susan Bagley Bloom; and five grandchildren. My heart goes out to them during this time of grief.

In the words of former President William Jefferson Clinton, who delivered Smith's closing eulogy, "This man, notwithstanding the circumstances in which he was born or the wealth he generated for himself, always found a way to give more than he took."

Smith will be sorely missed, not only by the friends and family who knew

him well but also by those whose lives were made better by his unwavering commitment to equality and justice.●

#### REPORT RELATIVE TO THE INTERDICTION OF AIRCRAFT ENGAGED IN ILLICIT DRUG TRAFFICKING—PM 41

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 Foreign Relations:

*To the Congress of the United States:*

Consistent with the authorities related to official immunity in the interdiction of aircraft engaged in illicit drug trafficking (Public Law 107-108, 22 U.S.C. 2291-4), as amended, and in order to keep the Congress fully informed, I am providing a report by my Administration. This report includes matters related to support for the interdiction of aircraft engaged in illicit drug trafficking.

BARACK OBAMA.

THE WHITE HOUSE, January 22, 2010.

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 10:16 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker had signed the following enrolled bill:

H.R. 4462. An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

##### ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which had previously been signed by the Speaker of the House:

S. 692. An act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

At 10:33 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1065. An act to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes.

H.R. 3250. An act to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the "Private First Class Garfield M. Langhorn Post Office Building".

H.R. 3254. An act to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes.

H.R. 3342. An act to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande