The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, from whom we come and to whom we belong and in whose service is our peace, may Your kingdom come. Use our lawmakers to do your will on Earth as it is done in Heaven. Create in them courageous hearts that will beat undaunted by fear, unconquered by adversity, and unstained by sin. Give them the wisdom to put themselves in others’ places before judging them. Strengthen them to lift downcast, stricken lives.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable CHRISTOPHER A. COONS 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. INOUYE).

The legislative clerk read the following letter:


To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE, President pro tempore.

Mr. COONS 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 4:30 p.m. this afternoon. Senators will be allowed to speak for up to 10 minutes each. Following morning business, the Senate will resume consideration of the STOCK Act. At 5:30 p.m. there will be a rollcall vote on the motion to invoke cloture on the motion to proceed to the STOCK Act.

BIPARTISAN COOPERATION
Mr. REID. Mr. President, Americans believe Congress is broken, and it is no mystery why. Political divisions in this Chamber are so great they often prevent the Senate from performing even its most fundamental difficulties. Divisions are so great they prevented this body from confirming Presidential nominees, which is a constitutional obligation we have. These days, it is no longer enough to be a qualified nominee. It is no longer enough to have bipartisan support. And in the case of judicial nominees, it is no longer enough to be reported unanimously out of the committee.

Last year, my Republican colleagues blocked or delayed scores—scores of outstanding nominees. Why? Because they want to defeat President Obama. They said so. That was their No. 1 goal. And it is he who made these nominations. So that is the No. 1 goal, to go after him any way they can. At the end of last year, Republicans refused to allow votes on 16 judicial nominees who were reported out of the committee unanimously—Democrats and Republicans.

Unfortunately, this year may bring more of the same. Already this year—the last few weeks—some Republicans have come to the floor and threatened to drag out the confirmation process for every nominee for the rest of the year. This Republican obstructionism is supposedly retribution for President Obama’s recess appointment of Richard Cordray. No one questions his qualifications—no one. He was called upon by the President to head the Consumer Financial Protection Bureau. If we have a qualified leader at the helm, this Bureau will be able to effectively protest things that are wrong and protect middle-class families from the greed and excess of big Wall Street banks. It will not impact smaller financial service firms that help Americans

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
who do not want to use banks, and it will not impact the banks or nonbanks that deal fairly with consumers, but it will deal severely with foreign nonbanks that are ripping off customers. This Bureau will serve as a watchdog against the kinds of abuses that caused our financial system to collapse in 2008.

President Obama is right to recess-appoint Mr. Cordray. It is protected in the Constitution. That is a constitutional obligation and benefit President Obama and the President now in the Constitution. President Bush had the same right to make recess appointments even though Democrats kept the Senate in pro forma session. Bush did not exercise that right or challenge the pro forma sessions in court because Democrats worked with him to confirm hundreds of his nominees. Unfortunately, Republicans have refused to work with President Obama as we did with President Bush. Instead, they are threatening political payback and more delays.

This brand of obstructionism is the reason Americans are disillusioned with Congress. They believe Congress cannot get anything done. It will take cooperation between Democrats and Republicans to turn that perception around. So we should show the American people that, with cooperation—we know it works, cooperation between the two parties—this body can accomplish great things.

**STOCK ACT**

Mr. REID. Mr. President, as to the STOCK Act, I am glad to see that spirit of cooperation is alive as we move forward. At least I hope so. It is bipartisan legislation. Members of Congress and their staff have a duty to the American people. They may not use privileged information they get on the job to personally profit. But the perception remains that a few Members of Congress are using their positions as public servants to serve themselves instead.

Insider trading laws were created to level the playing field and stop Wall Street excesses. And Members of Congress are not above the law. We must play by the same rules by which every other American plays. The STOCK Act will clear up any perception that it is acceptable for Members of Congress to profit from insider training. It will end any confusion over whether Members of Congress can be prosecuted for their serious crime. They can be.

I am really disappointed that I had to file cloture to stop a Republican filibuster on this worthy legislation, but I did. Rather than let us move to this, we had to file cloture to stop this filibuster. So when we get on this bill—and we will get on this bill—we are going to have an open amendment proceed. It is my understanding that Republicans will not abuse the comity that should be here in the Senate, and I hope these amendments that are offered will not be nongermane, nonrelevant. I hope we can legislate on issues that are in the context of this legislation. I repeat, it is sure too bad we had to file cloture.

**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 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. 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. KYL. 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.

**REELECTION CAMPAIGN**

Mr. KYL. Mr. President, President Obama is campaigning for re-election on a “reckless” kind of platform. He argues that income inequality and economic fairness are the defining issues of our time. In his narrative, the more prosperous and fair society requires more balance or redistribution.

Unfortunately, for the President, polls suggest Americans aren’t lining up behind this politics of resentment. For example, a Gallup poll reports that just 2 percent of Americans rank the divide between rich and poor as the most pressing economic issue facing our country, that Americans are now less likely to view U.S. society as divided between the haves and have-nots than in 2008, and that only 46 percent believe reducing the wealth gap is extremely or very important; whereas, 82 percent say that about accelerating economic growth.

Despite the class-warfare rhetoric they hear on a daily basis, most Americans instinctively understand that adopting progrowth policies to boost mobility is wiser than adopting antigrowth policies to curb inequality. They realize if Washington increases tax rates, for example, and the size of government to achieve greater economic balance, the result will be less job creation and less opportunity for everyone.

Americans don’t want the Federal Government to penalize success. They want the Federal Government to make it easier for them to succeed on their own. As American Enterprise Institute President Arthur Brooks wrote in his book, “The Battle,” earned success is the key to true human happiness and flourishing. Here is how he put it:

If we know we have the possibility of earning success, we know we can improve our lives and our lot.

Most Americans, he notes, support principles that aim to “stimulate true prosperity, not treat poverty.”

If we are looking to expand opportunity for earning success, prosperity, the best place to start is with a sweeping overhaul of our very inefficient Tax Code. Progrowth tax reforms would make the system fairer and simpler. Right now, it functions as a mechanism to deliver unfair benefits to favored constituencies rather than a means to pay for government. In fact, syndicated columnist George Will recently noted the Tax Code has been tweaked 4,500 times in the last 10 years. Most of these tweaks, he wrote, have benefited “interests sufficiently strong and sophisticated to practice rent-seeking.” In other words, to get special benefits for themselves.

A fairer and more growth-oriented Tax Code would create permanently lower rates—that matter but still be progressive. Such a Tax Code would benefit small business owners and entrepreneurs, who are America’s biggest job creators. Many small businesses currently have the cash to invest, to innovate, to expand, and to create jobs, but they are sitting on the cash because of the threat of higher taxes.

Cutting the corporate tax rate would also fuel stronger growth and greater mobility. The statutory U.S. rate is now the second highest among advanced economies, and it has damaged American competitiveness while holding down wages. Indeed, the most recent Global Competitiveness Index from the World Economic Forum ranked the United States now fifth, behind Finland, Sweden, Singapore, and Switzerland. In 2008, America had the top ranking.

