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Senate

The Senate met at 10 a.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.

Gracious God, from whom comes every good and perfect gift, we turn our hearts to You, our refuge and strength. Lord, lead our Senators today in the ways of peace. Plant peace in their hearts, freeing them from selfishness and enmity and strengthening them with generosity and kindness.

Bring peace to our world so the weapons of destruction will become tools of construction and people will experience a shared destiny of hope and prosperity. In a special way, bless the members of our Armed Forces and their families. Sustain them with Your everlasting arms.

We pray in Your merciful 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, February 7, 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.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 12:30 p.m. Republicans will control the first 30 minutes, the majority the final 30 minutes.

The Senate will recess from 12:30 until 2:15 p.m. for our weekly caucus meetings.

We hope to begin consideration of a number of matters, including the surface transportation bill, during today's session.

FORECLOSURE CRISIS

Mr. REID. Mr. President, in this country, owning a home means more than a roof over your head. It is the centerpiece of the American Dream.

For many responsible Americans, the dream of home ownership has become a nightmare. When Wall Street greed collapsed the economy in 2008, the housing market also collapsed. That meant free-falling home prices and a staggering number of foreclosures.

No State in the Union was hit harder than Nevada, but California was hit extremely hard, Michigan, Arizona, and Florida. But for 5 consecutive years, Nevada has led the Nation in foreclosures. The foreclosure rate in Ne-

vada is 400 percent of the national average.

Behind those statistics are people. Whether it is Nevada, Arizona, Florida, Michigan, or anyplace else in the country, statistics are people—families who bought homes where they could raise their families and enjoy life. Many Nevadans, like other Americans who worked hard, saved money and shopped responsibly, are now so far under water they can't see a way out.

So who is responsible? There is plenty of blame to go around. Brokers sold loans that could never be repaid, buyers bought houses they couldn't afford, and banks bought bad loans to sell to investors. Regardless of who is at fault, millions of homeowners who did everything right are still on the hook for a financial crisis they didn't cause. Many of them have never missed a payment.

Unlike some Republicans, I don't believe the answer is to throw up our hands and do nothing. Homeowners who have watched their equity evaporate don't have time to watch the market hit rock bottom, as one Republican candidate suggested. The President and Congress have taken action to ease this crisis. Not everything we have done to ease the crisis has worked, but we need to continue programs that are working and fix the ones that aren't. I support the President's efforts to reduce the hurdles to financing, and refinancing, for sure. Nearly 15 million Americans could benefit from refinancing their loans at today's historically low interest rates.

We must keep those who have lost their jobs from losing their homes as well. This proposal will help them reduce their monthly payments and save thousands of dollars every year. And for families who owe more than their house is worth, it will help them rebuild the equity they lost because of the collapse in the housing markets.

Redtape should no longer keep responsible homeowners from refinancing their loans and restoring their futures.

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



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Redtape, I repeat, should no longer keep responsible homeowners from refinancing their homes and restoring their futures.

There are some who advocate a do-nothing policy. There is nothing we can do to help. They couldn't be more wrong. Here is one example. My Nevada offices have posted several foreclosure workshops. More than 2,000 people have taken the opportunity to sit down and face their lenders—often for the first time. Several thousand more have gotten help from caseworkers in my office. Caseworkers and owners have worked together literally to save homes from the auction block. I am hosting another workshop in Las Vegas this Saturday.

We can't help everyone, but we must do more to help those we can. It is time for more Federal action. It is time to give homeowners in every State the tools they need to hold on to their homes and to hold on to the American Dream.

RECOGNITION OF THE MINORITY LEADER

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

Mr. McCONNELL. Mr. President, I 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. McCONNELL. 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.

PAYROLL TAX CUT

Mr. McCONNELL. Mr. President, I want to make a couple of observations this morning about the bipartisan support that exists for extending a payroll tax holiday. I will start with the obvious: Republicans strongly support extending this tax cut for the rest of the year. Americans have suffered long enough as a result of this President's economic policies. They do not need to suffer more because of his failure to turn the economy around 3 years into his administration.

But the fact is any solution requires both sides to engage in good-faith negotiations. When my friend, the majority leader of the Senate, comes to the floor and says that Republicans in Congress are only willing to extend this tax cut if they are allowed to poison Americans' drinking water, then I think it is pretty safe to say it is time for fewer partisan attacks and more efforts to finish the job.

When a tax hike that has been rejected repeatedly by Members of both parties over the past year is the opening bid in a negotiation, I think it is safe to say that Democrats are more interested in scoring political points

than in scoring a tax cut that millions of middle-class Americans are counting on.

When the majority leader of the Senate suddenly announces he is working on a proposal of his own to extend this tax cut, even as the conference committee is in the midst of negotiating a bipartisan solution that everybody can support, I think it is pretty obvious where the problem lies. It is with the Democratic majority and a President who we thought were elected to lead.

I think most Americans would expect that at a moment such as this, when a solution to a pressing problem is sought, the majority party bears the responsibility to find it. It is worth noting that in the House, the majority party did its work and passed a 1-year extension. Yet all we get from the Democratic majority in the Senate are exaggerated claims, ad hominem attacks, and false accusations aimed at delaying a solution rather than achieving one.

So I would remind my friend the majority leader that the particular piece of legislation he railed against yesterday as an effort to poison people has broad bipartisan support, including 12 Democratic cosponsors here in the Senate—and rightly so in the midst of a jobs crisis. We should seize every opportunity we have to help job creators at a time when more than 13 million Americans are looking for work and can't find it.

The only thing controversial about this proposal—the only thing controversial about this proposal—is the idea of opposing it.

I would also remind the majority leader that the Federal pay freeze received more than 300 votes in the House, and that he himself already agreed to spending cuts during negotiations this past fall that would cover the cost of extending this payroll tax cut for the remainder of the year.

So let us allow the conferees to finish their work and get this payroll tax cut extended for the rest of the year. That is what Republicans want. That is what the President says he wants. And there is no reason we shouldn't be able to get this done. The Democratic majority of the Senate should be leading that effort, not rooting for its failure.

I yield the floor.

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, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided, the Republicans controlling the first 30 minutes, and the majority controlling the next 30 minutes.

Mr. McCONNELL. Mr. President, I 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.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I see the distinguished Senator from Oklahoma and I know he is waiting to go and I appreciate his courtesy that I might go first. Let me speak in my capacity as chair of the Judiciary Committee.

Two weeks ago, when the Senate confirmed only 1 of the 19 judicial nominations on which votes were delayed from last year, I urged Senate Republicans to join with Democrats and take long overdue steps to remedy the serious vacancies crisis on Federal courts throughout the country. Nearly 1 out of every 10 Federal judgeships is vacant. Nonetheless, Senate Republicans refuse to consent to votes on consensus nominees who could fill many of those vacancies without further delay. These are well-qualified judicial nominees who were reported unanimously by the Judiciary Committee many months ago; there has been no explanation for the delay in their confirmation. During the last 2 months, Senate Republicans have consented to votes on only 2 of the 23 judicial nominees ready for final Senate action.

Of the 19 judicial nominations now awaiting a final vote by the Senate, 16 were reported by the Judiciary Committee with the support of every Senator on the Committee, Democratic and Republican. No Senator can or should have any reason to oppose these nominees in the Senate. But, month after month and year after year, Senate Republicans find new reasons and new tactics to delay confirmation of consensus judicial nominees for no good reason. I have never seen anything like this. These delays are a disservice to the American people. They prevent the Senate from fulfilling its constitutional duty. And they are damaging to the ability of our Federal courts to provide justice to Americans around the country.

Regrettably, the last 2 weeks evidences more of the same, a continuation of the delaying tactics we have seen for years, as Senate Republicans continue their across-the-board obstruction of President Obama's judicial nominations. For the second year in a row, Senate Republicans refused to consent to votes on judicial nominations before the end of the Senate's session in December. At the end of 2011, they again refused to follow Senate's traditional, longstanding practice of

voting to confirm consensus nominations before the end of the Senate session, a practice followed by Democrats and Republicans with Presidents Reagan, George H.W. Bush, Clinton and George W. Bush.

Their tactics have worked, to the detriment of the Federal courts and the American people. By nearly any measure we are well behind where we should be. Three years into President Obama's 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. This is in stark contrast to the nearly 87 percent of President George W. Bush's nominees who were confirmed, nearly nine out of every 10 nominees he sent to the Senate.

We remain well behind the pace set by the Senate during President Bush's first term. By this date in President Bush's first term, the Senate had confirmed 170 Federal circuit and district court nominations on the way to 205, and had lowered judicial vacancies to 46. By the time Americans went to the polls in November 2004, we had reduced vacancies to 28 nationwide, the lowest level in the last 20 years. In contrast, the Senate has confirmed only 125 of President Obama's district and circuit nominees, and judicial vacancies remain over 85. The vacancy rate is double what it was at this point in the Bush administration.

I wonder when I hear some Republican Senators claim credit for progress on nominations and point to what they like to call "positive action"—how they can ignore the 19 judicial nominations being blocked for no reason. I wonder how they can claim progress for the American people when judicial vacancies remain well above 80 more than 3 years into President Obama's first term. In this setting, after years of delay and lack of real progress, it is troubling to hear Senate Republicans already talking about how they plan to resort to the Thurmond Rule to shut down all judicial confirmations for the rest of the year. Their obstruction has already resulted in the Senate having confirmed 45 fewer judicial nominations after 3 years of the Obama administration than after 3 years of the Bush administration. We still have a long way to go to catch up and to lower judicial vacancies before anyone talks about a confirmation shutdown.

I wish Senate Republicans would abandon their rhetoric and do as Senate Democrats did when we worked to confirm 100 of President Bush's judicial nominees in 17 months. In fact, we continued to work to reduce judicial vacancies by considering and confirming President Bush's judicial nominations late into the Presidential election years of 2004 and 2008, reducing the vacancy rates in those years to their lowest levels in decades.

The cost of this across the board Republican obstruction is borne by the American people. More than half of all Americans, nearly 160 million, 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 reported favorably by the Judiciary Committee. It is wrong to delay votes on these qualified, consensus judicial nominees. The Senate should fill these numerous, extended judicial vacancies, not delay final action for no good reason.

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.

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 seek 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 3 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 remedy the serious judicial vacancies crisis on Federal courts around the country.

This Republican obstruction began long before President Obama's recent recess appointment of a handful of Executive branch nominees needed for the Consumer Financial Protection Bureau and the National Labor Relations Board to function. Indeed, despite 3 years of delays and across the board obstruction of his judicial nominations, President Obama has not recess appointed a single judicial nominee. That is something President Bush did, not President Obama. Senate Democrats that year consented to consider noncontroversial judicial nominations, confirming a total of 205 circuit and district court nominations in President Bush's first term and lowering judicial vacancies dramatically. In fact, the Senate proceeded to an up or down vote and confirmed 1 of the judicial nominees President Bush had recess appointed, William Pryor to the Eleventh Circuit.

Senate Republicans have been blocking votes on 18 of the President's judicial nominees since last year. Eight of the judicial nominations Republicans are blocking were reported unanimously by the Judiciary Committee in September and October last year. Another 5 nominations were reported in November, and 4 in December. All of

these judicial nominations could and should have been considered by the Senate last year. Indeed, when Republicans held up scores of nominees in December, including these judicial nominees, they did so to "punish" the administration for not assuring them that the President would not use his recess appointment power. That delay, now of more than 2 months, has already taken a measure of revenge. They continue to hurt the country by engaging in more obstruction and delay now to seek a double measure of retaliation.

Instead of exacerbating the conflict, Senate Republicans should reconsider their tactics and moderate their use of filibusters and stalling. This President has reached out to work with Senators from both parties with respect to judicial nominations. Every one of the 19 judicial nominations awaiting final Senate action has the support of his or her home State Senators, Republican as well as Democratic. There is no excuse for continued stalling of President Obama's consensus judicial nominees. The courts and the country cannot afford another year of across the board delays of President Obama's judicial nominations. I urge votes on Jesse Furman for the Southern District of New York, Cathy Bencivengo for the Southern District of California, Gina Groh for the Northern District of West Virginia, Margo Brodie for the Southern District of New York, Adalberto Jordan for the Eleventh Circuit, Beth Phillips for the Western District of Missouri, Thomas Rice for the Eastern District of Washington, David Nuffer for the District of Utah, Stephanie Thacker for the Fourth Circuit, Michael Fitzgerald for the Central District of California, Ronnie Abrams for the Southern District of New York, Rudolph Contreras for the District of Washington DC, Susie Morgan for the Eastern District of Louisiana, Jacqueline Nguyen for the Ninth Circuit, Gregg Costa for the Southern District of Texas, David Guaderrama for the Western District of Texas, and Brian Wimes for the Eastern and Western Districts of Missouri.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I see the junior Senator from Connecticut in the Chamber. If he wishes to speak, it is my understanding this is Democratic time now. If he wishes to go before me, that is perfectly all right. I ask unanimous consent that at the conclusion of his remarks I be recognized in morning business because I do want to talk about the transportation bill that is coming up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank the distinguished Senator from

Oklahoma for his courtesy and his leadership on so many issues.

Mr. President, I want to particularly say to my colleague from Vermont how much I appreciate his leadership on the Judiciary Committee, where I serve. Leadership is the mark of his work there. He brings together Members of both parties on so many issues, including this one involving the Federal judiciary. It is, as he has said so eloquently, one of the marvels of the world, one of the historic accomplishments of our republican democracy, that we have a truly independent judiciary that exemplifies the qualities of professionalism, scholarship, integrity, and, yes, independence.

We are here today because we have a crisis in our judiciary. It is a crisis not created by our judges but by this body. It is a judicial vacancy crisis because nearly 1 out of 10—I repeat, 1 out of 10—judgeships in this country are now vacant. The vacancies are double what they were at this point in President Bush's first term.

Every time I go back to Connecticut—as I am sure happens to the Presiding Officer in his State of West Virginia and to Senator INHOFE in Oklahoma—people ask me: Why can't you do better in Washington? Why can't you bring both parties together and avoid the waste and the acrimony and rancor and the gridlock that is the reason for this judicial vacancy crisis? We need to come together and avoid the kind of paralysis that has such lasting and damaging effects on our judiciary.

The President has done his work in recommending qualified nominees to this body. The Judiciary Committee has done its work in reporting many of these judicial nominees to the floor, in many cases with unanimous support. Despite that unanimous support, those nominations languish here.

As we speak, 19 judicial nominations are still pending on the Senate's Executive Calendar. Mr. President, 16 of those nominations were reported unanimously to the floor and all but 2 of them are consensus nominees who received strong bipartisan support in the Judiciary Committee.

They have been blocked by the Republican minority. They have been blocked from up-or-down votes. They have been denied those up-or-down votes. That is unfair not only to them but to the American people. It is damaging to this country. It undermines the independence of the judiciary, its credibility and respect. It causes delays in the decisions on cases that vitally affect ordinary men and women who come to our Federal courts for justice. The old saying "justice delayed is justice denied" holds true whether it is the great historic cases of this country or the ordinary, mundane, routine cases that involve injuries to individual plaintiffs or defendants. And it discourages qualified people from permitting their names to be placed in nomination. The uncertainty of those

delays, the need to put their lives on hold, when they are lawyers in private practice or judges serving on the bench now, causes a severe disincentive that deters qualified people from beginning this uncertain process.

Outside of Washington, there is a clear consensus that the Senate must do better. Outside of the Senate, there is a clear consensus that we need bipartisan cooperation. Not just among politically elected leaders, but the Chief Justice of the U.S. Supreme Court, members of the bar on both sides of the aisle all agree we must move these nominations. So I call on my colleagues, as the chairman of the Judiciary Committee has done, to do better. President Obama has nominated qualified members of the bar to serve on our district courts, including, most recently, Michael Shea of my State to replace Judge Droney, who has just been confirmed as a member of the court of appeals.

Judge Droney's nomination waited here on the Senate calendar for 130 days, despite the clear consensus in his favor. Eventually, he was confirmed by a vote of 88 to 0. That delay, in turn, caused a delay to the nomination of a district court judge to replace him.

I am hopeful Michael Shea will be confirmed expeditiously.

We should never minimize the importance of careful vetting and scrutiny when it comes to these nominees. But once that process is complete in the Judiciary Committee, blocking these nominees can only be bad for the American people, as well as for the 160 million Americans who live in districts and circuits with vacancies whose nominees are sitting on the Senate calendar. They should not have their ability to access justice denied or delayed. We should reduce the burdens on our courts as quickly as possible so our system of justice will continue to be—and justifiably—regarded as one of the great marvels in the history of democracy, of governance in this world, on this planet.

Our nominees deserve prompt and fair consideration by the full Senate, and I am hopeful the Senate will do better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

HIGHWAY REAUTHORIZATION

Mr. INHOFE. Mr. President, we are going to be considering today—and I think the rest of this week, and probably into next week—one of the most significant things we are supposed to be doing here.

I wish to start off by saying—in endorsing and encouraging a highway reauthorization bill—I want people to know this is coming from someone who is a conservative. I think there are a lot of conservative organizations out there that have mistakenly thought of this as being a big spending bill without realizing this has been, since its in-

ception back during the Eisenhower administration, an approach to building roads, highways, infrastructure that is necessary in this country, and to have that as a top priority.

There are some problems that have come up with the highway trust fund, and I want to share that with my colleagues but, first of all, make sure everyone knows, who might be watching—and particularly some of the organizations that are conservative organizations—that these words are coming from me. I have probably been recognized as the most conservative Member of this body as much as anybody else has, maybe more. Yet, I have always said—even though I am a leading conservative—there are two areas where I am a big spender. One is in national defense and one is in our infrastructure.

For that reason, I say to the Presiding Officer, when I was first elected back in 1994, I selected two committees to be on. One was the Armed Services Committee, where I could try to keep a strong national defense. The other was the Environment and Public Works Committee. I am now the second ranking member on the Armed Services Committee and the ranking member of the Environment and Public Works Committee. Back when the Republicans were a majority, I was actually the chairman of that committee. That is when we did our last bill.

Our last highway reauthorization bill was in 2005. It was one that went through the process and was very successful. Conservatives and liberals alike joined and said this is a major function of America. This is what we are supposed to be doing here.

A strong defense and our infrastructure system are not going to be done by anybody else. It is going to have to be done by us. If we want to make sure we maintain a strong national defense, which this President has not been doing with the cuts he has made—actually, we could have as much as \$1 trillion in cuts in our defense budget over the next 10 years, all due, quite frankly, to one person. That is President Obama. So he does not care that much about defending America in putting the resources there. Here is a President who, in his own budget, has proposed a deficit each year, for four budgets, of over \$1 trillion each year.

You would think, with these huge deficits, we would not be having a problem in defense spending, as well as in our roads and highways, in coming up with a bill that would be a transportation reauthorization bill. The transportation reauthorization bill for 2005—where I was the sponsor of it because I was chairman of the committee—was a \$286.4 billion bill. It was one that even at that time barely maintained what was out there already. Certainly I do not have to tell the occupier of the chair from West Virginia that I have been through his State and there is a lot of room for improvements in the road system, and I know he is a strong supporter of this. This is certainly true

in my State of Oklahoma. It happens that my State of Oklahoma is tied, the last time I checked, with Missouri as being dead last in the quality of our bridges.

We have actually had deaths in Oklahoma. We had a lady not too long ago in Oklahoma City, the mother of three small children, who was driving and a chunk of concrete came off a bridge and killed her. This is serious stuff. This is what we are supposed to be doing here.

So we had this bill back in 2005. Since that time, we have been operating on extensions. We have done eight extensions. It is kind of complicated, but I want to explain how this works. The proceeds of the highway trust fund come from the gas tax. About 18 cents, when you buy gas at the pump, goes to maintenance of the highways and bridges in that program.

The problem has been that in recent years—it started about 10 years ago—we had surpluses in the highway trust fund, and with other people who wanted to get their deal in on the highway trust fund, we have things that have nothing to do with transportation that are there. That is one of the problems we have.

But the other problem we have is that through the efforts to encourage people to use electric cars and get better mileage and all that, we do not have the proceeds we had in years past. I think probably if we had been smart initially, we would have had the highway trust funded by a percentage as opposed to a "centage." If it is 18 cents, it does not make any difference, it is going to be 18 cents. But if the price of fuel goes up, if it had been a percentage, then we would not be faced with the situation we have today. So that is what we have.

I applaud, I thank Senator HARRY REID, the leader of the Senate, for wanting to give it the attention, the priority in getting it on the floor so we can talk about it. In a minute, I will also be very complimentary of Senator BOXER from California.

This is something that is kind of interesting that is unique in transportation only. Here I am ranked always as one of the top three most conservative Members. Senator BOXER from California is a very proud liberal. One thing: I do not mind people being liberals if they are proud liberals and admit it. Well, she does. She is a liberal. She feels the government should have greater control of some of the things we do. Consequently, she is doing essentially the same thing as the current chairman of the Environment and Public Works Committee as I would be doing if I had still been chairman of the Environment and Public Works Committee; that is, coming up with a highway bill.

Well, we are looking at it right now. I have to share with my colleagues on the right—the Republicans, the conservatives—what we are looking at. A lot of people do not realize the bill that

is coming up is a bill of compromise. We actually passed this out of the committee unanimously. All the Republicans and all the Democrats voted for it. It is a bill where, I have to say, Senator BOXER worked very closely with us. We have reforms in here.

Going back to my comment about extensions, if we do not pass a bill, we have to operate on extending the current legislation, the current bill, the remnants, I might say, of the 2005 transportation reauthorization bill.

Now, if we do that, we do not get any reforms. So one of the things we did in this bill that gained the support of the Republicans on the committee, and most of the Republicans here, was the reforms we had.

