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No. 9

## House of Representatives

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 gentleman 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 wasn't 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 Weathers, Jr. Lieutenant Colonel Weathers 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 Weathers 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 Weathers 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

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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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 Privacy Act and the 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 pathways for commerce, discourse, 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 taken no less seriously than the thefts perpetrated by the likes of Bernie Madoff or John Dillinger or Willie Sutton. It is no different, and 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 also 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 busi-

nesses, impound property, disrupt legitimate speech, and dragoon innocent third parties into enforcing laws that may or may not have been broken.

□ 1210

When property is stolen, we hold accountable the individuals who knowingly commit the act and place the burden of proof on the accuser. The accuser must demonstrate to the satisfaction of the jury that the defendant stole property or that he received property that he knew was stolen.

Yes, it is a ponderous system. Yes, it means you actually have to provide evidence. Yes, it means you have to convince a jury. Yes, it means that we can't catch and successfully prosecute every criminal. But the experience of mankind over centuries has proven that this is the best possible way to protect the innocent and protect our freedom while also punishing the guilty. In part, we punish the guilty to discourage others that we might not be able to punish.

As the arrests yesterday in New Zealand prove, it works. Let Mr. Schmitz and his confederates be extradited, and let them have their day in court. Let evidence be presented. Let a jury be convinced of that evidence. And if convicted of one of the greatest thefts in human history, let us mete out the full measure of punishment provided by the law to stand as a fearsome example to others.

This doesn't and won't stop all theft, and it isn't perfect. But to replace it with one where mere accusation can bring punishment or inflict ruinous costs upon innocent third parties would introduce a despotic and destructive concept that is antithetical to the ancient rights that our government was formed to protect.

The developments of the last few weeks have saved the Internet and saved these fundamental principles, at least for now. But Jefferson was right that the natural order is for government to grow at the expense of liberty. That's why we have our Constitution.

As to the protection of that Constitution, the Internet has now empowered its rightful owners—"we, the people"—to defend it more effectively than ever before, which leads me, Madam Speaker, to conclude that because of the events of the past week, we will see many more victories for freedom in the days and years to come.

#### CONGRATULATING BRUCE MCMILLAN

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to honor the career of an Eagle Scout who is planning for retirement after 37 years of distinguished professional service to the Boy Scouts of America. Bruce "Trip" McMillan will retire as the

Area 4 director for the Northeast Region of the Boy Scouts of America.

Bruce 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 Wayne, New Jersey. Since then, 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, the 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, 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, and that oil 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 how the President 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 gas was \$1.83. On January 23, 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 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 labor unions have signed project 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-business 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 been working 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.

#### KEYSTONE XL PIPELINE WILL CREATE JOBS

The SPEAKER pro tempore (Mr. THOMPSON of Pennsylvania). The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, unemployment is still at an all-time high; and the high cost of energy is having a significant negative impact on my district's economy as well as on the economy of the entire country.

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 spelled 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 Americans 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 protecting his job than allowing the private sector to create jobs.

Mr. Speaker, we cannot continue to import energy from Middle Eastern countries. North American energy will lead to energy security, lower energy costs, and more jobs for Americans.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 20 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

#### 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.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. JOHNSON) come forward and lead the House in the Pledge of Allegiance.

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.

#### OBAMA'S ACTIVIST EPA MUST BE STOPPED

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

Mr. JOHNSON of Ohio. Mr. Speaker, here is the simple truth: the Obama administration is driven by a far left liberal ideology rather than the facts. This administration says it wants to put America back to work, but through its policies is doing the exact opposite. For example, because of the EPA's new train wreck of regulation, up to 160 direct jobs will be lost with the accelerated closure of Beverly, Ohio's Muskingum coal-fired power plant.

This train wreck of regulation is the most expensive regulation that the EPA has ever mandated. These costs will ultimately be passed on to hard-working families in the form of higher utility rates. This new disastrous regulation will also 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 1959 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, hitting a dubious milestone. 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 \$15.23 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 into perspective, other countries have similar situations: 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 his 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 human rights 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 a 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, 146 an hour, and, sadly, one pregnancy is aborted every 25 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 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

Schneider National, ran one of the Nation's largest trucking companies with over 12,500 tractors, 35,000 trailers, and thousands and thousands of employees. Some of you may recognize those trucks painted in a distinct shade of orange that travel the highways and byways of America.

Mr. Schneider was a hardworking man who began his career driving a truck and as a mechanic's assistant at age 18 in his family's business. He served in Korea, went to the Wharton School of Business in Philadelphia, and began working in the family business in 1961.

Over three decades, Mr. Schneider expanded his fleet substantially, using modern management techniques and acquisition of regional companies to grow his business. Again, his leadership pushed Schneider National to one of the largest trucking companies in America and, of course, one of the most successful, especially after the deregulation which occurred in 1980.

Donald Schneider was a great man who never lost his common touch. He insisted on being called by his first name and, in a 1970 interview, was quoted as saying: My job is important, but not as important as the driver or the people in the service center.

That's how he grew his business—caring about the common man, caring about the customer, and growing his business into one of the great businesses in America.

Mr. Schneider was a man who served with a true servant's heart, and America has been enriched by his service to this country. I invite all Americans to join me in celebrating his life.

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#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 14 minutes p.m.), the House stood in recess until approximately 4 p.m. today.

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□ 1600

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 4 p.m.

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#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

#### ROTA CULTURAL AND NATURAL RESOURCES STUDY ACT

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 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 professional archeologists 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 of Rota 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 Dugi Archeological Site that contains, latte stone structures, and the Chugai Pictograph Cave that contains examples of ancient Chamorro rock art. Alaguan Bay Ancient Village is another latte stone prehistoric site that is surrounded by tall-canopy limestone forest.

(5) In addition to prehistoric sites, the island of Rota boasts historic sites remaining from the Japanese period (1914–1945). Several of these sites are on the National Register of Historic Places: Nanyo Kohatsu Kabushiki Kaisha Sugar Mill, Japanese Coastal Defense Gun, and the Japanese Hospital.

(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 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 appear[ed] to be the best way to ensure the long term protection of Rota's most important cultural resources 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

(2) consider management alternatives for the island of Rota, Commonwealth of the Northern Mariana Islands.

(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. 1a–5(c)) 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 Natural Resources of the House 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.

#### GENERAL LEAVE

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, H.R. 1141 authorizes 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.

The island of Rota contains cultural and natural resources, including caves with pictographs and several other prehistoric relics as well as sites from the 20th century Japanese occupation. Additionally, Rota has a natural limestone forest that is habitat for endangered species native to the island.

With that, Madam Speaker, I reserve the balance of my time.

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 Subcommittee 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 our children and grandchildren will be responsible for tomorrow.

At the same time, we owe a debt to our descendants to preserve and protect those resources that we hold in trust for them today. Therefore, when considering adding a unit to the National Park System, we have to balance these two requirements. And we have a well established process for doing 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 pictographs 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 reconnaissance 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 areas of their island added to the National Park System.

It was then-Senator Diego M. Songao of Rota who first encouraged the Park Service to conduct a reconnaissance 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 Resources Committee enthusiastically supporting a national park on Rota.

Rota Mayor Melchor A. Mendiola of Rota has added his support to the record, as has Northern Mariana Islands Senate President Paul A. Manglona, who also hails from Rota.

Of course, during the study authorized by H.R. 1141, the people of Rota will continue to have ample opportunity 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 culture 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 announced new initiatives to create jobs and spur economic growth in America by improving our visa system and by providing national parks, wildlife refuges, and historic sites to international 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 program. We want to have the unique cultural and natural resources of our islands 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 preserving these nationally significant resources on Rota will also help ensure jobs for our children and grandchildren in the future.

I urge my colleagues to support passage of H.R. 1141.

I yield back the balance of my time.

Mr. WITTMAN. Madam Speaker, I 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. 1141.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas 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.

□ 1610

#### PERMANENT ELECTRONIC DUCK STAMP ACT OF 2011

Mr. WITTMAN. Madam Speaker, I move 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 Representatives of the United States of America in Congress assembled,*

#### 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.) (popularly 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.*—

(A) *IN GENERAL.*—The term "automated licensing system" means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) *INCLUSION.*—The term "automated licensing system" includes a point-of-sale, Internet, telephonic system, or other electronic applications used for a purpose described in subparagraph (A).

(3) *ELECTRONIC STAMP.*—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 licensing system that is authorized, under State law and 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 approved by the Secretary under section 4(b).

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

#### SEC. 3. AUTHORITY TO ISSUE ELECTRONIC DUCK STAMPS.

(a) *IN GENERAL.*—The Secretary may authorize any State to issue electronic stamps in accordance with this Act.

(b) *CONSULTATION.*—The Secretary shall implement 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 application 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 licensee 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 required to be transferred to the Secretary under the program;

(4) the manner by which the State will transmit electronic stamp customer data to the Secretary;

(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

(7) such other policies, procedures, and information 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 publish—

(1) deadlines for submission of applications;

(2) eligibility requirements for submitting applications; and



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

(B) the face value amount 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 by 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 under the automated licensing system of the State; and

(2) to specify identifying features of the license that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(b) **RECOGNITION OF ELECTRONIC STAMP.**—Any electronic stamp issued by a State under this Act shall, during the effective period of the electronic stamp—

(1) bestow upon the licensee the same privileges as are bestowed by an actual stamp;

(2) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

(3) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

(c) **DURATION.**—An electronic stamp issued by a State shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

**SEC. 7. TERMINATION OF STATE PARTICIPATION.**

The authority of a State to issue electronic stamps under this Act may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of 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. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

**GENERAL LEAVE**

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

In 1934, the Congress enacted the Migratory Bird Hunting Stamp Act. This law required hunters to 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 stamp collectors visit the post office, National Wildlife Refuge, or sporting goods store to purchase their duck stamp.

For the past 4 years, eight States have participated in an electronic duck stamp pilot program. Instead of having to visit a bricks-and-mortar store, hunters and collectors could purchase the duck stamp online. By all accounts, the program has been a tremendous success. Many Americans have enjoyed the convenience of buying a Federal duck stamp over the Internet.

I'm the author of this legislation and would like to see that it continues to allow hunters to electronically purchase the annual Federal duck stamp required to hunt migratory waterfowl. It is time to make this permanent feature a Federal law for a more efficient and faster process. Similar technology is already embraced by States that allow sportsmen to obtain their hunting and fishing licenses online.

And, by the way, many States who require a duck stamp also allow their hunters to purchase the duck stamp online. And as I have spoken with a number of hunters, they also indicate an interest to be able to do this. And especially hunters that may, at the last minute, decide to want to pursue a hunting activity the next day, if they are not in the area where a post office is open, then they are not able to enjoy a day on the water hunting waterfowl.

As a member of the Migratory Bird Conservation Commission and an avid waterfowl hunter, I am proud to spon-

sor this legislation to modernize the distribution of the Federal duck stamp program without burdening the taxpayer.

I want to compliment the lead co-sponsor of this bill, Congressman RON KIND from Wisconsin, for his leadership, his commitment, and his passion on sportsmen's issues and waterfowl conservation. Anybody who knows Representative KIND knows how strongly he feels about this. He has worked on this issue for a number of years, and I thank him for those ongoing efforts.

H.R. 3117 is supported by the Congressional Sportsmen's Foundation and Ducks Unlimited.

I urge support for this bill, and I reserve the balance of my time.

Mr. SABLAN. Madam Speaker, I yield myself such 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 strong support of H.R. 3117, which would allow the Secretary of the Interior to continue sale of electronic duck stamps and expands the program to include all 50 States.

The Migratory Bird Hunting and Conservation Stamp, commonly called the "duck stamp," must be purchased and carried by all waterfowl hunters 16 years and older when hunting migratory waterfowl on both public and private land. Ninety-eight cents of every dollar generated by the sales of the duck stamp goes to purchase or lease wetland habitat for the National Wildlife Refuge System, which benefits migratory waterfowl.

In some rural areas, purchasing duck stamps can be difficult, with hunters 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 a proof of purchase and allows hunters to hunt for 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, we 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. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 16 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

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 31 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:

[Roll No. 5]

YEAS—373

Ackerman	Duncan (SC)	Lankford
Adams	Duncan (TN)	Larsen (WA)
Aderholt	Edwards	Larson (CT)
Akin	Ellison	Latham
Altmire	Ellmers	Latta
Amash	Emerson	Lee (CA)
Amodei	Engel	Levin
Andrews	Eshoo	Lewis (CA)
Baca	Farenthold	Lewis (GA)
Bachmann	Fattah	Lipinski
Bachus	Fincher	LoBiondo
Barletta	Fitzpatrick	Loeback
Barrow	Fleischmann	Loftgren, Zoe
Bartlett	Fleming	Long
Barton (TX)	Flores	Lowey
Bass (CA)	Forbes	Lucas
Bass (NH)	Fortenberry	Luetkemeyer
Becerra	Fox	Luján
Benish	Frank (MA)	Lummis
Berg	Franks (AZ)	Lungren, Daniel
Biggart	Frelinghuysen	E.
Bilbray	Fudge	Lynch
Bilirakis	Garamendi	Manzullo
Bishop (GA)	Gardner	Marino
Bishop (NY)	Garrett	Matheson
Bishop (UT)	Gerlach	Matsui
Black	Gibbs	McCarthy (CA)
Blackburn	Gibson	McCarthy (NY)
Blumenauer	Gohmert	McCaul
Boren	Gonzalez	McClintock
Boswell	Goodlatte	McCollum
Boustany	Govdy	McCotter
Braley (IA)	Granger	McDermott
Brooks	Graves (GA)	McGovern
Broun (GA)	Graves (MO)	McHenry
Brown (FL)	Green, Al	McIntyre
Buchanan	Green, Gene	McKinley
Bucshon	Griffin (AR)	McMorris
Buerkle	Griffith (VA)	Rodgers
Burgess	Grimm	McNerney
Burton (IN)	Guthrie	Meehan
Calvert	Hahn	Meeks
Camp	Hall	Mica
Campbell	Hanabusa	Michaud
Canseco	Hanna	Miller (FL)
Cantor	Harper	Miller (MI)
Capito	Harris	Miller (NC)
Capps	Hartzler	Miller, Gary
Capuano	Hastings (FL)	Moore
Cardoza	Hastings (WA)	Mulvaney
Carnahan	Hayworth	Murphy (CT)
Carney	Heck	Murphy (PA)
Carson (IN)	Heinrich	Myrick
Cassidy	Hensarling	Nadler
Castor (FL)	Hergert	Napolitano
Chabot	Herrera Beutler	Neal
Chaffetz	Higgins	Neugebauer
Chandler	Himes	Nugent
Chu	Hinojosa	Nunes
Ciilline	Hirono	Nunnelee
Clarke (MI)	Hochul	Olson
Clarke (NY)	Holden	Olver
Clay	Holt	Owens
Cleaver	Honda	Palazzo
Coble	Hoyer	Pallone
Coffman (CO)	Huelskamp	Pastor (AZ)
Cohen	Huizenga (MI)	Paulsen
Cole	Hultgren	Payne
Conaway	Hunter	Pearce
Connolly (VA)	Hurt	Pelosi
Conyers	Israel	Perlmutter
Cooper	Issa	Peters
Costello	Jackson (IL)	Peterson
Courtney	Jackson Lee	Petri
Crawaack	(TX)	Pingree (ME)
Crawford	Jenkins	Pitts
Crenshaw	Johnson (GA)	Poe (TX)
Critz	Johnson (OH)	Polis
Crowley	Johnson, E. B.	Pompeo
Cuellar	Johnson, Sam	Posey
Cummings	Jones	Price (GA)
Davis (CA)	Jordan	Price (NC)
Davis (KY)	Keating	Quayle
DeGette	Kelly	Quigley
DeLauro	Kildee	Rahall
Dent	King (IA)	Rangel
DesJarlais	King (NY)	Reed
Deutch	Kingston	Rehberg
Diaz-Balart	Kinzinger (IL)	Reichert
Dicks	Kissell	Renacci
Dingell	Kline	Reyes
Doggett	Labrador	Ribble
Donnelly (IN)	Lamborn	Richardson
Doyle	Lance	Richmond
Dreier	Landry	Rigell
Duffy	Langevin	Rivera

Roe (TN)	Scott (SC)	Tsongas
Rogers (AL)	Scott (VA)	Turner (OH)
Rogers (KY)	Scott, Austin	Upton
Rogers (MI)	Scott, David	Van Hollen
Rohrabacher	Serrano	Velázquez
Rokita	Sessions	Visclosky
Rooney	Sewell	Walberg
Ros-Lehtinen	Shimkus	Walden
Roskam	Shuster	Walsh (IL)
Ross (AR)	Simpson	Walz (MN)
Ross (FL)	Sires	Wasserman
Rothman (NJ)	Smith (NE)	Schultz
Roybal-Allard	Smith (NJ)	Waters
Royce	Smith (TX)	Waxman
Runyan	Southerland	Welch
Ruppersberger	Stark	West
Ryan (OH)	Stearns	Westmoreland
Ryan (WI)	Stivers	Wilson (FL)
Sanchez, Loretta	Stutzman	Wilson (SC)
Sarbanes	Sullivan	Wittman
Scalise	Sutton	Wolf
Schakowsky	Terry	Womack
Schiff	Thompson (CA)	Woodall
Schilling	Thompson (MS)	Woodley
Schmidt	Thompson (PA)	Yarmuth
Schock	Thornberry	Yoder
Schrader	Tierney	Young (AK)
Schwartz	Tipton	Young (FL)
Schweikert	Tonko	Young (IN)

NAYS—1

Sensenbrenner

NOT VOTING—59

Alexander	Flake	Miller, George
Austria	Gallegly	Moran
Baldwin	Giffords	Noem
Berkley	Gingrey (GA)	Pascarell
Berman	Gosar	Paul
Bonner	Grijalva	Pence
Bono Mack	Guinta	Platts
Brady (PA)	Gutierrez	Rush
Brady (TX)	Hinchee	Sánchez, Linda
Butterfield	Inslee	T.
Carter	Johnson (IL)	Sherman
Clyburn	Kaptur	Shuler
Costa	Kind	Slaughter
Culberson	Kucinich	Smith (WA)
Davis (IL)	LaTourette	Speier
DeFazio	Mack	Towns
Denham	Maloney	Turner (NY)
Dold	Marchant	Watt
Farr	Markey	Webster
Filner	McKeon	Whitfield

□ 1855

Messrs. DENT and MULVANEY changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 5, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

Mr. DOLD. Mr. Speaker, on rollcall No. 5, I was unavoidably, detained. Had I been present, I would have voted “yea.”

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 trafficking the well when another (including 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 obtain recognition from the presiding officer, taking the time to do so in proper forms (such as “I ask unanimous consent to 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 reporters of debate cannot properly transcribe two Members simultaneously.

Members should address their remarks in debate to the presiding officer and not to others in the second person or to some perceived viewing audience.

Members should not embellish the offering of a motion, the entry of a request, the making of a point of order, or the entry of an appeal with any statement of motive or other commentary, and should be aware that such utterances could render the motion, request, point of order, or appeal untimely.

Following these basic standards of practice will foster an atmosphere of mutual and institutional respect. It will insure against personal confrontation among individual Members or between Members and the presiding officer. It will facilitate Members’ comprehension of, and participation in, the business of the House. It will enable accurate transcriptions of proceedings. In sum, it will ensure the comity that elevates spirited deliberations above mere argument.

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 business is the vote on the motion 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 Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 278, nays 100, not voting 55, as follows:

[Roll No. 6]

YEAS—278

Ackerman  
Altmire  
Amodei  
Andrews  
Baca  
Bachus  
Barietta  
Barrow  
Bartlett  
Barton (TX)  
Bass (CA)  
Bass (NH)  
Becerra  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blumenauer  
Boren  
Boswell  
Boustany  
Braley (IA)  
Brooks  
Brown (FL)  
Buchanan  
Burton (IN)  
Calvert  
Camp  
Canseco  
Cantor  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chaffetz  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Cohen  
Cole  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (KY)  
DeGette  
DeLauro  
Dent  
Deutch  
Diaz-Balart  
Dicks  
Dingell  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Edwards  
Ellison  
Elmiers  
Emerson  
Engel  
Eshoo  
Fattah  
Fincher  
Fleming  
Fortenberry  
Frank (MA)  
Frelinghuysen  
Fudge  
Garamendi  
Gerlach

Gonzalez  
Graves (MO)  
Green, Al  
Green, Gene  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hahn  
Hanabusa  
Hanna  
Harper  
Harris  
Hastings (FL)  
Hastings (WA)  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Hurt  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson, E. B.  
Jones  
Keating  
Kelly  
Kildee  
King (NY)  
Kissell  
Labrador  
Lamborn  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Long  
Lowe y  
Lucas  
Luján  
Lungren, Daniel  
E.  
Lynch  
Marino  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKinley  
McMorris  
Rodgers  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, Gary  
Moore  
Moran  
Murphy (CT)  
Murphy (PA)  
Myrick  
Nadler  
Napolitano  
Neal

Nunes  
Olver  
Owens  
Pallone  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Polis  
Price (GA)  
Price (NC)  
Quigley  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Ribble  
Richardson  
Richmond  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schock  
Schrader  
Schwartz  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Serrano  
Sewell  
Shimkus  
Simpson  
Sires  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Speier  
Stark  
Sullivan  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Tsongas  
Turner (OH)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Waxman  
Welch  
West  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Woolsey  
Yarmuth  
Yoder  
Young (AK)  
Young (FL)

NAYS—100

Adams  
Aderholt  
Akin  
Amash  
Bachmann  
Benishek  
Black  
Blackburn  
Broun (GA)  
Bucshon  
Buerkle  
Burgess  
Campbell  
Cassidy  
Chabot  
Coble  
Coffman (CO)  
Conaway  
DesJarlais  
Duncan (SC)  
Duncan (TN)  
Farenthold  
Fitzpatrick  
Fleischmann  
Flores  
Forbes  
Foxy  
Franks (AZ)  
Gardner  
Garrett  
Gibbs  
Gibson  
Gohmert  
Goodlatte

NOT VOTING—55

Alexander  
Austria  
Baldwin  
Berkley  
Berman  
Bonner  
Bono Mack  
Brady (PA)  
Brady (TX)  
Butterfield  
Carter  
Clyburn  
Culberson  
Davis (IL)  
DeFazio  
Denham  
Farr  
Filner  
Flake  
Gallegly  
Giffords  
Gingrey (GA)  
Gosar  
Grijalva  
Gutierrez  
Hinchey  
Inslie  
Johnson (IL)  
Kaptur  
Kind  
Kucinich  
LaTourette  
Mack  
Maloney  
Marchant  
Markey  
McKeon  
Miller, George  
Noem  
Pascrell  
Paul  
Pence  
Platts  
Roskam  
Rush  
Sánchez, Linda  
T.  
Sherman  
Shuler  
Slaughter  
Smith (WA)  
Towns  
Turner (NY)  
Watt  
Webster  
Whitfield

□ 1908

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.