Coca-Cola’s CEO Muhtar Kent recently underscored this development when he said China now has a more business-friendly environment than America. Kent cited as a particular reason for this a particularly large hindrance. His experience may be different from a lot of others, but even for a major CEO to talk in these terms suggests we have more to do at home.

Beyond tax reform, policymakers must also stop shackle small businesses entrepreneurs with more and more regulations. The explosion of new highly complex rules over the last 3 years has spawned a new class of bureaucrats entrusted with decomplexifying economic issue facing our country, that Americans are now less likely to view U.S. society as divided between the haves and have-nots than in 2008, and that only 46 percent believe reducing the wealth gap is extremely or very important; whereas, 82 percent say that about accelerating economic growth.

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Frank Act, both of which have dramatically increased regulatory uncertainty and created new economic distortions.

Obviously, Republicans are not against all regulations, and we support a strong and safe military. But we are against economically damaging regulations that fail a simple cost-benefit test. Both the ACA and Dodd-Frank would fail such a test, as would the 2002 Sarbanes-Oxley law. In late 2008 and early 2009, the Securities and Exchange Commission surveyed publicly traded firms affected by section 404 of Sarbanes-Oxley and it found that “a majority felt that the costs of compliance outweighed the benefits. This was especially true among smaller companies.”

While President Obama pays lip-service to economic growth on the campaign trail, many of his policies have undermined that goal. It is hard to create jobs at the bottom when you are obsessed with attacking people at the top.

The case for growth and success-oriented policies is not just practical, it is moral. The biggest economic favor policymakers can do for Americans is to support policies that make more opportunities available, and the possibility of earned success.

The ACTING PRESIDENT pro tempore, the Senator from New Mexico.

HONORING OUR ARMED FORCES

STAFF SERGEANT PERNELL HERRERA

Mr. UDALL of New Mexico. Mr. President, I rise today as we enter a new year to honor a brave young soldier who, sadly, did not see this new year. Army SSG Pernell Herrera died December 31, 2011, while serving in Afghanistan. He was 33 years old.

At times like this, words of elected officials seem so inadequate. Words will not ease the profound loss of Staff Sergeant Herrera’s family. Words will not fully express our gratitude for Staff Sergeant Herrera’s service to our Nation. But the death of a young soldier like Staff Sergeant Herrera demands our attention. It demands our respect, and it demands that we remember.

Pernell Herrera just wanted to serve his country. He enlisted in the New Mexico National Guard in 2006. He was assigned to C Company, 1st Battalion, 171st Aviation Regiment, and he served honorably over the last 6+ years. His journey ended in the course of that service. We are forever in his debt.

When we talk about our fallen soldiers, we honor their sacrifices and we also honor their lives. Pernell Herrera was born in Los Alamos. He grew up in Española and graduated from Española High School. He leaves behind a son Julian and a daughter Alicia.

Pernell wrote about himself on his Facebook page, the following description:

I am a very easy-going dad of one son, and one daughter. They are the biggest joys of my life. I enjoy spending my free time with my mom, and brother, family and friends. I’m currently in Afghanistan with the United States Army. I have served in the military for 5 years.

In the decade that our military has been fighting in Afghanistan, thousands of fellow citizens have volunteered in service to our country. They have put their own safety at risk to protect the safety of others—in defense of the ideals we hold so dear. Some of these brave warriors, such as Staff Sergeant Herrera, tragically, do not come home.

To Staff Sergeant Herrera’s family, I offer my deepest sympathies. We mourn your loss while we also honor his dedication to our country, and we are thankful for his service.

Mr. President, I yield the floor, and 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. HOEVEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HOEVEN. I thank the Chair. (The remarks of Mr. Hoeven pertaining to the introduction of S. 2041 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. HOEVEN. 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. LEVIN. 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.

THE STOCK ACT

Mr. LEVIN. Mr. President, the life-blood of our democratic government is the contract between the people and their elected representatives—a contract that must be based on trust that elected officials will act for the good of our Nation and in the interests of their constituents and not for personal gain.

To ensure that we maintain that trust, our Nation has laws and our Congress has rules that establish clearly the responsibilities of government officials, Members of Congress, and their staffs and that provide for the enforcement of violations. The legislation that will be before us is, in a way, preventive maintenance to protect that trust. It is a tightening of our legal and ethical guidelines as part of what must be a constant effort to ensure that the interests of our Nation and our constituents come first. Our constituents must have confidence that Members of Congress and our staffs will not use our positions for our personal financial benefit.

There should be no doubt that regardless of our action on this legislation, the STOCK Act, it is a violation of the trust our constituents placed in us, a violation of the democratic process, a violation of the securities laws, and a breach in trust between Congress and our constituents. The legislation before us today is designed to ensure that those questions are answered. It removes any doubt that insider trading by Members and employees of Congress is against the law and against congressional rules. It is important to remove the doubt because of a breach in trust between Congress and our constituents is so corrosive to honesty, open, and effective government.

Back in December, the Homeland Security and Governmental Affairs Committee held extended hearings on the need to preserve that trust, including a very productive hearing on December 1. Later in December, the committee held a markup and approved the Stop Trading on Congressional Knowledge Act, or the STOCK Act. I commend Chairman Senator LIEBERMAN and our ranking member, Senator COLLINS, for their leadership and the many members of the committee, Democratic and Republican, who made contributions to that process.

Two things became clear during our hearings and markup. First, there was consensus that we should remove any uncertainty about the prohibition on insider trading. The second thing that became clear was that there was a significant bipartisan desire to avoid any unintended consequences as we sought to remove any uncertainty. We reported out the legislation because of widespread agreement on our goals, but their remained concerns about the means, and it was understood that we would attempt to address those concerns before this bill came to the floor. So a number of us have worked in the weeks since to make sure our goals and our means are in concert. The revised legislation, which will be before us, meets that objective. It should remove any uncertainty over the prohibition on insider trading, and it avoids unintended, harmful consequences that could sidetrack us.

I will point to two provisions that I believe are important to achieving those goals. The first reassures the American people that there are no barriers to prosecuting Members and employees of Congress for insider trading. It does so through language establishing that Members and employees of Congress have a duty arising from “a relationship of trust and confidence.”
with the Congress, the government, and, most important, with the American people. Establishing such a duty requires any doubt as to whether insider trading prohibitions apply to Congress. It is also important that the bill language makes clear that in offering to the public, it does not in any way prevent enforcement of the anti-insider trading provisions contained in current law. Again, I am confident that, under current law, Members of Congress and our staffs are prohibited from insider trading. This bill will ensure that the current prohibition is unambiguous and thereby strengthened.

The second major provision of the legislation instructs the ethics committees of both Chambers to issue clear guidance to Members and staffs on the prohibition on profiting from inside information. This guidance will clarify that existing rules in both Chambers relative to gifts and conflicts of interest are already in place and that use of nonpublic information gained in the conduct of official duties for private profit.