For example, in this bill we gave—the bill that is up for consideration now—more flexibility to the States. I have long believed—and I served many years ago in the State legislature—the closer you get to home the more responsible government is. And I can tell you right now, giving the flexibility to the States to make these determinations—who are we to say that we, in our infinite wisdom and knowledge in Washington DC, are smarter than they are at the State level? We are not. Certainly, we do not know the needs like the States know the needs.

So we have the situation in this legislation where we are giving more flexibility to the States. We are reducing the number of programs. This is a big thing. I cannot tell you exactly how many programs there are because I do not have that in my notes. But I do know we have reduced the number by eliminating and consolidating programs that might be duplicative of each other by two-thirds. In other words, we only have one-third of the programs we had before. That is in this bill. That is a major improvement.

Now, looking, also, at the streamlining of project delivery, we have something called NEPA. NEPA looks after the environmental concerns when we are building roads and bridges. This bill expands the number of categorical exclusions available under NEPA and allows for steps within the lengthy NEPA process to be combined so we can get things done.

You have heard the stories—I am sure you have—of problems with everything from endangered species to other environmental concerns that cause these things to drag on and on and on, and the expense is so much greater. Well, we are eliminating a lot of those categorical exclusions. We are increasing the number so that we will be able to get that much more done.

Another thing in this law—this is very complicated—is called enhancements. I opposed it back years ago when they started putting enhancements on the highway bill. I have always said it is a moral issue. When people pay their 18.4 cents a gallon, and it goes into the highway trust fund, they are led to believe that money is going to be going to transportation, for im-

proving the roads and the bridges. That is not quite true because other deals have kind of moved in so that they are involved with it. So they passed this thing called enhancements where 2 percent of the total highway funding would have to go to what they called transportation enhancements.

A lot of people say 10 percent. It is 10 percent of the States' surface transportation funding or 2 percent of the total highway funding. I would like to do away with the enhancement program altogether. Unfortunately, that means we could not get a highway bill.

Working with Senator BOXER and with the Democrats in the committee, we came up with the perfect solution. We do not have to eliminate enhancements because the solution under this bill will allow the States to make the determination as to how they are going to spend that 2 percent of their total highway funding. Instead of using it for museums and other things that have nothing to do with transportation, we are, under the provisions of this bill that we are talking about, able to use that money for any other requirements for unfunded mandates—and there are plenty of them there, such as endangered species mitigation, storm water runoff, wetlands mitigation. They are a part of every project. So we can take that 2 percent, and instead of applying it to enhancements, we can offset the requirements that are there.

So for all practical purposes, like in my State of Oklahoma, we are not going to have any of that 2 percent for enhancements. It is not there. We have solved the problem. But we put that in the hands of States. So there will be amendments that would want to do away with enhancements. I would say we do not have to do that now because we have reformed that process.

It is a little bit complicated because we are merely saying that we have a block of money which constitutes 2 percent of the total highway funding, and instead of that going to things that we hear about that have nothing to do with transportation, we do not have to do that anymore. That will be up to the States. However, some States may feel differently. If they do, that is not their problem; that is not my problem.

So that is the type of thing we are doing in this bill that has not been there before. If we do not do it, we would be cutting highway spending down to the highway trust fund receipts. That calculates into a 34-percent cut to the States' road and bridge funding. Right now—to put this into perspective so that people will, hopefully, understand and listen—we need, and we are in the process of getting, an additional \$7.2 billion in order to be able to fund this bill as we passed it—\$7.2 billion.

Stop and think about that. If we go back to the \$800 billion stimulus bill that President Obama had—I know Senator BOXER agreed with me—more of that should have gone to highway funding. Only 3 percent of it—3 percent—went to highway funding. So we

are talking about \$800 billion which was spent. We are trying to come up with \$7.2 billion.

I have to say this and bring it up. We all remember the \$700 billion bailout. A lot of Republicans ended up voting for that, and right now we are down to—the cost is probably going to be leveling out at \$130 billion. That is the bailout that was passed.

Well, \$130 billion, when all we are looking for now is \$7.2 billion, we cannot say it is not there. As I said when I opened, this President, in his budget, has had over \$1 trillion in deficit each year for 4 years. Again, that is not the Democrats, not the Republicans, it is not the House, it is not the Senate. That is President Obama. That is his budget. That is the way it works.

I have often said when we look at the hundreds and hundreds of billions of dollars—and yet one of the prime functions we have is roads and highways, and we are just \$7.2 billion short. I think they have come up with it. I applaud the Finance Committee which has been working on this and recognized it in terms of priority that we ought to be able to do it.

They have come up with a package now that—again, this is not in my end of it; this is the Finance Committee. A lot of people think the highway bill is all in the Environment and Public Works Committee. It is not. We have the Commerce Committee, the Budget Committee, the Finance Committee, and our committee. But that end of it is in the Finance Committee. They have worked diligently. I appreciate the hard work that has come from the Democrats and the Republicans on that committee.

Now, in the event that we do not do this, we are going to go back—it will be our ninth extension. When we have an extension, none of these reforms I just talked about, none of them will end up being done. It will just be major cuts in programs.

I would only ask this: I would ask any Member of the Senate, before you draw yourself into a box where you are going to be opposed to this, what you need to do is call your State departments of transportation. Talk to them about it. Talk to the chambers. Talk to the labor unions back in your States. See what they think. This is one of the few issues where they are all in agreement—labor, chambers, all of them. They realize we have to have infrastructure in America.

I know my State is not the only State that has road problems. But I am more familiar with them because that is where I live and raise my 20 kids and grandkids. So I would hope that we look at the opportunities that we have in what is called MAP-21. That is the transportation reauthorization bill that we have under consideration at this time, and that we will do the responsible thing.

If we do rely, by the way, on extensions, our highway trust fund will be totally depleted by this next summer.

Then we are going to have to do an extension or be forced to bail out the highway trust fund. We do not want that to happen. We can preclude that from happening. All we have to do is be responsible today.

Again, this is one of the few areas where back home organized labor as well as business is all for it. Here we have the extremes, such as Senator BOXER from California and myself. We both agree this is one of the two primary functions of government. This is our opportunity to do it. I hope there will not be people on the outside looking at this and completely disregarding these hundreds of billions of dollars that, in my opinion, have been wasted and not pay attention to one of the prime functions of government; that is, doing the infrastructure for the United States of America.

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

The PRESIDING OFFICER (Mr. TESTER.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. FRANKEN. I thank the Chair.

(The remarks of Mr. FRANKEN pertaining to the introduction on S. 2076 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EXTENSION OF MORNING BUSINESS

Mr. FRANKEN. Mr. President, I ask unanimous consent that morning business be extended until 6 p.m., with Senators permitted to speak therein for up to 10 minutes each with the Republicans controlling the time from 4 to 5 p.m. and the majority controlling the time from 5 to 6 p.m.; further, that the majority leader be recognized at 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

KEYSTONE XL PIPELINE

Mr. HOEVEN. Mr. President, I rise today to speak about jobs, energy independence, and good environmental stewardship for our country. I rise to speak about working with our strongest ally and trading partner, Canada. I rise to speak about moving forward on behalf of the American people and not delaying, not failing to act in their best interests.

Yesterday, Canadian Prime Minister Stephen Harper left for China. He left for China with five of his top Ministers, including his Minister of Trade and his Minister of Natural Resources. He also took along 40 leading businessmen

from Canada, including many of their leading businessmen in the area of energy, oil, and gas. He left on a trade mission to China. And what is at the very top of his list? At the very top of his list in his trade mission to China is selling Canadian oil to China. Why is that?

The reason is because our current administration evidently would prefer that we buy oil from the Middle East and from Venezuela rather than buying oil from our closest friend and our No. 1 trading partner, Canada.

That seems hard to believe but, if not, how else can we explain the administration turning down the Keystone XL Pipeline project after more than 3 years of study—not 60 days but more than 3 years of study. We recently passed legislation in this Chamber and in the House that was approved by the President, and in that legislation we said the President needs to make a decision on the Keystone XL Pipeline within 60 days of the date of that legislation, but that is after 3 years of study.

The administration came back and said: Well, it cannot make a decision in 60 days but forgot to mention they have been looking at it for over 3 years. In fact, let's go through that timeline. I think it is important that the American people understand the real timeline.

The real timeline has nothing to do with 60 days. The real timeline is more than 3 years that a project has been held in limbo. On September 19, 2008, TransCanada applied for a permit to build the Keystone XL Pipeline. That is more than 3 years ago. Both the Environmental Protection Agency and the State Department said they would have an answer on the project before the end of last year. They made it very clear that after going through the full NEPA process—including the full environmental impact statement, doing all of the due diligence, all the work over more than a 3-year period—they would have an answer before the end of the year.

The administration then says: No, that is not enough time. We don't have enough time in more than 3 years to make a decision, so the decision is null. You ask: Why would that be? Is this such a unique project that we have never done this before; that after more than 3 years of study—not 60 days—this is so unique we cannot make a decision in that amount of time? So the administration says no.

On this chart we see this red line that runs from Hardisty, which is Alberta, Canada, all the way down to Patoka, IL, to refineries we have in this country. This is the Keystone Pipeline. That was approved in 2 years, roughly 2006 to 2008, and then constructed. It now moves almost 600,000 barrels of oil a day from the Canadian oil sands down to our refineries. So that project already exists. We are talking about building a sister pipeline, the Keystone XL Pipeline, that will bring it from the

Calgary area, the Province of Alberta, Canada, down to Cushing, which is a major oil hub, and our refineries in the gulf.

So it is not a new concept; we are already doing it. This pipeline carries almost 600,000 barrels a day. The new pipeline would carry 830,000 barrels a day.

It is not just about Canada. It is not just about moving Canadian crude to our refineries. My home State of North Dakota, and Montana, produce oil as well—light, sweet, Bakken crude—good stuff. We need to get that product to market as well; 100,000 barrels a day from North Dakota and Montana will go into this pipeline. Now, that is incredibly important to States such as North Dakota and Montana because right now we have to move that product by truck and by train. There is incredible wear and tear on our roads, and with the congestion on our roads, there are also traffic accidents and traffic fatalities.

Mr. President, 100,000 barrels a day represents 500 truck loads a day on some of our highways in western North Dakota and eastern Montana.

This pipeline would reduce the number of truck miles to move that product by 17 million truck miles a year. So it is not just about moving that product from Canada to our refineries, it is about moving our own crude, crude that we produce in this country to market. Our States need that vital infrastructure, and the government is not building this infrastructure—not one penny of tax money, not one penny of Federal Government spending. This is a \$7 billion-plus investment from the private sector to give us the infrastructure we need to get our oil to our refineries.

So it is not a new project. It has been done before.

As a matter of fact, as my next chart shows, not only has this been done before, but the Obama administration has approved similar projects before.

In August of 2009 the current administration approved a 1,000-mile pipeline that moves 800,000 barrels of oil a day that is moving oil right now. They approved this project in August 2009. It came online in October 2010. It goes from the Province of Alberta down to refineries in Wisconsin. So they approved it in August 2009.

So what is going on here? Well, the issue they have talked about is that they have to delay this because of the western Sandhills region of Nebraska. The western Sandhills region of Nebraska includes something called the Ogallala Aquifer. The Ogallala Aquifer is obviously very important for water supply and irrigation. That is here in western Nebraska, so that concern has been raised. So we put forward legislation that addresses that issue.

We put forward legislation that follows the lead of the State of Nebraska and says: We will reroute the pipeline in Nebraska. For example, rerouting it over here where there is already the ex-

isting Keystone Pipeline. But in the legislation we put forward we say we will reroute the pipeline in Nebraska; that issue will be fully addressed, and we do not set a timeline on doing it and we expressly provide that we work with the State of Nebraska to do it.

Nebraska had a special session in November. After their special session where we all agreed to do the rerouting, the State of Nebraska—their legislature, their Governor, and their Senators—supported the project. They said: Yes, we need to move forward with the project.

As you can see, there are many pipelines through there already. Nevertheless, we said: OK, the administration said that is an issue. We do the rerouting and we set no time limit to do it. So why aren't we proceeding with the project? What are we waiting for? And what are the ramifications of waiting? Look at all these pipelines. This is not a new concept.

So I take a step back to what I mentioned earlier: What is going on here? Why is it that Prime Minister Harper, the Prime Minister of Canada in China today, is arranging to sell oil that they produce in Canada to China rather than to us in the United States when we need it so badly—not just for our economy, not just for the jobs, but for energy security at a time of incredible upheaval in the Middle East? Now this oil is going to go to China. What is going on here?

Well, the only thing that I guess we can figure is that the administration has decided they don't want oil produced from the Canadian oil sands. They have decided they don't want oil that is produced in Canada in the oil sands. The argument is that somehow that oil will have higher greenhouse gas emissions, so we are not going to take it and somehow that is not going to be produced. So it is an environmental issue. The only problem with that is that it is going to be produced. It just won't come to us, it will go to China. And maybe an even bigger irony—although certainly not a bigger problem but a bigger irony—is that the environmental stewardship will then be worse, not better. So if that is the argument, it is going in the wrong direction.

This oil, which will be produced up here—that is exactly the agreement Prime Minister Harper is now working on with China and, believe me, China wants the oil. There is no question about that. They have made it very clear. While we continue to put Canada on hold, China is working very hard to make sure that oil comes to them.

Lets talk about the environmental aspect of that. Now, instead of bringing this oil in a pipeline down to our refineries—the best technology in the world in terms of refining, so we put it in a pipeline and we have lower emissions in the very best refineries in the world—we are going to put this oil in thousands and thousands of tankers that have to go across the ocean, pro-

ducing greenhouse gases, and it is going to be refined in China, where they have lower emission standards, meaning higher emissions. They don't have the same standards we do, so we end up with more greenhouse gas, and yet at the same time we continue to have tankers of oil coming in from the Middle East producing more greenhouse gas because we can't get the oil from Canada.

So if that is the argument, what are we doing? We are saying: OK, we are going to say no to the jobs and we are going to say no to the fact that we can be energy independent in terms of oil. Between the United States and Canada, we can be independent in our oil needs. We won't need to get oil from Venezuela and we won't need to get oil from the Middle East—a huge national security issue. Look at what is going on in Syria and look at what is going on in Egypt and look at what is going on in Iran. Look at what is going on with the price of gasoline. We can become oil independent with our best friend and ally, Canada, but we say no instead. After 3 years, we are going to say no to the project, so Canada sells it to China and we get worse environmental stewardship.

I hope the American people fully understand exactly what is going on here because it is time to act. Right now, Prime Minister Harper is talking to President Hu Jintao, the President of China and, believe me, China wants the oil. Prime Minister Harper and Canada, our closest ally in the world, have waited 3 years—3 years—to get a “no” answer from the administration. So we will see what kind of agreement he comes back with from China.

The reality is, it is time to act. Here are some of the pipelines that are moving crude oil and other product around our country. Do we really think that is a problem, particularly when we put in legislation—when we went specifically and found out what the administration's concern was and we solved it and we built it into the legislation? The time has come to act. I call on my colleagues to join me. We put forward legislation that addresses the concerns. But it is time to act for the good of the American people.

Thank you, Mr. President. I note the absence of a quorum.

The PRESIDING OFFICER. Will the Senator rescind the suggestion, please. Mr. HOEVEN. I will.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. DURBIN. Mr. President, the January jobs report shows that President Obama and many others have joined to help put our economy on the path to recovery. The economy added 257,000 private sector jobs in January. That is the 23rd month in a row that the economy has added private sector jobs, for a total of 3.7 million payroll jobs over that same period.

In January, the unemployment rate fell again from 8.5 to 8.3 percent. The unemployment rate has fallen .8 percent since August. That is the first time in almost 17 years that the unemployment rate has fallen for 5 consecutive months.

Job growth is occurring across many sectors of our economy. In Illinois, we are seeing manufacturing jobs return, some from overseas, and across the country last month the manufacturing sector added 50,000 new good-paying jobs.

Don't get me wrong, we still have a long way to go. We have to quickly agree on the extension of the payroll tax cut, which will expire in just a few days. We have to ensure that unemployment benefits for those looking for work are continued. We are on the right track, but we shouldn't rest in our efforts to foster an economy that is built to last.

I am not a deficit and debt denier. I understand the gravity of our fiscal challenge, and we need to work to resolve these problems. I hope my work on the President's fiscal commission and as part of the Gang of 6 shows a commitment to this issue. However, as Ben Bernanke, Chairman of the Federal Reserve, said last week:

Even as fiscal policymakers address the urgent issue of fiscal sustainability, they should take care not to necessarily impede the current economic recovery.

Fortunately, the two goals of achieving long-term fiscal sustainability and avoiding additional fiscal headwinds for the current recovery are fully compatible—indeed, they are mutually reinforcing.

On the one hand, a more robust recovery will lead to lower deficits and debt in coming years. On the other hand, a plan that clearly and credibly puts fiscal policy on a path to sustainability could help keep longer-term interest rates low and improve household and business confidence, thereby supporting improved economic performance today.

We can grow our economy and reduce the deficit. In fact, it is arguable that we can't balance our books or the budget with 14 million people out of work. We have to work to put this economy back on its feet, to put Americans back to work earning good incomes, paying their fair share of taxes, and sustaining a growing economy.

A credible deficit reduction plan will include investments that look to the

future. Not only can we be fiscally responsible and still invest in infrastructure, education, and innovation, we can only be fiscally responsible if we do make those investments. Failing to invest in the future is a recipe for more intractable fiscal problems in the years to come.

Those who say just cut spending and ignore the consequences ignore the reality. There are those who say that government spending is holding our economy back. They say that if we cut government spending, somehow we are going to enliven and rejuvenate this economy. History tells us quite a different story. President Clinton presided over the strongest period of private sector growth in recent memory, and he did so while government spending grew every year from 1995 to 2000. In 3 of those years, President Clinton generated a balanced budget—the last balanced budget we have seen in Washington.

It is clear to me that we should be heartened by the recent positive economic data, but we can't mistake it for a signal to retreat. We have to continue working to build a strong and fiscally sound economy for the 21st century. A critical element in that is unemployment insurance. The January report, as I mentioned, says we are on the road to recovery, adding 257,000 private sector jobs, with the unemployment rate dipping from 8.5 to 8.3 percent. Even with these gains, more than 12½ million people are still unemployed and actively looking for work. Even more concerning is the number of longer term unemployed, which remains at about 5.5 million. The trouble finding work isn't due to lack of initiative. We need more jobs. And until there are more jobs available, we should maintain unemployment insurance benefits at current levels.

Maintaining the current level of Federal unemployment insurance has proven to be one of the best things Congress can do to breathe life into this economy. The Congressional Budget Office—respected and bipartisan—estimates that every dollar we put into unemployment insurance not only goes into the economy but is respent and is worth \$1.90 in economic activity. Late last year, the Economic Policy Institute estimated that extending Federal unemployment benefits for 1 additional year generates \$72 billion in economic growth, creating over 560,000 jobs over the course of the year.

An estimated 3.2 million people were kept out of poverty simply because of unemployment insurance checks. As of the end of last year, 200,000 individuals were collecting unemployment in Illinois, with 43 percent of those unemployed people having children in their homes.

I came to the floor today to reinforce for my colleagues and the conferees working on the payroll tax-unemployment insurance bill that this isn't just about numbers, it is about real lives.

I received a letter from Laurel in December, who does a far better job of il-

lustrating the role of unemployment benefits than anything I can say. Here is what Laurel wrote:

Thank you for working late nights. I am from Evanston, IL. I graduated from Evanston Township High School. My position as Ethics and Compliance Manager in a large multi-national conglomerate was eliminated last December 2010.

I am trained as a lawyer, and have worked in international law, economics and policy. In addition to a law degree, I have a Master of Science in International Relations from the London School of Economics. I wrote my thesis about US trade policy, the now expired Agreement on Textiles and Clothing, and international economics and labor at LSE.

After working for a think tank in London on democracy and participation, I went to law school. During law school, I interned at the United Nations and later for the legal and regulatory group of a Wall Street research service.

I was working in the legal department of Smiths Group on international compliance issues when I was laid off. While working for Smiths Group, I studied for an LLM in international comparative law in the evenings.

After being laid off, I received severance from my previous employer and was able to get a short-term contract with the World Bank after only a few weeks of unemployment. However, since the end of that contract in July, I have not been able to find a job or get a contract.

My first phase of unemployment ended in November. I have now been receiving unemployment insurance payments for 7 months, just beginning Phase II. If unemployment insurance extensions are not renewed, I understand I will no longer receive payments.

I am a 38-year-old single female living alone. My parents are elderly, and my mother was just diagnosed with breast cancer. My dad has had two strokes in the last 6 years.

I am paying \$402 a month in COBRA payments to keep my health insurance. I rent an apartment and unemployment just barely covers my rent. I have been living on savings since July. Without the help of unemployment, I will not be able to pay my rent, and I am terrified.

I have had over 20 informational interviews and applied to 42 jobs since I first heard my job might be eliminated last November.

The extension of unemployment insurance means something to me personally. I need more time. I believe at least with some of the applications I have submitted in both the private sector and government agencies, the companies have not hired anyone despite posting a job. I believe many companies are waiting to see what will happen with government contracts, and agencies are stalled due to the hiring freeze or funding. I know something has to come through soon . . . I support the efforts to support the extension of unemployment benefits.

Is this an example of someone who is not trying, someone who is not trained and educated? Just the opposite. Here is a person who clearly has been driven her entire life to develop skills, to challenge herself, to improve her ability to earn and learn, and here she is out of work and desperate. She doesn't know which way to turn. She is single. She may not be able to pay her rent. Are unemployment benefits important for her to keep her on the track of finding a job? Of course they are. The money we give her will be spent back into the economy to create a better economic climate.

I have received thousands of letters along these lines in the last 2 years. If Congress doesn't move quickly to maintain unemployment insurance benefits, millions of workers relying on this program will be left without a lifeline. The Joint Economic Committee estimates that 3.3 million workers will exhaust benefits by June if we fail to act—nearly 170,000 in Illinois. I am concerned about what this will do to our country and especially what it will do to these people—our neighbors, members of our families, friends, folks who just need a helping hand.