Stated for:

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

PERSONAL EXPLANATION

Mr. PASCARELL. 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 vote 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 vote No. 6, on H.R. 1141—Rota Cultural and Natural Resources Study Act.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in the House Chamber today. Had I been present, I would have voted “yea” on rollcall votes 5 and 6.

## PERSONAL EXPLANATION

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 CON-  
FEREES ON H.R. 3630, TEM-  
PORARY 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 on 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.

□ 1910

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

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 now 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'm 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 shone in her long 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, let's show the Nation again that with GABBY in our midst we can be one rather than be divided. Now our small but growing caucus brings together Members who believe that we can discuss issues in a civil and respectful manner. I hope that all of you, all of my colleagues, will join us in an effort to build on the success of last year and start a new bipartisanship tradition in this House.

HONORING FORMER ILLINOIS REP-  
RESENTATIVE EDWARD  
DERWINSKI

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise 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 from 1959 to 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 braving intense Communist fire 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.

#### TIME TO STAND UP FOR LIFE

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

Mr. FLEMING. 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 firsthand, 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 this 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.

□ 1920

#### KEYSTONE XL PIPELINE

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

Mr. POE of Texas. Mr. Speaker, today there are thousands of Americans who are forced to pay \$3.50 a gallon just to fill up their car to get to work. And there are more than 14 million other Americans who can't get to work because they don't have jobs.

Meanwhile, the little fellow from the desert, Ahmadinejad of Iran, threatens to block the Strait of Hormuz and thus control oil shipments and the international price of oil.

The Keystone XL pipeline would bring 700,000 barrels of oil per day from our stable, friendly ally, Canada. And it would bring it down to my district in southeast Texas. It would create at least 20,000 jobs and over 100,000 related jobs. But the administration arbitrarily just said "no" to jobs, "no" to energy, and "no" to national security. This pipeline is in the national interest. Build the pipeline. Make unstable Middle Eastern countries irrelevant. Put Americans back to work, lower the cost of energy.

While the administration continues to say "no" to Americans, Congress has the obligation and legal ability to say "yes" to America.

And that's just the way it is.

#### LIFE BEGINS AT CONCEPTION

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

Mr. BARTON of Texas. Mr. Speaker, in the spring of 1981, I was applying for the White House Fellow's Program, which is a program where you work for the President of the United States for 1 year in one of the executive agencies like the Department of Energy or the Department of State. Our regional seminar was in Austin, Texas, at the LBJ School of Government. We had a lunch, and I sat at lunch with Hillary Rodham Clinton and a lady name Sarah Weddington, who was the lead attorney in the Roe v. Wade Supreme Court case. Little did I know then, back in 1981, that that case would still be the law of the land.

Today, thousands of people from all over the United States came to protest

that court case and asked the Congress to help overturn it.

I'm a lifetime 95 percent pro-life voting Member, and I pledged to the crowd on the Mall that I would do everything I could in Congress to help overturn that decision. Life is precious. Life begins at conception, and we need to recognize that in the Congress of the United States.

#### JOB 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 above 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 women who had very difficult decisions to make.

The pregnancy care centers throughout the country offer all kinds of service, from ultrasound to social services

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.

#### SANCTITY 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 deemed unfriendly to the nation of Israel. That President, I need not say, happens to be the 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, challenge, is an outrage and disgrace.

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 gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

#### GENERAL 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 gentlewoman from the Virgin Islands?

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 State of the Union by 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 try 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 as relates to the decorum of Members in the House of Representatives. I think it's well heeded 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 whole 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 they can 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 admitted this 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.

But 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 were able to say, see, we told you 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 Americans teaching them what equality is 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 our problems we're still respected 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 were more 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 spokespeople 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 not protecting our rights, we're protecting our Constitution, we're protecting our country, and there is no question in my mind that we felt bet-

ter as a people when we were able to overcome the obstacles that were placed.

□ 1940

So let me thank you and my fellow colleagues in the Congressional Black Caucus for saying we can vote. They can't hurt us. But it's a better country with everybody, regardless of their color, their age, where they live or how much money they have in the bank, to be able to say, in our country, at this time, we have to move forward, and we cannot find ourselves where we were 60 and 70 years ago.

So thank you so much for this opportunity, and for all of the Members who have taken time this evening to say that we shall indeed overcome for the length of the Constitution of this great Nation.

Mrs. CHRISTENSEN. Thank you, Mr. RANGEL. And thank you again, as a founding member of the Congressional Black Caucus, for reminding the American people why we're called the conscience of the Congress. Thank you for those words.

I'd like now to yield such time as she might consume to the gentlelady from Ohio, who for the last Congress chaired these Special Orders and who is a leader on so many, many issues and whose district I believe the CBC will again be traveling to to help protect the rights of voters in Ohio, Congresswoman MARCIA FUDGE.

Mrs. FUDGE. Let me thank my colleague who comes down to this floor every week. I know what it's like. I thank you for being the anchor for the CBC hour.

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, organizations 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, and four States proposed draconian reductions in absentee 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. We frown upon 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 as a caucus, we 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 just 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 laws like the one 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 those 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.

I would now 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 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 Congresswoman CHRISTENSEN for her 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 JACKSON LEE, Congressman BOBBY SCOTT and Chairman RANGEL for their leadership in defending the most basic element of our democracy—the right to vote. I'd also like to thank our Congressional Black Caucus chair, EMANUEL CLEAVER, for his 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.

The assault on voter rights 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. And 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 had never voted 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 100 years old, who was born at a time when 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 those who came before us, 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. These regressive laws seek 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 anti-democratic efforts have no place in a modern democracy, and we must unmask these shameful attempts to disenfranchise voters.

□ 1950

We encourage democracy and voting rights all around the world. I was an observer in the first election in South Africa where President Nelson Mandela was elected. I was an observer in the nineties in Nigeria. I witnessed long lines of people waiting patiently to vote. People believed and said to me that in America voting was encouraged rather than discouraged, so we need to stop these partisan efforts that strike at the core of our democracy. It really is, Congresswoman CHRISTENSEN, fundamentally anti-American.

We have to win this war against voters. We should be about dismantling and reducing barriers so we can reignite their hope for the American Dream.

I want to, again, thank you for your leadership, and Congresswomen FUDGE and JACKSON LEE, and BOBBY SCOTT and Mr. RANGEL and the entire Congressional Black Caucus for their calls and their hard work to protect the right to vote for all citizens across this Nation.

We must protect voters from these attempts to deny access to the heart of our democratic process. We need to move forward and encourage more voter participation. People need to know that they have a stake in this system and in this democracy. These laws were designed to stop that.

Mrs. CHRISTENSEN. Thank you, Congresswoman LEE. And just to underscore what you have shared with us this evening, I don't usually quote from Politico, but let me read the last sentence of one of their articles. It says, the framers bequeathed us a Constitution intended to create a more perfect union. Every time an eligible voter is denied the right to vote we are left that much further from achieving that goal.

Thank you again for joining us this evening.

And now I want to yield such time as he might consume to one of our out-

standing constitutional experts and attorneys in the CBC, Congressman BOBBY SCOTT from Virginia.

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 an unfortunate trend that seems to be creeping 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, these 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 in on time. There are complications that can occur when you're trying to get that paperwork done. Some of the elderly have



never gotten a photo ID and wouldn't know where to start. Many who are adopted may not know where to find a birth certificate. Many counties—for the elderly people, some counties have lost their records and the records aren't available.

And it produces bizarre results, such as the nuns who were prohibited from voting because they didn't have photo ID, even though the election officials knew them personally.

In Virginia, we have an exception to the photo ID. You have to present a photo ID, but if you don't have one, you can sign an affidavit under pains of a felony and go ahead and vote right now. But unfortunately, even in Virginia they're trying to eliminate that 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 Iowa that just certified, had announced that one person had won the Republican Caucuses one day and a couple of days later certified results that another one had won. And there are public reports that suggest that really nobody knows who won. I mean, if you want to look for some voter irregularities, 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 Republican 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 and other forms of ease in voting 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 in-person voter fraud is a problem anywhere in the United States.

Voting is not an arbitrary, inconsequential act. The cumulative effect of individuals 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 restrictions on voting and restrictions on registration.

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.

Ms. JACKSON LEE of Texas. I'd like to thank Dr. CHRISTENSEN, which I enjoy calling her 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, but 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.

□ 2000

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 Freedom Riders in the last year, their 50 years. My colleague Congressman AL GREEN, who led the NAACP in Houston during times when we were under siege as it relates to voting opportunities.

And 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."

She said that of course during the impeachment hearings of Richard Nixon, but really the point was that she felt that the Constitution breathed life, if you will, into the rights of Americans, and the Constitution spoke to the voting rights of African Americans and others through the 14th and 15th Amendments.

But over the years, we had not been protected. And so the Congress, through the leadership and sacrifice of Dr. Martin Luther King, whose monument is magnificent, they passed the Voting Rights Act. The constitutionality was challenged in 1966. It barely got passed. And the Supreme Court said this: Congress has found that case-by-case litigation was inadequate to combat widespread and persistent discrimination in voting.

This is what they found over the years in the Deep South; that it was constant, it was ongoing because of the inordinate amount of time and energy required to overcome the obstructionist tactics invariably encountered in these lawsuits. After enduring nearly a century of systemic or systematic resistance to the 15th Amendment, Congress might well decide to shift the advantage of time and inertia from the perpetrators of evil to its victims. That was a landmark case in 1966, *South Carolina v. Katzenbach*, the Attorney General of the United States, to reaffirm the Voting Rights Act of 1966.

Here we are now almost 50 years plus where we are fighting this case again, and I might add, in not too friendly a climate. First of all, fraud is offered, and I notice that my colleague mentioned the unfortunate facts or the circumstances in Iowa where one Republican presidential candidate was declared a winner and then now another. And I did not hear voices being raised about whether there was fraud. Maybe it was a miscount, a mistake. But you didn't hear the outrage that we have heard over the seeming increase, or the effort to increase, the votes of poor people and minorities, and in particular Latinos and African Americans.

Might I just say with a sense of pride, the Honorable Barbara Jordan added Texas to the Voting Rights Act coverage by adding language minorities in I believe about 1978.

But the thought that fraud is bad and should be prosecuted, but a photo ID does not prevent voter impersonation, that it doesn't work—requiring a photo ID amounts to discrimination. Eleven percent of the entire voting-eligible population, 2.1 million, do not have a government-issued photo ID. You're discriminating against them. Twenty-five percent of eligible African American voters do not have a qualified voter ID. A 2006 nationwide study of voting-age citizens by the Brennan

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 were born with midwives. My 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 add to the deficit. Missouri 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-leaning colleges can't use a credible ID that colleges take great pride or great efforts to secure. Photo ID. Young people who we want to see cherish the democracy of this country can not in fact use their ID. But yet a gun ID can be used.

Just a few weeks ago in the Judiciary Committee—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 different States by not knowing who's in there carrying a gun permit.

But yet the sacred and simple act of being able to vote for a person 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 practically 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 continue 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-cleared. I understand that all of my colleagues are in the middle of redistricting, but let me just say this is not in any way promoting Texas, but I believe that we may be the singular case that is going to ascertain the integrity of the Voting Rights Act and voter protection.

Right now Texas is in three courts: the Supreme Court, the District Court

of Appeals here in the District of Columbia, and the San Antonio Federal Court. We are fighting on three different levels.

I might say this without any punitive comments intended. We had an interim plan, and this is under the Voting Rights Act, that one person, one vote. And Congresswoman, I think it is important 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 when we have the 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 Antonio 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 on the record. The Supreme Court assessed 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 being guided by 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 inevitably, those who are on the side of the Voting Rights Act are not rich. We inevitably in many instances are not the State.

□ 2010

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 reauthorizing the Voting Rights Act, we discovered 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 intimidation; 7,000 reported registration problems.

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 excludes the most common forms of identification—student IDs, Social Security cards—and they offer no alternatives. 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 by suggesting 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 justice as those civil rights legends and heroes did. They've got to get like the movie "The Help" when those domestics, those people who work for others, walked in the Montgomery Bus Boycott because they were trying to do for others. So I want to thank you for allowing me to share 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 protection 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 participate 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 made reference to the charges 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 elections in November of this year, we have seen an unprecedented—at least unprecedented since August of 1965—attack on the rights of Americans to vote. As you've heard, these attacks have taken many forms: expanding bans that prevent felons from voting; cutting election administration budgets in States; curtailing early voting, something that was used very effectively in previous elections; eliminating same-day registration; intimidating voter registration by some groups, which extends in some places to intimidation on Election Day; imposing strict ID requirements; creating barriers to getting the required ID; and creating barriers to voting by students in schools outside of their States.

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 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 is a specific attempt to derail what surely would be and ought to be the reelection of Barack Obama.

The CBC is speaking out as is the NAACP, but I'm still waiting for the cries of many 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 that the Department of Justice 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, together 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 there still remains some early 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 rights of 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 our country 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 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 maybe 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 site, there will 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 salaries and impose austerity 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 RANGEL, Congresswoman FUDGE, Congressman SCOTT, 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.

□ 2020

Ms. 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, and they are not mutually exclusive. I don't have the facts of what has generated this action, but we need to be helpful.

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 voter protection gives people the opportunity for expressing their 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 their right to vote and to work together to understand their voting rights which are granted to citizens of our nation 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 tactics of intimidation and harassment is to vote. Is 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 history are doomed 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 the Act is due to expire, leaving minorities with no rights, the Act is actually due for reauthorization in the 2nd session of the 108th Congress—there is no doubt about whether it will continue to protect our rights in the future.

The VRA codifies and effectuates 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 disenfranchised in many Southern states, the Act employed measures to restore 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, en 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:

Congress had found that case-by-case litigation was inadequate to combat widespread and persistent discrimination in voting, because of the inordinate amount of time and energy required to overcome the obstructionist tactics invariably encountered in these lawsuits. After enduring nearly a century of systematic resistance to the Fifteenth Amendment, Congress might well decide to shift the advantage of time and inertia from the perpetrators of the evil to its victims.

It seems that the “obstructionist tactics” that threatened the aggrieved parties in *Katzenbach* have returned. The advantages of “time and inertia” that were shifted from bigoted bureaucrats to minority victims are slowly shifting back against their favor when educators, government leaders, and agencies are allowed to contravene the policy and legal conclusions given by the highest court in the country.

Several factors influenced the initiation of this civil rights legislation. The first was a large shift in the number of African Americans away from the Republican Party. Second, many Democrats felt that it was a mistake of its Southern members to oppose civil rights legislation because they could lose more of the African American and liberal votes.

No right is more fundamental than the right to vote. It is protected by more constitutional amendments—the 1st, 14th, 15th, 19th, 24th and 26th—than any other right we enjoy as Americans. Broad political participation ensures the preservation of all our other rights and freedoms. 3 State laws that impose new restrictions on voting, however, undermine our strong democracy by impeding access to the polls and reducing the number of Americans who vote and whose votes are counted.

#### 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 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 or-

ganizations 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 and local elections, although some laws or initiatives passed in 2011 have not yet gone into effect. Some must also be pre-cleared 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 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, and that even 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 documents 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 never had a birth certificate and cannot obtain alternate proof of their birth 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's District 19 are 137 miles from the nearest full service Department of Public Safety office, where those without IDs must travel to preserve 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 Massachusetts 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 thread emerging from disparate state approaches is a bias against robust student electoral participation.

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.

Currently, only a handful of Wisconsin colleges and universities are issuing compliant IDs. Nor will South Carolina, Texas, or Tennessee accept student identification at the polls.

Policies that limit students' electoral participation are 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, or the financial ability to own land. When a vote is not cast, it is a referendum on all those who fought so hard and tirelessly for our rights. When a vote is cast, it is 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 make 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 allow all citizens who are eligible to vote, with the right to excise this decision without tricks or tactics to dilute their right to vote.

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 predominately minority neighborhoods and have 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 long 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, regardless of race, ethnicity, or national origin. 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 deemed “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 police officers 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 provided a consent order that forbids the Republican National Committee from undertaking any ballot security activities in a polling place or election district where race or ethnic composition is a factor in the decision to conduct such activities and where a purpose or significant effect is to deter qualified voters from voting. These reprehensible practices continue to plague our Nation’s minority voters.

#### VOTING RIGHTS ACT HISTORY

August 6, 2011, marked the 46th anniversary of the Voting Rights Act.

Most Americans take the right to vote for granted. We assume that we can register and vote if we are over 18 and are citizens. Most of us learned in school that discrimination based on race, creed or national origin has been barred by the Constitution since the end of the Civil War.

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 reforms, including repeal of 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, the largest number ever. The act has opened the political process for many 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 harsh barriers to full political participation also have benefited greatly.

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

#### VOTER ID

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 by attempting to register incorrectly. 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 were scattered across 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 nonprofits, 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 occurring, 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, whose addresses change often, and the elderly, will also have difficulty providing documentation.

In fact, newly married individuals face significant barriers to completing a change in surname. For instance, it can take 6–8 weeks to receive the marriage certificate in the mail, another 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 crippling 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 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 voting rights are not jeopardized. We also request that you brief us on the efforts the Department is undertaking to ensure

these new laws are implemented in accordance with the Voting Rights Act.

Sincerely,

Marcia L. Fudge; Nancy Pelosi; Steny H. Hoyer; James E. Clyburn; John B. Larson; George Miller; Tim Ryan; Janice D. Schakowsky; Keith Ellison; Grace F. Napolitano; Emanuel Cleaver; André Carson; Raúl M. Grijalva; Maxine Waters; Laura Richardson; Lucille Roybal-Allard; Silvestre Reyes; Sheila Jackson Lee; Yvette D. Clarke; Bob Filner.

Barbara Lee; Donna M. Christensen; José E. Serrano; Judy Chu; Alcee L. Hastings; Charles B. Rangel; Karen Bass; Frederica S. Wilson; Melvin L. Watt; Eleanor Holmes Norton; Bennie G. Thompson; G. K. Butterfield; William Lacy Clay; Danny K. Davis; John Lewis; Gwen Moore; Tammy Baldwin; Jesse L. Jackson, Jr.; Robert C. "Bobby" Scott; Donald M. Payne.

Michael M. Honda; Betty McCollum; Henry C. "Hank" Johnson, Jr.; Robert A. Brady; Dennis J. Kucinich; Edolphus Towns; Anna G. Eshoo; Steve Cohen; Corrine Brown; Luis V. Guterrez; Elijah E. Cummings; Rubén Hinojosa; Joe Baca; Chellie Pingree; Betty Sutton; Terri A. Sewell; Charles A. Gonzalez; Fortney Pete Stark; Peter Welch; Brad Miller.

Ben Ray Lujan; Loretta Sanchez; Carolyn B. Maloney; Donna F. Edwards; Dale E. Kildee; Henry A. Waxman; Doris O. Matsui; James P. McGovern; Eni F.H. Faleomavaega; Eliot L. Engel; Earl Blumenauer; Hansen Clarke; Gary L. Ackerman; John Garamendi; Russ Carnahan; Jerry McNerney; Rush D. Holt; Bill Pascrell, Jr.; Robert E. Andrews; Peter A. DeFazio.

Zoe Lofgren; Paul Tonko; Howard L. Berman; Lynn C. Woolsey; Michael H. Michaud; Lois Capps; Xavier Becerra; Rosa L. DeLauro; Steve Israel; Louise McIntosh Slaughter; Chris Van Hollen; Al Green; Cedric L. Richmond; Albio Sires; Sam Farr; Jim McDermott; Jim Cooper; Gregory W. Meeks; Nydia Velázquez; Marcy Kaptur.

Eddie Bernice-Johnson; Theodore E. Deutch; Lloyd Doggett; Linda T. Sánchez; John P. Sarbanes; John W. Olver; Jerrold Nadler; John C. Carney; John D. Dingell; John F. Tierney; James A. Himes; Chaka Fattah; David E. Price; Ed Pastor; Chris Murphy.

Mrs. CHRISTENSEN. I thank you for your support, and I know that I have the support of the Congressional Black Caucus. It just raises the issue that we have been coming to the floor for the entire year to speak on before this evening, and that's jobs and job creation.

Mine, like other communities across the country, will definitely need to enact legislation, like the American Jobs Act and some of the countless pieces of legislation that the Congressional Black Caucus has introduced in this Congress to create jobs for the people, for people in this country.

I just wanted to add that in addition to the impact on the U.S. Virgin Islands and St. Croix in particular, this closing will have a major impact, especially on the east coast, as Hovensa has been a major supplier of gasoline to the east coast. So, again, I ask for your prayers and your support.