Finally, one other provision I will briefly mention, which is unrelated to insider trading but nonetheless an important step forward in terms of gaining the confidence of our constituents. As one of the originators of the Lobbying Disclosure Act of 1995, I am well aware of the value of transparency in government. The bill before us improves congressional transparency by requiring that personal financial disclosure filings required of Members and certain staff are made available electronically to the public. I commend Senators Bouch and Tester for offering a measure that improves that transparency.

Mr. President, it is important we pass this legislation, that we clarify and strengthen our rules and our laws and end any uncertainty about insider trading of Congress. I hope we can promptly pass this legislation.

Again, I commend our chairman and ranking member and all the members of our committee for the work they have put into this bill. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

STOP TRADING ON CONGRESSIONAL KNOWLEDGE ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2038, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to the consideration of S. 2038, a bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.
are some very experienced and intel-
lignent legal experts who told our com-
mittee they couldn’t certify a judge
would see it exactly that way.
That is the first purpose of this act, the
STOCK Act: to clarify the ambigu-
ity of conflict-of-interest law by explicitly
stating that Members of Congress and
our staffs have a duty of trust to the
institutions of Congress, to the United
States Government, and to the Amer-
ican people—a duty that Members of
Congress violate if we trade on non-
public information derived from their
positions in Congress to make a private
profit.
Besides these changes—and this is
different and important—our com-
mittee decided the STOCK Act should
require Members of Congress and their
staffs to file public reports on pur-
chases or sale of stocks, bonds, com-
modities, futures, or other financial
transactions exceeding $1,000 in value
within 30 days of the transaction.
Right now, as the Acting President of
the Senate, I will report once a year in
our annual disclo-
sure statements. This proposal
would change that to within 30 days
of the trade.
More timely reporting of this kind
will allow not just the SEC but the
public to assess whether there is any-
thing suspicious or wrong about the
timing of the trade and conduct in the
Senate. That kind of real transparency
will be an additional deterrent to un-
ethical or illegal behavior.
The bill also contains another impor-
tant provision offered in committee
by Senators Jon Tester and Mark Begich
that will require the financial disclo-
sure forms filed by Members and staff
to be filed electronically and perhaps
even more significantly, therefore, be
available online for public review. The
fact is, our reports are now available
for public review. But people have to go
to the Office of the Secretary of the
Senate and ask for copies of them.
There is no sensible reason to make
someone physically come to the House
or Senate to see a copy of one of our fi-
nancial disclosure forms. They are pub-
lic records and they ought to be easily
available on the public online, and this
proposal will require that happen.
Those are the three major provi-
sions of the proposal, as I see it: to affir-
m a clear fiduciary duty under the insider
trading law so it is clear Members of
Congress and our staffs are covered by
them; secondly, to require disclosure of
trades in excess of $1,000 within 30 days;
and, third, that those trades and our
annual financial report will be elec-
tronically filed and, therefore, be avail-
able online.
May I say, as we begin the second
session of the 112th session of Congress,
we begin with so much distrust of our
Federal Government that I think pass-
ing the STOCK Act could have a posi-
tive effect on how we are being per-
ceived, and particularly if, as I hope,
we pass it on a bipartisan basis. The
STOCK Act was passed out of our com-
mittee in exactly that way. I believe it
has the support of Members and leaders
of both parties in both the House and Sen-
ate, and President Obama has promised
to sign it as soon as it comes to his
desk.
So let me end by quoting again from
our first President, this time from his
Inaugural Address. Here he set the
ideals for the new government that our
country would have. He said:
The foundations of our national policy
will be laid in the pure and immutable
principles of private morality . . . and the
preeminence of free government [will] be exemplified by
all the attributes which can win the affec-
tions of its citizens and command the respect
of the world.
Enacting this proposal into law will
say to our disappointed, our skeptical,
our troubled constituents that we un-
derstand and accept Washington’s wis-
dom. I thank the Chair, and at this time I
yield to my dear friend, the distin-
guished ranking member of our com-
mittee, Senator COLLINS.

The ACTING PRESIDENT pro tem-
porum, The Senator from Maine.
Ms. COLLINS. Mr. President, I am
pleased to join today the chairman of
our committee, Senator LIEBERMAN,
and the sponsor of this bill, Senator SCOTT BROWN, in urging our colleagues
to begin consideration of what is
known as the STOCK Act.
This legislation is based on a bill
that was first introduced in the Senate
by Senator SCOTT BROWN and a similar
one introduced by Senator GILLIBRAND.
Put simply, the STOCK Act is intended
to ensure that Members of Congress do
not profit from trading on insider in-
formation.
As a cosponsor of Senator BROWN’s
bill, I wish to commend him for his
leadership in this area. I also wish to
recognize Chairman LIEBERMAN for
moving this important bill forward in
such an expeditious manner.
Press reports on “60 Minutes” and
elsewhere have raised questions about
whether lawmakers have been exempt,
either legally or practically, from the
reach of our laws prohibiting insider
trading. At a time when polls show
people think it is a classic conflict of
interest, there is a strong desire on our
part to address the concerns that un-
derpin the public’s skepticism and as-
sure the American people that we are
putting their interests ahead of our
own.
The STOCK Act is intended to affir-
m that Members of Congress are not ex-
empt from our laws prohibiting insider
trading. While several of the witnesses
who appeared before our committee’s
hearing on this bill testified that there
are no issues regarding Members of
Congress, confusion and uncertainty
nevertheless persists. For example, on
the eve of our markup, the Wall Street
Journal published an op-ed by a Yale
law professor who wrote that “the Se-
curities and Exchange Commission has
determined that insider trading laws
do not apply to Members of Congress or
their staff.”
However, is directly contra-
dicted by the statement for the record
submitted to the committee by the SEC’s Enforcement Director who said:
“[T]here is no reason why trading by
Members of Congress or their staff
should be considered exempt from
the Federal securities laws, in-
cluding trading prohibitions.”
I ask unanimous consent to have
printed in the RECORD the SEC state-
ment at the conclusion of my com-
ments.
The ACTING PRESIDENT pro tem-
pore. Without objection, it is so or-
dered. (See exhibit 1.)
Ms. COLLINS. Mr. President, to me,
this illustrates the confusion over this
issue. So I am pleased the committee
not only reported Senator Brown’s bill
but unanimously adopted an amend-
ment offered by Senator LIEBER-
MAN that states clearly that Members
and their staff are not exempt from in-
side trading laws.