Prematurely ending unemployment insurance or the payroll tax cut would make our economic recovery more difficult. There may be some political strategists who would applaud that, saying: Well, a little bit of pain for a few months here and we can change that President into another person. Let someone else take the job.

I think that is very shortsighted. Of course, I support the President, make no mistake about it, but to sacrifice the well-being of this country and the growth of our economy for the sake of an election is just plain wrong.

Conferees in the Congress must act soon to maintain a robust unemployment insurance system for those still struggling to find work. Now is not the time to roll back unemployment insurance.

MARKETPLACE FAIRNESS ACT

Mr. President, there is one other issue I would like to raise at this point, and it is one I have worked on for some period of time with Senator MIKE ENZI. It relates to a phenomena all of us are aware of—Internet sales. There is hardly an American with access to a computer who doesn't buy something on the computer. I do, and lots of families do—some of the basics, in addition to some other things that may be just aspirational purchasing. But the interesting thing that has happened over the years is we have allowed the Internet retailer to have a different position when it comes to their tax liability.

I talked to a lot of local businesses in Illinois, small businesses, businesses on Main Street. Some of them think things are getting better and I do too. They sense the worst may be behind us and the future is looking brighter. But at the same time, they share with me the frustration they have currently now with customers coming into their shops and businesses looking for everything from running shoes to sporting equipment—you name it—and then, just about the time when they have tried on the second or third pair of shoes, looked in the mirror, got everything squared away as to what they are going to buy, they sometimes pull out their phones, turn on an app, and take a picture of the barcode on the product.

You see, there is an app which allows a person to find out where they can buy that very same product cheapest on the Internet. So here is the local retailer doing their part to make a sale, and it turns out they get nothing from the experience.

What is the advantage that Internet sellers have over those who have businesses on streets and highways across America? One advantage relates to sales tax. In my home State of Illinois, the payment of sales tax on Internet purchases is voluntary and personal. If one does not declare it and pay it, it is not collected. We are supposed to pay it, but many people do not. So those selling on the Internet, subject to local sales tax, in fact are not collecting that sales tax. I think that can change and should.

Becky Anderson owns Anderson Bookstores in Naperville, IL—a great little town. She described to me how she loses sales every day because consumers walk in, ask her questions, and then buy an item online from remote retailers because they do not collect sales tax.

Becky understands most customers do not realize they do owe the sales tax to the State of Illinois and local units of the government. They say:

This runaway train may undermine more than our bottom lines. It's not a stretch to say entire Main Street districts could disappear.

That is Becky's conclusion after having watched what happens with these Internet sales not collecting sales tax.

She talks about how a local shoe store in downtown Naperville was forced to close and lay off employees, strictly because of Internet sales. The local business owner, Michael Abt, president of Electronics, in Glenview, IL, described in detail how our current system results in a built-in price advantage for Internet retailers. Mike said:

Oftentimes with consumer electronics, the profit margin is 10 percent or less. Abt collects 9.25 percent sales tax. When an online competitor does not collect it and then offers free shipping, it is a huge advantage for [his] competition.

Local businesses will never be able to compete if we continue to provide a built-in price advantage for online retailers by exempting them from sales and use tax collection. There was a time, I guess—and I heard the argument here—that we did not consider the sales tax for online sales because, the argument was made, they may not survive; it is a fledgling industry.

That day is long gone. They are certainly not fledgling; they are in full flight.

Over the past decade, online retail has become an important part of American commerce. Online retail allows customers to compare prices, shop around right in the comfort of their living room. At the same time, local businesses such as Anderson Bookstores in Naperville compete with online retailers by trying to provide good service at the lowest prices they can. These local businesses also invest in our communities. They hire local workers. They pay local property taxes. They are involved in communities supporting baseball teams and charity efforts in their community.

They are our neighbors and they deserve a fair shake.

Last year, Senator ENZI, LAMAR ALEXANDER of Tennessee, and I joined in introducing the Marketplace Fairness Act, with seven additional cosponsors—Senators TIM JOHNSON, BOOZMAN, JACK REED, BLUNT of Missouri, WHITEHOUSE, CORKER and PRYOR. We recently added Senators BENNET and CARDIN. This bipartisan group of Senators understands we have to do more to ensure a fair marketplace for American businesses. The bill will level the playing field for Main Street businesses and limit the current built-in price advantage given to online retailers. It allows States to treat brick and mortar retailers the same as online retailers by providing two streamlined approaches for States to require collection of both sales and use taxes.

The bill also includes a small seller exemption that will ensure small online retailers are exempt from the requirement to collect sales and use taxes. The notion is that if Grandma Franken has an apple butter recipe and makes a few cases each year to the delight of all her neighbors, she will not be burdened with this responsibility of selling it online and collecting sales tax.

Let me be clear. This bill does not impose any new taxes. This bill does not raise taxes, period. It does not amend the Internal Revenue Code at all. It simply is a collection issue that for too long has put local businesses at a disadvantage. The real job creators in America, many of them, are the small businesses in our communities that struggle to get by every day, and when they get better and they get well, America gets well. Now is the time to help these retailers.

It also is going to help State and local budgets, those that are trying to make ends meet in a tough economy. I hope we can get this done and done quickly.

One thing I would like to add. The largest online retailer in America, amazon.com, supports our legislation. We are not at war with online retailers. They have concluded it is best to have a uniform, streamlined system that uses available software for collection from a retailer and distribution through the State departments of revenue. It is voluntary. We do not impose a mandate on any State to adopt this, although I think every one of them will, and this moves us finally in the direction of fairness—fairness not only for those who are doing the bricks and mortar sales but fairness for all customers and all retailers across America.

I commend this bill to all colleagues. If we truly believe, as many of us have spoken time and again, in the value of small business to economic recovery, most small businesspeople will tell you this is a critical element in their competitive edge and their ability to hire more people and be able to be profitable all across the Nation.

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

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

HHS CONTRACEPTION MANDATE

Mr. COATS. Madam President, I rise today to call upon the President of the United States to rescind one of the most radical and unconstitutional mandates ever issued, a mandate that requires faith-based organizations, hospitals, and educational institutions to provide and pay for health insurance coverage that violates the fundamental tenets of their faith.

Our Founding Fathers believed so deeply in the importance of religious freedom that they made it the very first American principle in the Bill of Rights. The first amendment to the Constitution reads, in part:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

On January 20, the Obama administration announced one of the greatest deviations from this constitutional guarantee of religious freedom in our Nation's history. This Federal rule is a blatant assault on the conscience rights of any organization or any individual who opposes abortion or the use of contraceptives.

While I am a pro-life Senator and believe that life begins at conception, I am not someone that supports banning contraception. But I do support the right of those who hold the belief that those tenets should be respected, and that Federal mandates, Federal regulations, and Federal laws should not be used to overturn that belief.

I do not believe this ruling was an oversight. The Obama administration doubled down on its ruling by ignoring the numerous efforts by faith-based organizations to be granted an exemption. This issue is not a debate over whether the use of contraceptives is right or wrong. This is not a debate over whether the health care law is the right policy or the wrong policy. I do believe personally that the ObamaCare policy is the wrong policy for this Nation. But this is a debate over whether the Congress is going to sit idly by and watch the administration walk all over freedom of religion—and not just the Congress but the institutions of America and the people of America—a core American principle or will we stand and protect what our Founding Fathers put their lives on the line for and what millions of Americans practice each day.

Catholic institutions, whether they be social services or universities such as the University of Notre Dame in

South Bend, will have one of two choices: they can either pay for health insurance that covers things such as sterilization or birth control, despite their deeply held religious objections, or they can refuse to offer any sort of health insurance to their employees, which will result in these organizations facing significant fines and penalties while their employees are forced to seek health insurance elsewhere.

In other words, the Obama administration is saying: Compromise your religious beliefs to comply with our massive Federal health care law or you and your employees will face a penalty.

While this decision will greatly impact many in the Catholic faith, it will also extend beyond a singular religious denomination. A wide variety of religious institutions and organizations across the country will resist providing insurance coverage for birth control. Cardinal-designate Timothy Dolan, president of the U.S. Conference on Catholic Bishops, said:

Never before has the Federal Government forced individuals and organizations to go out into the marketplace and buy a product that violates their conscience. This shouldn't happen in a land where free exercise of religion ranks first in the Bill of Rights.

Although a blatant violation of the first amendment, this ruling is a culmination of attacks on religious and faith-based organizations by this administration. I fear, as Washington Post columnist Michael Gerson noted in his article today, that such a trend will threaten the good work being done by faith-based groups—of any faith—whether it be Catholic, Protestant, Jewish or Muslim. Any group or non-profit hospital or charity that is working to provide services to people in need now has to compromise their basic religious tenets in order to continue to provide that insurance coverage for their employees or pay a fine by not doing so.

There have been some bills introduced in the Senate to rescind this. I would hope that those in the administration who are listening to the people and listening to the protests that are being made against this almost unconscionable mandate will not stand by idly and wait to see whether Congress will act because we will act. We will act as soon as we can. I would hope that they would reconsider this sweeping unconstitutional ruling which is in direct violation of the first amendment.

George Washington once said:

Every man, conducting himself as a good citizen and being accountable to God alone for his religious opinions, ought to be protected in worshipping the Deity according to the dictates of his own conscience.

We must take a stand to protect this inalienable right, the right of conscience established by our Founding Fathers and sustained for over 200 years.

Mr. President, you can undo this wrong by rescinding this mandate that

has been imposed in violation of the most basic of human rights and principles of our Constitution. I am calling on you to do so.

I yield the floor.

Mr. BOOZMAN. Madam President, I ask that I be recognized to speak.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BOOZMAN. Madam President, I come to the floor today to add my voice in opposition to President Obama's unwillingness to respect the conscience rights of religious institutions.

On January 20, the Department of Health and Human Services issued a mandate requiring almost all private health insurance policies, including those issued by religious institutions, to cover free sterilizations and contraceptives at no cost to policyholders.

What this means, in simple terms, is that churches are exempt from the mandate, but institutions such as church-run universities, hospitals, and nonprofits must comply with the government regulation. Therefore, in order to continue to operate, these church-run institutions must violate the very beliefs that inspire them to care for the least among us.

I would not be surprised to see many of these faith-based institutions disappear should this mandate move forward. Despite the President's contention this outcome is not what he intends, his mandate unfairly forces people to choose between their health and their moral or religious values.

Many parents, Christians and others, object to sterilization, agents that abort, and contraceptives. Americans should not have to pay for services or health care plans that conflict with their deeply held religious beliefs. This is purely a political decision on the part of the administration, and it shows that President Obama will do whatever necessary to appease his base and protect his own job, even if it means the blatant infringement on first amendment rights.

With this mandate, President Obama is not only trampling religious liberties, he is also confirming what many feared when this health care bill became law. Americans saw this massive expansion of government as a threat to individual rights. This mandate, one of the first based on the President's health care bill, does little to comfort those concerns. In fact, it comes across as confirmation the President intends to force on us his belief that he knows what is best for Americans when it comes to our health care choices.

In an effort to fight the administration's overreach, I have joined with several of my colleagues in supporting legislation to protect freedom of conscience and prohibit the government from imposing mandates on our religious employers. Religious institutions play a critical role in our communities. If Federal policies make it difficult for those institutions to continue important social services without going

against their principles, it will hurt the least fortunate among us by threatening the much-needed assistance and outreach provided by religious groups across the Nation.

The seemingly endless number of regulations this administration has handed down to the American people needs to end. Let us force the President to govern in a manner that respects the values of the American people, not just his base. Protecting religious organizations from this overreaching mandate is certainly an excellent place to start.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

CHILD FARM LABOR RULES

Mr. MORAN. Madam President, I am here today to raise once again a topic about how we raise our children in rural America, and I want to talk for a few moments about the proposed Department of Labor child farm labor rules.

Last week, we had perhaps what would be considered a piece of good news. The Department of Labor announced it would withdraw and repropose the parental exemption portion of their proposed child labor rules. I am worried, however, despite this good news, there are still a lot of consequences that will occur as a result of the proposed rules that are not being withdrawn, and there is no suggestion they are going to be reproposed.

The thing I want to make clear to my colleagues is that while the Department of Labor announced they were going to withdraw a portion of the rules, unfortunately, the majority of what is going to be offensive, difficult, and a challenge for our way of life in rural America remains.

Last year, of their own volition—no direction by Congress—the Department of Labor proposed a set of rules to put restrictions in place upon a young person's ability to work on a farm, including their own family farm. What we are talking about here is youth less than 16 years of age. Those rules, as proposed, would actually restrict the ability of a son or daughter to work on their parents' farm.

The current rule is that if your parents own a substantial interest of that farming operation, you can work on your family's farm. The rules as proposed by the DOL are going to narrow that definition, as follows: If your family operates in a family farming corporation or a limited liability company, these new restrictions would apply. Fortunately, that portion of the proposed rules the Department of Labor has withdrawn, and I assume they will be reproposing what their definition of a family farm is.

The point I want to make is that so much of the proposed rules yet remain, and the remaining portions of the rules still threaten to fundamentally alter agriculture as we know it today. If the DOL rules, as now proposed, go for-

ward, the education and training for the next generation of farmers and ranchers will be severely disrupted.

We have relied upon 4-H, FFA, and county extension programs to provide farm safety training and certification for a long time. The Department of Labor now says they no longer want those programs to qualify because they are too local. They want a national standard. They want to replace with a Department of Labor safety training program what has traditionally and very effectively occurred through 4-H, FFA, and county extension programs.

The Department has, in my view, ignored research that shows the programs we currently have in place with FFA and 4-H and county extension improve the safety habits of young people, and instead criticizes these training programs for being too locally driven and lacking Federal direction. Their solution is to nationalize these programs and have them run by the Department of Labor. In my view, local experts in our high schools, our FFA programs, and our 4-H clubs should be the ones conducting training programs and educating our young people. And parents and communities should be allowed to look after the best interests of their families and their communities and citizens.

The Department of Labor, in addition to attacking the programs that are in place, that are valuable to us in rural America, is also proposing to change the so-called agricultural hazard occupations. The proposed rules would prohibit a young person under the age of 16 from participating—even with the certification and safety training from the Department of Labor—in doing such things as rounding up cattle on horseback or operating a tractor.

The proposed rules say you cannot be involved in production agriculture if you are more than 6 feet off the ground. In today's environment, in today's agriculture, tractors and combines are 6 feet off the ground.

You can't clean out a stall with a shovel and a wheelbarrow. Those are things I am sure the 15-year-old does not want to do, but they are important to a family's farming operation, they are important to agriculture and of value to a young person in their training and developing skills that are important to them for the rest of their life.

They can't work in a pen with a bull or mama cow. Here is one that really stands out to me: No engaging or assisting in animal husbandry practices that "inflict pain upon the animal," such as branding, breeding, dehorning, vaccinating, castrating, and treating sick animals. The "inflicting pain" restriction sounds like something more than an interest—"inflicting pain" sounds like a different standard than really worrying about the young person's safety. These are important tasks that have to be done on a farm and that young people can safely do.

One additional example that stands out to me is that they are suggesting

in the rules that they would limit a young person's exposure to direct sunlight if the temperature reaches a certain limit once you factor in wind velocity and humidity. How does that work in the practical world of agriculture and farming today? For someone in Washington, DC, to propose rules that restrict a young person's ability to work on a neighbor's farm because of the amount of sunlight, wind velocity, and humidity is something that again, in my view, demonstrates a lack of understanding about how things work in the real world.

One would assume the Department of Labor, before making such drastic changes to farm labor rules, would have identified reliable evidence and data to show the need for changes. In fact, the Department of Labor admits it lacks the data to justify many of its suggested changes.

Furthermore, according to the National Farm Medicine Center, youth-related injuries from farm accidents have declined nearly 60 percent from 1998 to 2009. I have no doubt that if you ask a farmer or a rancher about the importance of safety, they would tell you that safety is a top concern, especially when they are dealing with a young person. But they would also tell you that critical to a rural way of life is being able to train and encourage the next generation to safely and successfully pursue careers in agriculture. If today's young person is not given the chance to learn at a young age what it takes to operate a farm, we put at risk the future of agriculture in our Nation.

I have always had a strong interest in agriculture. The economy of my State of Kansas revolves in many ways around the success of farmers and ranchers. Communities across our State are dependent upon the success, the profitability of production agriculture. But I also have known and strongly believe there is something more than just economics to family farms. This is the way that historically, in our country, in our Nation's history, we have transmitted our character, our values, our integrity, our love of life, and our understanding of how things work from generation to generation. It has worked. It has been an important component of our country's history, who we are as American people.

Today, across Kansas, when I visit with business owners, they tell me they love to hire farm kids because they have a different characteristic, a different makeup, a standard that is different from other people. They learn something about reliability and that work does not get done if you do not show up, that it is not about punching the clock to check in and to check out, that a calf is born at times that are inconvenient to a farmer. There is just a different set of characteristics a young person develops by growing up and working on a family farm. If these changes go into effect—and the rule as

proposed is being considered, and it is expected we will have an answer from the Department of Labor within several months as to what the final regulations will be—if these rules go into effect as they are written, not only will we see a shrinking rural workforce, but our Nation's youth will be deprived of valuable career-training opportunities and a certain way of life many of us highly value will disappear.

It is important to us as a country—certainly to a State such as mine—that a young person experience the value of farming. I do not know how many times you talk to somebody who has determined what their career is going to be based on an experience they had as a young person and their ability to know what they want to do with their life is determined by the experiences they had as a young child. Our country cannot afford to lose the next generation of farmers and ranchers.

This rule should be withdrawn in its entirety. We know rural America's values are not always Washington values, and in the weeks ahead I ask my colleagues and Americans across the country to express their opposition to the Department of Labor for this destructive rule. Do not allow it to move forward so we can protect our values for the next generation of American farmers and make sure rural America remains a great place to live, grow, and raise a family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

TRIBUTE TO ELI MANNING AND THE NEW YORK GIANTS

Mr. COCHRAN. Madam President, I am pleased to rise in the Senate today to congratulate Eli Manning and the New York Giants football team for their great victory in the National Football League championship game. As most Senators probably know, Eli is a graduate of the University of Mississippi and he lives in Oxford, MS, during the off-season.

The Giants' 21-to-17 victory was the second NFL championship for this team in the last 4 years.

Eli Manning began the game by completing his first nine passes, which was a new Super Bowl record, and he was named the Most Valuable Player of the game. He became the fifth player in NFL history to win multiple Super Bowl Most Valuable Player awards. During the regular season, Manning threw for 4,933 yards and 29 touchdown passes, including a NFL record of 15 touchdown passes in fourth quarters. He also led six game-winning drives that allowed the Giants to overcome deficits in the final stage of their games.

Manning and his wife Abby have supported many worthy causes and have made a strong commitment to the health and education of young people in Mississippi. They have made a pledge to raise \$2.5 million for the Eli

Manning Children's Clinic at the Hospital for Children in Jackson, MS, and they have also donated \$1 million to start the Ole Miss Opportunity Scholarship Program, which helps children in Mississippi with special financial needs to have the opportunity to attend college.

Manning has served as a member of President Bush's Council on Physical Fitness and Sports and is active with many other organizations, such as the March of Dimes and the American Red Cross. His commitment to voluntarism and national service is very impressive and worthy of high praise.

I am very proud to congratulate Eli Manning and the New York Giants as Super Bowl champions.

The PRESIDING OFFICER. The Republican leader.

HHS MANDATE

Mr. McCONNELL. Madam President, throughout my Senate career I have spent a lot of time defending the first amendment. Most of it I spent defending one particular clause of that amendment, the one relating to the right of free speech, but recent events have shown quite unexpectedly the urgent need to defend another clause in the first amendment. I am referring, of course, to the right of free exercise of religion.

Make no mistake, the Obama administration's decision to force religious hospitals, charities, and schools to comply with a mandate that violates their religious views is abhorrent to the foundational principles of our Nation. No one in the United States—no one—should ever be compelled by their government to choose between violating their religious beliefs and being penalized for refusing. Yet that is precisely what this mandate would do.

One out of six patients in America is treated at a Catholic hospital. Catholic Charities is the largest provider of social services to poor children, families, and individuals in America. The Catholic Church runs the largest network of private schools in this country. These institutions have thrived because they have been allowed to freely pursue their religious convictions in a country that, until now, respected their constitutional right to do so. But this ruling should send a chill up the spine of people of all religious faiths and even of those with no faith at all because if the state—in this case, the Federal Government—is allowed to violate the religious rights of one religion, then surely it can violate those of others. If the rights of some are not protected, the rights of all are in danger. Isn't that what history clearly teaches? Isn't that what the Constitution is all about?

The Obama administration has crossed a dangerous line. The Founders knew that the right of religious belief is inviolable. They gave this God-given right the pride of place they knew it deserved, right there in the first

amendment, so that Americans would never have to fear its loss. Unfortunately, because of the actions of this administration, Americans now do.

This is a huge mistake that I hope the administration is currently reconsidering, and if they do not, Congress will act. The first amendment rights of the American people must be protected. Those of us who recognize the fundamental importance of religious freedom to our Nation will see to it that it is respected by this government and restored in full.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Missouri.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Madam President, I want to talk about this recent HHS directive to faith-based organizations on health care and suggest that it is exactly the kind of problem many of us were concerned would develop when the government said it was going to take a greater role in deciding what health care would be like and who would make health care decisions. In this case, what kind of insurance could an employer give its employees if it is a religious organization?

There are several pieces of legislation that might deal with this issue. My guess is there will be several more unless the administration deals with it quickly and withdraws the position they have taken, which is that faith-based institutions would have to offer health insurance policies that violated their faith principles. It is a fundamental first amendment right of Americans to have the ability to pursue their faith-based principles.