With that, I yield back the balance of my time.

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 select their elected 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 exclude the elderly, 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 racial discrimination.

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 disguise. 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 during previous elections, such as the purging of entire voter rolls or intentionally long wait times during early voting.

Mr. Speaker, it is absolutely critical that we work toward strengthening the integrity of our elections and avoid tactics meant to sway their 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, I'm happy to say, disproportionately of young people.

We defend and seek to protect all the weak and vulnerable persons from the

violence of abortion, infanticide and euthanasia. We believe in the politics and policies of inclusion, regardless of race, age, sex, disability or condition of dependence.

Yesterday, January 22, marked the 39th year since the infamous holdings of Roe v. Wade and Doe v. Bolton, the pair of Supreme Court decisions that nullified fundamental pro-life protections throughout the United States. The catastrophic loss of children's lives since Roe v. Wade and Doe v. Bolton has been absolutely numbing. Over 54 million children have been killed by dismemberment, chemical poisoning, lethal pills, suction and starvation.

Let's not forget that RU-486 is a chemical compound. It's two chemicals, and one of the effects of one of those chemicals is to literally starve the baby in the womb to death. The second chemical brings on delivery of a dead baby. Women have been harmed by abortion as well. Over 100 studies showed significant psychological harm, major depression and elevated suicide risk in women who abort.

The Times of London wrote, senior psychiatrists say that new evidence has uncovered a clear link between abortion and mental illness in women with no previous history of psychological problems. They found that women who had abortions had twice the level of psychological problems and three times the level of depression as women who give birth or who have never been pregnant.

Younger women are also harmed by abortion psychologically. A comprehensive New Zealand study found that almost 80 percent of 15- to 18-year-olds who had abortions displayed symptoms of major 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 showed significant association 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 have a 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, is associated with neo-natal mortality and motility.

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 our lawmakers here, many of whom are on the floor tonight, and also with our leadership, Speaker JOHN BOEHNER, 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 prohibition 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-abortive 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-abortive women.

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

Mrs. BLACKBURN. I thank the gentleman 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. They have spoken with one voice.

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.

□ 2030

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 human life 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. 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 lasting 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 they 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.

Ann told me at the funeral that the value of life each person has, no matter their shortcomings or faults, should be loved and cherished and protected. Ann has it right. I believe many people in this Congress have it right. And I know that Americans at heart have it right.

So 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. I thank the gentleman for his courage in standing 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 held with 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:

We hold these truths to be self-evident that all men are created equal and endowed by their Creator with certain unalienable rights, among them, the right to life, liberty, and the pursuit of happiness.

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 from a perspective that really we give credence 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?

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 designed a purpose for all life, Mr. Speaker. We as humans run amuck of His plan, His wisdom, if we decide what is good, what is right, what is acceptable as opposed to saying: God, thank You for the gift.

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 after he fought and lived for 8 days 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 that new creation, gift of God, formed uniquely in the womb.

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 in a womb, not aborted, said:

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

We would do well in this great country to say "Amen" to that issue and to support life in all its forms.

□ 2040

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 throughout 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 Religious Council, and so many others of all denominations and faiths pleading before the Lord for reconciliation and, frankly, for forgive-

ness for this terrible tragedy of abortion on demand.

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

Ms. BUERKLE. 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 unalienable 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. BUERKLE.

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 BUERKLE just said, the scores of young people who are here to celebrate life.

Life, as has been mentioned, is a precious gift from God. And not only is abortion wrong both morally and ethically, it's a really bad idea. And I know from my practice of medicine, I'm an OB/GYN doctor, as Congressman SMITH mentioned, and in the group that I belong to and in the years 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 that you were able to see to now 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 heart-beat 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, those children live the same as a term birth. And we're seeing that number pushed further and further and further back with children younger and younger.

We tend to think of this in our own time. Think about 50 or 100 years from now. Who knows what the technology will provide? Because it is a precious gift from God that we're protecting.

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, doctors, and 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 Nation and to add to the culture of this Nation. I can't imagine what this world would be like without them here.

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 his mother had made a different decision? This young leader in this country, these are the future leaders of our Nation.

I want to finish by saying I think, to me, personally, one of the most heinous procedures that could ever be performed on a human being is a third-trimester abortion. There is absolutely no medical reason—I stand here tonight and will challenge anybody in this Nation of over 300 million people to debate me on this issue. There is no medical indication other than termination of the child's life. There is no reason to do that for any other.

I have made this challenge before, and I will make it again here tonight. I have yet to be taken up on that. I don't see any difference in that and why wait until a baby is born and do something. It's called murder then.

I want to thank CHRIS again, Congressman SMITH, for being so steadfast in his 30-plus years. You are changing hearts and changing minds. And it is a true privilege to stand here tonight with my colleagues and to be for life. I can't imagine being otherwise.

Mr. SMITH of New Jersey. Dr. ROE, thank you so very much for your kind remarks, and you have been a leader, as have the Members that have been speaking. There's no single leader, except for maybe Henry Hyde when he was the leader here in the House. But this is a group leadership of men and women who are just passionately in favor of life.

I mentioned doctors who are strongly members of this Pro-Life Caucus. Well, one of those is Dr. FLEMING from Louisiana, and I would like to yield to him.

And I just point out that the Obama administration has declared war on conscious protections. He has done it in a repeated fashion, most recently in ordering all health insurers, including faith-based institutions, to pay for all means of preventing pregnancy, including subsidizing abortifacients like Ella and Plan B. Everyone must comply regardless of moral objection or religious tenets simply because Obama says so.

The United States Catholic Conference of Bishops recently had a grant to assist human trafficking victims under a law I wrote called the Trafficking Victims Protection Act. They did a great job. The reviewers said so and gave it very high marks. But that wasn't enough for the Obama administration. This past fall, the USCCB was blatantly discriminated against and thrown out of the program simply because they would not refer for abortions.

And Mr. LANKFORD, who will speak shortly as well, did a wonderful job in a hearing in bringing out, as did Chairman ISSA, how discriminatory this really is.

Leading the effort on conscience protection, prime sponsor of the Abortion Nondiscrimination Act, is Dr. FLEMING.

Mr. FLEMING. I thank the gentleman, Mr. SMITH, not just for the introduction, but for the fine work you've done for so many years, sir, as well as JOE PITTS, our good friend and colleague.

Mr. Speaker, I speak to you this evening as a physician of over 30 years,

a father, and a grandfather. And I have delivered, myself, many hundred babies and have found that that is one of the most important and intimate times in a person's life is taking part of and in some way delivering a baby.

□ 2050

Nonetheless, we have today a problem since *Roe v. Wade* that we are in great grievance about.

You heard Mr. WALBERG so eloquently talk about the passages from the Bible that describe about knitting me in the womb and knowing me even before being born. But do you realize that the DNA of every conceived life is unique in history? There will never be another like it. In my opinion, that is God's opinion, that that is a separate and distinct human being and a person upon itself.

Let me share some facts with you. Do you realize that the heart begins beating at 23 days after conception, that the fetus begins to feel pain as early as 20 weeks and maybe even earlier? We are still waiting for some studies on that. Certainly any abortion that is committed in the middle or third trimester is obviously extreme agony for any type of fetus.

Some other important facts. While there were approximately 744,000 abortions in 1973, the time of *Roe v. Wade*, that actually peaked in 1990 at 1.6 million. It has come down. It has come down today to 1.2 million. Not nearly low enough. Do you realize also that over \$487 million of taxpayer money is used each year to go to Planned Parenthood, which is the number one provider of abortions in this country, committing over 320,000 innocent lives to death each year?

There are things we are doing that are effective. You heard me say that we are down from a peak of 1.6 million down to 1.2 million. What are some of the things that we can do and have done? My home State, Louisiana, which was chosen by AUL to be number one in abortion law, has done the following: A mother-to-be must wait at least 24 hours after notification to actually have an abortion; she must be provided with information so she can read about this and have a cooling-off period before making that final decision; she must receive information about fetal pain, what I mentioned just a moment ago; and that she must be allowed, if she chooses, to view a sonogram to see what that fetus actually looks like, her potential baby. And Louisiana has declared that the unborn child is a human being and is therefore a person.

Mr. Speaker, there is a lot that we have done. There is a lot more we can do. Although I want to see *Roe v. Wade* overturned, there are still many good laws that we can produce that I think—certainly defunding of organizations that provide these abortions that can sharply lower these numbers. There is much more we can do.

We shouldn't just hold out for overturning *Roe v. Wade*. We should act today.

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 brave 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 life.

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. I also believe 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 the all-powerful judiciary.

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. I want to thank him for his service and his fight on this particular issue. And it is a privilege to stand here today with so many other colleagues on this important matter.

Mr. Speaker, I stand here before you today as a father of two young boys that I'm 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 tax 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 puts an end to this tragedy.

Mr. SMITH of New Jersey. Thank you very much and thank you for reminding all of us that Planned Parenthood really is Child Abuse, Incorporated, 329,000, 332,000 the year before that of innocent children decimated, killed in their clinics.

I would like to now yield to the gentleman from New Mexico, Mr. STEVAN PEARCE, who is back to us having served in the House. He came back after a different run.

He is a stalwart for life and a great friend of the unborn.

□ 2100

Mr. PEARCE. Thanks to the gentleman from New Jersey for leading this issue. The value of a Nation is measured in its willingness to speak for the most fragile among us.

In the United States, it is punishable by 5 years in jail and a \$250,000 fine to destroy an eagle egg, an embryo. If you destroy a human embryo, it is not only fully legal, but it is federally sanctioned. The Nation needs to pause and

ask itself about these convoluted values.

It does not pass without note that *Roe vs. Wade*, 39 years ago, was passed in 1973. It was the same year that the Endangered Species Act was passed protecting the eagle eggs. So at the point that this Nation was fully sanctioning the destruction of human embryos, it was fully protecting embryos of other species.

I'm fully confident today that this tragedy is going to be reversed because I hear young men and young women across this Nation who are looking at the scientific evidence to understand that it is more than a blob of tissue, but this is human life that we're ending.

We see the decline in the value of the human in our culture because of decisions that this Nation's policy leaders have made, and I see young people across this land beginning to stand up and let their voices be heard. And when we speak with one voice, Washington listens. And in this case of protecting the human life, it is time for Washington to listen.

Mr. SMITH of New Jersey. Thank you so 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 glad to have 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 people stood for hours out in the rain, not minding, because they believe in life. And people may say, well, why are the people doing this? And why are you pro-life?

And I'd just like to summarize it, 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 oh,

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 one to you 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 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 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.

Some facts that I also learned are, 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 138 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 about a child. This is not about a choice. And I commend all the people who came here today to Washington to speak out on behalf of life. And with them, I celebrate, and look forward to the day when all Americans are granted 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.

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 leadership on 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 had traveled 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 make the great woundedness of the Roe vs. Wade decision a thing of the past.

Now, Mr. Speaker, it's important to note that in the same year when Roe vs. Wade was errantly 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 rightly 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 animals. 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.

□ 2110

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 because of 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 Nation's 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 all of 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 for yielding and for hosting this Special Order about moral truth, that the right to life is a fundamental right, and frankly a Nation that kills its next generation is not a moral Nation.

It's been 39 years since the infamous Roe v. Wade decision, and for the 39th time, the American people have marched in Washington, D.C., in the March for Life to show Congress that they remain opposed to this decision. This year, the cold and driving rain couldn't dampen the resolve of the hundreds of thousands that turned out again. Their message was simple: stop abortion.

The act of murdering an unborn child has no place in this country. For a judicial system that is taking great lengths to try and ensure justice and fairness in the court of law, where is the justice here? Mr. Speaker, I'll ask you again, where is the justice for the unborn? The answer is simple. There is none.

But still Roe v. Wade and the subsequent left-wing pro-choice groups have pushed the envelope so that now this legalized murder of the unborn is prevalent across the country, accessible,

and sometimes even partially financed by your tax dollars.

Let us look no further than last year in my home State of Pennsylvania, in a neighborhood outside west Philadelphia, an abortion mill that was in operation for over four decades, 40 years, was illegally delivering and killing newborns in a so-called abortion procedure. For years, the procedures he performed on women who came into the clinic was responsible for several deaths and severely injuring scores more.

For political reasons, even outlined in the grand jury report, the Pennsylvania Department of Health refused to inspect the abortion facilities. These abortion mills ran rampant and unchecked.

So for those who argue that this legalized murder is for the woman's health, I ask you where is the justice for those women? Where is the justice for the unborn at that facility? There is no justice in abortion for anyone.

Yet you look to the White House, and we have a President who states, "As we remember this historic anniversary, we must also continue our efforts to ensure that our daughters have the same rights, freedoms, and opportunities as our sons to fulfill their dreams."

Mr. Speaker, surely the President recognized he's wrong. Abortion is not the way to allow our daughters to fulfill their dreams. In America, everyone, regardless of color or gender, has the same rights and freedoms and opportunities to fulfill their dreams. Everyone except the unborn.

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. 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. I thank my good friend. Again, a very, very powerful statement.

I'd like to yield to ALAN NUNNELEE from Mississippi. I thank him for being here this evening.

Mr. NUNNELEE. I want to thank the gentleman from New Jersey for your leadership. Thank you for yielding.

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 our ways.

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 rededicate our decision to stand for life. The measure of a society is how it treats its most vulnerable 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 must be right. This is the same 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 this movement can work, 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 at the Mall and look out 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 them and with our continued effort we can do the right thing and protect every human life.

□ 2120

Mr. SMITH of New Jersey. I yield to the gentleman from Oklahoma, Mr. JAMES 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 heart of that 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 had protected the life of a child. 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 dissidence 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 so many women 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, over-billing, 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.

I can tell you that the hardworking 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 crisis pregnancy 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, could be a game-changer for the United States of America, which is the natural gas development potential that we find in the shale formations throughout the United States.

I 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 at 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 are jobs, 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 are, hopefully, 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 exploration and development in America 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 shale and tight sand 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 that we say, 'Engineers, make sure 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.

□ 2130

You know, these are comments coming from our EPA Director, but then there's comments like, "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 wellbore integrity up and down the entire wellbore." 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 to tell you, 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 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 formation such as the Marcellus shale, 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 our own ground in natural gas and oil, 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 coming up with the regulations to ensure that this is done safely and responsibly. But I have the privilege of representing a district that's just adjacent to the northern tier of Pennsylvania, adjacent to my good friend, GT THOMPSON of Pennsylvania, who will speak shortly, where we have had a spillover effect of economic opportunity to the district.

I could talk to you about Dalrymple Holdings, it's a long, family-held company right outside of my hometown of Corning, New York, that has been involved in highway infrastructure construction in Chemung County for years and counties surrounding it. But now they've 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 \$22 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 here 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 benefiting 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 go 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 went 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 coffers every month. He 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 to have them share in the rewards of the hard work that they put together in that dry cleaning operation.

Mr. Speaker, I would be remiss if we don't talk a little bit about the public benefits that have been brought to my 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 would be remiss 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 property because 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 could 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, and that we are talking about creating traffic lines of economic opportunity and development for generations of Americans rather than compounding and growing unemployment lines.

□ 2140

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 to comment, I yield to you.

Mr. THOMPSON of Pennsylvania. Thank you for leading this Special Order on natural gas and its benefits. And thanks for your leadership on the Marcellus Shale Caucus. With natural gas, everybody wins. I am very proud to be a member of the Marcellus Shale Natural Gas Caucus. And I appreciate Mr. REED, my good friend from just north of me in New York, acknowledging that good stewardship and good science is important. And we have both when it comes to natural gas. This is not 50, 60 years ago when we were extracting coal. This is 2012, where we have and we benefit from great science, and we know that we have a responsibility to be good stewards of the environment. I appreciate that acknowledgment.

I represent Pennsylvania's Fifth Congressional District. There are 17 counties 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 this 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 ag extension 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 counsel for wealth management. That's 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 thanks to Marcellus shale. So 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 us, all that oil that we buy from the Middle East, and we're going to be able to shut that thing off because of 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, every citizen in 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 benefiting 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 lost industries. But where we 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, the parent 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 build and expand the plant right there in Tioga County. That's very exciting. That's jobs.

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 moving to other counties.

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 went out and 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 Elk County.

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 are getting better. The gas 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, those 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 longtime 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, so they're helping to bring 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 great 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 \$13 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 natural gas, reported that the 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, those citizens 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 haven't covered. I just 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 done what I have done on numerous times. 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 get 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. I could tell you, 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.

□ 2150

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? What's causing all this? Kind of playing dumb, obviously, I had an idea of what was causing it. But in both circumstances, the response was amazing. Yeah, 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, she expressed the 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 result of this, but a nice, stable 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. Probably that's why I lost my hair and maybe why you lost your hair. But it was amazing to look that one lady in the eye who said, I just appreciate 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 do. Let me talk about, just out of fairness 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 was two young men who had 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 around the 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 young person.

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 number one export for many years has been our young people. We educate them, and I like to think we do a good job of that, and they go to where there's opportunity. And there has not been opportunity in our economies, and our areas have been somewhat depressed economically for some time. 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 had folks protesting about not having jobs. Well, come to the Fifth District of Pennsylvania. You don't have to work in the

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 sitting 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 our time is winding up. But one thing 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've 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 despair; through the welfare society, entitlement 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 I appreciate my colleague 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 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. CULBERSON (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 Ms. 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; accordingly (at 9 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, January 24, 2012, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

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

4630. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyhalofop-butyl; Pesticide Tolerances [EPA-HQ-OPP-2011-0283; FRL-9330-1] received December 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4631. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Difenconazole; Pesticide Tolerances [EPA-HQ-OPP-2010-0959; 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 — Tepraloxym; 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 Administration'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 Administration'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.

4635. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Family Educational Rights and Privacy [DOCKET ID: ED-2011-OM-0002] (RIN: 1880-AA86) received December 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

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 Carisoprodol Into Schedule 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 Agen-

cy'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-2011-0638; FRL-9612-8] received December 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4638. 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; State of New Jersey; Regional Haze State Implementation Plan [EPA-R02-OAR-2011-0607; FRL-9611-2] received December 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4639. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: 2012 Renewable Fuel Standards [EPA-HQ-OAR-2010-0133; FRL-9614-4] (RIN: 2060-AQ76) received December 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4640. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-269, "Health Benefit Exchange Authority Establishment Act of 2011"; to the Committee on Oversight and Government Reform.

4641. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-270, "Presidential Primary Ballot Access Temporary Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

4642. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-271, "Unemployment Compensation Federally Funded Extended Benefits Maximization Temporary Amendment Act 2012"; to the Committee on Oversight and Government Reform.

4643. A letter from the Chief, Division of Consultation, Recovery, HCP 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-AX93) 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-AX98) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4645. A letter from the Biologist, Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removal of the Concho Water Snake From the Federal List of Endangered and Threatened Wildlife and Removal of Designated Critical Habitat [FWS-R2-ES-2008-0080; 92220-1113-0000-C6] (RIN: 1018-AU97) 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, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 26 and Amendment 29 Supplement [Docket No.: 110606316-1652-02] (RIN:

0648-BB15) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4647. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions in the Eastern Pacific Ocean [Docket No.: 110620342-1659-03] (RIN: 0648-B66) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4648. 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; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #5 Through #26 [Docket No.: 100223162-1268-01] (RIN: 0648-XA551) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4649. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA782) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4650. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA710) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4651. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Harvest Specifications and Management Measures for the Remainder of the 2011 Fishery [Docket No.: 100804324-1265-02] (RIN: 0648-BA01) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4652. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Highly Migratory Species Fisheries; Annual Catch Limits and Accountability Measures [Docket No.: 101102552-1319-02] (RIN: 0648-BA35) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4653. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gag Grouper Closure Measures [Docket No.: 110321211-1289-02] (RIN: 0648-BA94) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4654. A letter from the Acting Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's

final rule — Atlantic Highly Migratory Species; Vessel Monitoring Systems [Docket No.: 110520295-1659-02] (RIN: 0648-BA64) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4655. A letter from the Special Master, September 11th Victim Compensation Fund, Department of Justice, transmitting the Department's final rule — James Zadroga 9/11 Health and Compensation Act of 2010 [Docket No.: CIV 151] (RIN: 1105-AB39) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4656. A letter from the Director, Office of Tribal Justice, Department of Justice, transmitting Department's final rule — Office of the Attorney General; Assumption of Concurrent Federal Criminal Jurisdiction in Certain Areas of Indian Country [Docket No.: OAG 142; AG Order No. 3314-2011] (RIN: 1105-AB38) received December 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4657. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule — Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program; Delay of Effective Date; Impact on Prevailing Wage Determinations (RIN: 1205-AB61) received December 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4658. 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.

4659. 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-NM-036-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.

4660. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2012-2) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### 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. 2606. A bill 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 (Rept. 112-373). 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 action was taken by the Speaker:

*[The following action occurred on January 20, 2012]*

H.R. 901. Referral to the Committee on Energy and Commerce extended for a period ending not later than March 1, 2012.

#### PUBLIC BILLS AND RESOLUTIONS

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

By Mr. LOBIONDO:

H.R. 3797. A bill to amend chapter 178 of title 28 of the 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 betting, gambling, or wagering schemes involving professional and amateur sports; to the Committee on the Judiciary.

By Mr. SCHRADER (for himself, Mr. GALLEGLY, Mr. FARR, 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. COLE, 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 offices 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 on or before May 15 of each year, and for other purposes; to the Committee on House Administration, 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. 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 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. FLAKE):

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 in addition 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 at least 24 hours; to the Committee on Energy and Commerce.