The need for this unambiguous state-
ment can likely be traced back to the
nature of the insider trading laws. As
our committee has learned, our Na-
tion’s insider trading laws are not, gen-
erally speaking, based on statutes
passed by Congress but rather on court
precedents. As one of our witnesses,
law professor Donna Nagy from Indiana
University, pointed out during our

hearings:
Congress has never enacted a Federal secu-
rities statute that explicitly prohibits any-
one from insider trading. The explicit
statutory ban on insider trading . . . is en-
tirely absent in U.S. securities law.
Rather, the SEC pursues insider trad-
cing cases under the general antifraud
provisions of its securities laws, most commonly section 10B of
the Securities Exchange Act of 1934 and
rule 10b-5, a broad antifraud rule pro-
mulgated by the Commission. There-
fore, what constitutes insider trading
has largely been determined by the
courts, including the Supreme Court, on
a case-by-case basis.
Under the case law, two different
types or theories of insider trading vi-
olations have developed; one where the
defendant is a classic corporate insider
using nonpublic information to trade
on the company’s stock and a second
where the defendant has misapprop-
riated inside information in violation
of a duty owed to the source of the in-
formation, such as a lawyer who trades
on advanced notice of a business trans-
action. Both types of cases, however,
share common elements:
There must be a breach of a duty,
such as a traditional fiduciary duty or
a duty of trust and confidence; the
breach is intentional; and there is
misappropriation, which is the type of information a reasonable investor would consider im-
portant in making a decision to buy or

Journal published an op-ed by a Yale
law professor who wrote that “the Se-
curities and Exchange Commission has
determined that insider trading laws
do not apply to Members of Congress or
their staff.”
sell stock; the information must be nonpublic; and the defendant must receive a personal benefit, which the Supreme Court has said may include not only financial gain but also reputational benefits.

The Court has held, under section 10b, the chargeable conduct must involve a deceptive device or contrivance used in connection with the purchase or sale of securities. In criminal prosecutions for insider trading, the government must prove that a person willfully violated the provision with culpable intent.

Although the witnesses who came before the committee generally agreed that Congress enjoys no exemption from insider trading laws, they also stressed the need to clarify the relevant duty that applies to Members. The bill reported by the committee, in language refined by Senator Levin, addressed this issue by affirming a duty arising from the relationship of trust and confidence already owed by Members and their staff to the Congress, the U.S. Government, and the citizens we serve. At our markup, we clarified that this does not create a new set of laws as other Americans, but rather recognizes or affirms our existing duty.

As reported, the bill would also have amended the Congressional Accountability Act to prohibit Members and staff from using nonpublic information derived from their positions in Congress to make a personal profit. This would cover insider trading matters, as well as land deals and other financial transactions where nonpublic information could be wrongly converted into a private gain.

Similar to the reported bill, the substitute offered by Senator Paul, successfully offered at our markup, reaffirms the same framework—clarification of the prohibition against using nonpublic information for private profit and the affirmation of existing duty that we have—to the employees of the executive and judicial branches, as well as the legislative branch. Similar to the reported bill, the substitute includes earlier deadlines for financial reporting requirements and greater transparency for financial disclosure statements, as the chairman mentioned, by requiring that they be available online and in a searchable format.

I believe we need to reassure a skeptical public that we understand that elective office is a place for public service, not for private gain; that it is an honor and a trust we have been given by the people we represent. Under scoring that important message is clearly the intent of this bill, and that is why I support it.

I urge my colleagues to vote yes to vote to invoke cloture on the motion to proceed.

EXHIBIT 1


STATEMENT ON THE APPLICATION OF INSIDER TRADING LAW TO TRADING BY MEMBERS OF CONGRESS AND THEIR STAFFS, BEFORE THE UNITED STATES SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

(By Robert Khuzami)
Chairman Lieberman, Ranking Member Collins, and Members of the Committee:

Thank you for the opportunity to provide a statement on behalf of the U.S. Securities and Exchange Commission on the subject of insider trading.

Insider trading threatens the integrity of our markets, depriving investors of the fundamental fairness of a level playing field. To deter this conduct and to hold accountable those who fail to play by the rules, the detection and prosecution of those who engage in insider trading remains one of the Division of Enforcement’s highest priorities.

My statement provides a summary of the Division of Enforcement’s recent work in the area of insider trading, an overview of the law of insider trading as developed through our enforcement program and judicial precedents, and a description of how the current law of insider trading applies to securities trading by Members of Congress and their staffs.

ENFORCEMENT’S INSIDER TRADING PROGRAM

Insider trading has long been a high priority for the Commission. Approximately eight percent of the 650 average annual number of enforcement cases filed by the Commission have involved insider trading violations. In the past two years, the Commission has been particularly active in this area. In fiscal year 2010, the SEC brought 53 insider trading cases against 138 individuals and entities, a 43 percent increase in the number of filed cases from the prior fiscal year. This past fiscal year, the Commission filed 57 actions against 124 individuals and entities, a nearly 8 percent increase over the number of filed cases in fiscal year 2011.

The increased number of insider trading cases has been matched by an increase in the quantity and significance of recent cases. In fiscal year 2011 and the early part of fiscal year 2012, the SEC obtained judgments in 18 actions arising out of its investigation of Raj Rajaratnam, including a record $92.8 million civil penalty against Rajaratnam personally. The SEC also discovered and developed information that ultimately led to convictions of Rajaratnam and others, including corporate executives and hedge fund managers, for rampant insider trading. In addition, we recently filed an insider trading action against Rajat Gupta, a former director of both Goldman Sachs and Procter & Gamble, whom we allege provided confidential Board information to both companies in exchange for hundreds of thousands and an impending $5 billion Berkshire Hathaway investment in Goldman Sachs to Rajaratnam, who traded on that information.

Among others charged in SEC insider trading cases in the past fiscal year were various hedge fund managers charged in a $30 million expert networking trading scheme, a former Nasdaq Managing Director, a former Major League Baseball player, a Federal Drug Administration chemist, and a former corporate attorney and a Wall Street trader who traded in advance of mergers involving clients of the attorney’s law firm. The SEC also brought insider trading cases charging a Goldman Sachs employee and his father with trading on confidential information learned by the employee on the firm’s ETF desk, and charging a corporate board member of a major energy company and his son for trading on confidential information about the impending takeover of the company.

The Division also has targeted non-traditional cases involving the misuse or mishandling of material, non-public information. This past fiscal year the Commission charged Merrill Lynch, Pierce, Fenner & Smith for fraud for improperly accessing and misusing customer order information for the firm’s own benefit. The SEC also censured broker-dealer Janney Montgomery Scott LLC for failing to enforce its own policies and procedures designed to prevent the misuse of material, nonpublic information. Charles Schwab Investment Management was charged for failing to have appropriate information barriers and potentially material information concerning an ultra-short bond fund that suffered significant declines during the financial crises. This past fiscal year, the SEC also brought insider trading cases charging a Food and Drug Administration chemist, and misusing customer order information for the firm’s ETF desk, and charging a corporate insider who used nonpublic information derived from his position at the company.