In the Religious Freedom Restoration Act of 1993, passed by a Congress with a Democratic majority in both the House and Senate and signed by President Clinton, it appears to be clear that this is an incursion that the law itself, as well as the Constitution, does not allow. One of the most objectionable issues about the White House position—the administration's position—is that we want you to change your principles, and we are going to give you a year to accommodate that change.

Principles based on faith cannot be accommodated in a year. In fact, they should not be accommodated in a lifetime. They are exactly that; they are principles based on faith. This is about institutions that run hospitals, schools, daycare centers, all sorts of things under the umbrella of the mission of who they are. This is about how their employees relate to them as providers of health care insurance and the kind of insurance they provide. This is

not about just anybody you might run into; this is someone who has chosen to work for one of these institutions. This is someone who has chosen to affiliate themselves with one of these faith-based organizations.

Clearly, the Catholic bishops are outraged. I have a letter here from Bishop Carlson in St. Louis that was read in Missouri churches last week talking about this, and it says: In so ruling, the administration has cast aside the First Amendment to the Constitution of the United States, denying to Catholics our Nation's first and most fundamental freedom, that of religious liberty. As a result, unless the rule is overturned, we Catholics will be compelled either to violate our consciences or to drop health coverage for our employees and suffer the penalties for doing so. The administration's sole concession was to give nonprofit employers, like hospitals and universities, which do not currently provide such coverage—the coverage which the administration was demanding—one year in which to comply.

I have another report from the chief of the Catholic military chaplains who wanted to send a letter to be read and which the military initially said could not be read. The U.S. Army said that the letter written and sent by the archbishop in charge of Catholic military chaplains could not be read in services. And after a discussion with the Secretary of the Army, that was changed but apparently only if some of the letter would be taken out.

This is way over the line of where the government should be. Unfortunately, it is exactly the line that many of us feared would be crossed whenever the government begins to think that the government is the person to make health care decisions, whether that is a decision that you and your doctor should be making between the two of you or the kind of insurance you and your family choose to have or, in this case, the kind of insurance you and the institution you represent chooses to offer to the people who are working there. This is wrong. I think people know it is wrong. This is something that cannot be allowed to stand, and I wish to turn to my friend from New Hampshire to talk about this with me for a little bit.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Madam President, I certainly share the concerns of my colleague from Missouri, and I share the concerns of my constituents in New Hampshire and citizens across this Nation who see the recent rule issued by the administration for what it is, an unprecedented, unnecessary affront to religious liberty in our country.

I wish to say at the outset that this issue is not limited to the Catholic Church. The administration's new health care mandates on religious institutions impact all religions. Religious freedom is a foundational American right enshrined in our Bill of

Rights. The first amendment to our Constitution makes clear that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Unfortunately, I see the administration chipping away at these bedrock freedoms as it engages in a troubling pattern here with respect to this rule, and I think we saw that the President's new mandate on religious institutions highlights the deep flaws in the health care bill.

This unconstitutional law was moved through Congress and signed by the President 2 years ago without the type of due consideration, transparency, or accountability we would all expect, and we have been suffering the consequences since. It is highlighted with what we see with these recent mandates from Health and Human Services.

I wish to share some of the concerns my constituents have raised about these mandates that were recently issued by Health and Human Services. There is a letter I received this week from William Edmund Fahey, who is the president of Thomas More College in Merrimack, NH, and he says: To condition the availability of medical benefits upon a community's willingness to violate a cardinal teaching of its faith effectively prevents the full practice of its religion; and thus, again, violates the free exercise of a constitutional liberty.

He pleaded with our delegation, the New Hampshire congressional delegation, and he said: I hope you will see that the mandate undermines the Constitution, compromises the integrity of the government and abuses the foundational principle that free associations form an essential part of the social fabric of the United States.

We are fortunate in New Hampshire to have a number of very effective Catholic institutions and organizations. We have the Catholic Medical Center in Manchester which serves so many in the Manchester community and surrounding areas. The Catholic Medical Center has also expressed concerns about the mandate, saying: It would force us to offer services that were against our ethical and religious directive or force us not to offer insurance altogether.

They added: Neither are acceptable options.

The president of one of our great colleges in New Hampshire, Saint Anselm College, President Jonathan DeFelice, said: In a country and a State that values and respects individuals' rights to exercise their religious beliefs and live according to their conscience's best light, it is simply appalling to think that this mandate is anything other than an unprecedented incursion into freedom of conscience.

I have heard many concerns from my constituents, and I would hope that Health and Human Services would stop what it is doing right now, this mandate that places religious institutions in this impossible position, with this

impossible choice of violating their core beliefs in order to comply with a mandate or dropping employee insurance coverage altogether. We should not be putting these organizations that do great work throughout this country in that position. And, again, this is not an issue that just applies to the Catholic Church; this applies to all religious institutions.

I would ask my colleague from the State of Missouri: As a result of our concerns about the actions of the administration, we have offered legislation to address this, and what does that legislation do in order to make sure that this mandate does not go forward?

Mr. BLUNT. That is a good point. I wish also to say that this is not about just about one set of religious beliefs. The current discussion is about specific items in a health care plan, but there are lots of faith-based groups with different views of how you deliver health services that have been working on these issues for some time now, and I met with a lot of these groups. This is an issue of conscience, whether it is the Catholic Church, the Christian Science Church, the Seventh Day Adventist Church, the Baptist Church that I am a member of. There may be different views of this, but the views are not views that can be put forth by the government, and that becomes the government view.

There was a recent Supreme Court case, *Hosanna Tabor Lutheran Evangelical Church and School v. Equal Employment Opportunity Commission*, where the Court voted 9 to 0 that faith-based institutions have privileges that others do not have because that is what makes them faith-based institutions. The hiring decisions, the firing decisions, the workplace decisions are different because if they are not different, it is just another school or another hospital that might happen to have a theology department or might happen to have a chapel once a week. That is what it is.

Senator AYOTTE, Senator RUBIO, and I have worked on various ways to approach this. We offered a bill some weeks ago on these issues of conscience that would create a respect for rights of conscience. The Respect for Rights of Conscience Act, which was drafted early last year, has the full support of the major groups that are concerned about these conscience issues. The Christian Medical Association, the Becket Fund, and others have said that we need to be concerned about these issues, whether it is a hiring decision now or a health care decision, and what do we do to protect health care providers and insurers, including purchasers, from being forced to violate their own principles by buying a policy or offering a policy that provides things they don't believe in their faith group are the right things to offer.

I saw one of the President's advisers early this morning beginning to back away from this and say: Suddenly this one year has become—we are just seeking information during this year. That

is not what they were doing at all. What they are doing is saying, you are going to comply with this rule and we are going to give you a year to figure out how to compromise your principles in a way that applies, and that is the wrong thing to do. Whether it is the Respect for Rights of Conscience Act or other legislation, if the administration doesn't take care of this administratively, I believe it will be taken care of legislatively.

When you have bishops, church leaders, and people who have spent their lives dedicated to hospitals, schools, and other institutions that reflect their faith principles, you cannot suddenly decide that those don't matter or they can be changed in a year. They also will need to have some legal cause of action to pursue this, just like the Religious Freedom Act in 1993 created cause of action. One cannot go in and have an unreasonable incursion on the faith beliefs of people under the first amendment. No matter how good you think the cause might be, it is not good enough to violate that fundamental principle.

Senator AYOTTE has had lots of contact—I think many of us have. If you were in a military service last week, you might have heard one of these letters read. I saw the line that had to be taken out of the letter apparently that the Army wouldn't otherwise—was standing in front of, but was read in the other services, which was the line that said: We cannot, we will not comply with this unjust law.

When the government begins to tell people to do things that violate their faith principles, the government has gone too far.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BLUNT. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The majority controls the time until 6 p.m., and Senators are limited to speak for up to 10 minutes each.

WOMEN'S HEALTH

Ms. MIKULSKI. Madam President, I claim 10 minutes of the Democratic majority time. I come to the floor to speak about women's health. I come to speak about the issue of prevention, and I want everybody to fundamentally remember what we debated and what we did in the health care bill.

For the first time in a long time, our Nation is talking about women's health. Am I glad to hear that. It has mostly been happening on the morning talk shows and on the front pages of our newspapers. But, unfortunately, too much of the conversation isn't about women's health; it is politics disguised as women's health.

What should we be talking about when it comes to women? We should be talking about the top killers of women:

cancer—that dread “C” word—including breast cancer, cervical cancer, lung cancer. They are the highest killers of women: lung cancer, cervical cancer, and breast cancer. Then there are the silent killers of women: undetected diabetes as well as the consequences of heart and vascular disease. What did we talk about in the health care bill to deal with these issues? We talked about the fact that we needed preventive services, that we believed in early detection, that we believed in screening for early detection so we could identify those consequences that would negatively impact women in terms of their health care.

One of the things we know is that many women don't have health insurance at all. Seventeen million are uninsured. Women are most likely to neglect their treatment because of cost. Women of childbearing age are also even more at risk because they are performing jobs that tend to be starting out and they don't pay for health insurance.

We tackled a lot of this in the health care bill. I am so proud that one of the first things we did was end general discrimination in health care—the punitive practices of insurance companies discriminating against women by charging more for women of the same age and the same health status as men. But we came together, united, and passed it as part of the affordable health care act, and we ended gender discrimination.

Then we saw that simply being a woman meant being treated as a pre-existing condition. I held a hearing about this that was bone-chilling, when we listened to how women were discriminated against and aspects that had happened to them were viewed as a preexisting condition. In eight States if a woman was a victim of domestic violence, she could not get health insurance.

In another bone-chilling story, which was breathtaking, a woman testified at our hearing that because she had a C-Section, her insurance company told her they would drop her from their insurance plan unless she got sterilized. That was in the hearing. She had a letter from her insurance company. We were aghast on both sides of the aisle, regardless of how one feels about some of these reproductive issues. Nobody felt that should happen in America. So the people on the committee, led by myself, said: We can't have that. So we have ended discrimination against women getting health care on the basis of preexisting conditions.

We wanted to go further, and one of the issues we looked at was that of prevention. This is a subject of great debate. The very first amendment on the Senate floor during the health care debate was one to add preventive health care benefits. I offered an amendment, and the Senator from Alaska, Ms. MURKOWSKI, offered a counteramendment. Her amendment was terrific. She had every preventive service that I would

have ever loved. CBO, though, scored it at something such as \$50 million. The CBO's score sunk the Murkowski amendment, but the Mikulski amendment prevailed, in which we said we will leave it to the Institute of Medicine to determine what would be some of these amendments for women.

So guess what we have. In our preventive health amendment, which is now the subject of such debate, such controversy and, unfortunately, such misinformation, our amendment said this: First of all, if a woman is over 50, she gets a free yearly mammogram, one of our highest risks. Second, if a woman is over 40, she gets an annual well woman preventive care visit. This then goes to the screenings that then go to the highest risk for the highest diseases we have.

We have early detection and early screening. For young women who are pregnant, we guarantee they can be screened for diabetes, but also in our prevention amendment we provided for maternity services. We provide for maternity services so these women can get proper prenatal care. Working with their doctor, we can ensure the health of the mother and survivability and the ability to carry her pregnancy to term. We looked out for those maternity benefits.

IOM also said that as part of prevention we should add contraceptive coverage. That was a recommendation not of Senator BARB and not of Senator JEANNE SHAHEEN; this was a recommendation of the Institute of Medicine. Why do they say that? First of all, there are over 15 or 20 percent of women who need to take birth control in order to deal with the medical issues associated with their menstrual cycles. This isn't the place to go into the biology of being a woman, but for many this is where people long before—young women and adolescents who were not sexually active were experiencing some significant hormonal problems. So it is not always about being sexually active.

So this whole thing about the preventive amendment being all about birth control is so exaggerated, so overblown, so out of context with what we wanted to do. I am shocked and—I am just shocked.

We looked at our bill, in addition to my amendment, and we included preventive services for men and women, those services that affect both sexes, including colorectal screening for adults over 50. That also includes prostate screening for men. We have diabetes and high blood pressure screening. There is also the ability to do alcohol misuse screening which, in many instances, is an undetected and silent killer not only of lives but of families.

So one of our major thrusts was prevention. We won maternity benefits so a mother can be safe and well herself and be able to carry her pregnancy to term in a way that ensures the health of both the mother and the child, when the child is born. The fact that we had these other screenings, including mammograms, prostate cancer, diabetes—

the things that are killers of us all—some of these will close the health disparity gap because so many African-American men face terrible problems with high blood pressure that leads to the terrible consequences of stroke. Diabetes is rampant in our country but particularly rampant among people of color. So that is what we were doing.

I find it troubling that instead of focusing on our preventive health services, we are focusing on birth control. Birth control was never the focus of health care reform. It was a recommendation to be included in the benefit that came from the Institute of Medicine.

There is another bit of confusion out there about mandating churches to do something against their will. I wish to draw a distinction between what the bill does and mandating the provision of service and providing insurance coverage. The bill does include insurance coverage. But there is no place in the bill that mandates a religious organization provide something against their principle in providing a service. So if you are St. Mary's Hospital, you do not have to give out birth control in your women's health clinic. If you are Notre Dame University or Georgetown University or a Catholic women's college, you do not have to give out birth control in your student health clinic.

What the Obama-Sebelius regulations say is that there has to be insurance coverage available, particularly to those who are non-Catholic. For all of us who go to these wonderful institutes and have benefited from their services, they are nondiscriminatory. One does not have to be Catholic to teach at a Catholic college. One does not have to be Catholic to work at a Catholic hospital. One does not have to be Catholic. So these institutions hire people of a variety of religious preferences.

I don't want to get into a debate on the first amendment, but I do welcome a debate on what the health care bill did and what it intended.

The health care bill, I felt, was one of the greatest social justice initiatives I have participated in in the Senate. It was going to work and organize in an effective way to make sure we were on the road that every American had access to affordable care. Then we removed the barriers that were not only financial but often these discriminatory practices, these punitive practices that often were directed against women and preexisting conditions or in gender discrimination and the way they set their prices.

The best care is preventive care, and one of the tools well known in the public health field is these screenings tests that we worked to provide, and we turned to the eminent and distinguished people in learned societies, in this case the Institute of Medicine, to tell us not based on politics but to tell us based on science what the benefits should be, and they added contraceptive coverage.

That is the history. I hope it clears up the misinformation. But we did

work to move our citizens to greater health care and remove the financial and other societal barriers to getting health care in our society, with a fantastic emphasis on prevention. We have gotten off to the wrong debate and the wrong discussion. Let's get back to talking about how we improve the health care of women and how we can keep moving on our preventive aspects that not only help women but help the men who so love us and support us, and we want to return the favor by making sure they get their screenings too.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The senior Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am pleased to be able to join my colleague from Maryland to try and point out how this issue is being manipulated.

Almost 2 years ago, Congress—this institution—voted to end discrimination against women by health insurance plans. We voted to make it easier for women to seek referrals to see the health specialists they need, and we voted to give women greater access to affordable preventive health care services, including contraception.

These are important historic advances for women's health, and they should not fall victim to ideological policies.

Over the last several weeks, we have seen women all across this country stand in huge numbers to support women's health. That grassroots support will be needed again and again to stave off ideological attacks on women's health care.

Over the past year, House Republicans have repeatedly attempted to both eliminate funding for title X family planning and Planned Parenthood. Thankfully, we have been able to block these attempts in the Senate.

Ninety-seven percent of the reproductive health services provided by Planned Parenthood in New Hampshire and across the country is preventive care. As we all know, preventive health care lowers health care costs and saves lives.

We were reminded of the important role Planned Parenthood plays in preventive health when the Susan G. Komen Foundation decided to end its contracts with the provider. It is unfair to politicize women's health in the way we saw played out in the media last week. Women from across the country let their voices be heard. The 750,000 women who received breast cancer screenings at Planned Parenthood clinics with support from the Komen Foundation deserve better. They did not ask to be thrown into the political fire. They merely sought detection and treatment against a life-threatening disease.

I am pleased Komen reversed that decision.

I also commend the President for standing for women's health and reaffirming the recommendation of the Institute of Medicine to protect access

to affordable birth control for all women. The decision requiring health care plans to cover contraception with no copays or deductibles will improve the lives of millions of women and their families.

Birth control pills can cost up to \$600 a year. It can be a serious economic issue for some women. Studies have shown it costs employers as much as 17 percent more to exclude contraceptive coverage in employee health care plans than to provide such coverage.

Birth control is also a fundamental health care issue. Doctors and public health experts agree that increased access to birth control prevents unintended pregnancies. It is directly linked to declines in maternal and infant mortality and a reduction in the risk of ovarian cancer. It is linked to overall good health outcomes.

Permanent and temporary contraception is critical for family planning purposes, but many women—a full 14 percent—use birth control for medical and health reasons, including helping to reduce the risk of some cancers, treatment for endometriosis, serious infections, and cysts.

Let's be clear. In talking about the health benefits of birth control, I am not telling women they must use it. The decision on whether to pursue contraception is an individual choice that each woman must make for herself with her family. No part of the affordable care act or the President's ruling regarding insurance coverage forces any woman to use contraception.

However, birth control will now be affordable and accessible for any woman who, in consultation with her doctor, decides she needs or wants to use it. The policy represents one of the greatest advances for women's health in decades.

Sadly, there is an aggressive and misleading campaign to deny this benefit to women. A conscience clause exists that exempts religious institutions such as churches from having to carry insurance that covers contraception. Mr. President, 335,000 churches and their employees in this country are exempt. Many have argued that conscience clause should be expanded to include religiously affiliated hospitals and universities in the name of religious liberty.

The millions of women who work in a Catholic hospital or university—from the overnight nurse to the classroom aide or cafeteria worker—who choose to use birth control should have the same access as their counterparts at other institutions. That is their decision. It is not their employer's.

There are religions that believe divorce is a sin. Should these institutions be exempt from our labor laws and be allowed to discriminate based on marital status? Of course not, and this is no different.

A recent survey showed that 71 percent of American voters, including 77 percent of Catholic women voters, support the requirement to make birth

control available to all. They understand that religious freedom means that all women—Catholic or non-Catholic—should have the opportunity to make their own decisions when it comes to birth control.

I applaud the President for his decision and for putting women's health above politics.

We know ideological attacks on women's health care will continue. But I thank my colleagues who are here today for speaking out against those who want to turn the clock back on women, who want to limit access and availability of women's health services. We are watching, and we are going to continue to be watching.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, last week, we saw something amazing happening in communities across the country. When the news got out that the Susan G. Komen Foundation had cut off funding for breast cancer screenings at Planned Parenthood, men and women across this country were just outraged. They did not understand the decision, they did not agree with it, and they did something about it.

They picked up their phones, they talked to their friends, they e-mailed, they tweeted, they called their elected officials, they made their voices heard loudly and clearly, and they got results.

On Friday of last week, Komen did the right thing and announced they had reversed their initial decision. I wish to commend them for that because their mission and their great work in the fight against breast cancer is just too important to get mixed up in partisan politics.

But although that reversal was a great victory for so many women and men across the country, let's be clear: Our fight for women's health care did not end there. There are still many who continue to push partisan politics ahead of women's health, and we need to make sure the grassroots support and energy that successfully came together to right this wrong last week continues to stand firm against each and every attack that comes our way, because we do know those attacks are coming. Republicans in the House of Representatives have been waging a war on women's health since the moment they came into power.

After campaigning across the country a year and a half ago on a platform of jobs and the economy, the first three bills they introduced were direct attacks on women's health in America.

The very first one, H.R. 1, would have totally eliminated title X funding for family planning and teen pregnancy prevention. It included an amendment that would have completely defunded Planned Parenthood and cut off support for the millions of women in this country who count on it.

Another one of their opening round of bills would have permanently codi-

fied the Hyde amendment and the DC abortion ban. The original version of their bill did not even include an exception for the health of the mother.

Finally, they introduced a bill right away that would have rolled back every single one of the gains we made for women in the health care reform bill.

Their bill would have removed the caps on out-of-pocket expenses that protect women from losing their homes or their life savings if they get sick.

It would have ended the ban on lifetime limits on coverage.

It would have allowed insurance companies to once again discriminate against women by charging them higher premiums or even denying women care because of the so-called pre-existing conditions—such as being pregnant.

It would have rolled back the guarantee that insurance companies cover contraceptives, which will save the overwhelming majority of women who use them hundreds and hundreds of dollars a year.

We know ensuring access to effective birth control is directly linked to declines in maternal and infant mortality, reduced risk of ovarian cancer, better overall health outcomes for women, and far fewer unintended pregnancies and abortions, which is a goal we all share.

Contraceptive coverage should not be a controversial issue. It is supported by the vast majority of Americans who understand how important it is for women and families.

I also wish to note that the affordable contraceptive policy we put in place preserves the freedoms of conscience and religion for every American. Churches and other religious institutions are exempt, and no doctor would ever have to dispense contraceptives if that is at odds with his or her religious views.

But it also protects the rights of the millions of Americans who do use contraceptives, who believe family planning is the right choice for them personally, and who do not deserve to have politics or an extreme minority's ideology prevent them from getting the coverage they deserve.

I am very glad, joining with all my colleagues, that we beat back that effort by the House Republicans, and I truly wish to commend President Obama for moving forward with this sound policy for women across America. Because that is what this is truly about. It is what it needs to be about: women and their health care needs, not partisan politics, not point scoring.

House Republicans and their allies have demonstrated they will stop at nothing to politicize this issue. Last year, they even threatened to shut down the Federal Government in a failed attempt to defund an organization that provides critical health care services for millions of women in this country. Now they are trying to cut off contraceptive coverage for women across America.

They can keep trying to push their extreme agenda, but they should know we are going to fight back just as hard in the Senate, as we clearly saw this past week, with the voices of millions of people across America who feel very strongly that politics should never come between a woman and her health care—men and women who will be watching what is happening here in DC and who, I am confident, stand ready to act again.