By Mr. FRANKS of Arizona (for himself, Mr. AKIN, Mr. GOHMERT, Mr. FLEMING, Mr. WALBERG, Mr. HUELSKAMP, Mr. PITTS, Mr. LAMBORN, Mr. SMITH of Texas, Mr. KINGSTON, Mr. SMITH of New Jersey, Mr. SOUTHERLAND, Mrs. SCHMIDT, Mr. ADERHOLT, Mr. HARRIS, Mr. BUCSHON, Mr. PENCE, Mr. HULTGREN, Mr. BOUSTANY, Mr. ROGERS of Alabama, Mr. MANZULLO, Mr. ROSS of Florida, Mrs. HARTZLER, Mr. FORTENBERRY, Mr. HERGER, Mr. CANSECO, Mr. LANKFORD, Mrs. LUMMIS, Mr. AUSTIN SCOTT of Georgia, Mr. ROE of Tennessee, Mr. NUNNELEE, Mr. MARCHANT, Mr. HUIZENGA of Michigan, Mr. MURPHY of Pennsylvania, Mr. JONES, Mr. LANDRY, Mr. BACHUS, Mr. ROGERS of Kentucky, Mrs. ROBY, Mr. MCKINLEY, Mr. LIPINSKI, Mr. KELLY, Mr. GOWDY, Mr. JORDAN, Mrs. BACHMANN, Mrs. ELLMERS, Mr. AMASH, Mr. ISSA, Mr. SCHWEIKERT, and Mr. SCALISE):

H.R. 3803. A bill to amend title 18, United States Code, to protect pain-capable unborn 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 Texas, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CANSECO, Mr. DUNCAN of South Carolina, Mr. DUNCAN of Tennessee, Mr. FLORES, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GARRETT, Mr. HALL, Mr. HERGER, Mr. HUIZENGA of Michigan, Mr. HULTGREN, Mr. JOHNSON of Ohio, Mr. JONES, Mr. KELLY, Mr. KING of Iowa, Mr. KLINE, Mr. LIPINSKI, Mr. LONG, Mr. MANZULLO, Mr. MARCHANT, Mr. MCCOTTER, Mr. MURPHY of Pennsylvania, Mr. NEUGEBAUER, Mr. NUNNELEE, Mr. ROE of Tennessee, Mr. ROGERS of Alabama, Mr. ROSS of Florida, Mrs. SCHMIDT, Mr. SMITH of New Jersey, Mr. SOUTHERLAND, Mr. WESTMORELAND, 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 including more than one 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 (LIHEAP) 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 Mrs. MYRICK (for herself, Mr. COBLE, and Mr. MCINTYRE):

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 of the 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 23, 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, Ms. BASS of California, Mr. BERMAN, Mr. BISHOP of Georgia, Ms. BROWN of Florida, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Ms. CHU, Mr. CICILLINE, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. EDWARDS, Mr. ELLISON, Mr. FATTAH, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. JACKSON LEE of Texas, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KEATING, 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, Ms. SCHAKOWSKY, Mr. DAVID SCOTT of Georgia, Mr. SCOTT of Virginia, Ms. SEWELL, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, and Mr. WATT):

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 Representatives, 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, §8, clause 3—the Commerce Clause.

By Mr. LATHAM:

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, specifically Clause 1, Clause 3, and Clause 18.

By Ms. GIFFORDS:

H.R. 3801.

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:

Amendment V, Section 1—the “Due Process” clause protects any life from being taken without due process of law; this legislation provides unborn citizens a modicum of due process.

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:

Clause 1 of Section 8 of Article I 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 Representatives.

By Mr. JORDAN:

H.R. 3805.

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

Clause 3 of section 8 of article 1: To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes

Section 1 of the Fourteenth Amendment: No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

By Mr. MARINO:

H.R. 3806.

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

Article I, Section 5, Clause 2

Article I, Section 7, Clause 2

Article I, Section 8, Clause 18

By Mr. MURPHY of Connecticut:

H.R. 3807.

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



Article I, Section 8.

By Mrs. MYRICK:

H.R. 3808.

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

Clause 4 of Section 8 of Article I of the United States Constitution, which gives Congress the power to establish a uniform Rule of Naturalization.

By Mr. PALLONE:

H.R. 3809.

Congress has the power to enact this legislation pursuant to the following: section 8 of article I of the Constitution.

By Mr. PETRI:

H.R. 3810.

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

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

#### ADDITIONAL SPONSORS

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

H.R. 32: Mr. DOLD and Mr. STIVERS.  
 H.R. 83: Mrs. CHRISTENSEN, Mr. CLAY, Ms. RICHARDSON, Mr. JOHNSON of Georgia, Ms. HAHN, Mr. MICHAUD, Mrs. CAPPS, Mr. JACKSON of Illinois, and Mr. SABLAN.  
 H.R. 104: Mr. HINCHEY and Mr. GUTIERREZ.  
 H.R. 110: Mr. SCHILLING.  
 H.R. 140: Mr. SCOTT of South Carolina.  
 H.R. 191: Mr. McDERMOTT.  
 H.R. 196: Mr. TOWNS.  
 H.R. 217: Mr. FARENTHOLD and Mr. STIVERS.  
 H.R. 265: Mr. BLUMENAUER.  
 H.R. 266: Mr. BLUMENAUER.  
 H.R. 267: Mr. BLUMENAUER.  
 H.R. 300: Mr. HINOJOSA and Mrs. MALONEY.  
 H.R. 365: Ms. RICHARDSON and Mr. RUNYAN.  
 H.R. 436: Mr. MURPHY of Pennsylvania.  
 H.R. 451: Mr. GRAVES of Georgia.  
 H.R. 469: Mr. NADLER.  
 H.R. 511: Mr. MILLER of Florida, Mr. WEST, and Mr. CRENSHAW.  
 H.R. 605: Mrs. CAPITO.  
 H.R. 668: Mrs. BACHMANN and Mr. GRIFFIN of Arkansas.  
 H.R. 733: Ms. HIRONO.  
 H.R. 735: Mr. ROKITA and Mr. HENSARLING.  
 H.R. 763: Mrs. ELLMERS.  
 H.R. 835: Mr. SMITH of Washington.  
 H.R. 854: Mr. RIVERA.  
 H.R. 905: Mr. FITZPATRICK.  
 H.R. 931: Mrs. MYRICK and Mr. DUNCAN of South Carolina.  
 H.R. 938: Mr. LONG.  
 H.R. 965: Mr. SIRES.  
 H.R. 973: Mr. ROYCE.  
 H.R. 998: Ms. BORDALLO and Mr. CONYERS.  
 H.R. 1063: Mr. DOLD, Mr. CLARKE of Michigan, Ms. BROWN of Florida, and Mr. GRIFFIN of Arkansas.  
 H.R. 1093: Mr. MURPHY of Pennsylvania.  
 H.R. 1148: Mr. PASCRELL and Mr. FORBES.  
 H.R. 1173: Mr. CRAVAACK and Mr. FLAKE.  
 H.R. 1179: Mr. TURNER of Ohio, Mr. OLSON, Mr. BENISHEK, and Ms. FOXF.  
 H.R. 1182: Mr. RIBBLE.  
 H.R. 1195: Mrs. SCHMIDT and Mr. CONNOLLY of Virginia.  
 H.R. 1236: Mrs. MYRICK, Mr. WATT, and Mr. MCHENRY.  
 H.R. 1265: Ms. WASSERMAN SCHULTZ, Mr. JOHNSON of Illinois, Mr. ALTMIRE, and Mr. GOSAR.  
 H.R. 1327: Ms. BROWN of Florida.  
 H.R. 1332: Mr. NADLER and Mr. NEAL.  
 H.R. 1348: Mr. CRITZ.  
 H.R. 1370: Mr. SHUSTER.  
 H.R. 1381: Mr. STARK.  
 H.R. 1385: Mrs. BLACKBURN.  
 H.R. 1386: Mr. NADLER, Mr. PRICE of North Carolina, Mr. REYES, and Mr. HASTINGS of Washington.

H.R. 1418: Mr. AMODEI.  
 H.R. 1433: Mr. AMODEI.  
 H.R. 1523: Mr. CONNOLLY of Virginia.  
 H.R. 1546: Ms. MATSUI, Mr. VAN HOLLEN, and Ms. SUTTON.  
 H.R. 1564: Mr. JACKSON of Illinois.  
 H.R. 1591: Mr. AUSTRIA.  
 H.R. 1606: Mr. LOEBSACK.  
 H.R. 1684: Mr. THOMPSON of Mississippi.  
 H.R. 1733: Mr. FILNER.  
 H.R. 1738: Mr. SCHILLING and Ms. PINGREE of Maine.  
 H.R. 1744: Mrs. ADAMS.  
 H.R. 1755: Mr. PASCRELL.  
 H.R. 1756: Mr. OLVER and Mr. GUINTA.  
 H.R. 1780: Mr. LOBIONDO.  
 H.R. 1842: Mr. PASCRELL and Mr. CICILLINE.  
 H.R. 1867: Mr. FITZPATRICK.  
 H.R. 1895: Mr. COSTELLO, Mr. COHEN, Mr. JACKSON of Illinois, and Mr. RUSH.  
 H.R. 1964: Mr. DESJARLAIS and Mr. WOMACK.  
 H.R. 1971: Mr. FITZPATRICK.  
 H.R. 2010: Mr. McCOTTER.  
 H.R. 2016: Mr. FRELINGHUYSEN, Mr. PRICE of North Carolina, and Mr. MILLER of North Carolina.  
 H.R. 2033: Mr. NADLER.  
 H.R. 2053: Mr. MCINTYRE.  
 H.R. 2139: Mr. BILIRAKIS, Mr. SCOTT of South Carolina, and Ms. SCHAKOWSKY.  
 H.R. 2179: Mr. WESTMORELAND.  
 H.R. 2194: Ms. LINDA T. SANCHEZ of California.  
 H.R. 2195: Mr. GONZALEZ.  
 H.R. 2269: Mr. JOHNSON of Georgia.  
 H.R. 2313: Mr. ROSS of Florida.  
 H.R. 2414: Mr. PITTS and Mr. JONES.  
 H.R. 2487: Mr. JACKSON of Illinois and Mr. MURPHY of Pennsylvania.  
 H.R. 2499: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. KILDEE.  
 H.R. 2505: Mr. STARK and Mr. WALZ of Minnesota.  
 H.R. 2514: Mr. RIBBLE.  
 H.R. 2529: Mr. MCCAUL.  
 H.R. 2679: Ms. HIRONO and Mr. ROSS of Arkansas.  
 H.R. 2779: Mr. GIBSON.  
 H.R. 2787: Mr. GUTHRIE.  
 H.R. 2834: Mrs. ADAMS, Mr. HANNA, and Mr. BROUN of Georgia.  
 H.R. 2885: Mr. MATHESON.  
 H.R. 2955: Mr. RYAN of Ohio.  
 H.R. 3000: Mr. LANKFORD.  
 H.R. 3013: Mr. WALSH of Illinois.  
 H.R. 3059: Mr. TERRY.  
 H.R. 3066: Mr. ROKITA.  
 H.R. 3138: Ms. BROWN of Florida.  
 H.R. 3187: Mr. GINGREY of Georgia, Mr. ROSS of Arkansas, and Mr. QUIGLEY.  
 H.R. 3200: Mr. TURNER of New York.  
 H.R. 3203: Mr. ROKITA.  
 H.R. 3205: Mr. ROKITA.  
 H.R. 3209: Mrs. McMORRIS RODGERS.  
 H.R. 3213: Mr. SAM JOHNSON of Texas.  
 H.R. 3214: Mr. ROKITA.  
 H.R. 3216: Mr. TONKO.  
 H.R. 3242: Ms. WOOLSEY.  
 H.R. 3269: Mr. KEATING, Mr. FARENTHOLD, Mr. ENGEL, and Ms. DELAURO.  
 H.R. 3276: Ms. ROS-LEHTINEN and Mr. WEBSTER.  
 H.R. 3300: Mr. POLIS.  
 H.R. 3307: Ms. SCHAKOWSKY, Mr. GUTIERREZ, Ms. NORTON, Mr. KEATING, Mrs. NAPOLITANO, Mr. MORAN, Mr. TIERNEY, and Ms. CHU.  
 H.R. 3308: Mr. AMASH.  
 H.R. 3316: Mr. AL GREEN of Texas.  
 H.R. 3317: Mr. AL GREEN of Texas.  
 H.R. 3364: Mr. MILLER of North Carolina, Ms. WATERS, Mr. GONZALEZ, Mr. BACA, and Mr. BOREN.  
 H.R. 3368: Mr. HINCHEY, Mr. MICHAUD, and Mr. BLUMENAUER.  
 H.R. 3380: Mr. JOHNSON of Illinois.  
 H.R. 3400: Mr. AMODEI, Mr. NEUGEBAUER, Mr. FLEMING, and Mr. QUAYLE.

H.R. 3423: Mr. CASSIDY, Mr. WALBERG, Mr. AUSTRIA, Mr. TURNER of Ohio, Mr. ROONEY, and Ms. HIRONO.  
 H.R. 3442: Mr. ISRAEL.  
 H.R. 3461: Mr. GARRETT, Mr. CANSECO, Mr. THORNBERRY, Mr. HECK, Mr. ROSKAM, Mr. POMPEO, Mr. CRAWFORD, Mr. OWENS, Mr. DUNCAN of Tennessee, Mrs. BLACKBURN, and Mr. CONNOLLY of Virginia.  
 H.R. 3473: Mr. COSTELLO, Ms. BROWN of Florida, Mr. FILNER, Mr. HOLDEN, and Mr. MICHAUD.  
 H.R. 3510: Ms. LEE of California, Mr. QUIGLEY, Mr. CICILLINE, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. ENGEL, Mr. CLARKE of Michigan, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, and Mr. HECK.  
 H.R. 3527: Mr. ROSS of Arkansas.  
 H.R. 3528: Ms. NORTON.  
 H.R. 3533: Mr. LATOURETTE, Mr. GENE GREEN of Texas, Mr. PAYNE, Mr. HIGGINS, and Ms. SCHAKOWSKY.  
 H.R. 3541: Mr. GOWDY, Mr. HALL, Mr. ROKITA, and Mr. LUETKEMEYER.  
 H.R. 3548: Mr. DESJARLAIS, Mr. HULTGREN, Mr. JOHNSON of Ohio, Mr. BURTON of Indiana, Mr. GINGREY of Georgia, Mr. PALAZZO, Mr. McCLINTOCK, Mr. FINCHER, and Mr. COLE.  
 H.R. 3575: Mr. McCLINTOCK 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. McCLINTOCK, and Mr. WOODALL.  
 H.R. 3582: Mr. AMASH, Mr. McCLINTOCK, and Mr. SCALISE.  
 H.R. 3583: Mr. AMASH.  
 H.R. 3590: Mr. HOLT.  
 H.R. 3596: Mr. ACKERMAN, Ms. LINDA T. SANCHEZ of California, and Mr. NADLER.  
 H.R. 3599: Mr. DEFazio and Mr. SCHRADER.  
 H.R. 3606: Mr. MEEHAN.  
 H.R. 3609: Ms. FOXF and Mr. CANSECO.  
 H.R. 3612: Mr. FRANK of Massachusetts, Mr. JACKSON of Illinois, Mr. YOUNG of Florida, Mr. RIVERA, and Mr. McDERMOTT.  
 H.R. 3615: Mr. PITTS.  
 H.R. 3627: Mr. LOEBSACK and Mr. MCKINLEY.  
 H.R. 3636: Mr. LARSON of Connecticut.  
 H.R. 3667: Mr. BENISHEK.  
 H.R. 3670: Mrs. BLACKBURN and Mr. COFFMAN of Colorado.  
 H.R. 3676: Mrs. MILLER of Michigan and Mr. YARMUTH.  
 H.R. 3679: Mr. CONNOLLY of Virginia, Ms. BERKLEY, Mr. KILDEE, Ms. SLAUGHTER, and Mr. YOUNG of Alaska.  
 H.R. 3702: Ms. SCHAKOWSKY, Mr. YARMUTH, Ms. PINGREE of Maine, Mr. JONES, Mr. CROWLEY, and Ms. CHU.  
 H.R. 3770: Mr. HALL, Mr. ROKITA, Mr. BROUN of Georgia, Mr. LABRADOR, Mr. CANSECO, Mr. FORBES, and Mr. BURGESS.  
 H.R. 3778: Mr. GINGREY of Georgia, Mr. POSEY, Mr. FLEMING, Mr. FRANKS of Arizona, Mr. CULBERSON, Mr. McCLINTOCK, and Mr. BURGESS.  
 H.R. 3785: Mr. AMASH.  
 H.J. Res. 78: Mrs. NAPOLITANO and Mr. VAN HOLLEN.  
 H. Res. 16: Mr. SCHIFF and Mr. SHERMAN.  
 H. Res. 253: Mr. ALEXANDER.  
 H. Res. 271: Mr. FORBES.  
 H. Res. 407: Mr. BRALEY of Iowa.  
 H. Res. 475: Mr. DUNCAN of South Carolina.  
 H. Res. 490: Mr. KLINE, Mr. LOBIONDO, Mr. FORBES, Mr. SMITH of New Jersey, Mr. BURGESS, and Mr. YODER.  
 H. Res. 507: Ms. GRANGER.  
 H. Res. 509: Mr. LATTI, Mr. SCOTT of South Carolina, Mr. MARCHANT, Mr. WHITFIELD, Mr. MACK, and Mr. GUINTA.  
 H. Res. 516: Mrs. LUMMIS, Mr. HASTINGS of Washington, Mr. WESTMORELAND, Mrs.

BLACKBURN, Mr. LATHAM, Mr. FLORES, Mr. BONNER, Mr. LUETKEMEYER, Mr. MACK, Mr. LANKFORD, Mr. LAMBORN, Mr. MILLER of Florida, Mr. HULTGREN, Mr. FORBES, and Mr. AUSTIN SCOTT of Georgia.  
H. Res. 517: Mr. WHITFIELD.

**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.



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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, SECOND SESSION

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No. 9

## Senate

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

### 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.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 23, 2012.

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. INOUE,  
President pro tempore.

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

### 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.

### 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.



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The Founders, in their wisdom, when drafting our Constitution, created a divided government. That is what they did with this bicameral legislature they envisioned. They also looked to see a robust debate on important issues. I do not 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 not every discussion, every matter we deal with, should collapse into a fight. We do not have to fight about everything. Every piece of legislation we consider should not result in a political battle.

When we work together, we achieve greater results for the American people. That is why this year Democrats and Republicans must seek common ground. We must also admit it when we find that common ground, and work on that common ground we have discovered.

We should all be able to agree that Congress must do whatever it takes to help create jobs and strengthen our economy. Democrats believe it will take commonsense policies that protect the middle class and smart investments that rebuild our roads, bridges, and schools, our water and sewer systems.

We must combat income inequality now or the rich will keep getting richer and the poor getting poorer, while the middle class disappears. That is not fiction; it is fact.

I watched on public television within the past week or so a wonderful piece on "Bill Moyers Journal." I was so impressed with that, I called and spoke with him afterwards. I am not in the habit of calling people like that very often, but over the years we have spoken a couple times—three or four times probably over the many years I have been here.

The reason I was so impressed with what he said is that it reminded me I think of what a lot of people should be reminded. He talked about going to a public elementary school, he talked about going to a public high school, a State-supported university, and during all this time of going to libraries, public libraries.

We have to understand that government has been so helpful to most of us, and we cannot turn away from institutions of government which have been so important to us over the years.

So I repeat, we must combat income inequality and combat it now or the rich will keep getting richer, the poor getting poorer, and the middle class being squeezed all the more. I repeat, that is not fiction; it is a fact.

We Democrats will continue to defend working Americans, and we hope Republicans will join us in that regard. But if they allow the tea party to turn

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.

I was on a—well, I 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 complimented 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 said they 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 been doing 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. UNLV has only lost 3 games.

So we have fun 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 always have the 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 simply 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 average length 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 in the towel because they 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 impose a little balance in the November 2010 election, and they are still waiting for this 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 his address. We stand ready to work 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 but a truly bipartisan agenda that gets us beyond past skirmishes and onto a different path entirely. There is much we can and should do to-

gether. 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 in private practice 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 the 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 retaining 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 Judge for Improvement of 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 making the 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 on 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 as he does on the bench. 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 have 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 16½ 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 one day 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 only 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 to 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 executing 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 a number of 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 and his clear record 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 has an outstanding legal record, 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. JOHANNIS. 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. JOHANNIS. 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 retain him on the bench.

Justice Gerrard has authored hundreds of opinions throughout his 16 years as a member of the Nebraska Su-

preme 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 admissible 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 colleague 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 a strict adherence to the law.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT 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 had you 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 caused the Congress to pass them is not the critical issue. So there is 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 quit appealing. In fact, he filed a motion and said he did not desire any more appeals. His pleading said he 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 no pleading had been filed. 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 to be unconstitutional, 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 abil-

ity of the Congress or the State legislature 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 the middle of the last century and later 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, and they can decide whether they want to have one and how it will be carried out.

The Constitution does say, however, that we cannot use cruel and unusual methods of carrying out the death penalty because they understood that. They did not want people to be drawn and quartered and chopped up and things like that—burned in fires. The accepted penalty at that time was firing squad and hanging, generally. That is what was approved in most States. We still have States—at least one State today—that allows firing squad. I think we still have some that have hanging. But most States have gone more and more to lethal injection, and a number, quite a number, still have electrocution.

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, most—I would say perhaps even a 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. Mata*. 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.”

I am not aware of 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 judge to fulfill the oath 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 set aside for me, correct?

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 passed 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 but less cruel and unusual. Death 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 previously 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 because 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 considered it. Their elected 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, chief prosecutor in the State. I was a U.S. attorney for 12 years. 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; for them 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's guilt. He murdered 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 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. JOHANNIS. 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. JOHANNIS. 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 watch 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 or their own 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 statute, was 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 there.