To respond to emerging risks, the Enforcement Division has developed several new initiatives targeted at insider trading, which have enhanced our effectiveness in this area. During our recent reorganization, the Division established a Market Abuse Unit, designed to combat various abusive market strategies and practices, including complex insider trading schemes.
The Market Abuse Unit has spearheaded the Division’s Automated Bluesheet Analysis Project, an innovative investigative tool that utilizes the “bluesheet” database of more than $5 billion of electronic communications and options trading records obtained by the Commission in the course of insider trading investigations over the past 20 years. Using newly developed computer algorithms, staff are able to search across this database to recognize suspicious trading patterns and identify relationships and connections among trades, communications, and other securities, generating significant enforcement leads and investigative entry points. While this early stage of development, this new data analytic approach already has led to significant insider trading enforcement actions that were not the subject of an SEC referral, informant tip, investor complaint, media report, or other external source.

As part of the reorganization, the Division also established a new cooperation program to encourage key fact witnesses to provide valuable information. Insider trading investigations are extremely fact-intensive. Enforcement actions typically begin with the often painstaking work of collecting and analyzing trading data across equity and options markets, analyzing communications (email, telephone calls, and instant messages, among others) and analyzing market-moving events (e.g., announcements of corporate earnings, product or acquisition acquisitions) to identify persons who may have engaged in insider trading or who may have information about such activity. Our new cooperation program is a valuable tool that can help us break open an insider trading investigation earlier in the process, thereby preserving resources. We are already seeing the effectiveness of the cooperation program in our insider trading cases and expect this trend to continue as more cooperators come forward in our government-enforcement efforts.

With an aggressive investigative approach that includes early coordination with the FBI, Department of Justice, and other law enforcement agencies, we have been able to identify potential cooperators who may assist criminal authorities with their covert investigative techniques, helping amass critical evidence that could be useful in our cooperation program to encourage key fact witnesses to provide valuable information. Insider trading investigations are extremely fact-intensive. Enforcement actions typically begin with the often painstaking work of collecting and analyzing trading data across equity and options markets, analyzing communications (email, telephone calls, and instant messages, among others) and analyzing market-moving events (e.g., announcements of corporate earnings, product or acquisition acquisitions) to identify persons who may have engaged in insider trading or who may have information about such activity. Our new cooperation program is a valuable tool that can help us break open an insider trading investigation earlier in the process, thereby preserving resources. We are already seeing the effectiveness of the cooperation program in our insider trading cases and expect this trend to continue as more cooperators come forward in our government-enforcement efforts.

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APPLICATION OF TIPPER AND TIPPEE LIABILITY THEORIES TO MEMBERS OF CONGRESS AND THEIR STAFF

Communication of nonpublic information to others who either trade on the information themselves or share it with others for securities trading purposes, could be analyzed under the same theory relating to the tippee and tippee liability and also would turn on the specific facts of the case. A person can be liable as a tippee where he or she discloses information in breach of a fiduciary duty or other similar duty of trust or confidence and the tippee trades on the basis of that information. The same duty requirement described above is applicable in the tipper context, as are the requirements that the tipped information be nonpublic and material. A court may be showing that the Member of Congress or staff member personally benefited from providing the tip. A person who trades on the basis of material, nonpublic information conveyed by a Member or staff member in breach of a duty also could be liable for illegal insider trading as a tippee. An additional element of liability is that the tippee knew or should have known of the tipper’s breach of duty in disclosing the information.

Investigations into potential trading or tipping by Members of Congress or their staff could pose some unique issues, including those that may arise from the Constitutional privilege enjoyed by Congress under the Speech or Debate Clause, U.S. Const. art. I, §6, cl.1. The Supreme Court has stated that “[t]he Speech or Debate Clause was designed to assure a co-equal branch of the government wide freedom of speech, debate, and deliberation without intimidation or threats from the Executive Branch.” The Clause “protects Members against prosecutions that directly impinge or threaten the legislative process.” While the “heart” of the privilege is speech, courts have extended the privilege to matters beyond pure speech and debate in certain circumstances. There may be circumstances in which the privilege of nonpublic information regarding legislative activity to a third party fails “within the ‘sphere of legitimate legislative activity,’” and thus may be protected by the privilege.

CONCLUSION

The SEC’s continued focus on insider trading and innovative investigative techniques demonstrates its commitment to pursuing potential misconduct trading in a variety of contexts. While recent innovations in the Division of Enforcement are enhancing our ability to obtain that evidence, to establish liability, and to punish each of the elements of an insider trading violation, including the materiality of the information, the nonpublic nature of the information, the presence of a fiduciary duty of trust and confidence that was violated by the trading or tipping. While trading by Members of Congress or their staff is not exempt from federal securities laws, including the insider trading prohibitions, there are distinct legal and factual issues that may arise in any investigations or prosecutions.

Current law and thereby make it more difficult to bring future insider trading actions against individuals outside of Congress.

Ms. COLLINS. I now yield the floor to the sponsor of the bill, Senator BROWN.

Mr. BROWN of Massachusetts. Mr. President, I wish to thank Ranking Member COLLINS and Chairwoman LIEBERMAN for doing something very unusual and almost anathema to your legislators out in a very short period of time, having it not only come up and being filed by Senator GILLIBRAND—her bill and even my bill—and then you both working together to move it forward for a hearing. That hearing going very well and coming out so quickly is unheard of, and I wish to thank you for that.

I also wish to thank Leader REID for bringing this bill to the floor today as well as, as I said, Chairman LIEBERMAN, Ranking Member COLLINS, and Senator GILLIBRAND. We have worked together to draft a bipartisan version of the STOCK Act, an act that passed out of committee by an overwhelming margin. That is appropriate because this isn’t a partisan issue. It is about cleaning up Washington.

Abraham Lincoln spoke at Gettysburg of fighting to preserve “government of the people, by the people, and for the people.” I think that if the approval ratings are any indication, the American people have lost faith that we are living up to Lincoln’s ideal, and we need to do it better. They have lost faith that Congress works for them.

I believe too many Members of Congress have come to Washington to make themselves rich on or to do other things instead of taking care of the people’s business and that Congress only steps in to bail out the people with the most money or the most lobbying power, and that is not right.

With this bill today, we have the opportunity to take a small step to reestablishing the trust between the American people and Congress. If we can pass the STOCK Act this week, it will send a very strong and unified message to the American people that Congress does not consider itself to be above the law. We can start to finally address that deficit of trust that the President referenced in his State of the Union Address. Members of Congress must live by the same rules that govern every other American citizen.

As you may recall from a “60 Minutes” investigation only 2 months ago, we learned that Members of Congress, their staff, as well as other Federal employees may be using material nonpublic information for their personal gain, either through stock trades, real estate deals or other financial activity.

Everyone agrees this should be illegal or it already is, as referenced by the ranking member and her very thorough explanations of the problems with it. But somehow, despite all the evidence, there has never been a single Member of Congress or congressional staffer charged with insider trading.

I have to admit, similar to you and many others, I was shocked by this report. I think we all were. As a result, I filed my version of the STOCK Act, which would prohibit employees of Congress from using material nonpublic information for their personal benefit.