I am proud to be here with my colleagues today. I am proud of the victory of last week, and I am determined to remain vigilant and keep up the fight for women, for men, and their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am also very proud to be here with my colleagues. I think Senator MURRAY was eloquent, along with Senator SHAHEEN and Senator MIKULSKI. I am here to put it in my own words; that is, here they go again. Sadly, politics has once again entered into women's health care. This time we see an attempt to deprive women of a critical benefit: access to contraception through their health insurance plans.

Just last week, what did we see? A move to punish women by taking away their free breast cancer screenings all because of rightwing politics.

Before that, as Senator MURRAY eloquently indicated, we saw a Republican move to defund family planning because of politics.

My Republican colleagues almost shut down the government over family planning, and now, if they have their way, millions of women could lose their contraceptive coverage, which could expose them to declining health outcomes and their babies to declining health outcomes and could cost them about \$600 a year.

Let's step back and look at where we are.

Some months ago, the Institute of Medicine, which is comprised of a number of leading scientific and health experts, made a decision.

They advised the Obama administration on what preventative benefits should be included for women—specifically for women—in new health insurance plans. That is what this whole to-do is all about. This organization that has nothing to do with politics and everything to do with health care made a very clear recommendation to the Obama administration. They said there are a number of preventative benefits that should be included for free for the women of this country: screening for gestational diabetes, HIV screening, cervical cancer prevention, annual well women visits, and access to contraception.

Now, just as these women, our women of this Nation, are ready for these preventative services—services they need, services most of them want—my Republican friends, from

Presidential candidates Romney to Newt Gingrich to the Senate and House Republican leaders—I heard Senator MCCONNELL threaten legislation to take away these benefits—to Speaker BOEHNER to individual Republicans in both Houses, they are gearing up to repeal one of these benefits: access to birth control—access to birth control.

Now, I believe women in this country deserve respect. Some of them do not want access to birth control. They have a religion that dictates their views, and they have every right to make that decision. Others decide that they need to have access to birth control. So the Obama administration said to the women of this great Nation that they believe there ought to be access. But I think it is very important that the Institute of Medicine said: No exception. They think access to contraception is so important to women's health, they did not want any exception. But the Obama administration made an exception for churches and for religious institutions, and under the Obama administration's rule, 335,000 religious organizations will not have to offer birth control if they have a conscience reason not to do so. That is a compromise.

Remember, the health experts said: No exceptions. The Obama administration said: Well, I want to respect the religious institutions and so I will allow them, if their mission is religious, and the people they serve and the employees they hire are basically of one religion, they are a religious institution, they will not have to offer contraception in the health care benefits to their employees.

But guess what. There is another part of this equation. Women. Women. They have to have their religious beliefs respected. That is why the President also said: If you run an organization that serves a diverse number of people from different religions, and so on, and different beliefs, let them have the right to make that decision if they want to obtain free birth control through their insurance.

Now, here is the thing. This outcry is astonishing to me since 28 States already assure access to birth control. I have never heard any of my colleagues—maybe they did. Maybe they did come on the Senate floor and complain. But more than half of our women—over 28 States, more than half of women have similar access to birth control. So this is not some new benefit. This is just making sure all women, except that very narrow band that work for strictly religious institutions, have the right to have access to free birth control.

The outcry is unbelievable, a political outcry making this a political issue when it is a medical issue. The President compromised. He said: If you are strictly a religious institution, you do not have to do this if you do not want to.

Now, here is the other thing. All organizations that have any religious

issue have an extra year to determine if they are going to offer this or how they can do it. They may be able to find a way in that year to get women access and at the same time not violate their consciences. They have an extra year to do that. But, oh, no, we are going to see legislation—I can assure you we are going to see legislation to overturn this, legislation that even goes further than this. And it is going to be a battle on the floor of the Senate, I am afraid.

I am not afraid of the fight; I welcome it because, let's be clear: Virtually all women have used birth control at some point in their lives. Let me repeat this. Virtually all women have used birth control at some point in their lives, including 98 percent of Catholic women. That is a fact. And 71 percent of American voters, including 77 percent of Catholic women voters, support the administration's policy.

So if my colleagues decide they are going to take this issue on in the face of overwhelming support for this policy by the American people, I say we are ready. We are ready to make the case.

Access to birth control is directly linked to maternal and infant health. This is not some theoretical right. It is a right that is necessary. Health experts tell us that women with unintended pregnancies are less likely to get prenatal care in the first trimester, and in some cases they never get it. If there is one thing that should unite us, it is healthy babies, healthy outcomes from healthy pregnancies. That is what we are talking about.

I want to talk about something else we do not hear enough of. I want to compliment Senator GILLIBRAND on this because she is the one who brought this issue to my attention.

A full 14 percent of women who use birth control pills—that is 1.5 million women—use them to treat serious medical conditions, not to prevent pregnancies. One of those conditions: Debilitating monthly pain, irregular cycles, conditions like endometriosis, serious conditions.

I just learned of a young woman at Georgetown University. Their insurance policy did not cover free birth control. Her doctor told her she had a serious medical condition and she needed to use birth control pills that had nothing to do with pregnancy or anything else, or preventing pregnancy. It was a serious medical condition. The diagnosis was—I may not say it right—polycystic ovary syndrome.

Now, what happened is, she was told: You must go on birth control pills. But we at Georgetown, we will not pay for that benefit. She had to go out and get it. It was more than \$100 a month. She could not afford it. Within months she developed a large ovarian cyst that had to be removed surgically. In addition, she lost an ovary.

So please do not stand here and tell us that women do not need access to birth control pills or contraception because we have story after story after story.

Let me tell you something else some folks may not know; that is, on many occasions when a woman wants to become pregnant and has irregular cycles and cannot, she will be put on birth control pills. A British scientific study came out and showed that after 5 years on birth control pills, women who wanted to get pregnant had a decreased risk of delayed conception—so they were better able to become pregnant and become mothers. So this is not some simple pat statement. This is about making sure the women of this country—the young women, the middle-aged women of child-bearing age and older woman who have other conditions—get the medicine they need—and, by the way, get them for free because \$600 a year for many middle-class or working poor women is just out of reach.

So I say to my Republican friends who came to the floor previous to our statements, do not punish women again. Do not try to. Under the administration's plan, churches are respected and women are respected. All sides are respected. No one is forced to use birth control; it is up to the women. In 28 States more than 50 percent of the women already have this benefit. Why are you bringing politics into this?

My Republican friends want to turn back the clock on birth control. Some of us remember the days when birth control was illegal. Well, I have news for them. This is the 21st century. Wake up. Look at your calendar. It is the 21st century, and women ought to be respected. Women ought to be trusted, and their families ought to be trusted and respected. We are not going quietly into the night on this one. We will be here. We will fight back. We will fight for women and their families and health care, and we will fight to keep politics out of the equation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I come to the floor now as a father and a grandfather. Bonnie and I have five daughters and are grandparents of eight granddaughters. Nothing in our family and nothing in families across this country have anything more critical on their minds than the health of their children and their daughters and our families.

Women in this rich country have a right to expect affordable quality health care. But those rights are under attack, and the attack is coming from what I call the "maleogarchy".

Several years ago, I initiated the name "maleogarchy" right here on the Senate floor. A maleogarchy is made up of men in Congress who always decide what they want to do for women, even taking away their rights.

These days the maleogarchy has declared war on women's health. We saw it when the Republicans in the House tried to defund Planned Parenthood. Now we are seeing it again this week in

the Republican efforts to take away affordable birth control, basic health care for women in our country.

Under a historic provision of the health care reform law, health insurance companies will be required to cover contraception with no additional copays or fees. This landmark requirement is scheduled to go into effect this summer. But as women cheer this new law, the maleogarchy is looking to take it away.

Here in the Senate, there is a Republican bill to get rid of these benefits for women. Imagine. This body, principally made up of males, wants to take away benefits for women.

The top Presidential candidate on the Republican side is Mitt Romney. He just said one of the first things he will do—I heard it, everybody heard it; it was loudly broadcast, it was vividly broadcast on television—he will do as the first thing, if elected, is overturn these new policies making birth control more affordable. Imagine. That is why he wants to be elected. I hope the American public is listening carefully to what is being said.

Affordable birth control shouldn't be controversial. I thought we put this question to rest long ago. Back in 1965, the Supreme Court overturned the State of Connecticut's ban on contraception. Today, 99 percent of women either use birth control or have used it at some point during their lives. It has become a critical component of health care for women in our country. But, as so many women know, birth control is also significantly expensive. One-third of all women have struggled to pay for it, and even if you have health insurance it is a struggle. Copays for birth control can be as much as \$50 a month, and \$50 a month adds up to \$600 a year. Yet now the other side wants to take this benefit away. President Obama and many of us in Congress believe that is fundamentally unfair.

Mr. President, everyone needs to speak against this attack on women's health, just as they did last week when the Komen Foundation—a foundation that was named after Susan Komen, a young woman who died of breast cancer—allowed a partisan agenda to cancel its mission to fight breast cancer. Imagine that—this organization named for a young woman who died, and now they want to cut out these examinations for women who wish to see whether breast cancer is ahead for them. Komen tried to cut funding to Planned Parenthood, a trusted provider of lifesaving breast cancer exams for hundreds of thousands of women in our country. Across America, women were offended, hurt, and angry, so they spoke up and spoke out against Komen's narrowminded decision. People were outraged and justifiably so.

I was proud to bring together more than two dozen of our Senate colleagues to join the fight. We persuaded Komen to see the error of their ways, and they reversed their decision a few days later. Now the Komen organiza-

tion and Planned Parenthood are getting back to doing what they do best—protecting women's health.

Let's be clear. It would have been wrong to take away resources that could save their lives, just as it is wrong to deny women the right to affordable contraception. So I call on my Republican colleagues to disband the maleogarchy view. Join us and stand up for women in our country. Politics don't belong in our doctors' offices, examination rooms, or in our medical clinics. Politics should never be used to block women's rights to get the care they need for healthier lives. I ask my friends on the other side of the aisle to consider what they are doing before they vote to take away those rights.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored to rise today after my distinguished colleagues have spoken on this issue so powerfully and eloquently, but I do so reluctantly because I rise in the face of a continuing assault on women's health care in this country—an assault on women's health care that is unworthy of our political system because these health care decisions involving women should be made by them. They are a matter of their conscience and their choice. Politics has no place in health care decisions.

This assault is waged by a group on the radical right. It is an ideologically based attack on personal health care decisions of women and their families, and they are wasting taxpayer dollars doing it. This ideologically based stand on women's health care over these years is nothing less than unconscionable and unbelievable.

I have only been in this body for a short time, but one of the first votes I cast was on H.R. 1, which wasn't about growing jobs or strengthening our economy, it was known best for completely eliminating the funding for responsible family planning programs. The fact is family planning can prevent unintended high-risk pregnancies, reduce abortion rates—reduce abortion rates—and they are cost-effective. They provide \$4 of return for every \$1 that is spent on family planning, invested in those programs. But there are some on the radical right who would rather have the people of our Nation pay \$11 billion a year in unplanned pregnancies rather than receive a nearly threefold return on investment for family planning services.

This debate is about more than dollars and cents, and it is about more than cost. It is about protecting the right of every woman to receive good-quality preventive care and equal access to preventive health care benefits from the provider they trust. And these decisions should be made between the provider a woman trusts and herself.

In 2010, Congress took a great step forward, as my colleague Senator MIKULSKI has described so powerfully. A decision was made to require health

care plans to cover a core packet of preventive health services, moving our country dramatically and historically toward a trend of overall lifetime health.

The Institute of Medicine—an unbiased scientific organization—was tasked with evaluating the most important preventive services to include in the best health outcomes for women, seeking those best health outcomes for every woman in America. This scientific organization named birth control as one of those core benefits—birth control. Let's be very clear. We are talking about birth control—the pill that 99 percent of women use as part of their daily preventive health care. At some point in their lives, 99 percent of women use it.

That very same benefit—coverage for it—is guaranteed by 28 States around the Nation. They already require health care plans to cover it. And more than half of the women of our Nation live in those States. Now the radical right would seek to take away that guarantee—that coverage, that basic health care outcome. They would take away that right—repeal it, restrict it, remove it as an option for women. That is unacceptable.

Women spend an average of \$500 per year for birth control—a cost men will never have to incur. That is why the Institute of Medicine recommended that birth control be included as part of the package of preventive services without copays—because costs should not be a barrier to those 99 percent of women in the United States who use birth control. Yet the radical right has decided that the politics of taking birth control away from women is more important, and they have used every tool in their arsenal—creating misunderstandings—to try to take this right away from women, including misrepresenting what the administration has decided to do. One of these mistruths they are spreading is that churches will be required to offer birth control. Not so. Another is that institutions affiliated with churches will be required to provide those services. Not true. What any institution is required to cover is, in fact, the coverage, not necessarily provide the service, and that is a key distinction.

The majority of Americans agree that employers should be required to provide their employees with health care plans that cover contraception and birth control at no cost. The majority of Americans believe that is true. Nearly two-thirds of young Americans of childbearing age agree that employer health care coverage should include birth control at no cost.

In short, this decision should be a matter of conscience, a matter of choice for individual women. Politicians should not be permitted to exploit it, as some are doing now. I stand for women making choices about their own health care, and I stand against politicians telling them what they should do. This issue before this body

and this Nation is one of the critical issues of this time, and politics has no place in these health care decisions.

Mrs. FEINSTEIN. Mr. President, I rise to discuss the continued attacks on the rights of women to control their own reproductive choices.

Women should have access to comprehensive reproductive care and should be able to decide for themselves how to use that care.

Here is the problem. The politics of women's health care has reached an extreme point, most recently with the decision of the Susan G. Komen Foundation to stop funding for breast cancer screenings at Planned Parenthood.

Following the outrage of millions of men and women around the country, the Foundation reversed its course, at least for this year.

A year ago, House Republicans passed a budget that would have eliminated the Title X Family Planning Program and defunded Planned Parenthood.

Annually, these programs serve almost 8 million Americans nationwide providing primary care, cancer screenings, well baby care, contraceptive services, education, annual exams, STD and HIV testing, and flu vaccines.

These programs provide critical health care services to many women who simply cannot afford to go anywhere else.

It is ironic to defund these programs because family planning education and access to contraception can save money. For example, title X supported family planning centers prevented 406,000 abortions and saved taxpayers \$3.4 billion in 2008 alone.

The same House-passed budget would have also eliminated the Teen Pregnancy Prevention Program. Teen pregnancy costs taxpayers billions of dollars annually.

Recently, the Obama administration announced its final policy on contraception coverage as part of the preventive health services recommended for women. The policy concluded employers are required to provide no-cost contraception or another option to their employees.

The administration included a very narrow exemption to this requirement, and allowed religious organizations, such as churches or synagogues that primarily employ people of their own faith, to opt-out.

This narrow religious exemption, which does not include hospitals, universities, or other organizations with religious affiliations, was the right decision. It ensures that millions of women of all faiths, including nurses, janitors, doctors, and college instructors, will access to good health care, including contraception, if they want it.

A nurse seeking employment should not have to choose between one employer who provides contraception coverage and one who doesn't.

Access to contraception is widely supported. Today, two new polls were

released that showed the majority of catholic voters support coverage for prescription birth control.

Seventy-one percent of American voters, including 77 percent of Catholic women voters, support health plans covering birth control without co-pays.

Moreover, 28 States, including California, already require employer-provided health plans to include contraception coverage if the plan provides prescription drug coverage.

In 2004, the California Supreme Court held that Catholic Charities was no different from any other employer and therefore required to provide contraception coverage for their employees.

I agree.

Access to contraception can reduce rates of unintended pregnancy, help with certain health problems, and reduce the risks of some cancers. Expanding the exemption would have caused unacceptable harm to women.

The administration should keep this exemption narrow.

House Republicans insisted on including a ban on local funding for abortions in the District of Columbia in the fiscal year 2012 appropriations bill.

They have introduced and passed numerous bills that would significantly restrict a women's right to choose. This past October, the House passed a bill that would prohibit Federal funds from being used for any health plan that offers abortion coverage.

This would mean that any women receiving Federal subsidies to help them afford health insurance would effectively be prohibited from purchasing coverage that included abortion services.

Last May, the House passed a bill that falsely claimed to end public funding for abortion. There are already stringent Federal protections that prohibit Federal dollars from being used for abortions; this bill was not about that.

Instead this bill was an attempt to reopen a contentious debate and to impose unprecedented limitations on women using their own money for abortion services.

Even worse, this bill would have allowed hospitals to refuse to provide abortion care or refer a patient to a hospital that would provide it, even when a woman's life is in critical danger.

This attack on women's health must be defeated. All women deserve access to quality comprehensive health care, regardless of their income level or place of employment.

There is a balance between respecting America's democratic values and increasing access to important health services for women. In addition to being a health concern, for many women it is an economic concern as well.

Better health policies for women help them save on out of pockets costs. When women are healthy, communities are healthy. I will continue to stand for women's health and fight for equal access to care.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that the period for morning business be extended until 7 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD AND PRODUCT SAFETY ENFORCEMENT

Mr. BROWN of Ohio. Mr. President, products that are labeled "Made in China" can be found in our cars, in our closets, and in our cupboards. So too are the ingredients in the foods we eat often, the medicine we take, the candy our children enjoy, and the toys they play with. But how many times have we heard in the last few years of illness and death from contaminated foods or drugs or toys that were made in China? In Toledo, OH, patients died after taking contaminated Heparin to treat their heart conditions.

Drug manufacturers have acknowledged that they turn to countries such as China to buy ingredients to put into pharmaceuticals. U.S. companies often move production to China, buy ingredients there, put these drugs together, and sell them back into the United States with ingredients that may not pass some of the safety inspections they should. One company acknowledged that 17 percent of its active ingredients in manufacturing are outsourced, often to countries with weaker drug safety standards.

When high lead levels were discovered in toys several years ago, I urged stronger oversight to help keep our children safe. Four years ago, I asked Dr. Jeffrey Weidenhamer of Ashland University in north central Ohio to test lead levels. He had already begun testing with the students, and we asked him to do it again, to test the lead level in Halloween toys, including the

cups and the buckets that Ohio children would be eating out of and decorations families would be using that children often put into their mouths during the holidays. He tested products in the fall of 2007 for Halloween and the spring of 2008 for Easter toys. He identified 12 of 97 products contaminated with high quantities—much higher than what is considered safe by our government—high lead contents in this lead-based paint on our toys; among them, candy buckets, drinking cups, fake teeth, and other Halloween props. At Easter, it was eggs and baskets and other things. It included products bought at leading national retailers.

At the same time, it was clear that our trading system, patterned in many ways and with businesses following this business plan of shutting down production in places such as Rhode Island, which the Presiding Officer represents, and Ohio, shutting down production in our country and moving it to China, manufacturing products there, and selling products back here, that trade system has failed basic consumer and public safety standards.

There is nothing free about trade that puts children in the hospital for playing with a toy or eating candy or brushing their teeth. That is why Congress passed the Consumer Product Safety Improvement Act. The act sent a simple message to the Consumer Product Safety Commission, which is charged with protecting consumers: Protect American children, protect families, protect companies from unsafe and possibly fatal products.

That job has gotten a lot harder to protect the American public on food products, on toys, on pharmaceuticals, and on pet food, which I will discuss, because the business plan for so many companies has been to shut down production in Canton, OH, and move it to Guangzhou, China, shut down production in Toledo or Dayton, OH, and move it to Wuhan or Shiyan, China, in order to save money, in order to cut worker safety costs, in order to evade environmental and consumer regulations sometimes.

The new law that we passed meant that hundreds of thousands of toys and food and other imports from China and elsewhere can be recalled when they are unsafe. The key is inspection of these products, and the key is making the companies liable that outsource the jobs to China in order to save money. We don't want more court cases and more litigation, but if these companies are going to move production to China, they need to take responsibility for the toys if the toys have been painted with lead-based paint. They need to take responsibility for the pharmaceutical ingredients—sometimes dangerous ingredients that somebody has somehow put in these pharmaceuticals when production comes from China. They need to be careful about food safety. They need to be careful about treats for pets that have been contaminated.

That act has been a success. Last year, Dr. Weidenhamer conducted another test and found no lead-based paint contamination in Halloween items.

But there is a gap in our trade system that threatens public health and public safety. We passed a law to close that gap. Public safety has benefited, and companies are still able to make and sell their products in this free market.

One year ago, Congress passed and the President signed into law the bipartisan Food Safety Modernization Act. The law provides the FDA with the tools needed to better protect our food supply, to recall tainted or adulterated food, and to respond more effectively to foodborne illness outbreaks. It empowered the FDA with new authority to establish a traceability system; that is, when a product comes to your table, whether it is food in this case, a pharmaceutical, or whether it is a toy, the company that sells that product needs to be able to trace back all the ingredients, all the components, where they came from, how they were produced, and under what conditions they were produced. It is that type of public safety infrastructure that is so important.

Yet, as we have seen with food and toys and drugs imported from China, now we are seeing it with pet food. Yesterday I met with Kevin Thaxton of Cuyahoga County—the Cleveland area—whose wife Candance wrote to me after one of their dogs, a 9-year-old pug, died from kidney failure. They thought it was the pug simply getting older. I had a pug once, and they don't usually live much beyond 10 years. Then, as they got another dog that got sick immediately, they figured out it was likely from eating Chinese-made chicken jerky treats. Until the second dog, they didn't make the connection between the pet food and the pet illness, when the second dog, the puppy, had a life-threatening illness.

Another Ohioan, Terry Safranek, joined us at our meeting 2 days ago. Terry lost her 9-year-old fox terrier earlier this year. She did not realize that tainted chicken jerky treats could be responsible for her dog's death until she saw the Thaxton's story on the evening news.

These two families, the Thaxtons and the Safraneks, and the 62 percent of U.S. households who own a pet shouldn't have to worry about the safety of the food they give their pets. It is an example again of a trade issue transforming into a safety issue.