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 directly 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 three times voted 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 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 from having 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 a disservice 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 unanimously. They 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 even 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 Republican 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 ending the year 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 near-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 senior Senator from Nebraska announced that this will be his last year in the Senate. 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 confirmation 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 need 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 hard-working 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, the Senate 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 entitled, "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 rightly called attention to the problem of overburdened courts across 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 2001 Year-End Report 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 pleased by the progress being made 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 qualified, 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 professed 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 last December 7th correctly proclaimed that with the Senate Republican filibuster of that nomination "GOP Ends Truce on Judicial Hopes." 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 consented 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 Nuffer to the District of Utah, Miranda Du to the District of Nevada, Gregg Costa to the Southern District of Texas, and David 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. Republicans' consent is what 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 responsiveness 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 100 judicial nominees of 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 to 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 ensuring that our courts 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 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.

It is wrong to dismiss 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 judi-

cial 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 these unnecessary and damaging delays. 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.

For the last two years in a row, Republicans have rejected the Senate's traditional, longstanding practice of taking final action on consensus nominations before 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 1995 session, 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 nine out of every 10 nominees he 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 returned to 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 12 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 filibusters and delays and improve the number of confirmations. They included 17 confirmations that should have taken place in 2010 but were delayed. That resulted in only 47 judicial nomination confirmations from hearings conducted last year. Even including the 17 confirmations in last year's total that should not have been delayed from the previous year, the total lags far behind the total in President Bush's second year in office when the Senate Democratic majority confirmed 72 Federal circuit and district court judges. It was lower than the total in President Bush's third year in office, when Senate Democrats worked 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 stalled. 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.

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

PROTECT IP ACT, S. 968

Mr. President, rogue websites, primarily based overseas, are stealing American property, harming American consumers, hurting the American economic recovery and costing us Amer-

ican 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 counterfeits online is estimated to be several times more costly. 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 consumer safety issue. According 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 threaten Americans' safety. 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 marvelous 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 voices 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 kinds of revolutionary innovations that have touched every aspect of modern life. But freedom and lawlessness are not synonymous. The Constitution does not protect the right to steal, and that is true whether it is in a bricks-and-mortar store or online."

Last week, a Wall Street Journal editorial was like-minded, noting:

The Internet has been a tremendous engine for commercial and democratic exchange, but that makes it all the more important to police the abusers who hijack its architecture.

... Without rights that protect the creativity and innovation that bring fresh ideas and products to market, there will be far fewer ideas and products to steal."

Two years ago, I announced a bipartisan effort to target the worst-of-the-worst of the foreign rogue websites that profited from piracy, stealing and counterfeiting, while also ensuring that we protect the Internet. I have been working since that time to do just that. In 2010, the bill that Senator HATCH and I introduced was reported unanimously by the Senate Judiciary Committee.

I took seriously the views of all concerned. I reached out to the adminis-

tration. 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 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 time. I ask that copies of the recent editorials from The Washington Post and The Wall Street Journal be included 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 Teamsters; the cable industry and 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.

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 criminality when 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 in the bill to narrow them as Senator WYDEN had suggested. I announced two weeks ago that I took seriously the concerns about the domain name system provisions and would fix it as part of a manager's amendment when the bill was considered by the Senate.

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 when 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 twice reported unanimously 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 Americans' 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 would not be 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 is how truth emerges and democracy is served. Last week, however, many were subjected to false and incendiary charges and sloganeering designed to inflame emotions. I am concerned that while critics of this legislation engage in hyperbole about what the bill plainly does not do, organized crime elements in Russia, in China, and elsewhere who do nothing but peddle in counterfeit products and stolen American content are laughing at their good fortune that congressional action is being delayed.

Nothing in PROTECT IP can be used to cut off access to a blog. Nothing in PROTECT IP can be used to shut off

access to sites like YouTube, Twitter, Facebook or eBay. Nothing in PROTECT IP requires anyone to monitor their networks. Nothing in PROTECT IP criminalizes links to other websites. Nothing in PROTECT IP imposes liability on anyone. Nothing in PROTECT IP can be required without a court order, first, and without providing the full due process of our Federal court system to the defendants before a final judgment is rendered. I also note that the guarantees of due process provided in the PROTECT IP Act are those likewise provided every defendant in every Federal court proceeding in the United States, no less. The PROTECT IP Act requires notice to the defendant. If the plaintiff seeks an injunction, the court must apply Federal Rule of Civil Procedure 65, which is the standard for all courts in determining whether to issue an injunction, including whether to issue the injunction as a temporary restraining order for a limited period of time. When stealing of copyrights are involved, such court orders can be made if, upon a factual showing, a court finds that serious harm would otherwise occur and it is in the public interest to do so while the case is more fully considered.

The PROTECT IP Act is directed at the foreign websites that are the worst-of-the-worst thieves of American intellectual property and operate from outside the United States and the jurisdiction of our courts. These website operators prey on American consumers, steal from our creators and economy, but are currently beyond the jurisdiction of U.S. courts.

The Obama administrative officials were right in a recent post saying "existing tools are not strong enough to root out the worst online pirates beyond our borders." They called on Congress "to pass sound legislation this year that provides prosecutors and rights-holders new legal tools to combat online piracy originating beyond U.S. borders while staying true to the principles outlined. . . . We should never let criminals hide behind a hollow embrace of legitimate American values." That is what we are trying to do with the PROTECT IP Act.

What the PROTECT IP Act does is provide tools to prevent websites operated overseas that do nothing but traffic in infringing material or counterfeits from continuing to profit from piracy with impunity. The Internet needs to be free, but not a lawless marketplace for stolen commerce and not a haven for criminal activities.

In the flash of interest surrounding this bill last week, those who were forgotten were the millions of individual artists, the creators and the companies in Vermont and elsewhere who work hard every day only to find their works available online for free, without their consent. There are factory workers whose wages are cut or jobs are lost when low-quality counterfeit goods are sold in place of the real thing they worked so diligently to produce. There

are men and women of our National Guard and military who put their lives on the line for all of us every day, and for whom a counterfeit part can literally be a matter of life and death. There are the seniors who are struggling to be able to afford medications and order from what appears to them to be a reputable site, only to find that a foreign website has sent them an untested counterfeit drug that will not control their blood pressure or diabetes or heart problem.

At the end of the day, this debate boils down to a simple question. Should Americans and American companies profit from what they produce and be able to provide American jobs, or do we want to continue to let thieves operating overseas steal that property and sell it to unsuspecting American consumers? I hope that in the coming days the Senate will focus on stopping that theft that is undercutting our economic recovery. I remain committed to confronting this problem. And I appreciate the efforts of Senator KYL, Senator ALEXANDER and others who want to continue to work in a thoughtful manner with all interested parties to find an effective solution to eliminate online theft by foreign rogue websites. I thank those Senators who called me in Vermont and back here this past week when I got back to Washington to offer their help—Senators on both sides of the aisle. It means a lot.

I know the senior Senator from Nebraska is waiting to speak about the judicial nominee from his State. I will say what I said to him privately because I know this is his last year in the Senate. I have always enjoyed working with him. He has worked hard. He has represented the people of his State well. He has been very honest in his dealings with me. He has been diligent with respect to judicial nominations for vacancies in Nebraska. He has tirelessly pressed to fill vacancies there to ensure cases before the Federal court are not needlessly delayed. He did that to protect everybody in Nebraska, Republicans and Democrats, to make sure the courts are open for them.

I am sorry the confirmation of Justice Gerrard, one he so strongly supported, has been so needlessly delayed for more than 3 months, but I say to the people of Nebraska they are very fortunate to have been represented by the senior Senator from Nebraska, my friend BEN NELSON, who has been there fighting for them. He fought for the people of Nebraska every day from the day he took the oath of office. This may be his last year here, but based on past performance I think it is safe to say he will fight for Nebraska right up until the moment that adjournment bell sounds.

Mr. President, I ask unanimous consent a January 19 article from the Wall Street Journal and a January 22 article from the Washington Post be printed in the RECORD.

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



[From the Wall Street Journal, Jan. 19, 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 seconding the protest. The covert lobbying war between Silicon Valley and most other companies in the business of intellectual property is now in the open, and this fight could define—or reinvent—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. Rather, rogue websites set up shop 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." Wikipedia has never blacked itself out before on any other political issue, nor have websites like Mozilla or the social news aggregator Reddit. How's that for irony: Companies supposedly devoted 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 repression.

Meanwhile, the White House let it be known over the weekend in a blog post—how fitting—that it won't support legislation that "reduces freedom of expression" or damages "the dynamic, innovative global Internet," as if this describes the reality of Internet theft. President Obama has finally found a regulation he doesn't like, which must mean that the campaign contributions of Google and the Stanford alumni club are paying dividends.

The House bill known as the Stop Online Piracy Act, or SOPA, and its Senate counterpart are far more modest than this cyber tantrum suggests. By our reading they would create new tools to target the worst-of-the-worst black markets. The notion that a SOPA dragnet will catch a stray Facebook post or Twitter link is false.

Under the Digital Millennium Copyright Act of 1998, U.S. prosecutors and rights-holders can and do obtain warrants 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 infringers and requires the Justice Department to prove in court that a foreign site is dedicated to the wholesale violation of copyright under the same standards that apply to domestic sites. In rare circumstances private plaintiffs can also sue for remedies, not for damages, and their legal tools are far more limited than the AG's.

If any such case succeeds after due process under federal civil procedure, SOPA requires third parties to make it harder to traffic in stolen online content. Search engines would be required to screen out links, just as they remove domestic piracy or child pornography sites from their indexes. Credit card and other online financial service companies couldn't complete transactions.

(Obligatory housekeeping: We at the Journal are in the intellectual property business,

and our parent company, News Corp., supports the bills as do most other media content companies.)

Moreover, SOPA is already in its 3.0 version to address the major objections. Compromises have narrowed several vague and overly broad provisions. The bill's drafters also removed a feature requiring Internet service providers to filter the domain name system for thieves—which would have meant basically removing them from the Internet's phone book to deny consumer access. But the anti-SOPA activists don't care about these crucial details.

The e-vangelists seem to believe that anybody is entitled to access to any content at any time at no cost—open source. Their real ideological objection is to the concept of copyright itself, and they oppose any legal regime that values original creative work. The offline analogue is Occupy Wall Street.

Information and content may want to be free, or not, but that's for their owners to decide, not Movie2k.to or LibraryPirate.me or MusicMP3.ru. The Founders recognized the economic benefits of intellectual property, which is why the Constitution tells Congress to "promote the Progress of Science and useful Arts by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries" (Article I, Section 8).

The Internet has been a tremendous engine for commercial and democratic exchange, but that makes it all the more important to police the abusers who hijack its architecture. SOPA merely adapts the current avenues of legal recourse for infringement and counterfeiting to new realities. Without rights that protect the creativity and innovation that bring fresh ideas and products to market, there will be far fewer ideas and products to steal.

[From the Washington Post, Jan. 22, 2012]

MEGAUPLOAD SHOWS ONLINE COPYRIGHT PROTECTION IS NEEDED  
(By Editorial Board)

By most measures, the Web site Megaupload was a 21st-century success story, with 50 million daily visitors and \$175 million in profits. According to the Obama administration, it was also an "international organized crime enterprise."

In an indictment last week, the Justice Department accused the company and several of its principals of conspiracy, racketeering and vast violations of copyright law. The loss to copyright owners of movies, television programs, entertainment software and other content: some \$500 million. The government calls this the largest criminal copyright case in the nation's history.

Megaupload maintained servers in the United States and relied on U.S.-registered domain names, allowing U.S. prosecutors to tap domestic laws to shutter the business. But what if the Web site had been run using only foreign-based servers and foreign-registered domain names? U.S. law enforcers would have had a difficult if not impossible time stopping the alleged wrongdoing.

That reality, of course, is what gave rise to the Protect IP Act (PIPA) and its House counterpart, the Stop Online Piracy Act (SOPA), which proposed to give the Justice Department and copyright owners the legal reach and muscle to thwart overseas theft of American intellectual property. SOPA was fatally flawed, with vague provisions that could have made legitimate Web sites vulnerable to sanctions. PIPA was more measured, allowing action against a site only if a federal judge concluded it was "dedicated to" profiting from the unauthorized peddling of others' work.

Still, Internet giants such as Google railed against the bills, arguing they sanctioned

government censorship and threatened the viability and security of the Internet. The protests culminated last week in a remarkable, largely unprecedented protest during which sites such as Wikipedia temporarily went dark. Millions of individuals—many of them armed with distorted descriptions of the bills—phoned, e-mailed and used social networks to demand that they be quashed.

Whether it was democracy in action or spinelessness by cowed lawmakers, the campaign worked. House and Senate leaders said they would pull back the bills for further consideration. While a temporary breather may be helpful, lawmakers should not abandon the quest to curb the multibillion-dollar problem that is overseas online piracy.

Some opponents will fight any regulation of the Internet. This should not be acceptable. A free and viable Internet is essential to nurturing and sustaining the kinds of revolutionary innovations that have touched every aspect of modern life. But freedom and lawlessness are not synonymous. The Constitution does not protect the right to steal, and that is true whether it is in a bricks-and-mortar store or online.

The PRESIDING OFFICER (Mr. COONS). The Senator from Nebraska.

Mr. NELSON of Nebraska. I thank my colleague, the esteemed chair, for such kind remarks. I wish they were universally believed by all. This is the kind of introduction my father would have enjoyed but my mother would have believed. I appreciate so very much his kind comments.

The Nebraska Supreme Court temporarily stayed the execution of one prisoner, a Carey Dean Moore, because a full evidentiary record was before it in another immediately pending case, *State v. Mata*, which was referred to by my friend and colleague from Alabama, Senator SESSIONS. That case challenged the constitutionality of electrocution as a method of execution. It did not challenge, it did not deal with, and was not associated with whether or not to have a death penalty. It was not challenging the death penalty but the methodology of a death penalty.

The court had to determine whether a prisoner should be executed depending on whether that question was soon answered. The temporary stay was issued and the other case decided as a matter of State constitutional law. The court, by a vote of 6 to 1, determined that execution as a method—and I emphasize "a method" of electrocution—violated prohibitions against cruel and unusual punishment, which is the purview of the court to make that determination where there is a question of dealing with the Constitution.

The court was clear that the death penalty remained valid in Nebraska. No writ of certiorari had been taken. The Nebraska Legislature changed the method of execution to lethal injection, and the execution of Moore, Mata, and others will be carried out accordingly.

As a matter of fact, the court has set a date of execution for a prisoner to be executed on March 6. This same court set dates of execution while I was Governor on three occasions, and they were carried out. Judge Gerrard was a

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 stayed 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 the law and to serve under the law. However, I strongly disagree with Senator SESSIONS' characterization 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 concluded in a previous case that 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 that 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 believes the death penalty is an acceptable form of punishment. He understands the significant difference between a judge on a court of last resort interpreting State court constitutional law and a Federal district judge who follows U.S. Supreme Court precedent.

I reiterate for the record, 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 JOHANNIS 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 a good job 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 nomination I hope my 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 monarchy 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 my Republican colleagues, as it should be for all Senators, we 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 upset the nominations process. Article II, Section 2 of the Constitution provides for only two ways in which Presidents may appoint certain officers.

First, it provides that the President nominates, and by and with the advice and consent of the Senate, appoints various officers. Second, it permits the President to make temporary appointments when a vacancy in one of those offices happens when the Senate is in recess. On January 4, the President made four appointments. They were purportedly based on the Recess Appointments Clause. He took this action even though the Senate was not in recess. This action is of the utmost seriousness to all Americans.

These appointments were blatantly unconstitutional. They were not made with the advice and consent of the Senate. And they were not made "during the recess of the Senate."

Between the end of December and today, the Senate has been holding sessions every 3 days. It did so precisely to prevent the President from making recess appointments. It followed the same procedure as it had during the term of President Bush. Honoring the Constitution and the desire of the Senate President Bush declined to make recess appointments during these periods. But President Obama chose to make recess appointments despite the existence of these Senate sessions.

In addition to being unconstitutional, these so-called recess appointments break a longstanding tradition. They represent an attempted presidential power grab against this body.

A President has not attempted to make a recess appointment when Congress has not been in recess for more than 3 days in many decades. In fact, for decades, the Senate has been in re-

cess at least 10 days before the President has invoked this power.

Other parts of the Constitution beyond Article II, Section 2 show that these purported appointments are invalid. Article I, Section 5 provides, "Each House may determine the Rules of its Proceedings. . . ."

In December and January, we provided that we would be in session every 3 days. The Senate was open and provided the opportunity to conduct business. That business included passing legislation and confirming nominations. In fact, the Senate did pass legislation, which the President signed. According to the Constitution—each House—not the President determines whether that House is in session. The Senate said we were in session. The President recognized that fact by signing legislation passed during the session.

Article I, Section 5 also states, "Neither House, shall, during the session of Congress, without the consent of the other, adjourn for more than 3 days. . . ." The other body did not consent to our recess for more than 3 days. No concurrent resolution authorizing an adjournment was passed by both chambers. Under the Constitution, we could not recess for more than 3 days. We did not do so. The President's erroneous belief that he can determine whether the Senate was in session would place us in the position of acting unconstitutionally. If he is right, we recessed for more than 3 days without the consent of the other body. By claiming we were in recess, the President effectively dares us to say that we failed to comply with our oath to adhere to the Constitution. Yet, it is the President who made appointments without the advice and consent of the Senate while the Senate was in session. It is the President who has violated the Constitution.

Of course, the President does not admit that he violated the Constitution. He has obtained a legal opinion from the Office of Legal Counsel at his own Department of Justice.

That opinion reached the incredible conclusion that the President could make these appointments, notwithstanding our December and January sessions. That opinion is entirely unconvincing. For instance, to reach its conclusion that the Senate was not available as a practical matter to give advice and consent, it relies on such unpersuasive material as statements from individual Senators.

The text of the Constitution is clear. It allows no room for the Department to interpret it in any so-called "practical" way that departs from its terms.

The Justice Department also misapplied a Judiciary Committee report from 1905 on the subject of recess appointments. That report said that a Senate "recess" occurs when "the Senate is not sitting in regular or extraordinary session as a branch of the Congress, or in extraordinary session for the discharge of executive functions;

when its Members owe no duty of attendance; when its Chamber is empty; when, because of its absence, it can not receive communications from the President or participate as a body in making appointments.”

Obviously, that report does not support the Department of Justice. During these days, the Senate was sitting in session. It could discharge executive functions. The Chamber was not empty. It could receive communications. It could participate as a body in making appointments. In fact, it sat in regular session and passed legislation.

There is nothing in the 1905 report that justifies the President substituting his judgment for the Senate’s regarding whether the Senate is in session. In any event, a Senate Judiciary Committee report from 1905 does not govern the United States Senate; in 2012. The Senate; as constituted today; decides its rules and proceedings.

The Department is on shaky legal ground when it claims that “whether the House has consented to the Senate’s adjournment of more than 3 days does not determine the Senate’s practical availability during a period of pro forma sessions and thus does not determine the existence of a ‘Recess’ under the Recess Appointments Clause.”

There is no basis—none—for treating the same pro forma sessions differently for the purposes of the 2 clauses. The Department simply cannot have it both ways.

The Justice Department’s opinion contains other equally preposterous arguments. For instance, the opinion claims that the Administration’s prior statements to the Supreme Court—through former Solicitor General Elena Kagan—that recess appointments can be made only if the Senate is in recess for more than 3 days are somehow distinguishable from its current opinion, or that the pocket veto cases do not apply.

Or even if they did, the “fundamental rights” of individuals that the courts described in those cases include the right of the President to make recess appointments.

There was a time when Presidents believed that they could take action only when the law gave them the power to do so. They obtained advice from the Justice Department on the question whether there was legal authority to justify the action they wished to take. But Theodore Roosevelt started to change the way Presidents viewed power. He believed that the President could do anything so long as the Constitution did not explicitly preclude him from acting. When he used that theory to create wildlife refuges against a rapidly expanding industrial base, there was no objection. But a dangerous precedent was set. When he claimed that he could make recess appointments during a “constructive recess” of the Senate, the Senate rejected this view in that 1905 report.

When a President thinks he can do anything the Constitution does not ex-

pressly 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 and more like a king that 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 on the question of presidential power. 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 might refuse to 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. She wrote a 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 is itself 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 preventing government from harming 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.”

That is what the Framers intended in a case such as this. When the President unconstitutionally usurped the power of the Senate, the Senate’s ambition would check the President’s. In this way, the Constitution is preserved. The power of the government is limited. And the liberties of the people are protected. But the Framers did not anticipate the modern Presidency. It took Justice Jackson’s famous concurrence in the *Youngstown* case to address presidential powers in today’s world. When the Judiciary Committee held its confirmation hearings on President Bush’s Supreme Court nominations, my friends on the other side of the aisle posed many questions about the Jackson concurrence. That opinion sheds light on these so-called recess appointments.

For instance, President Obama argued in a nationally televised rally that his actions were justified because “[e]very day that Richard [Cordray] waited to be confirmed . . . was another 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 our Republic.” President Obama has definitely 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. Or, in essence, that 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 any others [and] that, almost alone, he fills the public eye and ear.” By virtue of his influence on public opinion, he wrote, the President “exerts a leverage upon those who are supposed to check and balance his power which often cancels their effectiveness.”

Some people believe that President Obama challenged the Senate for partisan purposes. But Justice Jackson understood the true partisan dynamic that is now playing out. He recognized 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]nly Congress itself can prevent power from slipping through its fingers.”

Outside these walls, in the reception room, are portraits of great Senators of the past. The original portraits were selected by a committee that was headed by then Senator John F. Kennedy. 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 Members 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—even 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 nominees to positions 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 not 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.

Although the NLRB 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 working government.