When Homeland Security and Governmental Affairs Committee held a hearing on the state of insider trading law as it applies to Congress, one thing was very clear. Although, as Ranking Member COLLINS said, the SEC theoretically has the ability to prosecute Members, there has been no precedent for it, and the state of law at this point is very unsettled. To remove any and all doubt, we need to act, and we need to act now. In addition to clarifying that insider trading is indeed a criminal offense, we are increasing the transparency of Members and their activity to make sure our investment decisions are out there for everyone to see as plain as day. As President Ronald Reagan liked to say: Trust but verify.

In conclusion, I wish to say that Senator COBURN has a phrase that I think is very accurate in this context. He talks about all the earmarks and contracts and Washington spending that end up in the hands of those people he calls well-heeled and well-connected. In my opinion, no one is more well-connected, with more access to a wide range of privileged, nonpublic information, than Members of Congress, their friends, employees or family members.

At a time when our economy is struggling and the average American family has to make hard economic choices, congressional Members and staff should not be lining their pockets on insider information. Serving our country is a privilege, one I cherish very much. I believe we must level the playing field and show the American people that the people in Congress do not consider themselves to be above the laws we expect everyone else across the country to obey.

I believe it is time to listen to our constituents and remember that every seat in this room is the people’s seat.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from New York.

Mrs. GILLIBRAND. I thank my colleague from Massachusetts for his strong advocacy on such an important issue. I would like to recognize Chair- man LIEBERMAN and Ranking Member COLLINS for their leadership and advo- cacy and their work on getting this out of committee so quickly.

I urge my colleagues to vote yes on cloture tonight on this bipartisan bill to ensure clearly and unambiguously that all Members of Congress, their staffs, and Federal employees play by the exact same rules as all the American people. The American people deserve the right to know their lawmaker’s only interest is what is best for the American people.
for the country, not their own financial interests. Members of Congress and their families and staff should not be able to gain personal profit from information to which they have access that everyday middle-class Americans do not. It is simply not right. Nobody should be above the rules. I introduced a bipartisan bill in the Senate with 28 of our colleagues from both sides of the aisle to close this loophole.

The STOCK Act legislation is very similar to the legislation introduced by my friends in the House of Representatives, Congresswoman LOUISE SLAUGHTER and Congressman TIM WALZ. I thank them for their longstanding advocacy and dedication to this important cause. I again thank Senator REID for his leadership in moving this body forward to this important debate and an up-or-down vote that the American people deserve.

Our bill, which has received the support of at least seven good-government groups, covers two important principles:

First, Members of Congress, their families, and their staff should be barred from buying or selling securities on the basis of information gained through their congressional service or from using the knowledge to tip off anyone else. The SEC and the CFTC must be empowered to investigate these cases. To provide additional teeth, such acts should also be in violation of Congress’s own rules, to make it clear that the activity is inappropriate.

Second, Members should be required to disclose transactions within 30 days, to make this information available online for their constituents to see, providing dramatically improved oversight and accountability from the current annual hard copy reporting.

I am the final product that passed with bipartisan support out of the committee is a strong bill with teeth and includes measures such as ensuring that Members of Congress cannot tip off others with nonpublic information gained through their duties and ensuring that trading with this information would be a violation of Congress’s own ethics rules.

Some critics have said this bill is unnecessary, already covered under current statutes. I have spoken with experts tasked in the past with investigations of this nature, and they strongly disagree. We must make it unambiguous that this kind of behavior is illegal.

My home State newspaper, the Buffalo News, noted:

. . . the STOCK Act would ensure that it is the people’s business being attended to.

President Obama said in his State of the Union—send him the bill and he will sign it right away.

We should not delay. It is time to act. I urge my colleagues to vote yes tonight for cloture so we can pass this bill without delay. Let’s take this step to begin rebuilding the trust necessary in Congress.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, today the Senate will be given the opportunity to ban insider trading by Members of Congress and their staff. Insider trading is illegal for everyone in America, and there is no doubt about that. But when compared to the information that folks in Congress learn before the general public learns it, there are no clear-cut rules, and that is unacceptable. Folks in Congress clearly have advanced knowledge of which bills and issues Congress will consider. They know how those bills will affect basic goods and services, and often the legislation we pass impacts how well a company does on the stock market.

Good men and women work for Congress, and I have the deepest respect for my colleagues. I would say all come to the Senate with good intentions and carry out their daily responsibilities without thinking about using information they learn for personal financial gain. That is why banning insider trading should be the rule by the act that Members of Congress and their staffs are allowed to buy and sell stocks based on privileged information is incredible to me.

Congress has historically low approval ratings from the American people. They believe many in Congress do not represent them and have forgotten what it means to be a normal American. Most folks would assume Congressmen and Senators already cannot trade stocks based on information they get in their jobs, but it turns out this may not be true. That is just one more example of why the American people have lost faith in this institution.

As elected officials, it is our duty to regain the trust of the American people. We have an obligation to be as transparent and as accountable as possible. That is why I was the first Member of Congress to post my public schedule online for everybody to see. My constituents can look at my schedule every day to see with whom I meet and which hearings I attend.

Now we have the opportunity to help regain trust in this body by bringing our own rules in line with the rest of America. By adding transparency and accountability, the American people will know we are working on their behalf without considering personal financial gains.

This bill contains a provision Senator BINGGELI and I sponsored to ensure that the annual financial disclosure forms filled by Members of Congress are available electronically. As with most transparency, full transparency means the public has the right and the ability to see our records. In the 21st century, there is no reason to keep it right away. Letting those disclosures sit in a filing cabinet somewhere in the Capitol Complex is not transparent; putting the files online in a searchable format is.

At a time of hyperpartisanship, this is an opportunity for both sides to work together on a bill we sorely need. There is not a Democratic or Republican angle to this. Every elected official would want Congress to be held to consistent and transparent rules and in line with the rest of the Nation. In fact, this is as nonpartisan a bill as can be, with ideas from Senator GILLIBRAND and Senator SCOTT BROWN both from Connecticut.

This bill covers each section of the political spectrum. It is a straightforward bill that is long overdue. The STOCK Act will be a step toward ensuring that when people run for Congress or come to work for Congress, they are doing so because they want to work on behalf of the American people and not for their own personal benefit.

I call on my colleagues on both sides of the aisle to vote yes on this act so we can restore faith in Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I failed to reference—I was hopeful I could have Nathaniel Hoopes participate in the legislative process and participate on the floor in this debate.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I was going to reserve the right to object to Mr. Brown’s motion on behalf of Mr. Hoopes because I was about to say that the above-mentioned Mr. Hoopes got his start in my office and I was looking for an opportunity to say that.

We have about 20 minutes until the vote on the motion occurs. Obviously, we are all here together—Senator COLBERT, Senator BROWN of Connecticut, GILLIBRAND, Senator TESTER, and I—to urge Members to vote for cloture, to take up this measure. It would be a ray of light—warm light—if we pass this measure, this cloture vote, overwhelmingly. Then we could go on to debate it.