To explain this, so many companies in the United States as part of their business plan decide—in order to save money, in order to evade consumer protection laws, food safety laws, worker safety laws, and environmental laws, or for whatever reason—to move their production to China, with significantly cheaper labor. They shut down in Columbus or Cincinnati, OH, and they move to China to manufacture these

products they sell back into the United States.

Probably unprecedented in economic or world history is where companies shut down one place, move overseas, produce the same item, and then sell them back into the home market. We know that with that whole trade regimen, that whole construct of that business plan of shutting down production and moving overseas and selling back in, there are significant health and safety problems. Again, there are problems with lead-based paint and there are problems with the safety of other consumer items. There are problems with food safety, there are problems with pharmaceutical ingredients contamination, and now there are problems with pet foods.

The Food and Drug Administration has logged more than 350 reports of pet illnesses thought to be connected to chicken jerky treats made in China. Although the FDA has already issued a warning about illness, they have not yet for sure identified a contaminant. The treats remain on market shelves in stores across the country.

I would never on this Senate floor suggest people buy something or boycott something else. I would suggest, though, that people look at the product when they buy something for their pet and that they look at where it is made and make the judgment based on that.

I am calling on the FDA to accelerate its investigation of imported pet food, especially food imported from China, where the possibility of food contamination is higher. That is the FDA's job.

Earlier this week, I sent a letter to Dr. Hamburg, the FDA Commissioner, urging her agency to act swiftly to make sure that products found to be harmful are pulled from retail outlets. I have asked the FDA to improve its notification system so pet owners know about items under investigation for pet food safety breaches. The FDA should promptly pursue efforts to find the contaminant in these pet treats and ensure they are pulled from store shelves to prevent any unnecessary pet deaths.

Contaminated toys, hard-to-trace medical ingredients, and now pet food have all forced Americans to turn to the government to ensure the safety of the products we import. It is a problem with trade law that we have set this up to happen far too often.

It is an example of when government works when we stepped in on lead-based paint, kept those products off the market, and made sure that products coming in now are safer because we passed the consumer protection revision. It shows that government stepping in, in the right way, can make a difference in saving the lives of children, protecting people's pets, protecting pharmaceuticals—making sure that pharmaceutical safety is guaranteed as much as possible.

We have been down this road before. There is nothing free about trade that

undermines basic health rules. There is nothing free about trade that weakens safety rules, the very rules that help keep food safe to eat and water and air safe to drink and to breathe. The FDA should take action now to protect American pet owners from tainted products that can harm the health of their pets.

It has been a longtime victory for the American people that the air we breathe, the water we drink, the food we take, the toys we buy for our children, the treats we buy for our pets—we have done a good job in this country in the last several decades of the government partnering with businesses to make sure these products are generally safe for our families—for ourselves, for our children, and for our pets. Now, these holes in our trade laws—these trade laws that encourage companies to go overseas and produce products and sell them back here—clearly have undermined so much of what we have accomplished bipartisanship for so many years for the health and safety of the American public.

Thus the role of government can be important to show that we do know how to do this to protect our families. I urge the FDA to step in here on this issue and help American families.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

WOMEN'S PREVENTIVE HEALTH SERVICES

Mr. HARKIN. Mr. President, I watched many of the statements made by so many of our women Senators who came to the floor in the past hour to talk about this issue of women's preventive health services. I was unable to get to the floor at the time. I want to be here now because, unfortunately, there is a lot of confusion about what the Affordable Care Act does and does not do with respect to women's preventive health services.

As chairman of the Health, Education, Labor and Pensions Committee and as someone who is very much involved in crafting this legislation, especially the preventive services part of that legislation, I hope to explain the facts and debunk the myths and the misinformation that has recently arisen on this issue.

First, women—nurses, teachers, professors, homemakers, attorneys—everyone from all walks of life, all women in America now have the right to preventive health care services. Beginning this August, the Affordable Care Act guarantees that insured women will have access to expert recommended preventive health care services. These basic services include well-women visits, mammograms, prenatal care, cervical cancer screenings, and contraception.

These critical services will be offered without any out-of-pocket costs such as copays or deductibles. It is the latter, the ability of women to have a

health insurance plan that covers contraceptives that has led to this recent controversy, this outpouring, this outburst of political accusations.

Here let me emphasize people of strong faith and good conscience have very different views when it comes to these matters. I understand that. I have great admiration for the many contributions that religious institutions make to our country. Catholic charities provide vital assistance to low-income Americans. Religious universities teach and prepare thousands of young people to be outstanding citizens and productive members of our society. In fact, I attended law school at Catholic University right up the street. I also attended Catholic elementary schools and Catholic high school.

Catholic hospitals are instrumental in providing first-class health care to so many of our fellow citizens. I have spoken many times about the care that Mercy Hospital in Des Moines, a Catholic hospital, gave to my father when he was elderly and in bad health because of black lung disease and he had no money. They provided care for him at no cost. So I have very deep feelings about the generosity and the care that these religious hospitals provide.

It is for this reason I would oppose any measure that threatens the fundamental religious liberties of these institutions. I believe, however, that the President properly balanced the essential health care needs of women with the rights of religious institutions. Let me clarify what this rule does, and most importantly does not do since folks, such as Governor Romney, are misleading the American people—perhaps intentionally distorting the facts—using the issue for demagoguery.

First, churches and other houses of worship are specifically exempt from the requirement that they carry insurance plans that provide contraception.

Second, no individual health care provider, neither religious nor secular, will be forced to prescribe contraception. The President and his administration have previously and continue to express strong support for existing conscience protections. Moreover, other religiously affiliated organizations that employ people of different faiths—such as Catholic colleges and hospitals—can qualify for a 1-year transition period as they prepare to comply with the new law.

Let me point out, no individual will be forced to buy or use contraception. No individual will be forced to buy or use contraception. Under this policy, women who want contraception will have access to it through their insurance without having to pay a copay or deductible, but no one will be forced to buy or to use contraception. Let's make that clear.

Drugs that cause abortion, such as RU486, the morning-after pill, are not covered by this policy. Let me repeat that. Drugs that cause abortion, such as RU486, the morning-after pill, are not covered by this policy and nothing

about this policy changes the President's firm commitment to maintain strict limitations on Federal funding for abortions. No Federal tax dollars are used for elective abortions.

Let me quote what Governor Romney said in Colorado just yesterday:

Just this last week, this same administration said that in churches and the institutions they run, such as schools, and let's say adoption agencies, hospitals, that they have to provide for their employees, free of charge, contraceptives, morning-after pills—in other words abortive pills and the like at no cost.

Mr. Romney said.

Think what that does to people in faiths without sharing those views. This is a violation of conscience.

Mr. Romney, this does not cover morning-after pills. And the adoption agencies and the hospitals do not have to provide free of charge contraceptives. All they have to do is to make available, through the broad insurance coverage they have, for women who choose to use contraceptive services, that they can get those without any copays or deductibles. But this does not cover the morning-after pill. Yet I keep hearing it.

I was working out this morning while watching CNN, and somebody else came on talking about how the Catholic Church is opposed to abortions; they should not be forced to fund abortions. This has nothing to do with that. All it says is, if you have a broad-based insurance policy and you are not a religious institution or a church and you are, let's say a hospital, and you have insurance that covers a broad array of people, we have said that insurance must cover a broad variety of preventive services: mammograms, cervical cancer screening, well-women visits—all of that—and contraception—and contraception, a preventive service.

Mr. Romney is going around saying these things, but it is not true. It is simply not true. He is either misinformed or he is purposely trying to mislead the American people—neither of which is acceptable. As I said, churches and other houses of worship are specifically exempt from the requirement that they carry insurance plans that provide contraception.

Second, no individual health care provider, neither religious nor secular, will be forced to prescribe contraception. No individual will be forced to buy or use contraception against her own conscience. All the rules the President announced ensure that all women, no matter who their employer, have the opportunity to enjoy the same insurance and the same vital preventive services—every woman. In fact, there is nothing radical about such a policy. Fifty percent of Americans currently live in 28 States that require insurance companies to cover contraception. Imagine that.

Several of these States—such as Arizona, New York, Oregon, and California—have had this law in effect for years, saying if you have insurance

coverage, you have to provide contraceptive services under that broad coverage of insurance, and these four States have identical religious employer exemptions as the rule the President announced.

Let me repeat, Arizona, New York, Oregon and California have identical religious employer exemptions, the same as the rule the President announced. I did not hear Mr. Romney going after the Governors of Arizona or of New York or Oregon or California. This has now become a political issue, and it should not be. It should not be.

Religious institutions continue to serve the public by providing exemplary health, education, and anti-poverty services in these States, and I am hopeful that nothing will change in the rest of the country. Twenty-eight States, half the people who already live in those States that cover the same thing.

The health of women in this Nation is far too important to become a sound bite on the evening news, a headline in the morning paper, or political rhetoric—again, to divide us. The President's policy and what we have done does not divide us. In fact, if anything it unifies the country. I do not think anyone thinks we should pass a law banning contraceptives. We did in the old days, you know. There was a Supreme Court case about that. As a matter of fact, I read it in law school when I was at Catholic University Law School: *Griswold v. Connecticut*, if I am not mistaken.

The Supreme Court said, no; the State has no interest, no vital interest in telling women they cannot use contraceptive services and devices. That is an old case. If someone is conscience-bound and they say they don't want to—that is fine. No one is being forced to do anything against their consciences. No one is being forced to do anything we have not already done in this country in 28 States. But now it has become political rhetoric. How else do we explain Mr. Romney's total misinformation? To try to divide us as a country again.

It is time to put this aside. It is time to put aside these differences, these divisions, and focus on giving people access to the affordable health care they deserve. That is what the Affordable Care Act does, and we should not let political rhetoric, political gamesmanship, a political campaign again try to tear us apart, try to misinform people to inflame passions that somehow we have gone off on a different path; that we are doing something totally different than what we have done before. We are not. We are not. To include in this the inflammatory rhetoric of abortion and all that it entails is doing a disservice to the women of this country.

I hope the truth will get out, that this misinformation will fall by the wayside, and people will see this for the political rhetoric it is, and that we will move forward with a health care

system that does provide broad preventive services to every woman in America. That is what this is about.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 311, S. 1813.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 311, S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 311, S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes:

Barbara Boxer, Max Baucus, Mark L. Pryor, John D. Rockefeller IV, Benjamin L. Cardin, Al Franken, Jack Reed, Sheldon Whitehouse, Amy Klobuchar, Bernard Sanders, Patrick J. Leahy, Tom Udall, Frank R. Lautenberg, Richard Blumenthal, Jeff Merkley, Richard J. Durbin, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived; further, that the cloture vote on the motion to proceed to S. 1813 occur at 2 p.m., Thursday, February 9.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAA CONFERENCE REPORT

Mr. DURBIN. Mr. President, last night, the Senate adopted the final version of a long term reauthorization of the Federal Aviation Administration. The process has been long and less than elegant as we worked through differences between the chambers, across parties and regional differences. I voted for the bill and am pleased that there is now more stable funding and policy to support our national aviation

system. There are aspects of this bill that I do not agree with and would have done differently.

The FAA authorization expired in October of 2007. For more than 4 years, we have been operating on short-term extensions—23 total short term extensions. The FAA, airlines and flying public all deserve a long-term authorization to provide certainty to our national aviation system.

One reason I voted for this legislation is that it is a jobs bill. The FAA estimates commercial aviation is responsible for 5.2 percent of gross domestic product and generates \$1.2 trillion in economic activity. The aviation industry provides \$346 billion in earnings and 11 million jobs. And this bill will help grow those numbers.

The funding provided in this bill will support 280,000 jobs. The economist Mark Zandi said, "Aviation is the glue that keeps the global economy together." This bill will boost our economy now and keep the United States competitive in the global marketplace in the future.

As importantly, this bill will improve the safety of our aviation system. Improving runway safety is one of the National Transportation Safety Board's "Most Wanted" list. There were 988 runway incursions last year. This year there have already been 66 incidents. This bill will require FAA to review all commercial service airports in the United States and initiate action to improve lighting, signage, and runway and taxiway markings.

Another key component of this bill is NextGen, the term we use to describe our transition from radar-based air traffic control system to a GPS-driven system. NextGen will give pilots and air traffic controllers the ability to accurately pinpoint aircraft in the sky—to avoid problems, to monitor traffic, to move things more smoothly, safely and efficiently. The FAA has called for action on implementing NextGen.

Last year, U.S. airlines carried 704 million passengers. Soon, those numbers will increase significantly. The FAA reports that U.S. airlines will carry more than one billion passengers by 2023 and more than 1.2 billion passengers by 2030. Our outdated air traffic control systems cannot safely and reliably handle this increase in traffic. But with NextGen, we hope to triple the capacity of our national aviation system.

This technology will allow planes to fly the straightest, quickest route from point A to point B. And with more precise information and better communication between the ground and the cockpit, we can fit more planes safely in our airspace. Doing so will save airlines at least 3.3 billion gallons of fuel a year—or more than \$10 billion annually by 2025. NextGen should also reduce airport delays significantly.

Chicago's Midway Airport was ranked dead last over the past few months for on-time departures. Chicago's O'Hare airport has won that dubious distinction more than once. The

main reason for these delays is the lack of capacity in our aviation system. Fully implementing NextGen could reduce those delays by half.

NextGen will also save more than 1.4 billion gallons of fuel and provide \$22 billion in savings to airlines and flyers. This is a great investment. This bill will help airports and air travelers in Illinois and nationwide save time and money.

In Illinois, we are in the middle of the largest airport expansion project in U.S. history at O'Hare airport. This \$6.6 billion project will completely reconfigure the runways at O'Hare to make sure we can move more traffic in and out of Chicago more efficiently. Moving this project along means a lot to the people of Chicago and Illinois.

O'Hare already generates 450,000 jobs and \$38 billion in economic activity for the Chicago region and the State of Illinois. The O'Hare modernization project will create 195,000 more jobs, and another \$18 billion in annual economic activity. This bill will allow O'Hare to keep moving forward by funding the airport improvement program at healthy levels. And it isn't just O'Hare. Airports in Illinois will benefit from more than \$3.3 billion per year for AIP projects.

Last year, airports in the Quad Cities, Rockford, Decatur and Springfield all used AIP program funds to make critical improvements to their airfields. Keeping this funding flowing will allow these airports to handle the traffic of today and the future increases of tomorrow.

The bill helps rural areas keep the commercial air service they have now and attract new service in the future. The Senate Conferees defeated an attempt to completely dismantle the essential air service program. This bill fully funds essential air service and puts in place important reforms so the Department of Transportation works with businesses, local communities and the airline industry to start and retain quality air service to rural communities.

Without a robust EAS program, many rural communities would have no commercial air service at all, and residents of smaller cities would have to travel significant distances for flights. This bill will ensure communities in Quincy, Marion and Decatur have scheduled commercial air service—an enormous tool for communities to retain and attract businesses. Scheduled air service as an important requirement for many businesses when they choose a headquarters or office.

While I voted for this bill for all the reasons I have already mentioned, I have very serious concerns about some of the labor provisions included in this bill. Several times, Republicans held up passage of a reauthorization bill on unrelated labor issues. And last year, these disagreements led to a lapse of authorization for several days before we were able to pass the latest short term extension. During that lapse,

some 4,000 Federal aviation workers were furloughed, airline construction projects like the O'Hare Modernization Project were threatened, and it cost the Federal Government roughly \$25 million in tax revenue each day.

So, Senator REID made a tough decision—he negotiated with House Republicans for the removal of language overturning the National Mediation Board rule, but in exchange the bill now includes the current labor provision which could make it more difficult for workers to organize and form a union. It is unfortunate that Republicans insisted on bringing Federal labor law into this legislation without hearings or adequate debate. But I could not allow Republicans to continue holding this bill hostage. It is too important to airline safety, the economy, my State, and the country as whole.

Ms. MIKULSKI. Mr. President, I support a clean extension of the FAA bill. But I cannot support the conference report that's before the Senate today because it includes a radical provision to undermine our rail and airline workers' right to organize.

The FAA bill is a jobs bill that keeps air safety employees and construction workers at airports on the job. According to the U.S. Department of Transportation, every dollar spent on transportation isn't just an investment in concrete and steel, it is an investment in our workers that creates jobs. Reauthorizing this bill keeps thousands of Federal employees and tens of thousands of construction workers on the job and not worrying about whether they will receive a paycheck.

A reauthorization of the FAA bill means 4 years of stability. It will modernize and upgrade our air traffic control system. And it will provide billions in investments to improve our airports with new runways, aprons, lighting, and land purchases. A clean FAA bill saves jobs, protects the flying public, and stimulates our economy.

But this FAA bill comes with a poison pill labor provision that was added in Conference. I cannot vote for such a radical provision that makes it more difficult for rail and airline workers to organize and sets a dangerous precedent of opening the Railway Labor Act up for hostile anti-worker amendments on unrelated must-do transportation bills.

This is just another example in a persistent pattern of attacking workers' rights. The Republicans have made it clear that the price of their support for a much-needed investment in our air infrastructure is to undermine our workers' right to organize and decide whether they want to be represented by a union.

During the Senate's debate of the FAA bill last year, the Republicans tried to strip hardworking Transportation Security Administration workers of their collective bargaining rights.

Last summer, the FAA shut down for 2 weeks because the House Republicans

insisted on a provision to make it harder for rail and airline workers to form unions. Now, we are days away from the expiration of the latest of 23 short-term extensions to the FAA bill, and the conference report includes another attack on workers' rights. The Republicans need to get off of it with labor, and get on with the business of creating jobs.

Unions play a vital role in ensuring safe and fair working conditions. We encourage the right to organize around the world. We need to encourage it on our own FAA bill.

Our rail and airline workers are hard at work every day protecting Americans. They keep us safe and secure as we travel. In return, they deserve a decent wage and safe working conditions. They deserve to have their right to organize and negotiate protected. And they deserve our thanks and respect.

I support a reauthorization of the FAA bill, but I am not prepared to trade away our workers' rights to get it done. I cannot support this conference report.

Mr. LIEBERMAN. Mr. President, I rise today to voice my support to the Federal Aviation Administration Modernization and Reform Act conference report which was passed by the Senate last night, and will provide a greater sense of financial security than the Federal Aviation Administration, FAA, has seen in a long time. No agency should be subjected to the budget uncertainties that FAA has been forced to experience, nor strung along year after year unable to make long-term plans. For more than 4 years, the FAA has operated under more than 20 short-term funding extensions. I think that is unprecedented in the history of agency funding. At any rate, it is no way to run a railroad or a national aviation system.

I also support the conference report because it would finally allow the FAA to move forward on the NextGen air navigation program, would give the passenger's bill of rights the force of law, and would provide billions of dollars to improve and develop public airports across the country. For these reasons, the legislation is long overdue and sorely needed.

The conference report, however, does contain a provision about aviation security and the Transportation Security Administration, TSA, that is deeply troubling to me and about which I feel duty bound to express my disapproval.

At stake is TSA's management of the Screening Partnership Program, SPP, which allows a limited number of airports around the country to replace Transportation Security Officers, TSOs, with private contractors to screen passengers and their baggage. TSA has implemented this program at airports where, due to low-traffic volume, full-time, year-round Federal staff is unnecessary. A handful of larger airports take part in the program so TSA can measure and assess its performance and cost effectiveness

against the private contractors. It is telling that TSA's assessment after comparing the two systems is that it can secure airports more economically than private screeners can.

Regrettably, some of my colleagues in the House and Senate are resolved to undermine TSA—and therefore airport security itself—by advocating for the pre-9/11 system of screening by private contractors. My response to that is, how quickly we forget.

Mr. President, we have already tried an aviation security system run by private contractors. It very tragically did not work. The 9/11 attacks did not occur because of one, two, or three specific vulnerabilities. They occurred because a number of our defenses—including our system of airport screening—were simply inadequate.

I know everyone has vivid memories of the days after the 9/11 attacks, and it is hard to forget the dramatic loss of confidence the public felt for the aviation security system. Air travel dropped off precipitously in the weeks and months after 9/11, the aviation industry was shaken to its core, and our economy suffered because of it.

It became clear to many of us that aviation security was inseparable from national security, and we could not, and should not, rely on the private sector to do the job. The security of our skies would have to become a government responsibility. Americans need to be safe and secure wherever and whenever they travel. And while I would not want to cast blame or criticism on any one contractor, we have already witnessed the results of a system utilizing private security companies which were constantly pressured to focus on costs first and security second.

Less than 2 weeks after the 9/11 attacks, a bipartisan group of 21 Senators introduced the legislation that would create TSA and turn airport screening over to Federal officials. Barely a month after 9/11, the Senate passed that bill by a vote of 100 to 0. The bipartisanship of that vote was heartening and demonstrated a unity among Members that I wish we could experience more often. In the years since, we have had a few near misses, and our defenses have been penetrated more than once, but no hijackings or terrorist incidents have been successfully carried out. In large part, we have a dedicated corps of TSOs to thank for that.

I know it is fashionable in some quarters to criticize TSA. Understandably, people are unhappy with pat-downs, body scans, and invasions of privacy. But TSA establishes its policies for a reason. They are a direct response to real terrorist threats, and they have evolved as the threat has evolved. When a terrorist put explosives in his shoes and tried to light them afire mid-flight in 2001, TSA asked passengers to remove their shoes for screening. When a terrorist plot was uncovered in 2006 that involved lighting flammable liquids aboard several planes, liquids, except in small quantities, were prohib-

ited. After the Christmas Day 2009 attempted attack with explosives hidden in a terrorist's clothing, better screening technology was developed. These are not hypothetical cases or academic scenarios. They are real incidents and the reason that TSA makes so many demands on the flying public. And we should not delude ourselves or the American people into thinking that adopting a contract workforce will eliminate the need for body scanners, pat-downs, or any other security procedure TSA determines is necessary to secure air travel. Regardless of whether a U.S. airport uses Federal screeners or private ones, the security procedures implemented are the same.

