the end of each calendar quarter, 75 percent of a REITs assets must consist of specified real estate assets. Consequently, REITs must derive a majority of their gross income from commercial real estate.

While REITs have played a major role in the U.S. economy since 1960, their mark in the investing world has been achieved since passage of the Tax Reform Act of 1986, a time period many refer to as the modern REIT era. This law removed most of the tax-sheltering capability of real estate and emphasized income-producing transactions, allowing REITs to operate and manage real estate as well as own it. I am pleased that over the years, Congress has adopted legislation to perfect the REIT method of investing in real estate. Among many proposals, these include the REIT Simplification Act of 1997, the REIT Modernization Act of 1999, the REIT Improvement Act of 2004, and the REIT Investment Diversification and Empowerment Act, or RIDEA, passed in 2008.

I am pleased that my home State of Georgia is home to several REIT companies that are engaged in the daily business of creating wealth and employment for many investors across the country and my constituents. These companies include Cousins Properties Incorporated, Gables Residential Trust, Piedmont Office Realty Trust, Incorporated, Post Properties, Incorporated, and Wells Real Estate Investment Trust. In total, there are more than 1,400 REIT properties located in Georgia, with an estimated historical cost in the billions of dollars.

Commercial real estate represents more than 6 percent of this country's gross domestic product and is a key generator of jobs and other economic activities. Today, because of what Congress did five decades ago, anyone can purchase shares of real estate operating companies, and do so in a manner that meets their investments needs by focusing on a particular sector in the commercial real estate world and a specific region of the country. That is the beauty of the REIT method of investing, whose influence has now spread abroad to more than two dozen countries that have adopted a similar model encouraging real estate investment.

In closing, I want to again congratulate the REIT industry on its 50 years of leadership in the real estate investing market. REITs have fulfilled Congress's vision by making investments in large scale, capital intensive commercial real estate available to all investors. I look forward to continuing to work with them on issues of importance to REIT investors.

NOMINATION OF JANE STRANCH

Mr. COBURN. Mr. President, I rise today to speak on the nomination of Ms. Jane Stranch to the United States Court of Appeals for the Sixth Circuit. I am concerned about Ms. Stranch's nomination to the court of appeals because, like many recent judicial nominees, she embraces the use of foreign law by the courts, which is contradictory to the Constitution, the judicial oath, and the intent of our Founders.

I reached this conclusion after carefully reviewing her record, her hearing testimony, and her responses to written questions following her hearing. For example, in response to my question asking her whether it is ever proper for judges to rely on foreign or international laws or decisions in determining the meaning of the Constitution, Ms. Stranch admitted she believes using foreign law in limited circumstances is appropriate.

First, she stated that she is ''aware of only a very few cases in which [the Supreme Court] has referenced non-U.S law in a majority opinion, including Roper [v Simmons],'' but, then she continued: ''In these few cases, references to foreign law were made for such purposes as extrapolating on societal norms and standards of decency, refuting contrary assertions or confirming American views. None of these cases used foreign or international law to interpret a constitutional text. The Supreme Court's restraint on this issue is a model for the lower courts.'' Ms. Stanch's misleading answer fails to recognize that, by looking to foreign law to determine whether the imposition of the death penalty for those under 18 has become ''unusual,'' the Court is allowing foreign law to influence its interpretation of a constitutional text. Her statement that the Court is merely confirming American views or refuting contrary assertions is disturbing because foreign countries' views on the interpretation of the U.S. Constitution are irrelevant to what our Founders wrote and believed. Also, Ms. Stranch commended the Supreme Court for its ''restraint'' in its use of foreign law when an appropriate answer would be to condemn the Court for using foreign law at all. Her answer implies that she believes using foreign law is appropriate in some cases, as long as it is limited use.

Ms. Stranch compounded my concern about her views on the appropriate use of foreign law when she responded to my next question asking under what circumstances she would consider foreign law when interpreting the Constitution. She responded that, as a judge, foreign law ''would be used as confirmatory only'' in her cases. This answer suggests a judicial activist approach where she will use foreign law to confirm whatever result she deems appropriate. Ms. Stranch further states that because ''references [to foreign law] are so rare at the Supreme Court level [it] suggests even rarer usage in the lower courts.'' Allowing that the lower court should use foreign law rarely is deeply concerning. Judges should not be using foreign law at all.