Some people may have amendments—obviously, I presume they will— they want to offer. I hope that in considering amendments, our colleagues will focus on the problem that stimulated this legislation, that led Senator Brown and Senator Gillibrand to introduce it and led our committee to pass it out on a bipartisan vote, which was the concern that Members of the Congress and our staffs are not covered by insider trading laws. This legislation makes clear that we are covered by insider trading laws and therefore can be investigated and prosecuted for violation of those laws, both by the SEC and the Justice Department, but we have also asked the ethics committees of both Houses of Congress for guidance, making clear that insider trading is also a violation of the ethics rules of both Chambers.
I am sure there are a lot of different aspects that Members of Congress, including ourselves on our committee who worked on this bill, might have in mind to also correct problems that exist, perhaps to also try to help rebuild public confidence in the institution of Congress, but I really want to see our colleagues not to do so in a way that will make it more difficult or at worst impossible to fix the wrong, the problem that motivated this legislation, that is, that is not covered by insider trading laws. Congress and our staffs are not covered by insider trading laws. Our colleagues not to do so in a way that we can exist, perhaps to also try to help reestablish the trust with the American people, and this is the first step in doing that very thing.

Once again, I thank the chairman for referencing something I failed to reference as well. I would encourage my colleagues on my side of the aisle and my friends on the other side of the aisle to keep all amendments germane. We need to make sure we move for cloture as soon as possible on a fair, fair, and spirited debate on the issues that concern them but don’t get side-tracked to the point where the bill gets killed or piled. I think that would be a traveesty and a mistake. So I am thinking this is going to make sure if they have a concern, let’s air it out and take a full and fair vote on it and move forward.

I love hearing the Senator’s stories. I am reading his book because of his knowledge and history and the way he can weave things back and forth. That is a very good analogy. I too have concerns. We have referenced many times that there may be forces beyond us who want to make sure this doesn’t come out of this Chamber and go next door and then ultimately be signed by the President. I am not one of them. I want to make sure—as the Senator from Connecticut, the Senator from Maine, and many of the other Members and the cosponsors—that this bill comes out in a good and fair form.

We are here for a very specific reason, to address a very specific issue that affects people, quite frankly, in a profound manner that I never thought was possible. If there are other concerns, I commend the chairman for publicly stating to bring them up in a separate matter on a separate bill and address them if there are issues we have missed. I have a fear—and I hope I am wrong—that by making it, as the Senator from Connecticut referenced, too perfect or too sweet, it could fail, and I don’t want to see that. I want to make sure we have a laser-sharp bill that addresses a very specific issue, and if we do it together and work in a true bipartisan manner, we have an opportunity right now in this moment in our history of this country to do something special.

I was sent here to do the people’s business, and I do it each and every day by working across party lines with good people and good Democrats like the Senator from Connecticut and others. I take that role very seriously. We have the opportunity right now to send a very powerful message for which the American people are yearning. They want us to do well. They want us to be good. They want us to be better than we have been representing ourselves right now.

So I am encouraging—just to reference and take it a step further—my colleagues to do the same thing. Let’s put our party differences aside. Let’s put the inner party differences aside and push this legislation through in a thoughtful, methodical, respectful, and responsible manner that will make the American people say: OK, it is a good first step. What is next, Congress? Are we going to do the postal bill and try to save the postal bill? I hope that is the next issue. We need to work in a truly bipartisan manner.

Once again, who is here? It is me, Senator LIEBERMAN, Senator COLLINS, and Senator COCHRAN who are pushing to try to save the post office. That should be the next issue. What is after that? We need to address our fiscal and financial issues so we can come out of this 3-year recession in a lean-and-mean manner so we can be a better country and be able to compete on a global basis. We need to start putting the American people’s interests first instead of everybody else’s.

I usually get in trouble when I go off like this, but I think it is critically important to let the people know that one good deed begets another good deed, and this is the first step in this new calendar year to do just that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I appreciate the comments.

Mr. President, I am pleased to report that I just received notice that within the hour the administration put out the announcement of a new proposal— the so-called SAP—strongly endorsing this legislation, S. 2038, and we appreciate that very much. It is a very strong statement of support for the principles and exactly the kinds of things the Senator from Connecticut, Senator BROWN, Senator GILLIBRAND, Senator TESTER, and I have been saying.

As the President said in his State of the Union speech, if we can get this bill to his desk—and the sooner the better—he will sign it as soon as he possibly can.

If there is no one else who wishes to speak at this time, I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

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. 301, S. 2038, the Stop Trading on Congressional Knowledge Act:

Harry Reid, Joseph I. Lieberman, Sherrod Brown, Joe Manchin III, Tom Udall, Mark Begich, Herb Kohl, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard J. Durbin, Benjamin L. Cardin, Christopher A. Coons, Dianne Feinstein, Patrick J. Leahy,
January 30, 2012
CONGRESSIONAL RECORD — SENATE S149

Richard J. Durbin, Patty Murray, and Charles E. Schumer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on the motion to proceed to S. 2038, a bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes, be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAACSON), the Senator from Illinois (Mr. KIRK), and the Senator from Mississippi (Mr. WICKER).

The yeas and nays resulted—yeas 93, nays 2, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—93

Akaka  Franken  Moran
Alexander  Gilsenan  Murkowski
Ayotte  Graham  Murray
Barrasso  Grazzley  Nelson (NE)
Baucus  Harkin  Nelson (FL)
Begich  Harkin  Paul
Bennet  Hatch  Portman
Bingaman  Hoyer  Pryor
Blumenthal  Hoeven  Reed
Blunt  Hutchison  Reid
Boozman  Inhofe  Rice
Boxer  Inouye  Roberts
Brown (MA)  Johanns  Rockefeller
Brown (OH)  Johnson (SD)  Rubio
Cantwell  Johnson (WI)  Sanders
Cardin  Kerry  Schumer
Casper  Kobach  Sessions
Casey  Kohl  Shaheen
Chambliss  Kirk  Shelby
Coats  Lastenberry  Snowe
Cochrane  Leahy  Stabenow
Collins  Levin  Tester
Conrad  Levin  Thune
Coons  Lieberman  Toomey
Corker  Laws  Udall (CO)
Cornyn  Manchin  Udall (NM)
Crapo  McCain  Vitter
DeMint  McCaskill  Warner
Durbin  McConnell  Webb
Eck  Merkley  Whitehouse
Feinstein  Mikulski  Wyden

NAYS—2

Burr  Cochran
Isakson  Landrieu  Wicker
Kirk  Menendez

The PRESIDING OFFICER. On this vote, the yeas are 93, the nays are 2. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Connecticut.

MORNING BUSINESS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, and that Senator GRASSLEY be recognized to speak for up to 20 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. LIEBERMAN. Mr. President, on behalf of the majority leader, he has asked me to announce there will be no more votes tonight.