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 hostile to the death penalty, and who then abuse their authority and twist the law to block the execution of legally sound capital sentences that have been entered by State courts. In his December 15, 2011, written response to questions posed to him by Senator SESSIONS, however, Judge Gerrard assured the Senate that he “would have no difficulty” in following “binding precedent” in capital cases, and that he has “no personal beliefs that would prevent [him] from enforcing the death penalty.” I take Judge Gerrard at his word and thus will vote in favor of confirming his nomination to be a United States district judge.

Mr. GRASSLEY. Mr. President, John M. Gerrard is nominated to be United States District Judge for the District of Nebraska. Judge Gerrard received his B.S. degree from Nebraska Wesleyan University in 1975 and his J.D. from Pacific McGeorge School of Law in 1981.

He began his legal career in private practice as an associate for the Nebraska law firm of Jewell, Otte, Gatz, Collins & Domina. A year later, Judge Gerrard joined in a new law firm where he conducted primarily a general litigation practice. In 1990, Judge Gerrard and two partners formed a new law office. For the next 5 years, before being appointed to the bench, he engaged in an active trial practice and administrative law/school law practice.

In 1995, then-Governor Nelson appointed Judge Gerrard to the Nebraska Supreme Court. He has been retained (by election) in 1998, 2004, and 2010. He has written roughly 480 opinions, 450 of which are published. 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	Enzi	Moran
Ayotte	Feinstein	Murkowski
Barrasso	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Begich	Grassley	Nelson (FL)
Bennet	Harkin	Portman
Bingaman	Heller	Pryor
Blumenthal	Hutchison	Reed (RI)
Blunt	Inouye	Reid (NV)
Boxer	Johanns	Roberts
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Kerry	Schumer
Burr	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Kyl	Stabenow
Carper	Landrieu	Tester
Casey	Leahy	Thune
Coats	Levin	Udall (CO)
Cochran	Lugar	Udall (NM)
Collins	Manchin	Warner
Conrad	McCain	Webb
Coons	McCaskill	Whitehouse
Corker	McConnell	Wyden
Crapo	Menendez	

NAYS—16

Boozman	Johnson (WI)	Shelby
Coburn	Lee	Toomey
Cornyn	Paul	Vitter
DeMint	Risch	Wicker
Inhofe	Rubio	
Isakson	Sessions	

NOT VOTING—10

Chambliss	Hoeben	Mikulski
Graham	Kirk	Sanders
Hagan	Lautenberg	
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.

MORNING 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 and forth?

Mr. DURBIN. I have no objection. May I have some suggestion about the time for each? Senators WYDEN and MORAN want to speak.

Mr. WYDEN. 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. 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 prayers, as is his family. We all feel, to a person, that he will make a strong recovery. He is young and in good condition. He prides himself on his service in the Naval Reserve and stays fit to serve our country in that capacity, as well as in the Senate. He has a tough, steep hill ahead of him, but he is up to the task.

If encouragement from a Democrat, as well as many Republicans, is what is needed, he has that. I want to let him know, if the word is passed along to him in his recovery, that his colleagues in the Senate are focusing on his quick recovery and are anxious for him to return.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, Senator DURBIN speaks for every Member of the Senate. Senator KIRK is such a decent, caring, and thoughtful man, and all of us enjoy working with him in the Senate on various kinds of bills. Godspeed, Senator KIRK, for a healthy recovery. We are thinking of you tonight and you are in our prayers. I am very glad the senior Senator from Illinois has reflected the concerns of everybody from his home State tonight.

THE INTERNET

Mr. WYDEN. 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 have been harmful to our economy, our democracy, and our national security interests.

When Americans learned about all this, they said no. The Internet enables people from all walks of life 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 the political lobbying, 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

studios. Their voices were heard loud and clear.

Last week, the Congress did what the American people called for instead of what the Washington insiders wanted. That is what I call real change. It was a grassroots victory for the history books, and, as one commentator said, now we are in unexplored territory. Here is why. Eight million of 162 million who visited Wikipedia took action to influence their Member of Congress; 7 million Americans signed Google's petition to block consideration of PIPA; hundreds of thousands of Americans called the Congress. In all, in just 1 day, more than 15 million Americans communicated with Congress and urged it to reject the Hollywood proposal to censor and censure the Internet.

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 going to be watching us like never before. The 15 million who looked up and spoke up are not faceless and they are not anonymous. They are people such as Frances Stewart of Maryland, Nancy Linton from Oregon, Debbie Kearns from East Hartford, CT, and John Jewett of Colorado, who gave their names to Web sites around the country. They are joined by millions of other Americans who were raising concerns for months before last week's Web blackout and supporting the filibuster I announced here in the Senate almost 1½ years ago.

These 15 million citizen activists were not the only ones saying the PROTECT IP Act took the wrong approach. The New York Times and the Los Angeles Times—the hometown newspapers for the content industry—both wrote editorials saying the legislation overreached. I ask unanimous consent to have printed in the RECORD copies of those articles.

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

[From the Los Angeles Times, June 7, 2011]

#### 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 other U.S. copyright and trademark owners are 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 (S 968) 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 global nature of the Internet has spawned a profusion of websites in countries that can't or won't enforce intellectual property law. Under S 968, if a website were deemed by a court to be dedicated to infringing activities, federal agents could then tell the U.S. companies that direct traffic, proc-

ess 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 those court orders by seeking injunctions against payment processors and advertising networks that do not comply.

Cutting off the financial lifeblood of companies dedicated to piracy and counterfeiting makes sense. A similar approach to illegal online gambling has shown that it is technically feasible for payment processors to stop directing dollars from U.S. bettors to gambling sites anywhere in the world. The operators of the largest online advertising networks say they can do the same, although they object to the bill's proposal to let copyright and trademark owners seek injunctions against them.

The main problem with 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 domain-name servers to steer 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's attempt to hide piracy-oriented sites could hurt some legitimate sites because of the way domain names can be shared or have unpredictable mutual dependencies. And by encouraging Web consumers to use foreign or underground servers, the measure could undermine efforts to create a more reliable and fraud-resistant domain-name system. These risks argue for Congress to take a more measured approach to the problem of overseas rogue sites.

[From the New York Times, Nov. 26, 2011]

#### 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 2008, according to the International Federation of the Phonographic Industry, amounting to 95 percent of all music downloads worldwide. Three-quarters of the video games released in 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 less 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 like Google's to cut off business to 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. If 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 speech.

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 protecting sites, like YouTube, that may unknowingly host pirated content, as long as they take it down when notified.

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. Experts have said this measure could be easily overcome by users and warn that it could undermine an industrywide effort to reduce hacking. Legislators should also think hard about the message it would send to autocratic regimes like China's, which routinely block political Web sites.

The House bill is right to focus on payment systems and ad networks 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.

The bill should be made to stipulate clearly that all of its provisions are aimed only at rogue Web sites overseas. Foreign sites must be granted the same safe harbor immunity—and the bill must not open the door to punishments for domestic sites that abide by the 1998 digital copyright law. And rather than encouraging credit card 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.

[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 counterfeit goods, like illicit movie downloads or bootleg software, record 53 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 apples 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.

Commendably, the Senate Judiciary Committee is trying to bolster 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 hinder 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.

The bill defines infringing Web sites as 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 advertising 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



language that computers understand. And they could force search engines to stop linking to them.

The broadness of the definition is particularly worrisome 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 of a toddler jiggling in the kitchen to a tune by Prince, claiming it violated copyright law. Allowing firms to go after a Web site that “facilitates” intellectual property theft might encourage that kind of overreaching—and allow the government to black out 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. If it occurred on a large enough scale it 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 to 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.

[From the New York Times, Jan. 18, 2012]

#### ONLINE PIRACY AND POLITICAL OVERREACH

For months, it seemed as if Congress would pass an online antipiracy bill, even though its main weapons—cutting off the financing of pirate Web sites and making them harder to find—risk censoring legitimate speech and undermining the security of the Internet. But the unmovable corporations behind those bills have run into an unstoppable force: an outcry by Internet companies led by Google and Wikipedia that culminated in an extraordinary online protest on Wednesday.

Lawmakers have begun peeling away from the bills, notably Senators Marco Rubio, the Florida Republican who cosponsored the Senate version, and John Cornyn, the powerful Texas conservative. They dropped out after Wikipedia's English language site went dark and Google put a black bar on its homepage on Wednesday.

The Protect I.P. Act would have easily passed the Senate last summer if not for a hold placed by Senator Ron Wyden, a Democrat of Oregon. The Stop Online Piracy Act, introduced in the House in October, has also lost some of its initial backers. And on Saturday, the White House released a statement warning that it would “not support legislation that reduces freedom of expression, increases cybersecurity risk, or undermines the dynamic, innovative global Internet.”

Though we are encouraged by legislators' newfound caution about the potential consequences of the bills, Congress must keep working on ways to curtail the growing business of foreign rogue Web sites trafficking in counterfeit goods and stolen intellectual property.

The Internet industry was pitted against some of the best-honed lobbying groups, including Hollywood and the recording studios, the United States Chamber of Commerce and the A.F.L.-C.I.O. The industry has made a good case that some of the definitions of wrongdoing—like “facilitating” intellectual property infringement—were overly broad. They said allowing property rights owners to direct payment companies like Visa and ad

networks like Google's to stop doing business with sites they deemed infringing—with no penalties if they were proved wrong—could stymie legitimate online expression.

They made the case that the proposal to make infringing Web sites “disappear” from the Internet by forbidding search engines from finding them or redirecting their Web addresses to other Internet domains was easy to get around and could potentially undermine efforts to stop hackers from doing exactly the same thing.

The Internet companies now have the responsibility to come up with a workable alternative that gives owners of intellectual property rights better tools to stop piracy by Web sites located in faraway countries. These sites get some 53 billion visits a year, more than Google or Wikipedia. Yet they are outside the grasp of American law.

The focus on cutting the financing of online pirates, which features in the House and Senate bills, is the right way to go. Sponsors of both bills have moved to delete, at least temporarily, provisions to make rogue Web sites disappear. The legislation could be further amended to narrow the definition of criminality and clarify that it is only aimed at foreign sites. And it could tighten guarantees of due process. Private parties must first get a court order to block business with a Web site they deem infringing on their copyrights.

We are happy that the drive to pass antipiracy legislation has slowed enough that Congress might actually consider all its implications carefully. Lawmakers can now act wisely to create tools that can help combat the scourge of online piracy without excessive collateral damage.

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-healed lobbyists, the old way that has eroded the trust America has with the Congress and the confidence that we are here on their behalf—or will the Congress instead construct legislation in a transparent way that responds to 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 prudence, deliberation, and even a little humility. I believe that is what our constitutional Framers had in mind for the Senate.

I know my colleagues are waiting, and I want to close with this. I harbor no doubt that this Congress on a bipartisan basis can and should construct legislation to combat international commerce in counterfeit merchandise and content that infringes on copyrights. There is no question that selling fake Nikes or movies you don't own is a problem that needs to be addressed, but it can be done in ways that do not threaten speech, 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 join our efforts. I am very appreciative of what he has done, and I look forward to his comments.

I also thank the Senator from Texas, Mr. CORNYN, for his courtesies so that Senator MORAN and I, because of our bipartisan 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 so much 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 entrepreneurship 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. I started looking at research 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 partnership 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 to them, 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, particularly those that so directly impact our economy. It is no easy task given that technology is constantly evolving, but it is an important task. Technology holds incredible promise, from strengthening education, to delivering health care more efficiently, to allowing entrepreneurs to develop products that have yet to be invented. By remaining more engaged, Congress will also be better able to enact public policies that encourage Americans to innovate, create new products, and strengthen the economy.

Last week's decision to delay consideration of PIPA was an important moment for many innovators and entrepreneurs across America, and it was an outcome that my colleagues and I—Senator WYDEN and others—sought to see occur. It is important also not just to entrepreneurs, though, but to people who are concerned about freedom and about 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 can be summed up like this: Certain provisions in this legislation will 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 cyber attacks 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 new liabilities because of vague definitions in the bills that would drag companies into unnecessary and prolonged 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 resources in the courtroom 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. Americans today still 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, Google 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?

An organization called Think Big Partners wanted to know the answer to those questions, so they put together a competition called Gigabit Challenge. The Gigabit Challenge was a project based on an idea and a prediction. 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 brought new ideas to the table.

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 Startup Act to jump-start the economy through creation and growth of new businesses. Data from the Kauffman 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 Startup Act recognizes the job-creating potential of entrepreneurs and is based upon five progrowth principles: First, the Startup 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.

The president and CEO of the National Association for the Self-Employed, who endorsed the Startup Act, said this:

The majority of small businesses are enterprises of 1-2 people. . . . Cutting down on some of the unnecessary red tape that new businesses must face means that the owner can spend more time growing their business, hiring employees, and helping to turn our Nation's economy back around. The Startup Act would help address these regulatory burdens faced by new companies.

Reducing regulatory burdens means entrepreneurs will have more time and money to invest in their business and to hire more workers.

Secondly, the Startup Act creates tax incentives to help facilitate the financing of new businesses so they can get off the ground and grow more quickly.

One of the greatest challenges for startups is accessing the necessary capital to grow their business. The Startup Act provides capital gains and income tax incentives to facilitate financing the new business at its critical juncture of firm growth. Helping entrepreneurs attract investment and retain greater share of the company's profits will lead to job growth.

Third, the Startup Act recognizes that innovation drives the American economy.

Some of the best minds in the world work and study at American universities. The innovation that occurs on campuses across the Nation contribute to the strength and vitality of our economy. To speed up the movement of new technologies to the marketplace where they can propel economic growth, the Startup 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 Startup 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," given their efforts to encourage entrepreneurship.

Better policies at the State and local level will create more opportunities for entrepreneurs to open businesses and put Americans to work.

Finally, the Startup Act will help win the global battle for talent by keeping entrepreneurial-minded and highly skilled workers in the United States.

For too long, our Nation's immigration policies have turned away American-educated talent and sent highly-skilled individuals back to their home country where they competed against America. Rather than lose that talent, we need to keep those highly-skilled individuals and potential job creators in the United States.

The Startup Act recognizes the job-creating potential of entrepreneurial and highly-skilled immigrants, and provides additional opportunities for those who are here legally on a temporary basis to stay if they have the high-tech skills our economy needs or are willing and able to create jobs for Americans.

Highly-skilled workers will fuel growth at technology startups and entrepreneurial immigrants will employ Americans.

Business and industry leaders across the country are speaking out about the importance of innovation and entrepreneurship. Gary Shapiro, the President and CEO of the Consumer Electronics Association, said this:

As a country we must do more to support and foster innovation and entrepreneurialism, and the introduction of the Startup Act is an important step forward.

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 Americans across 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 after 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 colleague 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 could 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 that the Budget Committee, the 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 so 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 our commitment to pay our debts. All three major 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 that they have a negative outlook on the Nation's long-term rating. This 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 over 10 years is roughly \$1.3 trillion. So even if we were to cut \$1.3 trillion, suffering a 1.3-percent increase in the cost of persuading somebody to buy our debt would negate and wipe out any savings by a cut.

I fear the failure to pass 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 House 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 for the House 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, 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 a year.

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 trillion—they projected growth of the economy during 2011–2012 to be roughly 4.3 percent of gross domestic product, a 4.3-percent growth. 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 going 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 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 has had multiple opportunities 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 caused the entrepreneurs 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 Amer-

ica 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 national debt is a job-killing 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 \$49,000 in debt, and that has 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 not go above 8 percent.

Well, if we go back and look at the projections—they said it would not go above 8 percent, and by the first quarter in 2012 it would be 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 the debt 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 over in Europe—it means we will not have 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 almost \$4 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 early 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 together to right the ship or one who will lead us down a path that has brought the economies of Europe to the brink of economic disaster and a permanent lower standard of life.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask to 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 KOHL—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 COBURN had 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 whether this creates some 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, Landra, and me in expressing a sincere and warm congratulations on a well-earned retirement to Adrienne. Although her stylistic 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 an 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 aisle and 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 indebted 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, accredited by the Council of Accreditation and a member of the National Foundation for Credit Counseling.

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 communities more 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 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, join me in congratulating 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 rim of the caldera 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 pioneering contributions of the world-renowned American volcanologist, Frank A. Perret, who made his first observations on the volcanic activity at Kilauea in 1911. Jaggar used Perret's work to successfully solicit initial support and funding for the project from the Massachusetts Institute of Technology, the University of Hawaii, and the Carnegie Geophysical Laboratory. Jaggar also 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 United 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 longtime partnership with 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 reliable wave predictions, and 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

• Mrs. 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 Officer 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 OFFICER MARY ANN DONAHOU

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of a dedicated public servant, Officer Mary Ann Donahou of the Stanislaus County Sheriff's Department. On the morning of December 30, 2011, while gathering evidence at a crime scene in Hughson, Officer Donahou was tragically killed after being struck by a vehicle.

Officer Donahou was born in Ceres, CA. In 2002, she began her career at the Stanislaus County Sheriff's Office as a booking clerk in the county jail. As her knowledge and love of law enforcement grew, Officer Donahou eventually became a crime scene technician and dutifully served the citizens and commu-

nities of Stanislaus County with great commitment, integrity, and valor. Her devotion to helping others, along with her passion for law enforcement, enabled her to become a respected member of the Stanislaus County Sheriff's Department.

Those who knew Officer Donahou will always remember her as a caring, kind, and devoted mother, colleague, and friend. She fulfilled her oath as an officer of the law with honor, bravery, and dedication. Her contributions to public safety and commitment to the citizens she served will never be forgotten and will be an example to others who hope to one day protect and serve the public.

I extend my deepest condolences to Officer Donahou's son, Jake Lewis Hassler; her parents, Janice and Robert Pence and Jack and Mary Donahou; and her sisters, Jennifer Horne, Melinda Donahou-Sneed, Lori Donahou and Teresa Brockman.

We shall always be grateful for Officer Donahou's heroic service and the sacrifices she made while serving the community and the people she loved. She will be dearly missed.●

## 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 his 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 bluegrass 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' racing.

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. Warren said that money 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 his Hardly 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; trustee of the 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 employee pension 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 Christina "Chris" Hellman; son Marco "Mick" Hellman; daughters Frances Hellman, Judith Hellman, and Patricia Hellman Gibbs; his sister, Nancy Hellman Bechtle; 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 Presidents of the United States, U.S. Supreme Court Justices, scholars, historians, former diplomats, Governors, State legislators as well as bipartisan coalitions of the U.S. Senate and House of Representatives. Among many other notable guests, President Nixon wrote his 1974 State of the Union speech there, and Queen Elizabeth II and Prince Charles visited in 1983.

In 2001, the Annenberg Foundation Trust at Sunnylands was founded to continue Sunnylands' role as a conference center and retreat for national

and international leaders to address the world's most pressing concerns. Throughout their lifetimes, Ambassador and Mrs. Annenberg hosted and sponsored a number of solution-driven retreats that fostered positive diplomatic, judicial, and legislative progress.

Now, the new Annenberg Retreat at Sunnylands will be available for the President of the United States and the Secretary of State to bring together world leaders to promote and facilitate peaceful international agreements; 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 all of 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 great 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 hit 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 created unforgettable characters, and Lily has inhabited these characters and brought them fully to life.

Since 1985, much of their creative energy has focused on various produc-

tions of Jane's play "The Search for Signs of Intelligent Life in the Universe". Through this timeless yet dynamic work of art—with insight, humor, and love for all that makes us human—these two extraordinary artists have expanded both the bounds of performance art and our understanding of the human condition.

I have known Lily Tomlin and Jane Wagner for many years. I am pleased to call them my friends, and I will be honored to join the Palm Springs Walk of Stars next month in paying tribute to their tremendous contributions to the Palm Springs area and to American culture.●

#### 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 completion of a 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 no-nonsense "can-do" attitude built upon honor, integrity, superior 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. Roger served a mission 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 in 1971. After graduating, Roger 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, it 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 Rogers'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. INOUE. 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. A native of Winsted, CT, she joined the U.S. Navy as a Nurse Corps candidate in July 1973. Upon graduation from Skidmore College, she attended Officer Indoctrination 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 reported for duty 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, executive officer, director 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 each assignment, she excelled and overcame every challenge and was rewarded with greater responsibility and opportunities.

Admiral Flaherty has served at the Navy Bureau of Medicine and Surgery as the deputy surgeon general, deputy chief, wounded, ill, and injured, and the 22nd director of the Navy Nurse Corps. Her visionary leadership and executive management skills have played vital roles in forging new frontiers between the Department of Defense, Veterans Affairs, and the private sector to improve care for sailors, marines, veterans, and their families.

Admiral Flaherty received her master of science degree from the University of Pennsylvania and has held senior executive leadership positions at Thomas Jefferson University Hospital in Philadelphia, PA, St. Francis Hospital in Wilmington, DE, and the Philadelphia Veterans Affairs Medical Center in Philadelphia, PA.

Admiral Flaherty's career has encompassed the full spectrum of public, private, academic, and military serv-

ice. Focusing on quality, access, and reliability of wounded warrior care, she is the embodiment of joint, inter-agency, academic, public, and private collaboration. Through far-reaching vision, dedication, and inspired leadership she improved health care operations across Navy Medicine and built relationships between Department of Veterans Affairs and Department of Defense Health Systems. Her sustained performance reflects greatly on herself, the Department of Defense, and the United States of America. I extend my deepest appreciation on behalf of a grateful nation for her dedicated military service. Rear Admiral Flaherty, on the occasion of your retirement, I congratulate and thank you for your service.●

#### 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 Johnson & 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 resumé. 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 ground each adversary 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. Those interviews were 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.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT RELATIVE TO 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,  
Washington, January 12, 2012.