Ms. Stranch's answers to questions relating to the proper interpretation of the eighth amendment are also problematic. In response to a question asking how she would determine what are the ''evolving standards of decency'' with regard to the eighth amendment's prohibition of cruel and unusual punishment, she responded by citing the language in the opinion that the Court has ''established the propriety and affirmed the necessity of referring to the 'evolving standards of decency that mark the progress of a maturing society' to determine which punishments are so disproportionate as to be cruel and unusual.'' But, she then continues stating: ''The Court held that the beginning point of that determination is its review of objective indicia of consensus as expressed by enactments of legislatures. The exercise of the Court's independent judgment regarding the proportionality of the punishment followed.'' While she is merely reciting what the Supreme Court did in the Roper opinion, she fails to acknowledge what is concerning about the Court's opinion.

First, it is concerning that when the Court in Roper was looking to ''objective indicia of consensus as expressed by enactments of legislatures,'' it was not only looking at other States' laws—as opposed to the law of the State in question—but also to foreign legislatures' laws. Rather than look to other legislatures for ''evolving standards,'' the proper analysis in this case would have been to look to the meaning of the text when the Founders wrote it. Thus, the Court should be determining whether capital punishment for persons under 18 was considered ''cruel and unusual'' when the Constitution was written. To do otherwise embraces an evolving and ever changing Constitution. Ms. Stranch fails to acknowledge this concern. Second, Ms. Stranch admits that the ''exercise of the Court's independent judgment regarding the proportionality of the punishment followed,'' but does not acknowledge that a Court should not be making these types of ''independent'' determinations.

Ms. Stranch's answers on foreign law are concerning because she not only misstates how the Supreme Court has used foreign law in its cases, but she also refuses to pledge not to use foreign law herself. In fact, she believes that ''rare'' usage of foreign law by the lower courts is appropriate. For these reasons, I will vote against her nomination and urge my colleagues to do the same.

I also would note that I believe Ms. Stranch is just one of many concerning nominees by this administration who embrace the use of foreign law by judges. This trend first became apparent with the nomination of Judge Sonia Sotomayor last year. Prior to her hearing, Judge Sotomayor stated that outlawing the use of foreign law would mean judges would have to ''close their minds to good ideas'' and that it is her ''hope'' that judges will continue to consult foreign law when interpreting our Constitution and statutes. She also said ''I share more the

ideas of Justice Ginsburg in thinking, in believing that unless American courts are more open to discussing the ideas raised by foreign cases, and by international cases, that we are going to lose influence in the world.''

Similarly, Ms. Elena Kagan asserted that ''it may be proper for judges to consider foreign law sources in ruling on constitutional questions.'' She further stated that judges can get ''good ideas'' from the decisions of foreign courts. For this reason among others, I opposed both Supreme Court nominees.

Even lower court nominees, such as Third Circuit Judge Thomas Vanaskie, have embraced the trend. In his testimony, Judge Vanaskie implied that he believed the Supreme Court used foreign law correctly in the much criticized cases of Lawrence v Texas and Roper v Simmons, and said the ''opinions of international tribunals and foreign courts may be relevant'' when interpreting our Constitution. Because of his statements on the use of foreign law and his expansive view of the commerce clause, I opposed his nomination.

Looking to foreign law is a tool of activist judges who seek to reach the outcomes they desire, based on their personal sympathies and prejudices, rather than on the law. As Justice Antonin Scalia aptly described it, the Court is merely ''look[ing] over the heads of the crowd and pick[ing] out its friends.'' Further, judges who do so violate their judicial oath. A circuit court judge must swear to ''faithfully and impartially discharge and perform all the duties incumbent upon her as a judge under the Constitution and laws of the United States.'' The oath requires our judges to evaluate cases based on U.S. laws and the U.S. Constitution, not the decisions of foreign countries who do not treasure the same liberties and fundamental freedoms enshrined in our Constitution. The decisions of foreign countries should have no bearing on an American judge's decisions.

This progressive trend of looking to foreign law is deeply disturbing and is something I hope my colleagues will consider when voting on this nomination and the administration will consider when nominating individuals in the future.

ADDITIONAL STATEMENTS

IRON COUNTY COURTHOUSE 150TH ANNIVERSARY

● Mr. BOND. Mr. President, on behalf of my fellow Missourians, I extend my warmest congratulations to the citizens of Iron County and Ironton upon their celebration of the 150th anniversary of the Iron County Courthouse.