Yet a provision has been tacked into this bill that would make it more difficult for TSA to maintain its current system by lowering the burden of proof for admitting additional airports to the Screening Partnership Program. Right now, airports must demonstrate that a private screening workforce would be more effective, secure, and efficient, than the TSA. The standard tacked into this bill, however, would only require airports to demonstrate that using private screeners "would not compromise security or detrimentally affect the cost-efficiency or the effectiveness of screening."

While the TSA Administrator would still have the authority to deny an application to the Screening Partnership Program, this lower standard would make it far more difficult for him to do so. TSA Administrator Pistole has said that the Screening Partnership Program should be used judiciously and that airport screening is and should remain a core mission for the Department of Homeland Security since 9/11, and I agree with him wholeheartedly.

Another provision in the bill strikes me as counterproductive. This provision would require TSA to provide recommendations to an airport that was denied its application to the SPP on how that airport can overcome the denial, if it decides to resubmit its application. If TSA believes that it can screen passengers and baggage better and with more cost efficiency than a private contractor, why would it provide tips on how an airport can escape that system?

Private screening could also limit TSA's ability to react nimbly to intelligence threats. If screeners are privately employed and managed airport by airport, TSA may not be able to respond effectively by shifting personnel to where it is most needed or modifying procedures if it cannot exert direct control over screeners.

Mr. President, private screening at airports could undermine not just public confidence in the aviation security system but in aviation security itself. We have been there and experienced the consequences of private screening. The American public must feel secure when it travels, and security is the first priority of TSA.

Ultimately, I voted for the Federal Aviation Administration Moderniza-

tion and Reform Act. But I believe we should reconsider and revisit the language related to TSA's Screening Partnership Program. I would urge my colleagues to remember the lessons learned after 9/11 and work with me to ensure we won't make the same mistakes again.

Mr. WYDEN. Mr. President, the long-awaited passage of the long term FAA reauthorization conference report is a great achievement for Chairman ROCKEFELLER, Ranking Member HUTCHINSON, and the many other Senators and staff members who were involved in this legislation. I'm pleased with the important nationwide achievements in this bill—NextGen radar systems, improved passengers' rights, and airline ticket transparency, to name a few.

But I wanted to take a few moments to talk about the huge positive impact this legislation is going to have throughout almost every part of my home State of Oregon.

The big news for the Portland region is that the new slot exemptions at Washington National Airport will likely allow for the first direct flight from Portland International Airport to Washington National. This was not an easy victory for the northwest—many of my colleagues from both sides of the aisle had opinions on this issue and it seemed like we were not going to be able to come to an agreement. But I'm proud to say that both sides came to a compromise that will improve air service in the northwest and throughout the country.

One of the things I'm most proud of is that this bill permanently protects Crater Lake from the threat of noisy air tours. As most folks who have visited Crater Lake know, the quiet and peace of the park is just as important as its scenic beauty. This legislation says that Crater Lake is specifically off limits to any overflights that might threaten that tranquility.

This bill creates six new test areas for commercial use of unmanned aerial systems. In Central Oregon, folks are excited about the potential for using those test areas to advance the cutting edge aviation industry that already exists there. It's also an opportunity to monitor wildlife, do meteorological testing, and improve law enforcement in the vast acres of public lands now being co-opted by drug traffickers.

Perhaps the folks who are most directly helped by this legislation are in Independence, OR. Independence has a community of general aviation enthusiasts who live near Independence Airport and who keep their planes on their own property. The FAA recently decided to change the rules on them, putting their future in doubt. This legislation erases that doubt and allows those folks to continue an arrangement they've had for nearly 40 years with no significant safety issues and no significant noise complaints.

Finally, this legislation includes language to encourage recycling at airports, something I have been working

on for nearly a half dozen years. I'm glad that it will provide important tools for airport recycling going forward.

I commend my colleagues for moving this legislation forward as a positive step for the country and for my home State.

FLOOD PROTECTION

Mr. HOEVEN. Mr. President, I thank my colleagues for their help in passing S. 2039 by unanimous consent last month. This bill, which establishes a pilot program in North Dakota, will provide a great deal of help to citizens in my State.

I sponsored this legislation because Federal policy has stood in the way of flood protection measures necessary for communities in North Dakota. I want to highlight a couple of situations, one in Fargo and one in Minot, that illustrate the need for this bill.

First, Fargo, ND, has faced repeated flooding in the Red River, which runs through the heart of the city. The city has constructed a permanent levee to run along as much of the river as possible. However, over the years, some properties along the river bank were bought out using funds from FEMA's Hazard Mitigation Grant Program. HMGP guidelines prohibit the construction of any structure, including a levee, on land bought out under the program. So as a result, Fargo's levee stops every time it comes up to HMGP land. When the waters rise, the city builds a temporary extension of its levee that goes over the HMGP land and connects to the next section of the permanent levee, and when the waters recede, the city has to take down the temporary levee to remain in compliance with the HMGP no-construction policy. Year after year, Fargo has constructed and then removed several temporary levees at great expense and for no apparent reason other than the letter of the HMGP law.

Second, Minot, ND, is about to run into the same problem currently facing Fargo. As my colleagues know, Minot faced enormous flooding during the summer of 2011, losing thousands of homes and sustaining hundreds of millions in damages. In response, the city plans to build a major new flood protection system, including levees through the middle of town along the river. In order to build that system, Minot will have to buy out dozens of properties and create space for a levee. The Federal Government will make money available through the HMGP program for property buyouts, but we are unable to use it if spending it precludes construction of a levee on these properties.

In both cases, the solution is simply to permit levee construction on property purchased with HMGP funds. HMGP restrictions on construction were intended to ensure that the Federal Government would not be on the hook to pay for future flood damages

on property it had bought out. For the most part, that makes sense. But when a community wants to add flood protection in the form of a levee, it should be allowed to do so. A levee across HMGP-purchased land does not create future liabilities for the Federal Government; instead, it increases flood protection for local residents—something that will save the government money in future flood situations.

The text of S. 2039 allows for levee construction on North Dakota land purchased through the Hazard Mitigation Grant Program. The legislation directs the FEMA Administrator to approve construction of a levee on HMGP land after the Administrator determines that the levee would provide better flood risk mitigation than maintaining the property as open space. The Administrator is also directed to ensure that the levee would comply with relevant levee construction and maintenance standards and would minimize future costs to the Federal Government.

And I would like to put particular emphasis on the subject of costs to the Federal Government. This legislation does not affect the amounts of money provided under the HMGP program. It does, however, allow communities like Minot to use HMGP dollars more efficiently by permitting property buyouts to be linked with new flood protection plans. The legislation eliminates the costs FEMA and the Army Corps of Engineers incur every time they are forced to build and then tear down temporary levees on HMGP properties. Finally, the legislation ensures that any costs associated with the process the FEMA Administrator and the Army Corps Chief of Engineers use to approve levee construction are borne by the State, local, or tribal government requesting the levee. Any Federal funds approved elsewhere of course remain available for levee construction and are not affected by this legislation.

S. 2039 has moved on to the House of Representatives where I hope it can be approved expeditiously and sent to the President. The bill will provide important benefits to the people of Fargo, Minot, Devils Lake, and other North Dakota communities facing repeated flood risks. I thank my colleagues for their support of this common sense legislation, and I hope it can be an example of how to improve flood protection nationwide.

REMEMBERING FOUR CHAPLAINS OF THE USAT "DORCHESTER"

Mr. NELSON of Florida. Mr. President, today I pay tribute to four American heroes who embody the spirit of what it means to serve your fellow man. Those heroes are the four Army chaplains who served on board the United States Transport Ship *Dorchester* in 1943—Methodist Minister Reverend George L. Fox, Rabbi Alexander D. Goode, Roman Catholic Priest John P. Washington, and Reformed

Church in America minister Reverend Clark V. Poling.

On February 2, 1943, the *Dorchester* was making its way across the North Atlantic, carrying 904 service men, merchant seamen, and civilian workers. This area was under constant patrol by German submarines; it was a dangerous area for American vessels and several ships had already been sunk between Newfoundland and Greenland, the *Dorchester's* intended destination. At 12:55 a.m. on February 3, a German U-boat spotted the *Dorchester* and fired 3 torpedoes at the American ship, delivering a fatal blow.

The *Dorchester* began to take on water and would sink beneath the freezing ocean in under 25 minutes. Many had been killed or injured in the initial blast, and panic set in as the passengers and crew attempted to find life vests and get into lifeboats. Many of the surviving passengers recall the calm disposition of the four chaplains who made their way to a storage locker and handed out lifejackets. When there were no more lifejackets, the chaplains removed their own and gave them to four passengers who were without. Rabbi Goode was seen giving away his only pair of gloves, and throughout the chaos and panic survivors could hear the chaplains preaching courage as the ship went down.

There were not enough rubber suits onboard to protect the passengers from the frigid North Atlantic waters. Of the 14 lifeboats aboard, only 2 were successfully used in abandoning ship. Of the 904 passengers, only 229 were saved by nearby vessels. 14 bodies were recovered, and 661, including the 4 Army chaplains, were missing and unreported.

In recognition of the extraordinary heroism displayed by the chaplains when they sacrificed their lives by giving up their life preservers to other men aboard the *Dorchester*, Congress authorized the Special Medal for Heroism which was awarded by President Eisenhower on January 18, 1961. No such medal has been awarded again in our Nation's history.

Millions of men and women have served bravely in our military. Many, like the chaplains onboard the *Dorchester*, have gone above and beyond the call of duty. The 4 chaplains on board, despite their differences in faith, came together to bring comfort to the 904 men on board the *Dorchester*. And they proved that it is possible to serve not only their country and their God but also their fellow man.

On February 14, a monument to the four chaplains of the *Dorchester* will be unveiled in Sebastian, FL. In January, I had a chance to meet Ernie Heaton, the last living survivor of the *Dorchester* sinking and a key leader in the push to get a monument put up in Sebastian. It was clear after meeting Ernie that witnessing the four chaplains' sacrifice first-hand made a lasting impact on him, just as their story continues to inspire all of us.

ADDITIONAL STATEMENTS

TRIBUTE TO RACHEL BRISTOL

• Mr. MERKLEY. Mr. President, today I wish to thank Rachel Bristol for 29 years of service to Oregon's hungry and congratulate her on her very deserving retirement. Before joining the Oregon Food Bank, Rachel graduated with honors from the University of Oregon with a degree in community development and public administration and served as a VISTA volunteer at the Oregon Food Share in 1983. Her devotion to feeding the hungry soon led her to the job of Acting Executive Director at the OFS. In 1988, she was a key player in the merger with Interagency Food Bank to form the Oregon Food Bank. Just 2 years later, Bristol was named the executive director & CEO of the OFB.

Rachel's legacy at the Oregon Food Bank is well-known and widespread. Under her leadership, the food bank expanded from a 10,000 square foot site to 4 facilities totaling more than 155,000 square feet. Rachel's devotion to improving the lives of hundreds of thousands of hungry children has garnered recognition from the University of Portland, the Paul G. Allen Foundation, Feeding America, and the Portland Business Journal, and thanks from the families whose lives have changed because of her hard work and dedication.

I will be sad to see Rachel Bristol go, but thank her for her 29 years of service.●

TRIBUTE TO MIKE KLUSE

• Mrs. MURRAY. Mr. President, today I congratulate one of my constituents, Mike Kluse, on being recognized as the 2012 Laboratory Director of the Year by the Federal Laboratory Consortium, FLC. Mike is the Director of the Pacific Northwest National Laboratory, PNNL, located in Richland, WA.

This award is a true honor and testament to Mike's leadership and efforts at PNNL. For the past 5 years he has guided the laboratory to many accolades. The laboratory has filed more than 1,000 invention disclosures, received more than 200 patents, and issued nearly 150 new licenses. PNNL has also earned 16 R&D 100 awards as well as 12 FLC awards for excellence in technology transfer. PNNL has the newest and most modern physical infrastructure in the Department of Energy, DOE, system. And PNNL's overall performance has been judged by DOE and other Federal agencies it supports as outstanding under Mike's stewardship.

PNNL's research and development portfolio spans many missions of importance to our country: national security, homeland security, clean energy development, environmental remediation programs at the Hanford Site, and scientific research ranging from systems biology to supercomputing.

Under Mike's leadership, PNNL has been involved in the formation of Innovate Washington, a nonprofit organization that aims to accelerate technological innovation by bringing together universities, national labs, entrepreneurs, and others involved in technology transfer. Mike is also a frequent public advocate for the strategic alignment of research with technology transfer and strongly supported the streamlining of PNNL's technology transfer operations.

PNNL also deserves praise for the safety and excellent work environment it provides for its employees and the surrounding community. As director, Mike has sustained an exceptional record for PNNL and built upon its history to make it one of the region's strongest corporate citizens. He's also been a tireless supporter of community activities and programs. Furthermore, Mike's outstanding leadership led to DOE extending PNNL's contract in 2011.

Therefore, it is with great pride that today on behalf of the citizens of Washington State I thank Mike for all his work. With that said, we know that PNNL's great successes could not be achieved without the strong support from the PNNL family, so my thanks also extends to the extraordinary scientists, engineers, and personnel that continue to make a difference in our region and the Nation.●

TRIBUTE TO MARK HAMILL

• Mr. TESTER. Mr. President, today I wish to honor Mark Hamill, a native Montanan and a veteran of Operation Desert Shield and Desert Storm.

It is my honor to share the story of Mark's service during the first gulf war. Mark was in the Army Reserves as a helicopter crew chief. In the fall of 1990, he was assigned to a Medivac unit and deployed to Saudi Arabia.

As a helicopter crew chief, Mark was responsible for making sure the Medivac helicopters were ready to fly at a moment's notice. Two helicopters went to Bahrain and two were on standby to go north for Medivac calls.

When Mark returned to the United States, the maintenance platoon never got their medals from the U.S. Army. The pilots and medics from the helicopters did but the men and women who were responsible for the safety of the helicopters were forgotten about.

Earlier this month, in the presence of Mark's wife, parents, and friends, it was my honor to correct this oversight and finally present Mark with the medals he earned nearly 20 years ago.

I presented to Mark the Southwest Asia Service Medal with Three Bronze Stars, and the Overseas Service Ribbon.

I also had the honor of presenting to Mark the Kuwait Liberation Medal—Saudi Arabia, and the Kuwait Liberation Medal—Kuwait.

These four decorations are small tokens, but they are powerful symbols of

true heroism, sacrifice, and dedication to service.

These medals are presented on behalf of a grateful nation.●

TRIBUTE TO PAUL WALBORN

• Mr. TESTER. Mr. President, today I wish to honor Paul Walborn, a veteran of Vietnam.

Paul, on behalf of all Montanans and all Americans, I stand to say "thank you" for your service to this Nation.

It is my honor to share the story of Paul Walborn's sacrifice in Vietnam, because no story of heroism should ever fall through the cracks.

Paul joined the Navy in December of 1963. He was an Electrician's Mate, based on a landing craft. From Coronado, CA, he flew to Japan. On May 5, 1965, one of Paul's first assignments was to be part of a convoy from Okinawa, Japan to Vietnam. Paul was part of the third wave that took Marine Corps artillery equipment to the Chu Lai beach. Intelligence reports were unclear whether Viet Cong forces would meet them on the beach.

From Chu Lai, Paul went to Da Nang where he unloaded Navy and Merchant Marine equipment. His boat then made several trips up the Perfume River to deliver equipment to support the war effort.

When Paul returned to America, he wanted to get back to normal life. His DD-214 form was correct but the Navy had no record of him serving in Vietnam, even though he unloaded cargo onto Vietnamese beaches.

He says there was just too much going on in 1967 for the Navy to worry about getting his paperwork processed correctly.

Earlier this month, in the presence of his family, it was my honor to finally present to Paul the National Defense Service Medal, and the Vietnam Service Medal with one Bronze Star.

I also presented to Paul the Meritorious Unit Commendation Ribbon, and the Vietnam Campaign Medal with the 1960 device.

These four decorations are small tokens, but they are powerful symbols of true heroism. Sacrifice. And dedication to service.

These medals are presented on behalf of a grateful nation.●

NATIONAL MARROW DONOR PROGRAM

• Mr. TOOMEY. Mr. President, today I wish to speak about an important health issue that impacts the lives of many people across the country. Each year, more than 18,000 Americans are diagnosed with a serious blood disease and require a bone marrow transplant. Unfortunately, only 30 percent of those patients in need will find a suitable match within their family. Although about 5,000 patients each year receive a marrow transplant, others will pass away while awaiting a match.

Since 1987, the National Marrow Donor Program, NMDP, now publically

known as Be The Match, has undertaken a laudable effort to connect transplant patients with healthy, unrelated donors through the Be The Match Registry. Today, the registry includes more than 9.5 million registered donors. Despite their success in raising awareness and soliciting support, a small percentage of our population is registered. Patients from ethnic and minority communities face particular difficulty in finding matches due to limited diversity within the registry, further complicating the search for a viable genetic match. Deutsche Knochenmarkspenderdatei gGmbH, DKMS, currently the largest bone marrow donor center in the world, shares Be The Match's commitment to increasing donor recruitment and diversifying the marrow donor registry.

This year, marrow donor registry drives will take place in communities across America. One in particular, known as Simon's Saturday, will take place in Emmaus, PA. The bone marrow donor drive is named after Simon Ernst, an energetic 8-year-old from Upper Milford, who is bravely battling leukemia and awaiting a bone marrow transplant. Participation in the marrow donor registry is simple and safe. Interested participants must meet the age and health requirements, fill out a registration form, and provide a swab of cheek cells. I would like to encourage those interested to attend a bone marrow drive in their community or to join online by visiting the NDMP website at www.BeTheMatch.org or the DKMS website at www.getswabbed.org.

The bone marrow donor program is a cause close to my family's heart, which is why I intend to participate in a bone marrow registry drive on February 18, 2012. This issue is especially important to my wife Kris, who has been a registered donor through Be The Match for the last 16 years, and I look forward to joining her and the more than 9.5 million individuals who have already joined. Together we can help provide hope and save lives.●

TRIBUTE TO MICHAEL BECK

● Mr. RUBIO. Mr. President, today I recognize Michael Beck, a fall intern in my Washington, DC office for all of the hard work he has done for me, my staff and the people of the State of Florida.

Michael is a senior at Brigham Young University majoring in political science. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Michael for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO KATERINA ERBITI

● Mr. RUBIO. Mr. President, today I recognize Katerina Erbiti, a fall intern in my Washington, DC office for all of

the hard work she has done for me, my staff and the people of the State of Florida.

Katerina is a graduate of Our Lady of Lourdes Academy in Coral Gables, FL. Currently, she is a freshman at American University. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Katerina for all the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO TAYLOR FERGUSON

● Mr. RUBIO. Mr. President, today I recognize Taylor Ferguson, a fall intern in my Washington, DC office for all of the hard work he has done for me, my staff and the people of the State of Florida.

Taylor is a graduate of Cardinal Newman High School in West Palm Beach, Florida and Florida Gulf Coast University, where he majored in political communications. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Taylor for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO COURTNEY HOUSTON-CARTER

● Mr. RUBIO. Mr. President, today I recognize Courtney Houston-Carter, a fall law extern in my Washington, DC office for all of the hard work he has done for me, my staff and the people of the State of Florida.

Courtney is a graduate of Tufts University, where he majored in political science. Last spring, he received his Juris Doctor from Suffolk University Law School. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Courtney for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO TAYLOR KLOUSTIN

● Mr. RUBIO. Mr. President, today I recognize Taylor Kloustin, a fall intern in my Washington, DC office for all of the hard work she has done for me, my staff and the people of the State of Florida.

Taylor is a junior at Elon University majoring in public administration and political science and minoring in business administration. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Taylor for

all the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO ART LINARES

● Mr. RUBIO. Mr. President, today I recognize Art Linares, a fall intern in my Washington, DC office for all of the hard work he has done for me, my staff and the people of the State of Florida.

Art is a graduate of the University of Tampa, where he received a degree in entrepreneurship. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Art for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO KAREN MUSTIGA

● Mr. RUBIO. Mr. President, today I recognize Karen Mustiga, a fall intern in my Washington, DC office for all of the hard work she has done for me, my staff and the people of the State of Florida.

Karen is a graduate of the University of Florida, where she majored in political science and economics. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Karen for all the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO CHRIS WASSMAN

● Mr. RUBIO. Mr. President, today I recognize Chris Wassman, a fall press intern in my Washington, DC office for all of the hard work he has done for me, my staff and the people of the State of Florida.

Chris is a sophomore pursuing a major in Political Science at The George Washington University. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Chris for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO NICOLE MARTINEZ

● Mr. RUBIO. Mr. President, today I recognize Nicole Martinez, an intern in my Miami office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Nicole is a senior at Coral Reef Senior High School in Miami, FL. Next fall, she will be attending the Wharton Undergraduate School of Business at the University of Pennsylvania. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Nicole for all the fine work she has done and wish her continued success in the years to come.●

MESSAGES FROM THE HOUSE

At 11:55 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 306. An act to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge.

H.R. 1162. An act to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes.

ENROLLED BILL SIGNED

The President pro tempore (Mr. INOUE) announced that on February 3, 2012, he had signed the following enrolled bill, previously signed by the Speaker of the House:

H.R. 588. An act to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

ENROLLED BILL SIGNED

At 5:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 658. An act to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

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

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 306. An act to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge; to the Committee on Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2079. A bill to extend the pay limitation for Members of Congress and Federal employees.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1108. A bill to provide local communities with tools to make solar permitting more ef-

ficient, and for other purposes (Rept. No. 112-144).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1142. A bill to promote the mapping and development of the United States geothermal resources by establishing a direct loan program for high risk geothermal exploration wells, to amend the Energy Independence and Security Act of 2007 to improve geothermal energy technology and demonstrate the use of geothermal energy in large scale thermal applications, and for other purposes (Rept. No. 112-145).

