

served on the Committee in the 111th Congress consider recusal from further proceedings in this matter. After careful consideration, these six Committee Members have requested their voluntary recusal.

#### REASONS FOR RECUSAL

Mr. Speaker, the record should note that these recusal requests are not based on any indication of any wrongdoing or inappropriate partisanship by the Members. In fact, Mr. Martin has advised the Committee that, to date:

1. He has not discovered any evidence to indicate actual bias or partiality by any current Member or staff of the Committee;

2. He has not discovered any evidence that should cause a mandatory recusal of any current Member or staff of the Committee; and

3. There is no conflict which would require the disqualification or recusal of any current Member or staff of the Committee.

Instead, these recusal requests come from Members of the Committee who voluntarily cooperated with Mr. Martin's review, voluntarily appeared for interviews with Mr. Martin, and voluntarily produced a voluminous number of documents in their possession. The Members requested recusal because:

1. They believe that, out of an abundance of caution and to avoid even an appearance of unfairness, their voluntary recusal will eliminate the possibility of questions being raised as to the partiality or bias of Committee Members considering this matter;

2. They want to assure the public, the House, and Representative Waters that this investigation is continuing in a fair and unbiased manner; and

3. They want to move this matter forward in a manner that supports the greatest public confidence in the ultimate conclusions of the Committee.

Both the Committee and Mr. Martin recognize that recusal is an extremely rare occurrence and should not be sought without careful consideration by the Members. While the Members believe that they each can render an impartial and unbiased decision in any proceeding related to this matter, the Committee takes this extraordinary measure—in this unique circumstance—to further the best interests of the House and to permit this matter to be brought to a conclusion.

#### VOLUNTARY RECUSAL OF SIX MEMBERS

Therefore, Members of the Committee who have requested recusal are: Representative Jo Bonner, Representative Linda T. Sanchez, Representative Michael T. McCaul, Representative K. Michael Conaway, Representative Charles W. Dent, and Representative Gregg Harper. The Committee has unanimously accepted and approved these requests.

Furthermore, outside counsel has discovered no evidence indicating bias or partiality on the part of former Members or requiring the exclusion of any former Members of the Committee from serving as substitute Members. However, out of an abundance of caution and for the same reasons as the current Members volunteering their recusal, Mr. Martin has recommended that no Member who served on the Committee in the 111th Congress should serve as a substitute Member in this matter. In addition, for the same reasons, no current Committee staff who had previously worked on the matter will be involved in further proceedings in the matter.

The Committee has taken these steps, pursuant to House Rule XI, clause 3(b)(5) and Committee Rule 9(e). Accordingly, I request that six substitute Members of the Committee be appointed. These substitute Members will serve the Committee only for the purpose of bringing the Matter of Representative Waters to a fair and just conclusion. The service of the substitute Members will

end with the conclusion of the Matter of Representative Waters. I shall remain Chairman of the Committee, Representative Sanchez shall remain the Ranking Member, and all other recused Members will continue to serve on the Committee for all other purposes.

Sincerely,

JO BONNER,  
Chairman.

The SPEAKER pro tempore. Pursuant to clause 3(b)(5) of rule XI, the Chair announces the Speaker's designation of the following Members to act in any proceeding of the Committee on Ethics relating to the Matter of Representative MAXINE WATERS:

Mr. GOODLATTE  
Mr. LATOURETTE  
Mr. SIMPSON  
Mrs. CAPITO  
Mr. GRIFFIN of Arkansas  
Mr. SARBANES

#### DIRECTING THE CLERK TO PROVIDE AUDIO BACKUP FILE OF DEPOSITION OF WILLIAM R. CLEMENS

Mr. DREIER. Mr. Speaker, I send to the desk a resolution (H. Res. 558) directing the Clerk of the House of Representatives to provide a copy of the on-the-record portions of the audio backup file of the deposition of William R. Clemens that was conducted by the Committee on Oversight and Government Reform on February 5, 2008, to the prosecuting attorneys in the case of *United States of America v. Clemens*, No. 1:10-cr-00223-RBW (D.D.C.), and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

#### H. RES. 558

Whereas on February 5, 2008, William R. Clemens voluntarily appeared in Washington, DC and was deposed by the Committee on Oversight and Government Reform of the House of Representatives in connection with that Committee's investigation into the use of steroids and other performance-enhancing substances in professional sports, and in Major League Baseball in particular;