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: DDTC 11-137, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4402. 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: DDTC 11-124, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4403. 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: DDTC 11-120, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4404. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11-134, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4405. A communication from the Acting Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, Selected Acquisition Reports (SARs) for the quarter ending September 30, 2011 (DCN OSS 2011-1935); to the Committee on Armed Services.

EC-4406. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Ricky Lynch, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4407. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Peter W. Chiarelli, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-4408. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Edgar E. Stanton III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4409. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Carroll F. Pollett, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4410. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the ap-

proved 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 officer authorized to wear the insignia of 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 approved retirement of Lieutenant General 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 "Difenoconazole; Pesticide Tolerances" (FRL No. 9328-6) 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. 9330-1) 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 "Tepaloxym; 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 of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Classes of Poultry" (RIN0583-AC83) 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 Transactions" (RIN3038-AC79) received during adjournment of the Senate in the Office of the President of the Senate on Decem-

ber 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" (RIN3038-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-AK69) received during adjournment of the Senate in the Office of the President of the Senate on December 27, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4423. A communication from the Chairman and President of the Export-Import Bank, 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, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4425. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4426. 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-4427. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13405 of June 16, 2006, with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC-4428. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-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-4429. 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; State of New

Jersey; Regional Haze State Implementation Plan” (FRL No. 9611-2) 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-4430. 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; California; Determinations 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-4431. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Emissions Standard 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 28, 2011; to the Committee on Environment and Public Works.

EC-4432. 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 Implementation Plans; State of Kansas: Regional Haze” (FRL No. 9611-3) 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-4433. 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 Implementation Plans; Oregon: New Source Review/Prevention of Significant Deteriorations Rule Revisions and Air Quality Permit Streamlining Rule Revisions” (FRL No. 9494-9) 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-4434. 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 Implementation Plans and Designation of Area for Air Quality Planning Purposes; Ohio and Indiana; Redesignation of the Ohio and Indiana Portions of the Cincinnati-Hamilton 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment” (FRL No. 9610-3) 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-4435. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing; Amendments” (FRL No. 9610-2) 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-4436. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Federal Implementation Plans for Iowa, Michigan, Missouri, Oklahoma, and 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-4437. 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, Weirton, and Wheeling 8-Hour Ozone Maintenance Areas; correction” (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-4438. 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 Implementation Plans; Oklahoma; Federal Implementation Plan for Interstate Transport of Pollution Affecting Visibility and Best Available Retrofit Technology Determinations” (FRL No. 9608-4) 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-4439. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to Final Response to Petition From New Jersey Regarding SO<sub>2</sub> Emissions From the Portland Generating Station” (FRL No. 9609-4) 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-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; Delaware; Adhesives and Sealants Rule” (FRL No. 9609-2) 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-4441. A communication from the Chief of Consultation, Recovery, HCP and State Grants, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Reinstatement of Listing Protections for the Preble’s Meadow Jumping Mouse” (RIN1018-AX93) 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 Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Removal of the Concho Water Snake From the Federal List of Endangered and Threatened Wildlife Removal of Designated Critical Habitat” (RIN1018-AU97) 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-4443. A communication from the Chief of Permits and Regulations, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Migratory Bird Permits; States Delegated Falconry Permitting Authority; Technical Corrections to the Regulations” (RIN1018-AX98) received during ad-

journalment 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-4444. A communication from the Secretary of the Interior, transmitting, pursuant to law, a legislative proposal relative to the Migratory Bird Hunting and Conservation Stamp Act to provide for a price increase for the Migratory Bird Hunting and Conservation Stamp, popularly known as the Duck Stamp; to the Committee on Environment and Public Works.

EC-4445. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Highly Erodible Land and Wetland Conservation” (RIN0560-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-4446. 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 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-4447. 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 Revenue Ruling 2011-1” (Notice 2012-6) 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-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 “Applicable Federal Rates—January 2012” (Rev. Rul. 2012-2) 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-4449. 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 “Section 482: Methods to Determine Taxable Income in Connection with a Cost Sharing Arrangement” (RIN1545-BI46) 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-4450. 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 “Use of Differential Income Streams as a Consideration in Assessing the Best Method” ((RIN1545-BK72) (TD 9569)) 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-4451. 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 “Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates” (Notice 2011-100) 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-4452. 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 “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-4453. 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 Foreign 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 6695” ((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 Foreign Base Company Sales Income” ((RIN1545-BI45) (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 Representative” (RIN0960-AH32) 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 2011-81) 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 and Leslie Archer Mayo v. Commissioner, 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 Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011-0202–2011-0226); to the Committee on Foreign Relations.

EC-4463. A communication from the Chairman of the Joint Chiefs of Staff, relative to the need for implementing improvements to the current consultation and notifications processes for Foreign Military Sales, Direct Commercial Sales, and changes to U.S. export controls; to the Committee on Foreign Relations.

EC-4464. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to proposed amendments to parts 120, 122, 126, 127, and 129 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC-4465. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Chemical Weapons Convention and the Australia Group; to the Committee on Foreign Relations.

EC-4466. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed revision of the U.S. Munitions List Category XX in part 121 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC-4467. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed revision of the U.S. Munitions List Category VI in part 121 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC-4468. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Colombia (DCN OSS 2011-1936); to the Committee on Foreign Relations.

EC-4469. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Pantex Plant in Amarillo, Texas, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-4470. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “Community Living Assistance Services and Supports Program: 2011 Report to Congress”; to the Committee on Health, Education, Labor, and Pensions.

EC-4471. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled “Report to Congress on the Head Start Designation Renewal System”; to the Committee on Health, Education, Labor, and Pensions.

EC-4472. A communication from the Chief of the Branch of Policy, Regulations and Procedures Division of Longshore and Harbor Workers’ Compensation, Office of Workers’ Compensation Programs, Department of Labor, 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 “Mine Safety Disclosure” (RIN3235-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 Secretary, National Labor Relations Board, transmitting, pursuant to law, the report of a rule entitled “Representation-Case Procedures” (RIN3142-AA08) 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 2010-005, Updated Financial Accounting Standards Board of Accounting References” ((RIN9000-AM00) (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” ((RIN9000-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-4481. 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 2009-043, Time-and-Materials and Labor-Hour Contracts for Commercial Items” ((RIN9000-AL74) (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-4482. 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-4483. 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 2011-021, Transition to the System for Award Management (SAM)” ((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-4484. 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” (48 CFR Part 9904) 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-4485. 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 Applicability Threshold” (48 CFR Parts 9901 and 9903) 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-4486. 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-4487. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Commission’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-4488. 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-4489. A communication from the Administrator of the Small Business Adminis-

tration, 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-4490. 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 Transportation Systems Sector”; to the Committee on Homeland Security and Governmental Affairs.

EC-4491. 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 an amendment in the nature of a substitute:

S. 114. A bill 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, and for other purposes (Rept. No. 112-103).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

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. 112-104).

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, and the Harriet Tubman 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 an amendment:

S. 264. A bill 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, and for other purposes (Rept. No. 112-106).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 302. A bill to authorize the Secretary of the Interior to issue right-of-way permits for a natural gas transmission pipeline in non-wilderness areas within the boundary of Denali National Park, and for other purposes (Rept. No. 112-107).

S. 322. A bill 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, and for other purposes (Rept. No. 112-108).

S. 323. A bill to establish the First State National Historical Park in the State of Delaware, and for other purposes (Rept. No. 112-109).

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. 112-110).

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 Utah Valley Electric Service District, 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 Mohave County, Arizona, to the Arizona Game and Fish Commission, for use as a public shooting range (Rept. No. 112-112).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 667. A bill 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. 765. A bill to modify the boundary of the Oregon Caves National Monument, and for other purposes (Rept. No. 112-114).

S. 766. A bill 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, and for other purposes (Rept. No. 112-115).

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. 802. A bill to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes (Rept. No. 112-117).

S. 883. A bill 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 (Rept. No. 112-118).

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 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 (Rept. No. 112-120).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 970. A bill 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 (Rept. No. 112-121).

S. 1047. A bill 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, and for other purposes (Rept. No. 112-122).

S. 1090. 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 St. Croix River Crossing Project with appropriate mitigation measures to promote river values (Rept. No. 112-124).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1325. A bill 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, and for other purposes (Rept. No. 112-125).

S. 1344. 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 Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes (Rept. No. 112-127).

S. 1478. 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 acquire 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. 2032. 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. 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.

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. 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 sub-

mitted 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 Arkansas (Mr. BOOZMAN) 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. KLOBUCHAR, the names of the Senator from New Hampshire (Mrs. 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 Michigan (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. 412

At the request of Mr. LEVIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 506

At the request of Mr. CASEY, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 506, 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.

S. 567

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 Nazi concentration 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 cosponsor 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

of S. 1018, a bill to amend title 10, United States Code, and the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 to provide for implementation of additional recommendations of the Defense Task Force on Sexual Assault in the Military Services.

S. 1039

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.

S. 1241

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 minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 1245

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.

S. 1299

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. JOHANNIS) 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.

S. 1355

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 robocalls.

S. 1591

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.

S. 1597

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 pub-

lic 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.

S. 1607

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.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1680, 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.

S. 1707

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 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 1802

At the request of Mr. UDALL of Colorado, the name of the Senator from California (Mrs. 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.

S. 1816

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.

S. 1845

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.

S. 1863

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.

S. 1896

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 auto-

matic inflation increases for discretionary programs built into the baseline projections and require budget estimates to be compared with the prior year's level.

S. 1925

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.

S. 1930

At the request of Mr. JOHANNIS, 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.

S. 1941

At the request of Mrs. HUTCHISON, 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.

S. 1963

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.

S. 1994

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1994, a bill to prohibit deceptive practices in Federal elections.

S. 2003

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.

S. 2006

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. 2010

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 Government pension offset and windfall elimination provisions.

S.J. RES. 29

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. 232

At the request of Mr. MENENDEZ, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. Res. 232, 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 Tuidang movement whereby Chinese citizens renounce their ties to the Chinese Communist Party and its affiliates, and calling for an immediate end to the campaign to persecute Falun Gong practitioners.

S. RES. 310

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor 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 taxpayers; 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 Representatives 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. 1002(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking "and" after the semicolon;

(B) in subparagraph (E), 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 subparagraphs (B) and (C).

"(B) FEDERAL FUNDS.—In this paragraph, the term 'Federal funds' means any Federal financial assistance provided, under this Act or any other Federal law, through a grant, contract, subsidy, loan, guarantee, insurance, or other means to a proprietary institution, including Federal financial assistance that is disbursed or delivered to an institution or on behalf of a student or to a student to be used to attend the institution, except that such term shall not include any monthly housing stipend provided under the Post-9/11 Veterans Educational Assistance Program under chapter 33 of title 38, United States Code.

"(C) IMPLEMENTATION OF NON-FEDERAL REVENUE REQUIREMENT.—In making calculations under subparagraph (A), an institution of higher education shall—

"(i) use the cash basis of accounting;

"(ii) consider as revenue only those funds generated by the institution from—

"(I) tuition, fees, and other institutional charges for students enrolled in programs eligible for assistance under title IV;

"(II) activities conducted by the institution that are necessary for the education and training of the institution's students, if such activities are—

"(aa) conducted on campus or at a facility under the control of the institution;

"(bb) performed under the supervision of a member of the institution's faculty; and

"(cc) required to be performed by all students in a specific educational program at the institution; and

"(III) a contractual arrangement with a Federal agency for the purpose of providing job training to low-income individuals who are in need of such training;

"(iii) presume that any Federal funds that are disbursed or delivered to an institution on behalf of a student or directly to a student will be used to pay the student's tuition, fees, or other institutional charges, regardless of whether the institution credits such funds to the student's account or pays such funds directly to the student, except to the extent that the student's tuition, fees, or other institutional charges are satisfied by—

"(I) grant funds provided by an outside source that—

"(aa) has no affiliation with the institution; and

"(bb) shares no employees with the institution; and

"(II) institutional scholarships described in clause (v);

"(iv) include no loans made by an institution of higher education as revenue to the school, except for payments made by students on such loans;

"(v) include a scholarship provided by the institution—

"(I) only if the scholarship is in the form of monetary aid based upon the academic achievements or financial need of students, disbursed to qualified student recipients during each fiscal year from an established restricted account; and

"(II) only to the extent that funds in that account represent designated funds, or income earned on such funds, from an outside source that—

"(aa) has no affiliation with the institution; and

"(bb) shares no employees with the institution; and

"(vi) exclude from revenues—

"(I) 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;

"(II) the amount of funds the institution received under subpart 4 of part A of title IV;

"(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 authorizing committees a report that contains, for each proprietary institution of higher education that receives assistance under title IV and as provided in the audited financial statements submitted to the Secretary by each institution pursuant to the requirements of section 487(c)—

"(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);

(B) by redesignating paragraphs (25) through (29) as paragraphs (24) through (28), respectively;

(C) in paragraph (24)(A)(ii) (as redesignated by subparagraph (B)), by striking "subsection (e)" and inserting "subsection (d)"; and

(D) in paragraph (26) (as redesignated by subparagraph (B)), by striking "subsection (h)" and inserting "subsection (g)";

(2) by striking subsection (d);

(3) by redesignating subsections (e) through (j) as subsections (d) through (i), respectively;

(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)(27)" in the matter preceding subparagraph (A) and inserting "subsection (a)(26)".

(c) CONFORMING AMENDMENTS.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 152 (20 U.S.C. 1019a)—

(A) in subsection (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 subsection (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(a)(24)";

(3) in section 496(c)(3)(A) (20 U.S.C. 1099b(c)(3)(A)), by striking "section 487(f)" and inserting "section 487(e)"; and

(4) in section 498(k)(1) (20 U.S.C. 1099c(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. Our challenge 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, and we must 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 would put an end to 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 can grant breaks for the 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.

But under Section 1256 of the Internal Revenue Code, traders in certain derivatives contracts have managed to win themselves an exemption from the distinction between short-term and long-term capital gains. Under this section, traders in those derivatives can claim 60 percent of their income as long-term capital gains, no matter how briefly they hold the asset. This “blended” tax rate applies if the trader holds the asset for 11 months or 11 hours.

The details may be complex, but the bottom line is that this treatment

bestows a substantial tax break on those who typically hold the covered derivatives for only a brief period. It encourages and rewards short-term speculation in complicated financial products and does little, if anything, to help our economy grow and create jobs. 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 subsidize.

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 common-sense, 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 derivative 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 engage 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. 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.

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 Congress assembled, That Congress disapproves of the President's exercise of authority to increase the debt limit on January 12, 2012, as exercised pursuant to the certification under section 3101A(a) of title 31, United States Code.*

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 352—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

Mrs. 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 professions 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

proper investigations and prosecutions hampers the ability to hold perpetrators accountable for their crimes and discourages victims from formally seeking justice;

Whereas inadequate financial, human, and technical resources, as well as a lack of forensic and technical expertise, have impeded the arrest and prosecution of suspects;

Whereas members of the police, prosecutors, and judges are insufficiently trained to attend to either the special needs of women and girl victims of gender-based violence, or the special needs of boys and girls who are victims of other abuses such as forced labor, beatings, or violence;

Whereas the lack of protection measures discourages women and girls in Haiti from pursuing prosecution of perpetrators of sexual violence, for fear of reprisal or stigmatization;

Whereas rape and other forms of gender-based violence in Haiti threaten the physical and psychological health of both the victims and their families;

Whereas many countries in Latin America and the Caribbean face significant challenges in combating violence against women and girls, and violence against children, and international cooperation is essential in addressing this serious issue;

Whereas the Government of Haiti has undertaken efforts to prevent violence against women, as evidenced by its ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, adopted December 18, 1979; the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, adopted at Belem Do Para, Brazil, June 9, 1994; and other international human rights treaties, and the enactment of laws and the creation of state institutions to promote and protect the rights of women;

Whereas the Government of Haiti has been a signatory of the United Nations Convention on the Rights of the Child, adopted November 20, 1989, since December 29, 1994;

Whereas the Haitian National Police and the United Nations Mission for Stabilization of Haiti have created special police units to address sexual and other forms of gender-based violence in Haiti;

Whereas the special police unit to address gender-based violence within the Haitian National Police remains significantly under-resourced, rendering it practically ineffective to carry out its mandate;

Whereas, in March 2009, the Inter-American Commission on Human Rights issued a report recognizing Haiti's history of gender discrimination that fuels gender-based violence and gives rise to a climate of impunity;

Whereas, in December 2010, the Inter-American Commission detailed steps the Government of Haiti must take to protect women and girls from increased risk of gender-based violence in post-earthquake Haiti;

Whereas, in 2012, the Ministry for the Status of Women and Women's Rights in Haiti plans to unveil a comprehensive draft law that calls for the prevention, punishment, and elimination of violence against women;

Whereas the United Nations and donor countries, such as the United States, continue to have a prominent economic and leadership role in the stabilization and reconstruction of Haiti;

Whereas few mechanisms exist in Haiti to protect the rights of young children not living at home, such as restaveks, who are engaged in forced labor or are victims to other forms of violence; and

Whereas the lack of protection for women and girls and continuing impunity for crimes against women is a threat to the rule of law, democracy, and stability in Haiti: Now, therefore, be it

*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 the treatment of the issue of violence against women and children as a priority for the United States Government's humanitarian and reconstruction efforts in Haiti;

(3) asserts its support for the passage of Haiti's first comprehensive law on the prevention, punishment, and elimination of all forms of gender-based violence;

(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 increased levels of sexual violence in camps for internally-displaced persons on December 22, 2010, including—

(A) ensuring participation and leadership of grassroots women's groups 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 forces in police patrols 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 of sexual violence with appropriate sensitivity and in a nondiscriminatory manner; and

(E) maintaining effective special units within the police and the prosecutor's office investigating cases of rape and other forms of violence against women and girls;

(6) asserts its commitment to support the Haitian Ministry of Women's Affairs in its efforts to—

(A) build ministry capacity and facilitate gender-based violence sub-cluster meetings and initiatives as it transitions over to the Government of Haiti;

(B) perform decentralized meetings, consultations, and outreach to women's movements and community groups;

(C) address issues of gender-based violence country-wide, including violence in internally displaced person camps, rural peasant communities, and among children; and

(D) strengthen gender assessments, gender budgets, and gender planning in collabora-

tion with other Haitian ministries, the Haitian Parliament, the ruling administration in Haiti, the United Nations, the Inter-American Commission on Human Rights, donors, and international nongovernmental organizations within the reconstruction process; and

(7) asserts its support for the Government of Haiti, especially the Ministry of Women's Affairs, in its efforts to assess, amend, and renew its 5-year gender protection plan, which expired in October 2011, which includes support for the Government of Haiti in its efforts—

(A) to thoroughly assess the impact of the previous 5-year protection plan, including both pre and post-earthquake analyses and perform diversified assessments in consultation with local, regional, and national women's groups throughout the country, that will help gather decentralized data in both urban and rural zones;

(B) to perform specialized surveys and interviews in a significant sampling of internally displaced person camps and impoverished neighborhoods with high rates of gender-based violence with victims of rape and violence, the community groups that support them, and local officials in order to fully understand the needs and recommendations of these different populations and integrate these findings into a revised protection plan;

(C) to revise the existing Haitian protection plan based on the results of diversified 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

(D) to amend, reintroduce, and pass into law a revised Haiti 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:

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 120(a)(6) of title I of division C of Public Law 112-55 (23 U.S.C. 104 note; 125 Stat. 652).



(b) RESCISSION.—Any obligation authority made available until used to a State as a result of receipt of contract authority for the items described in subsection (a) that remains available to the State as of the date of enactment of this Act is permanently rescinded.

### NOTICES OF HEARINGS

#### PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, "Taxation of Mutual Fund Commodity Investments." The Subcommittee hearing will examine the issuance of over 70 private letter rulings by the Internal Revenue Service allowing mutual funds to make unlimited indirect investments in commodities through controlled foreign subsidiaries or commodity-linked notes, despite longstanding statutory restrictions on mutual fund investments in commodities. Hearing witnesses will include senior officials from the Department of the Treasury and the Internal Revenue Service.

The Subcommittee hearing has been scheduled for Thursday, January 26, 2012, at 10:00 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at (202) 224-9505.

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, January 31, 2012, at 10:00 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the U.S. and global energy outlook for 2012.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Allison\_Seyferth@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224-4756 or Allison Seyferth at (202) 224-4905.

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 2,

2012, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the final report of the Blue Ribbon Commission on America's Nuclear Future.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Allison\_Seyferth@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Allison Seyferth at (202) 224-4905.

### NOTICE: REGISTRATION OF MASS MAILINGS

The filing 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 the Senate Office of Public Records at (202) 224-0322.

### 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:

A bill (H.R. 3237) to amend the SOAR Act by clarifying the scope of coverage of the Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion 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 bill (H.R. 3237) was ordered to a third reading, was read the third time, and passed.

### 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. 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.

*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 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.*

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 Klobuchar-Johnson of Wisconsin-Franken 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. 1468) 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) RESCISSION.—Any obligation authority made available until used to a State as a result of receipt of contract authority for the items described in subsection (a) that remains 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:

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. 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 120(a)(6) of title I of division C of Public Law 112-55 (23 U.S.C. 104 note; 125 Stat. 652).

(b) RESCISSION.—Any obligation authority made available until used to a State as a result of receipt of contract authority for the items described in subsection (a) that remains 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-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 the reappointment 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, 2013 (reappointment), and Carte P. Goodwin, of West 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 their use later in 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.

#### NOMINATIONS

Executive nominations received by the Senate:

##### THE JUDICIARY

ROBERT E. BACHARACH, OF OKLAHOMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE ROBERT HARLAN HENRY, RESIGNED.

WILLIAM J. KAYATTA, JR., OF MAINE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT, VICE KERMIT LIPEZ, RETIRED.