S. 1149. A bill to expand geothermal production, and for other purposes (Rept. No. 112-146).

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

S. 1160. A bill to improve the administration of the Department of Energy, and for other purposes (Rept. No. 112-147).

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S. 432. A bill to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, and for other purposes (Rept. No. 112-148).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1925. A bill to reauthorize the Violence Against Women Act of 1994.

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. LEVIN (for himself and Mr. CONRAD):

S. 2075. A bill to close unjustified corporate tax loopholes, and for other purposes; to the Committee on Finance.

By Mr. FRANKEN (for himself, Mr. BOOZMAN, and Ms. KLOBUCHAR):

S. 2076. A bill to improve security at State and local courthouses; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BLUMENTHAL (for himself, Mr. FRANKEN, Mr. WHITEHOUSE, and Mr. CASEY):

S. 2077. A bill to amend the Older Americans Act of 1965 to authorize Federal assistance to State adult protective services programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 2078. A bill to enable Federal and State chartered banks and thrifts to meet the credit needs of the Nation's home builders, and to provide liquidity and ensure stable credit for meeting the Nation's need for new homes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HELLER:

S. 2079. A bill to extend the pay limitation for Members of Congress and Federal employees; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. LAUTENBERG, and Mr. MENENDEZ):

S. Res. 369. A resolution congratulating the New York Giants for winning Super Bowl XLVI; considered and agreed to.

ADDITIONAL COSPONSORS

S. 412

At the request of Mr. LEVIN, the name of the Senator from Florida (Mr. RUBIO) 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 Arkansas (Mr. BOOZMAN) 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. 489

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 489, a bill to require certain mortgagees to evaluate loans for modifications, to establish a grant program for State and local government mediation programs, and for other purposes.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 824

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. 824, a bill to provide for enhanced mortgage-backed and asset-backed security investor protections, to prevent foreclosure fraud, and for other purposes.

S. 881

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 1058

At the request of Mr. PRYOR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1058, a bill to amend the Public Health Service Act to ensure transparency and proper operation of pharmacy benefit managers.

S. 1269

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1269, a bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary schools on

such schools' athletic programs, and for other purposes.

S. 1461

At the request of Mr. NELSON of Florida, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1461, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1467

At the request of Mr. BLUNT, the names of the Senator from Arizona (Mr. KYL), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1802

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) 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. 1834

At the request of Mr. CORKER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1834, a bill to restore and repair the United States mortgage markets by making them transparent, bringing in private capital, winding down the Government-sponsored enterprises, and for other purposes.

S. 1862

At the request of Mr. LAUTENBERG, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1862, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1884

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1925

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 2043

At the request of Mr. RUBIO, the names of the Senator from Alaska (Ms.

MURKOWSKI), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 2043, a bill to amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations.

S. 2054

At the request of Mr. BEGICH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2054, a bill to suspend the current compensation packages for the senior executives at Fannie Mae and Freddie Mac, and to establish compensation for all employees of such entities in accordance with rates of pay for other Federal financial regulatory agencies.

S. 2064

At the request of Mr. DEMINT, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 2064, a bill to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate.

S. RES. 232

At the request of Mr. MENENDEZ, the name of the Senator from New Mexico (Mr. UDALL) 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 Mr. BARRASSO, his name 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 North Carolina (Mr. BURR) was added as a cosponsor of S. Res. 310, supra.

S. RES. 356

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. Res. 356, a resolution expressing support for the people of Tibet.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself and Mr. CONRAD):

S. 2075. A bill to close unjustified corporate tax loopholes, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, today, along with Senator CONRAD and others, I am introducing S. 2075, the Cut Unjustified Tax Loopholes Act, or CUT Loopholes Act. This legislation will help us meet three important goals: Reducing the budget deficit, protecting

important priorities, and restoring some of the fairness to our tax system.

Our legislation would reduce the deficit by \$155 billion. It would do so by closing tax loopholes that favor wealthy individuals and corporations while raising the tax burden that American families must carry. It would provide more than enough revenue to pay for a full-year extension of the payroll tax cut now in place, or put a significant dent in the deficit reduction we need to avoid draconian automatic cuts through sequestration.

It is clear to almost everyone that revenue must be a part of our deficit reduction strategy. Presidents from Reagan to Bush, Sr. to Clinton have used balanced strategies that included revenue as well as spending cuts.

I will continue to fight for a number of other revenue measures such as a surtax on millionaires and billionaires; eliminating tax subsidies for oil and gas companies; ending the Bush-era tax cuts for those earning more than \$250,000; and ending the carried interest loophole. We need to make those changes. But so far, they have run into an ideological brick wall, as many here in Congress refuse to consider reasonable revenue measures. But even that rigid ideological stance should allow for ending the kinds of egregious loopholes we are discussing today.

First is offshore tax haven abuse. The Permanent Subcommittee on Investigations, which I chair, has spent years shedding light on how these abuses aid the wealthy and corporations. Based in part on S. 1346, the Stop Tax Haven Abuse Act, our bill would, in part: Give Treasury the authority to combat tax haven banks and jurisdictions that help U.S. clients hide assets and dodge U.S. taxes; crack down on offshore corporations that are managed from the U.S. from claiming foreign status to dodge taxes; eliminate tax incentives for moving U.S. jobs overseas or for transferring intellectual property offshore; and establish the presumption that, unless a taxpayer proves otherwise, a corporation formed by, receiving assets from, or benefiting a U.S. taxpayer is considered under that taxpayer's control for tax purposes.

These provisions and others would reduce the deficit by at least \$130 billion over 10 years.

Our bill's second focus is on a tax loophole that subsidizes corporations giving stock options to corporate executives. Today, corporations can take massive tax deductions for stock options, but usually show much lower expense on their books. Our subcommittee found that from 2005-2009, this loophole allowed excess tax deductions ranging from \$12 billion to as high as \$61 billion in a single year.

The CUT Loopholes Act would prevent corporate income tax deductions for stock options that exceed the expense shown on company books. It would preserve current tax treatment for individuals receiving options and

for incentive stock options used by start-up companies.

According to the Joint Committee on Taxation, these measures would reduce the deficit by \$25 billion over 10 years.

The time for these measures is now.

First, the math is inescapable. We can't reduce the deficit and do other important things—protect our country, care for our seniors, educate our young—if tax revenue remains at its lowest level in decades, and if the effective corporate tax rate is at historic lows, thanks in part to these and other tax loopholes.

Second, there is a growing recognition among Americans that loopholes like these and many others leave the deck stacked against them and their families. Overwhelmingly Americans tell us: Close those loopholes down.

Third, this is not just a realization by Democrats. Strong majorities of Independents and Republicans say that we need balanced deficit reduction, and that closing loopholes is one way to do that. Just this week, a national poll showed that 90 percent of small business owners—a majority of them Republicans—believe big corporations use loopholes to avoid taxes that small businesses still have to pay.

Reducing the deficit and protecting important programs is hard. We face many tough decisions and difficult fights in the months ahead.

But this decision should be easy. We should close these loopholes and make a bipartisan statement that we can reduce the deficit, serve important priorities, and restore fairness to the tax code.

By Mr. FRANKEN (for himself, Mr. BOOZMAN, and Ms. KLOBUCHAR):

S. 2076. A bill to improve security at State and local courthouses; to the Committee on Homeland Security and Governmental Affairs.

Mr. FRANKEN. Mr. President, Sue Lantto is an advocate of victims of domestic violence. She often visits a local courthouse in suburban Minneapolis to help her clients obtain protective orders. Last month, she wrote an editorial in which she acknowledged that “[m]ost of us who work at the courthouse have had moments when we were frightened” because cases sometimes “become volatile.”

Patricia Buss handles family court matters in Dakota County, MN. She says she “personally think[s] of the risks every time [she] walk[s] into the courthouses.”

John Baker is an attorney in Maplewood, MN. He is also a retired marine. He concurs with Sue and Patricia. He says:

I am not saying that we need to create fortresses in our courthouses, but basic security screening and training can go a long way. That is not being done.

The local courthouse is a workplace for many people, for secretaries, custodians, and clerks who clock in and clock out every day. It is also

where justice is administered. It is where we report for jury duty and fight traffic tickets. It is where adoptions are processed, divorces are finalized, and misdemeanors are adjudicated. But as Sue, Patricia and John explained, local courthouses can be dangerous places—stakes are high, tempers flare, victims confront their assailants, defendants confront their accusers, prosecutors argue with defense lawyers. A rash of incidents in late 2011 raised concerns about security at local courthouses, especially in rural and suburban communities.

In September, a defendant opened fire in the Crawford County Courthouse in Arkansas, shooting a judge's secretary. Authorities reported the gunman entered the courthouse unopposed, wearing tactical gear, armed with semiautomatic weapons. The local newspaper later noted the shooting “highlighted the vulnerability of the state's many small, rural courthouses where the guards, armed police and metal detectors common in large cities are often too expensive.”

Two days later, there was a shooting in the Adams County Superior Court in Indiana. According to media accounts, that courthouse did not have a metal detector either. A local judge observed that there were “a lot of security problems here that need to be corrected” and that the shooting “really drove home the point that things need to change.”

Then, in December, a defendant retrieved a gun from his car and walked into the Cook County Courthouse in Grand Marais, MN. The courthouse did not have a metal detector and the gunman was not screened. He shot and wounded the prosecuting attorney and a witness. The bailiff also was injured during the encounter. After the shooting, a Minnesota judge wrote to his colleagues expressing concerns about courthouse security. He put the issue very well. He said: “I'm no longer willing to risk my life, the life of court staff, the life of the public who have no choice about going to court.” He said he was worried about being “carried out in a body bag.”

These are not isolated incidents. The Center for Judicial and Executive Security in St. Paul tracks court-targeted acts of violence across the Nation and estimates there were 23 such incidents at local courthouses in 2010 and 2011 or about 1 per month. This is not the first time we have confronted this issue in Minnesota. A few years ago, a man took hostages at the courthouse in Morrison County. After the shooting in Grand Marais, in December, a local sheriff recalled that “[t]here were a lot of heroes who really averted something much more serious.”

I am grateful for those heroes. Minnesota's sheriffs and law enforcement personnel across our Nation are among them. These brave men and women have many duties, including the daunting task of keeping our local

courthouses safe. In fact, the National Sheriffs Association sent me a letter last week. I think it is worth noting, so let me read it.

Sheriffs are typically responsible for the safety and security of the local courthouses in their counties—along with performing traditional law enforcement duties and operating the local jails. Sadly, in recent years, there has been a spike in violent incidents in courthouses across the country. This violence places law enforcement, judicial personnel, and the general public in harm's way. As such, it is imperative that sheriffs have the resources, particularly in rural areas where resources are extremely limited, to ensure courthouses have the appropriate equipment and tools necessary to improve security, enabling for the protection of courthouses throughout the United States.

Our sheriffs need support, and we should not wait for the next courthouse shooting before we give it to them. That is why today I am introducing the bipartisan Local Courthouse Safety Act. It does three simple, commonsense things.

First, the bill cuts through bureaucratic redtape, giving local courts direct access to security equipment that Federal agencies no longer are using. This provision is modeled after a Defense Department program that allows the Pentagon to give its excess equipment to local police and firefighters. The Local Courthouse Safety Act would do the same thing for local courts. It would give them direct access to the Federal Government's excess metal detectors, wands, and baggage screening machines.

Second, the Local Courthouse Safety Act gives States the flexibility they need to make investments in courthouse security. It clarifies that States may use their Byrne Justice Assistance grants, the Byrne JAG grants, and State Homeland Security grants to improve safety at local courthouses. The bill does not require any new spending, and it does not impose any new mandates on anyone. It simply says that States can use existing Federal resources for courthouse security upgrades if they so choose.

Finally, the Local Courthouse Safety Act provides statutory authorization for the Justice Department's VALOR Initiative, which provides training and technical assistance to local law enforcement officers teaching them how to anticipate and survive violent encounters.

This is a bipartisan issue, and this should be legislation we can pass even in this divided Congress. I am proud to introduce this legislation with Senator BOOZMAN, my Republican colleague from Arkansas, and a champion for law enforcement personnel in his State and across the country. I encourage my colleagues from both sides of the aisle to join Senator BOOZMAN and me in advancing this bill. In doing so, they will join a long and growing list of groups who support it, including the National Sheriffs Association, the Conference of Chief Justices, and the Conference of State Court Administrators.

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. 2076

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 “Local Courthouse Safety Act of 2012”.

SEC. 2. PROVIDING LOCAL COURTHOUSES WITH SECURITY TRAINING AND ASSESSMENTS.

The Attorney General, as part of the Preventing Violence Against Law Enforcement and Ensuring Officer Resilience and Survivability Initiative (VALOR) of the Department of Justice, may provide safety training and technical assistance to local law enforcement agencies.

SEC. 3. IMPROVING FLEXIBILITY OF STATES TO USE GRANTS TO PROTECT COURTHOUSES.

(a) STATE HOMELAND SECURITY GRANT PROGRAM.—Section 2008(a) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)) is amended—

(1) in paragraph (12), by striking “and” at the end;

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following:

“(13) improving security at courthouses of a State or local government; and”.

(b) BYRNE GRANTS.—Section 501(a)(1)(B) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(a)(1)(B)) is amended by inserting “, including programs to improve security at courthouses” before the period.

SEC. 4. IMPROVING ACCESS OF LOCAL COURTHOUSES TO EXCESS FEDERAL SECURITY EQUIPMENT.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 40, United States Code, is amended by adding after section 529 the following:

“§ 530. Excess security equipment

“(a) DEFINITIONS.—In this section—

“(1) the term ‘excess security equipment’ means excess property that is used to detect weapons, including metal detectors, wands, and baggage screening devices; and

“(2) the term ‘qualifying State or local courthouse’ means a courthouse of a State or local government that has less security equipment than the security needs of the courthouse require.

“(b) DISPOSAL OF EXCESS SECURITY EQUIPMENT.—

“(1) IN GENERAL.—Notwithstanding any other provision of this subchapter, the Administrator of General Services shall ensure that a State or local government has an opportunity to request to receive excess security equipment for use at a qualifying State or local courthouse before the excess security equipment is made available to any other individual or entity under this subchapter.

“(2) DISPOSAL.—

“(A) IN GENERAL.—Subject to subparagraph (B), upon request by a State or local government for excess security equipment for use at a qualifying State or local courthouse, the excess security equipment shall be made available to the State or local government without cost, except for any costs of care and handling.

“(B) MULTIPLE REQUESTS.—If more than 1 State or local government requests a particular piece of excess security equipment, the excess security equipment shall be dis-

tributed based on need, as determined by the Administrator of General Services, with priority given to a qualifying State or local courthouse that has no security equipment.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 40, United States Code, is amended by inserting after the item relating to section 529 the following:

“530. Excess security equipment.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 369—CONGRATULATING THE NEW YORK GIANTS FOR WINNING SUPER BOWL XLVI

Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. LAUTENBERG, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 369

Whereas on February 5, 2012, the New York Giants achieved the improbable and upset the New England Patriots by a score of 21 to 17 to win Super Bowl XLVI;

Whereas during the 2012 postseason, the Giants were the epitome of determination, fortitude, and resiliency as they made their way through the playoffs and ultimately triumphed over the New England Patriots;

Whereas quarterback Elisha Nelson “Eli” Manning, who went 30 for 40 for 296 yards, with 1 touchdown pass and zero interceptions, led a fourth-quarter touchdown drive, set a Super Bowl record by completing his first 9 pass attempts, and won his second Super Bowl Most Valuable Player Award;

Whereas punter Steve Weatherford set a Super Bowl record with 3 punts downed inside the 10-yard line;

Whereas in each round of the playoffs, when none of the experts thought the Giants had a chance to win, the Giants and their loyal, dedicated, and passionate fans believed they could accomplish what others declared impossible;

Whereas in 2008, Tom Coughlin, head coach of the Giants, led the Giants to victory in Super Bowl XLII;

Whereas this season, Tom Coughlin, in his eighth year as head coach of the Giants, with the help of Perry Fewell, defensive coordinator, Kevin Gilbride, offensive coordinator, and the entire Giants coaching staff, led the Giants to a victory in Super Bowl XLVI and brought the Vince Lombardi Trophy back to the Meadowlands;

Whereas the New York Giants organization is one of the most successful in National Football League history, boasting 18 Hall of Famers, appearing in 31 postseasons, winning more than 600 games and 8 championships, including remarkable title runs in 1987, 1991, 2008, and 2012 (Super Bowls XXI, XXV, XLII, and XLVI) that captivated New York and New Jersey;

Whereas the New York Giants are the first team to win the Super Bowl with a 9 and 7 regular-season record;

Whereas Giants co-owner and chief executive officer John Mara and chairman and executive vice president Steve Tisch have done a remarkable job leading this storied franchise with the assistance and dedication of their talented staff;

Whereas the New York Giants have played all their home games in East Rutherford, New Jersey since 1976 and have supported Bergen County and the northern New Jersey and New York areas with community-out-reach projects; and

Whereas the entire Giants franchise has become a model of professionalism, teamwork, and community service in representing the entire New York and New Jersey metropolitan area: Now, therefore, be it

Resolved, That the Senate congratulates the New York Giants for winning Super Bowl XLVI and completing one of the most impressive seasons in professional sports history.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor and Pensions will meet in open session on Tuesday, February 14, 2012, at 2:30 p.m. in room SD-430 to conduct a hearing entitled “Pain in America: Exploring Challenges to Relief.”

For further information regarding this meeting, please contact the committee on (202) 224-7675.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Subcommittee on Employment and Workplace Safety of the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, February 16, 2012, at 10:00 a.m. in room SD-430 to conduct a hearing entitled “Addressing Workforce Needs at the Regional Level: Innovative Public and Private Partnerships.”

For further information regarding this meeting, please contact the subcommittee on (202) 228-1455.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 16, 2012, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled “Energy Development in Indian Country.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 7, 2012, at 3 p.m., in room 215 of the Dirksen Senate Office Building, to consider a Chairman’s Mark entitled, “The Highway Investment, Job Creation and Economic Growth Act of 2012.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 7, 2012, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 7, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "The Promise of Accessible Technology: Challenges and Opportunities" on February 7, 2012, at 2:30 p.m., in room G-50 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 7, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider the following nomination: Calendar No. 545; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

IN THE AIR FORCE

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 brigadier general

Colonel Bradley D. Spacy

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

CONGRATULATING THE NEW YORK
GIANTS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 369.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 369) congratulating the New York Giants for winning Super Bowl XLVI.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 369) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 369

Whereas on February 5, 2012, the New York Giants achieved the improbable and upset the New England Patriots by a score of 21 to 17 to win Super Bowl XLVI;

Whereas during the 2012 postseason, the Giants were the epitome of determination, fortitude, and resiliency as they made their way through the playoffs and ultimately triumphed over the New England Patriots;

Whereas quarterback Elisha Nelson "Eli" Manning, who went 30 for 40 for 296 yards, with 1 touchdown pass and zero interceptions, led a fourth-quarter touchdown drive, set a Super Bowl record by completing his first 9 pass attempts, and won his second Super Bowl Most Valuable Player Award;

Whereas punter Steve Weatherford set a Super Bowl record with 3 punts downed inside the 10-yard line;

Whereas in each round of the playoffs, when none of the experts thought the Giants had a chance to win, the Giants and their loyal, dedicated, and passionate fans believed they could accomplish what others declared impossible;

Whereas in 2008, Tom Coughlin, head coach of the Giants, led the Giants to victory in Super Bowl XLII;

Whereas this season, Tom Coughlin, in his eighth year as head coach of the Giants, with the help of Perry Fewell, defensive coordinator, Kevin Gilbride, offensive coordinator, and the entire Giants coaching staff, led the Giants to a victory in Super Bowl XLVI and brought the Vince Lombardi Trophy back to the Meadowlands;

Whereas the New York Giants organization is one of the most successful in National Football League history, boasting 18 Hall of Famers, appearing in 31 postseasons, winning more than 600 games and 8 championships, including remarkable title runs in 1987, 1991, 2008, and 2012 (Super Bowls XXI, XXV, XLII, and XLVI) that captivated New York and New Jersey;

Whereas the New York Giants are the first team to win the Super Bowl with a 9 and 7 regular-season record;

Whereas Giants co-owner and chief executive officer John Mara and chairman and executive vice president Steve Tisch have done a remarkable job leading this storied franchise with the assistance and dedication of their talented staff;

Whereas the New York Giants have played all their home games in East Rutherford, New Jersey since 1976 and have supported Bergen County and the northern New Jersey and New York areas with community-outreach projects; and

Whereas the entire Giants franchise has become a model of professionalism, team-

work, and community service in representing the entire New York and New Jersey metropolitan area: Now, therefore, be it

Resolved, That the Senate congratulates the New York Giants for winning Super Bowl XLVI and completing one of the most impressive seasons in professional sports history.

MEASURE READ THE FIRST
TIME—S. 2079

Mr. REID. Mr. President, there is a bill at the desk due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2079) to extend the pay limitation for Members of Congress and Federal Employees.

Mr. REID. Mr. President, I ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. The bill will be read the second time on the next legislative day.

ORDERS FOR THURSDAY,
FEBRUARY 9, 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate adjourn until 9:30 a.m., on Thursday, February 9, 2012; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and 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 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to the surface transportation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the next vote will be at 2 p.m. on Thursday.

ADJOURNMENT UNTIL THURSDAY,
FEBRUARY 9, 2012, AT 9:30 A.M.

Mr. REID. 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 7:18 p.m., adjourned until Thursday, February 9, 2012, at 9:30 a.m.

CONFIRMATION

IN THE AIR FORCE

To be brigadier general

Executive nomination confirmed by
the Senate February 7, 2012:

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
IN THE UNITED STATES AIR FORCE TO THE GRADE INDI-
CATED UNDER TITLE 10, U.S.C., SECTION 624: COLONEL BRADLEY D. SPACY