Courthouses like the one in Iron County symbolize the basis of America's freedoms: a fair and independent judiciary. America is a nation based on laws and not men.

While it is not perfect, to be sure, our system of justice makes it possible for all Americans to live in relative peace and prosperity most of the time.

The Iron County Courthouse has long stood as a mark of this community's history. The county from which the courthouse takes its namesake was originally established from portions of the counties of St. Francois, Madison, Washington, Dent, Reynolds, and Wayne by an act of the legislature approved February 17, 1857. According to county records, the Iron County Courthouse was the product of an order which called for the construction of a courthouse and the issuing of county bonds, bearing 10 percent interest, for $10,000. The courthouse's cornerstone was laid on July 4, 1858, and the structure was completed just 2 years later in October 1860.

In its 150-year history, the Iron County Courthouse has been the site of countless hearings and trials in addition to serving as the home of county offices ranging from soil and water to university extensions. The circuit court for Iron County was organized on May 16, 1858, by Judge John H. Stone. In September 1864, during the Civil War, the courthouse received damage in the Battle of Pilot Knob.

The courthouse has been featured on the cover of several local and regional publications and, even more notably, has earned the honor of inclusion in the National Register of Historic Places.

We recognize the important role the courthouse has played in Iron County's history and congratulate local residents on its 150th anniversary.●

REMEMBERING JANET FAIRBANKS

● Mrs. BOXER. Mr. President, today I wish to offer a few words in memory of Janet Fairbanks, a California regional planner who passed away last month in her beloved hometown of San Diego.

Janet Fairbanks was a visionary planner who brought people and communities together to plan for sensible, sustainable growth while protecting the natural environment.

From 1980 until her retirement in 2006, Ms. Fairbanks helped guide the development of growth management and habitat conservation plans, first at the city of San Diego and later at the San Diego Association of Governments, SANDAG. Along with her technical skills and expertise, Janet was known for her outstanding ability to educate public officials and a wide array of stakeholders about the virtues of smart growth, conservation, and biodiversity—and then to bring these often divergent individuals and groups together to create plans that enabled communities to grow and thrive while preserving San Diego County's unique natural areas and resources.

As a longtime member of the California Planning Roundtable, Ms. Fairbanks brought city and regional planners together with conservationists to protect some of California's most precious and endangered natural areas. And as an active member of the California Biodiversity Council, she brought a planner's comprehensive perspective to the Council's mission of protecting California's fragile biodiversity.

Janet Fairbanks helped to make San Diego County a nationally recognized leader in regional planning and conservation. She will be sorely missed, but her work and legacy will live on in the beautiful communities she helped to create and the natural landscapes she helped to preserve.●

ARKANSAS'S ''BLUE RIBBON SCHOOLS''

● Mrs. LINCOLN. Mr. President, today I recognize four Arkansas schools that were recently designated as ''National Blue Ribbon Schools'' by the U.S. Department of Education. These schools represent the best of our State, and I am proud to congratulate them on this significant achievement.

Arkansas's Blue Ribbon Schools for 2010 are Arnold Drive Elementary School in Jacksonville, Calico Rock Elementary School in Calico Rock, Kingston Elementary School in Kingston and Salem Elementary School in Salem.

The national Blue Ribbon designation honors public and private elementary, middle and high schools whose students achieve at very high levels or have made significant progress and helped close gaps in achievement, especially among disadvantaged and minority students. Nationally, 254 public and 50 private schools received the designation.

I commend Arkansas's Blue Ribbon Schools for their extraordinary efforts helping students receive a high-quality education and reach their full potential. Education is key to a bright future, and I am proud of these schools for encouraging students to achieve their dreams and goals through a high-quality education.●

HONORING ARKANSAS'S WORLD WAR II HONOR FLIGHT VETERANS

● Mrs. LINCOLN. Mr. President, today I recognize more than 80 Arkansas World War II veterans who will travel to Washington, DC, this weekend to visit the national World War II Memorial and other memorials dedicated in their honor.

The group is traveling as a part of the second Northwest Arkansas Honor Flight. They will fly free of charge from Northwest Arkansas Regional Airport to Washington, DC, and back. Without the efforts of the Northwest Arkansas Honor Flight program, many of these veterans would never be able to visit our Nation's military memorials, including the World War II, Korea, Vietnam and Iwo Jima memorials, and Arlington National Cemetery.

This year's veterans range in age from 88 to 98 and include four women