MICHAEL A. SHIPP, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE MARY LITTLE PARELL, RETIRED.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be general

LT. GEN. HERBERT J. CARLISLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

MAJ. GEN. CRAIG A. FRANKLIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

LT. GEN. STEPHEN P. MUELLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major general

BRIG. GEN. MARK A. EDIGER

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### To be brigadier general

COL. ROBERT T. BROOKS, JR.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

MAJ. GEN. DANIEL B. ALLYN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major general

BRIGADIER GENERAL ROBERT P. ASHLEY, JR.  
BRIGADIER GENERAL JEFFREY L. BAILEY  
BRIGADIER GENERAL JEFFREY N. COLT  
BRIGADIER GENERAL KENNETH R. DAHL  
BRIGADIER GENERAL GORDON B. DAVIS, JR.  
BRIGADIER GENERAL JOSEPH P. DISALVO  
BRIGADIER GENERAL ROBERT M. DYESS, JR.  
BRIGADIER GENERAL KAREN E. DYSON  
BRIGADIER GENERAL PAUL E. FUNK II  
BRIGADIER GENERAL HAROLD J. GREENE  
BRIGADIER GENERAL WILLIAM C. HIX  
BRIGADIER GENERAL STEPHEN R. LYONS  
BRIGADIER GENERAL HERBERT R. MCMASTER, JR.  
BRIGADIER GENERAL JOHN M. MURRAY  
BRIGADIER GENERAL RICHARD P. MUSTON  
BRIGADIER GENERAL MICHAEL K. NAGATA  
BRIGADIER GENERAL BRYAN R. OWENS  
BRIGADIER GENERAL JAMES F. PASQUARETTE  
BRIGADIER GENERAL LAWRENCE V. PATTERSON  
BRIGADIER GENERAL AUNDRE F. PIGGEE  
BRIGADIER GENERAL ROSS E. RIDGE  
BRIGADIER GENERAL JOHN G. ROSSI  
BRIGADIER GENERAL THOMAS C. SEAMANDS  
BRIGADIER GENERAL MICHAEL H. SHIELDS  
BRIGADIER GENERAL LESLIE C. SMITH  
BRIGADIER GENERAL JOHN UBERTI  
BRIGADIER GENERAL BRYAN G. WATSON  
BRIGADIER GENERAL DARRELL K. WILLIAMS

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 major general

BRIG. GEN. LESLIE A. PURSER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COL. KRISTIN K. FRENCH  
COL. WALTER E. PIATT

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, judge advocate  
general's corps*

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 624 AND 3064:

*To be brigadier general*

COL. JOHN M. CHO

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.

## EXTENSIONS OF REMARKS

HONORING THE TOWN OF COLLINS  
FIRE DEPARTMENT ON THEIR  
120TH ANNIVERSARY

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 23, 2012*

Mr. HIGGINS. Mr. Speaker, it is my great honor to recognize The Town of Collins Fire Department on the occasion of their 120th anniversary.

On September 29, 1892, the Town of Collins residents took the initiative to fill a community need and formed their own fire department made up of 26 men led by H.F. Clark. These men operated with minimal equipment, comprising of one hand drawn pumper. The Collins Center Volunteers didn't have a fire house or regular meetings at the time and stored their pumper in the barn of D.W. Wood. But in 1902, the barn burned and the men acted by converting the former wagon shop of John Auwerter into a fire hall and town jail and thus, the Collins Center Volunteers finally had a home. The members hosted several meetings and the fire company became much like a social club for the men in town.

In 1922 the Collins Center Volunteers purchased their first horse-drawn gasoline engine for \$750.00 which helped them cover the extensive area. But even with new equipment, it was decided that the area was too great a challenge to cover for these men. So on April 21, 1925, the Collins Fire Company was formed, and they drastically reduced their coverage area while increasing fire protection.

The transformation of the Fire Department continued as the Collins and Collins Center Fire Companies merged to become the Town of Collins Fire District along with the merge the Board of Fire Commissioners was created. The Fire Department would hold annual fundraisers to increase their budget and build their Department.

Today, the firefighters train in numerous areas including firefighting pump operation, water supply, forestry fire, incident command, auto extrication, and search and rescue operations. The Fire Department has truly evolved over the years, and it could not have happened without the strong backing of such a vibrant, hard working community.

It is with great pleasure that I stand today to honor the Town of Collins Fire Department on their 120th anniversary of serving and protecting the community. The Collins Center Volunteer Fire Company has consistently answered the call to service, whether as volunteers or as active reservists. It is my privilege to join with this fine organization on the evening of Saturday, January 21, 2012 and recognize the unwavering service of the Town of Collins Fire Company.

CHARLIE BARR

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 23, 2012*

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 with me in commending Charlie Barr for his dedicated service to the people of Clay County. I know Charlie's colleagues, family and friends join with me in thanking him for his commitment to others and wishing him happiness and good health in his retirement.

**BLACK JANUARY**

**HON. DAN BOREN**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 23, 2012*

Mr. BOREN. Mr. Speaker, as a Co-Chair of the Congressional Azerbaijan Caucus, I note that January 20 marked the 22nd anniversary of an historic and tragic day in the history of the country of Azerbaijan.

On the night of January 19, 1990, 26,000 Soviet troops invaded the capital city of Baku and surrounding areas. As a result of this violent crackdown on the Azerbaijani people

more than 130 innocent civilians died, 611 were injured, 841 were arrested and many more were missing. This event remained in the history and in the minds of all the citizens as "Black January".

This attack was an attempt to stop the independence movement that was gaining momentum in Azerbaijan and to rescue the totalitarian regime, the rule of Communist Party, and the whole Soviet Union. However, this invasion produced the opposite result. It further inflamed the national movement for independence in Azerbaijan and other Republics of the Soviet Union. In a resolution on January 22, 1990, the Supreme Soviet of Azerbaijan SSR declared that the decree used by the Presidium of the Supreme Soviet of the USSR to impose emergency rule in Baku and military deployment constituted an act of aggression. This event is seen as the rebirth of the Azerbaijan Republic.

Popular pressure led the country to break away from Soviet rule and declare its independence. On August 30, 1991, Azerbaijan's Parliament adopted the Declaration on the Restoration of the State Independence of the Republic of Azerbaijan, and on October 18, 1991, the Constitutional Act on the State Independence of the Republic of Azerbaijan was approved. November 1991 marked the beginning of international recognition of Azerbaijan's independence. The United States was among the first nations to recognize independence of this young country. It established diplomatic relations with Azerbaijan on February 28, 1992, and opened an embassy in Baku in March of that year.

Today, Azerbaijan has developed into a thriving country with sustainable economic growth and developing democratic institutions. The United States and Azerbaijan are cooperating on a broad range of issues and share a common vision for the future of the region and beyond.

I encourage my colleagues to join with me today in standing with Azerbaijanis as they commemorate this tragedy.

THE 39TH ANNIVERSARY OF ROE  
V. WADE

**HON. MARTHA ROBY**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 23, 2012*

Mrs. ROBY. Mr. 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.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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 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 a firefighter 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 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 cheerleading 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 a 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 this incredibly inspiring young woman. For all she has endured, Rachel Collett still embraces life with an irrepressible 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 Marci; 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 we reflect 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 were selected as semifinalists in this prestigious competition.

This next generation is continuing Long Island's strong legacy of pushing new innova-

tions 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 commitment to their students' success. Moving forward, it is critical that our schools have the resources they need to cultivate robust math and science programs.

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. 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 Rambhia and Christine Kim of Jericho High School; Parsa Erfani, Samantha Fradkin, Sherylly Gould and Mariam Makram of Plainview-Old Bethpage John F. Kennedy High School; Samantha Garvey of Brentwood High School; Hannah Kenagy of Half Hollow Hills High School East; Amelia Morales, Shannon Wetzler and Eric Parigoris of Kings Park High School; Garima Yadav of Sachem North High School.

PERSONAL EXPLANATION

**HON. MICHAEL K. SIMPSON**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 23, 2012*

Mr. SIMPSON. Mr. Speaker, on rollcall No. 2, Adoption of H.J. Res. 98, relating to the disapproval of the President's exercise of authority to increase the debt limit, I was unavoidably detained and unable to vote.

Had I been present, I would have voted "aye."

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 R. Nix. Roscoe Nix was an inspirational giant in the Montgomery County, Maryland community where he was known for his wisdom, his kind and caring manner, and his fierce dedication to social and educational equality for all Americans. Mr. Nix worked passionately for decades as a leading civil rights activist, drawing attention to racial inequalities throughout our country.

Roscoe Russa Nix was born June 22, 1921, in Greenville, Alabama, the second of nine children and the son of the only black postman in town. Mr. Nix attended Alabama A&M University but left to serve in the Army in Europe during World War II. After his military service, he settled in the Washington area and graduated from Howard University. He moved to Montgomery County in 1968 where he resided until 2010 when, for health reasons, he moved near his daughter in Riverdale, Georgia.

Growing up in segregated Alabama, Roscoe Nix had firsthand experience with Jim Crow laws and the injustice of institutionalized racism. After moving to the Washington, DC area, Mr. Nix observed that northern states were more likely to have simply overlooked their own records of discrimination. He recalled being refused service at a Silver Spring, Maryland restaurant in 1962 and the demonstration he staged in response. Moments like this defined his career and inspired him to work for change.

During our Nation's post-segregation era, Mr. Nix worked for the U.S. Justice Department's Community Relations Service, traveling around the country as a "peacemaker" to work with local leaders on conflict resolution in cities experiencing civil unrest.

For decades, Mr. Nix was a leader in public education in Montgomery County. In 1974, 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. Mr. Nix was a champion for early childhood initiatives and fought for increased funding of Head Start and Title 1 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.

In 1989, Mr. Nix co-founded the Montgomery County African American Festival of Academic Excellence. This annual event recognizes, encourages and celebrates African American students for their academic achievements and reinforces the idea that it is "cool" to be smart.

Serving as President of the Montgomery County chapter of the NAACP from 1980-90, Roscoe Nix spoke out against police mistreatment of minorities and worked to increase the



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, to remember how we got where 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 will live on in Montgomery County, in Maryland, and across our Nation.

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.

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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 fight 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 Airmen 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 airstrips to racist officers. In 1943, 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, 1,578 missions over Europe and North Africa, escorted 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 awarded 150 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 Airmen living in the 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.

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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, all painted 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 a 13 month military tour of duty in Korea, 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 benefitted 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.

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HONORING THE CARROLL SENIOR  
HIGH SCHOOL DRAGON CROSS  
COUNTRY TEAMS

**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 points. 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 Chavez, Trevor Gilley, Ben Golestan, Connor Hendrickson, Alex Johansson, Joe Sansone and Nate Sullivan. The team was guided by an exceptional coaching staff that included Justin Leonard, Nichole Gilley, Brandon Rogers, 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 1989 with *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 eternal reward. He is survived by his beloved parents, Fawn and Mario Salvatore, 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 fiancée Kristi Waltsgott and many family members and friends.

Mr. Speaker, Kent Morton is remembered as a loving father, a compassionate son, a devoted brother and an admired friend. Kent was a man who deeply treasured his 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.

#### MARCELLUS SHALE—ANCILLARY INDUSTRIES

#### HON. SHELLEY 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 my 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 our 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 shale 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 and bureaucrats 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 OF NORTHWEST FLORIDA'S BELOVED LARRY BUTLER

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 23, 2012*

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, I rise today to recognize the life of Northwest Florida's beloved Larry Butler. Northwest Florida

and the world of music and entertainment mourn the loss of an extraordinarily gifted man.

A musical prodigy, Larry Butler began his distinguished career at the mere age of six, when he made a guest appearance singing with the Henry James Orchestra. At the age of nine, he had his own show on Pensacola's WEAR-TV3; and by his twenty-first birthday, Mr. Butler was already recording with musical legends such as George Jones, Loretta Lynn, Dolly Parton, Jerry Lee Lewis, and Johnny Cash. He later collaborated with both Johnny Cash and Kenny Rogers, on some of their most well known hits. Mr. Butler is a two-time Grammy Award Winner with over 100 gold and platinum awards. He won his first Grammy for writing B.J. Thomas' hit song, "(Hey, Won't You Play) Another Somebody Done Somebody Wrong Song." His second Grammy was for Producer of the Year.

In addition to his celebrated musical career, Mr. Butler has contributed his hard work and talent to improving Northwest Florida. After Hurricane Ivan devastated the Gulf Coast in 2004, Mr. Butler played a crucial role in orchestrating and producing three sold-out concerts with musical friends, Kenny Rodgers, Willie Nelson, and Will Hedgecock, which together raised more than a half million dollars for community rebuilding efforts.

To some, Larry Butler will be remembered as a musical genius; to others, he will be remembered for his charitable work in the Northwest Florida Community; and to his family and friends, he will always be remembered as a loving father and spouse. He touched the lives of many, not only with his music, but also with his devotion and commitment to his family and community.

On behalf of the United States Congress, I am honored to recognize the life and deeds of Larry Butler—a talented musician, committed community activist and loving family man. He will be missed by many, but his memory will live on through the timeless legacy he left. My wife Vicki joins me in extending our thoughts and prayers to the entire Butler family.

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 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 Capas 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 from JAG school, 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 heirs.

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 Merit 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), Mariles 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.

I join our community in 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 dominant 76–28 performance over the Motley County Matadors.

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 Dutchess 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 SIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 23, 2012*

Mr. SIRE. 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 had an outstanding coaching career with the Bayonne High School Bees and also coached both 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 GIFFORDS. Congresswoman GIFFORDS courage and recovery reminds us that freedom defines our society, and violence 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 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 Ranking Member on the House Committee on Science, Space and Technology I have worked with Congresswoman 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 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-axle 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 tolls 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 who owns Leonards 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.

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RECOGNITION OF THE SERVICE OF  
VINCE PANVINI

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**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 training at 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 leagues of friends 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 team on the schedule. This game makes or 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 divides 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 I have grown up with, that my kids have grown up with and one that I would love my grandkids to grow up with.

The Longhorns walked out of Kyle field with a 27–25 victory and the bragging rights for at least another 10 years (or until a non-conference game becomes available). As the Aggies left their Austin counter-parts for what they believe are bigger and better fields in the SEC, they ended a 117-year relationship with the sudden divorce. Maybe the Aggies were tired of playing in the shadow of BEVO. After all, Texas holds a 2–1 lead in overall wins.

Not all people are glad about the end of this era. Even some Texas citizens with no ties to either school have suggested the legislature pass a law requiring the two state schools to play each other every year in football.

The rivalry between UT and Texas A&M is beyond a Saturday football game. Here at home, college football has become somewhat of a religion to many people—a deep-rooted passion between rival mascots and school colors clashing into hard-hitting victories. It's the Junction Boys, the Tyler Rose, the last-minute touchdown run by Vince Young in the Rose Bowl for the National Championship.

This is beyond college football; it's Texas football. Nowhere is it exemplified better than between the two schools.

It all started in the 19th century. Grover Cleveland was president when on Friday, Oct. 19, 1894, the University of Texas and Texas A&M University began their on-field feud. Texas A&M was a military academy until the mid-60s. The Aggies' record against the burnt orange suffered because of this, but this game was a must win among both schools. The Aggies hired legendary coach Bear Bryant as head coach and athletic director, but Bryant

only defeated the University of Texas one time in the four years he commanded before moving on to Alabama.

As A&M transitioned out of being solely a military academy, their traditions against the Longhorns were passed down from generation to generation. The two universities fed off of each other's student camaraderie by trying to out-do the other with war hymns, anthems, school pride, pep rallies and hand signs. Both schools even denounce the other in their school songs.

Legend has it that the UT mascot BEVO established his name after Aggies branded the steer with a 13–0 score from the 1915 season. After the branding, Texas officials tuned the 13 into the letter B and added the E and V into the middle, creating the name BEVO—one of the most recognized mascots in college 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 him to 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 the “Aggie War Hymn” for the last time at the UT-A&M game. “So it is goodbye to Texas University, so long to the orange and the white. . . .” This may be so, but it ought not to be. The people of State of Texas deserve to see these two great universities do their annual Thanksgiving battle with the pigskin. There is too much history and too much fight left for these football teams to abolish a Texas tradition.

And that's just the way it is.

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RECOGNIZING DON DOMINA FOR  
HIS NEARLY 35 YEARS OF SERVICE  
TO THE CENTRAL CONNECTICUT  
COOPERATIVE FARMERS  
ASSOCIATION

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**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

Associations 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 heartiest 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 dedication and hard work.

Coach Greg McClendon, 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 Solid Waste Authority Board, and served as the Legislative Liaison to the Fire Advisory Board, to the Volunteer Counseling Service, and to the Environmental Management Committee.

She is 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: Keah 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-Culinary 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.

POVERTY IN CUBA

**HON. ALBIO SIRE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 23, 2012*

Mr. SIRE. 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 vanished 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 minutes"; in Cuba's case, it 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 a 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 Castros' 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 by-product of the Castros' totalitarian socialism. There were always poor Cubans, and some version of the culture of poverty might have existed before; but in my communications with Butterworth, he reconfirmed 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 clichés 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 Castros' 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

JANUARY 26

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. 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.  
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, Kristine Gerhard Baker, to be United States District Judge for the Eastern District of Ar-

kansas, John Z. Lee, and John J. Sharp, 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.  
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 S. 908, 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 the Department of Justice's opinion on 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

2:30 p.m.  
Veterans' Affairs  
To hold joint hearings to examine a 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.  
SR-418

MARCH 1

9:30 a.m.  
Armed Services  
To hold hearings to examine U.S. European Command, U.S. Africa Command, and U.S. Transportation Command 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.  
SH-216

MARCH 7

10 a.m.  
Veterans' Affairs  
To hold joint hearings to examine a legislative presentation from the Veterans of Foreign Wars (VFW).  
SD-G50

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.  
SD-G50

MARCH 22

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Para-

lyzed Veterans of America, Air Force Sergeants Association, Blinded Veterans Association, American Veterans (AMVETS), Gold Star Wives, Fleet Reserve Association, Military Officers As-

sociation of America, and the Jewish War Veterans.

345, Cannon Building

# Daily Digest

## Senate

### 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. **Page S42**

#### 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. 247, to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, with amendments. (S. Rept. No. 112–105)

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 Minute-man 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)

Pages S41–42

#### 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.

Page S47

**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:

Pages S47–48

Durbin (for Klobuchar) Amendment No. 1468, to modify the offset.

Page S47

**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.

Page S48

#### 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:

William A. Reinsch of Maryland for a term beginning January 1, 2012 and expiring December 31, 2013 (reappointment), and Carte P. Goodwin of West Virginia for a term beginning January 1, 2012 and expiring December 31, 2013, vice Patrick A. Mulloy of Virginia.

Page S48

**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.

Page S13

**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)

Page S37

**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.

**Pages S48–49**

**Messages from the House:** **Page S37**

**Measures Placed on the Calendar:** **Pages S13, S37**

**Enrolled Bills Presented:** **Page S37**

**Executive Communications:** **Pages S37–41**

**Additional Cosponsors:** **Pages S42–44**

**Statements on Introduced Bills/Resolutions:**  
**Pages S44–46**

**Additional Statements:** **Pages S34–37**

**Amendments Submitted:** **Pages S46–47**

**Notices of Hearings/Meetings:** **Page S47**

**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.

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# 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:** **Pages H115–16**

**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). **Page H113**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Foxx to act as Speaker pro tempore for today. **Page H83**

**Recess:** The House recessed at 12:20 p.m. and reconvened at 2 p.m. **Page H85**

**Recess:** The House recessed at 2:14 p.m. and reconvened at 4:01 p.m. **Page H87**

**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  $\frac{2}{3}$  yea-and-nay vote of 373 yeas to 1 nay, Roll No. 5 and

**Pages H88–90, H90**

***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  $\frac{2}{3}$  yea-and-nay vote of 278 yeas to 100 nays, Roll No. 6. **Pages H87–88, H91–92**

**Recess:** The House recessed at 4:16 p.m. and reconvened at 6:31 p.m. **Page H90**

**Announcement by the Chair:** The Speaker addressed the House on matters of decorum. **Pages H90–91**

**Notice of Intent to Offer Motion:** Representative Capps announced her intent to offer a motion to instruct conferees on H.R. 3630. **Page H92**



**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.

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### NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1364)

H.J.Res. 94, making further continuing appropriations for fiscal year 2012. Signed on December 16, 2011. (Public Law 112–67)

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. 2867, to reauthorize the International Religious Freedom Act of 1998. Signed on December 23, 2011. (Public Law 112–75)

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. 3672, making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012. Signed on December 23, 2011. (Public Law 112–77)

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. 515, to reauthorize the Belarus Democracy Act of 2004. Signed on January 3, 2012. (Public Law 112–82)

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

achievements and philanthropy of M.D. Anderson. Signed on January 3, 2012. (Public Law 112–85)

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. 1892, to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. Signed on January 3, 2012. (Public Law 112–87)

H.R. 2056, to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures. Signed on January 3, 2012. (Public Law 112–88)

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)

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## 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.

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## 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. 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.

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 Energy and Commerce*, January 25, Subcommittee on Energy and Commerce, hearing entitled “American Jobs Now: A Legislative Hearing on H.R. 3548, the North American Energy Access Act.” 8 a.m., 2123 Rayburn.

*Committee on Foreign Affairs*, January 24, Subcommittee on Africa, Global Health, and Human Rights, hearing entitled “Examining Ongoing Human Rights Abuses in Vietnam.” 2 p.m., 2200 Rayburn.

*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.

January 25, Subcommittee on Federal Workforce, U.S. Postal Service and Labor Policy, hearing entitled “Retirement Readiness: Strengthening the Federal Pension System.” 9 a.m., 2247 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

*Next Meeting of the HOUSE OF REPRESENTATIVES*

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.)

## 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.

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# Congressional Record

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