Whereas the written transcript of Mr. Clemens' deposition, prepared by the Official Reporters of the House, with an Errata Sheet prepared by Mr. Clemens' counsel included as an Appendix, is the official House record of that proceeding;

Whereas this deposition and Mr. Clemens' public appearance before the Committee on Oversight and Government Reform on February 13, 2008, raised significant questions about Mr. Clemens' truthfulness, as a result of which the then Chair and ranking minority member jointly requested, on or about February 27, 2008, that the Department of Justice investigate whether Mr. Clemens committed perjury or knowingly made false statements in the course of the deposition or his February 13, 2008 public appearance;

Whereas the Department of Justice did in fact investigate whether Mr. Clemens com-

mitted perjury or knowingly made false statements in the course of his February 5, 2008 deposition and/or his February 13, 2008 public appearance before the Committee;

Whereas as a result of the Department of Justice's investigation, Mr. Clemens subsequently was indicted by a grand jury on one count of obstruction of Congress in violation of sections 1505 and 1515(b) of title 18, United States Code, 3 counts of making false statements in violation of sections 1001(a)(2) and (c)(2) of title 18, United States Code, and 2 counts of perjury in violation of section 1621(1) of title 18, United States Code;

Whereas the Department of Justice has requested via letter that the House voluntarily provide to it a copy of the on-the-record portions of an audio backup file of Mr. Clemens' deposition;

Whereas by the privileges and rights of the House of Representatives, an audio backup file of Mr. Clemens' deposition may not be taken from the possession or control of the Clerk of the House of Representatives by mandate of process of the article III courts of the United States, and may not be provided pursuant to requests by the court or the parties to *United States of America v. Clemens* except at the direction of the House; and

Whereas it is the judgment of the House of Representatives that, in the particular circumstances of this case, providing a copy of the on-the-record portions of an audio backup file of Mr. Clemens' deposition to the prosecuting attorneys in the case of *United States v. Clemens* would promote the ends of justice in a manner consistent with the privileges and rights of the House: Now, therefore, be it

*Resolved*, That the House of Representatives directs the Clerk of the House to provide for use at trial a copy of the on-the-record portions of the audio backup file of the deposition of William R. Clemens that was conducted by the Committee on Oversight and Government Reform on February 5, 2008, to the prosecuting attorneys in the case of *United States of America v. Clemens*, No. 1:10-cr-00223-RBW (D.D.C.).

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1150

#### ADJOURNMENT TO TUESDAY, FEBRUARY 21, 2012

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Tuesday, February 21, 2012; when the House adjourns on that day, it adjourn to meet at 10 a.m. on Friday, February 24, 2012; and, when the House adjourns on that day, it adjourn to meet at 2 p.m. on Monday, February 27, 2012.

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

There was no objection.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3086

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3086.

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

There was no objection.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1964

Ms. JENKINS. Mr. Speaker, I ask unanimous consent to remove my name from H.R. 1964, the Conservation Easement Incentive Act of 2011.

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

There was no objection.

#### NATIONAL THERAPEUTIC RECREATION WEEK

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, recreational therapy embraces a definition of health which includes not only the absence of illness, but extends to enhancement of physical, cognitive, emotional, social, and leisure development. This caring profession touches the lives of individuals all across the Nation.

I have personally witnessed how recreational therapy provides independence and dignity in the lives of those facing life-changing disease and disability.

These services are provided by professionals nationally certified by the National Council for Therapeutic Recreation Certification as Certified Therapeutic Recreation Specialists. Every day, countless individuals face rebuilding lives. These individuals benefit from the compassionate and cost-effective care of a Certified Therapeutic Recreational Specialist.

Recreational therapy ultimately aims to improve an individual's functioning and keep them as active, healthy, and independent as possible. In a time when we need access to cost-effective health care, I urge all my colleagues to support the recognition of recreational therapy services provided by a CTRS specifically in satisfying the inpatient rehab intensity of service requirement.

Mr. Speaker, I congratulate the caring professionals of the therapeutic recreational profession for the services they provide every day.

#### LOSS OF RELIGIOUS FREEDOM

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

Mr. HARRIS. Mr. Speaker, it's day 7 since the loss of religious freedom for Americans guaranteed under the First Amendment. We know that last Friday, when the final rule was issued by the Department of Health, it was identical to the rule issued last September, with no further accommodations for individuals of faith.

Mr. Speaker, yesterday, on day 6 of the loss of religious freedom for Ameri-

cans guaranteed under the First Amendment, outside the White House a Catholic priest and Presbyterian minister were arrested for protesting that loss of religious freedom when they knelt to pray for the restoration of religious freedom. Yes, Mr. Speaker, it is now illegal in the United States to kneel and pray in front of the White House for the restoration of religious freedom. These Americans had to pay a \$100 fine for exercising their religious freedom in front of the White House.

Mr. Speaker, you know that if they were Occupy protesters, I guess they would just put a tent over them and they would be immune from anything happening to them. But they weren't Occupy protesters; they were there to kneel and pray for the restoration of religious freedom.

Mr. Speaker, I hope we don't go past day 7 of that loss of freedom.

#### STANDING WITH WOMEN OF OHIO

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

Ms. KAPTUR. Mr. Speaker, I rise to join my sisters in the State of Ohio—women elected officials, small business owners, women activists across our State—to speak out against attacks on the ability of women to get full health coverage in this country.

Imagine, we can land an astronaut on the Moon, we can target and eliminate Osama bin Laden, but we can't seem to figure out as a society how to make sure that women have full health choices in the insurance programs of our country.

It seems that some people just want to keep women in the corner and not see the struggles that they have had in preventive health care, in full choice for the medications that they take in order that they be able to live full and productive lives.

You know, our grandmother had 16 children. Several of them died. She lived to the age of 93. In those days, there were almost no medications, and more women died in childbirth than soldiers were lost in World War I.

I think the world has moved beyond closed thinking on women's health. I stand with my sisters in Ohio.

#### SNEAKY HIDDEN TAXES ON FLYING PUBLIC

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

Mr. POE of Texas. Mr. Speaker, for years the Federal Government keeps sneaking taxes into airline tickets. The airlines cannot put on the ticket all those hidden taxes because the law won't let them do so. For example, when you buy a product, normally you know how much the product is and then you know how much the taxes are, but not so with airlines.

Here's a typical ticket, Mr. Speaker. It starts out with \$200 that's going to

the airline, but the Federal Government sneaks in at least 11 taxes, raising the price to \$374.95. Almost another half of the ticket is Federal taxes. That doesn't even count four more taxes they add on to the airlines.

The airline, when they make the ticket, all you see is the \$374.95 because the law won't let the airlines tell the truth about the taxation of our government. When more taxes are added, the ticket price continues to go up. Congressman GRAVES from Georgia has introduced legislation to stop this nonsense.

Let's have transparency. Let's see how much those taxes are on an airline ticket. It's time we stop the hide-and-seek with taxpayer taxes.

And that's just the way it is.

#### THE ACTUAL AIRLINE TICKET

Original Price of Ticket is \$200.00  
Plus Government Taxes:  
Passenger Flight-Segment Tax = \$3.80  
International Departure Tax (IDT) = \$16.70  
International Arrival Tax (IAT) = \$16.70  
Passenger Facility Charge (PFC) (maximum) = \$4.50  
September 11th Fee = \$2.50  
APHIS Passenger Fee = \$5.00  
APHIS Aircraft Fee = \$70.75  
Customs and Border Protection = \$5.50  
Immigration and Customs Enforcement User Fee = \$7.00  
Passenger Ticket (Excise) Tax = 7.5% (\$15.00)  
Frequent-Flyer Tax (on sale of right to award miles) = 7.5% (\$15.00)  
Cargo Waybill Tax = 6.25% (\$12.50)  
Total: \$174.95  
Total Price of Ticket Is \$374.95

#### STANDING WITH IBEW AND IN SUPPORT OF PAYROLL TAX LEGISLATION

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

Ms. JACKSON LEE of Texas. Mr. Speaker, I am very proud to stand with IBEW in my district, the Brotherhood of Electrical Workers, when they have challenged a company that is in fact doing poor work in our city, so much so that the city electrical inspector had to shut them down.

When are we going to be for our workers and to help them?

I rise today to indicate my support for the payroll tax legislation that just passed. It was, in essence, after long months of negotiation and pleading for the 160 million people to get payroll tax relief and to get those who are unemployed seeking work to get their due in unemployment insurance. It does have the opportunity for 99 weeks for those in districts that are suffering from unemployment.

It doesn't take any money from Medicare, doesn't raise the benefits. And certainly, it doesn't require those onerous burdens of unemployment—GED and drug testing—except in certain circumstances.

But why in the heck did we have to burden our Federal employees by taking the skin off their back to pay for this bill?