If I may, on my own behalf, we will go to the STOCK Act, S. 2038, tomorrow morning, hope anyone who has a relevant amendment will come to the floor and offer it.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Iowa.

ORDER OF PROCEDURE

Mr. GRASSLEY. Madam President, I have been asked by Senator Brown of Ohio if he could be recognized immediately after me.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS APPOINTMENTS

Mr. GRASSLEY. Madam President, one week ago today, I addressed the Senate on President Obama’s decision to bypass the Senate, and the Constitution as well, by making four “recess” appointments at a time when the President’s recess appointment power did not apply.

I explained in detail why the legal memo released by the Obama administration attempting to justify President Obama’s actions did not hold legal water.

Last Thursday, I laid out the case that this is not an isolated incident or a technical legal squabble. Rather, the President’s recent actions are part of a pattern of disregard for the constitutional system of checks and balances.

Today, I will address why such criticisms are justified and why such criticisms are necessary.

First, it is legitimate for a U.S. Senator to criticize a legal opinion issued by the Office of Legal Counsel and the Senate-confirmed head of that office.

I have no doubt Senators may criticize such opinions and, when the facts warrant, ask whether that office and its head are exercising the independence that is required for the Constitution to be upheld. Recently, we read some in the media apparently disagreed with this. They say it is wrong for a Senator to ever criticize a Senate-confirmed official’s independence and judgment. They say that all a Senator can do is criticize the official’s substantive arguments.

I say nonsense. When the media makes such claims, it merely seeks to divert attention from the weakness of the opinion’s actual conclusions and reasoning. In my statement last week, I laid out my disagreement with the contents of the Office of Legal Counsel. Of course, Senators and administration officials can reach different conclusions on the law; each can have a reasonable point of view; but that is not the case here.

If the Office of Legal Counsel is to be “the Constitutional conscience of the administration” that some in the media characterize it to be, it must exercise a certain level of independence, as mentioned in my statement.

When a President who takes an expansive view of his powers asks the Justice Department officials, who owe their job to him, whether he has the constitutional or legal authority to take such action, there is always the chance that pressure will overtake their responsibilities to provide their best legal judgment.

That is why at Ms. Seitz’ confirmation hearing, and subsequent communication, we took very painstaking efforts to give her the opportunity to state on the record her commitment to providing independent legal advice, to make sure she would place loyalty to the law and loyalty to the Constitution above her loyalty to the President.

That was our purpose. Ms. Seitz promised to act independently. She promised not to stand idly by if she thought the Constitution was being violated.

The only way to tell whether the Office has given independent advice, the only way to tell whether pressure has been resisted, is to review the arguments and the reasoning the Office of Legal Counsel provided.

The media cannot address criticism of whether the head of that office is independent and has used good judgment without such a review. It is not enough that the media might agree the Office of Legal Counsel opinion was so poor as to raise legitimate questions concerning judgment and independence.

The Office of Legal Counsel is supposed to give the President objective legal advice before that person acts. It is not supposed to provide a weakly thought-out rationalization for a Presidential decision to act that has already been made.

Here, the arguments in the opinion are so weak that a fair-minded person can question the independence and judgment of the opinion’s author. For instance, the opinion is internally inconsistent. It contradicts the President’s ability to make recess appointments turns on the capacity of the Senate to conduct business. But in determining whether the pro forma sessions constitute a recess, the opinion does not consider the capacity of the Senate to conduct business and what it could do. Rather, it relies upon what individual Senators said, not what the institution said or can do, and it ignores not only what theoretically the capacity of the Senate was to do, but even its actual actions.

Similarly, the established meaning of the word “recess” is the same each
time it appears in the Constitution. Giving the term the same meaning means that the President can make recess appointments, but that this is a limited power.

The Office of Legal Counsel, contrary to what the President, inconsistently defines the term “recess” differently when it was used in different parts of the Constitution. But we cannot do that. The only thing consistent in the opinion is that it interprets recess each time in a way that expands the power of the President to make recess appointments and in such a way as to leave open the question of whether that power is limited in any meaningful way.

Former Federal Circuit Judge Michael McConnell, himself a former Justice Department lawyer who has defended Presidential power, found the arguments in the Office of Legal Counsel opinion to be so implausible—that is necessary for it to properly per—

It cannot produce the independent OLC that Ms. Seitz promised the Senate she would provide at her confirmation. The media has also made the strange argument that Ms. Seitz’ opinion must be professional and her judgment must be questioned because of her high professional reputation.

Is that not a little bit backward? The legitimacy of the argument contained in a legal opinion is not established by the reputation of the person who wrote it. Reputations are not steady. They are established by the quality of the professional work, not the other way around.

In the past, a prominent Democratic Senator actually feared to resign because of his legal work as Office of Legal Counsel head. The Washington Post, in an earlier editorial, criticized the opinions of other Bush administration OLC lawyers as displaying “the logic of criminal regimes” and “bringing shame to the American democracy.”

If the Post truly believes that criticizing Office of Legal Counsel lawyers is beyond the pale, they should retract their earlier opinions and condemn the harsher rhetoric that was hurled against Bush OLC lawyers.

While explaining what is wrong with the newspapers, I now go to explain why my criticisms were not just legitimate but they were absolutely nec—

The Framers of the Constitution foresaw the temptation by one branch of government to try to usurp the powers of the other branches. In Federalist 51, James Madison explained how the Constitution was designed to prevent power grabs through an ingenious system of checks and balances. He wrote this long quote:

but the great security against a gradual concentration of the other branches in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others.

The provision for defense must in this, as in all other cases, be commensurate to the danger of attack. Ambition must be made to counteract ambition.

Of course, this assumes a desire on the part of each branch to guard its constitutionally granted powers. If some Members of Congress are not willing to resist an encroachment because they place party loyalty above constitutional responsibilities or if members are reluctant to push back for fear of political consequences, then the system of checks and balances will not work as intended by our Constitution writers.

All Members of Congress swore an oath to support and defend the Constitution. That is our first obligation. I want to be clear that this is not an argument about constitutional semantics; it is one of fundamental principle. As Madison explains in Federalist 51: the “separate and distinct exercises of the different powers of government” is essential to the preservation of liberty.

This also goes beyond an argument about the ends to which President Obama has used the new powers he now claims. His agenda is controversial, to be sure, or he would not have had to bypass Congress.

Still, even those who support this President’s policies should not be so quick to look the other way. Once the walls separating the powers allotted to each branch of government are eroded, they are very difficult walls to rebuild.

The most eloquent expression of the philosophy on which our Nation was founded is, of course, the Declaration of Independence. I quote the all familiar:

We hold these truths to be self-evident, that all men are created equal, that they are
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endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. . . .

Based on these fundamental principles, the Constitution laid out a form of government designed to protect individual rights by resisting the concentration of power. This can be frustrating to those who would like a more activist government. Still, these features of our Constitution perform a very important role in preventing one faction of Americans from dominating another faction of Americans. I am sure President Obama is convinced his agenda is what is best for the country and that the ends justify the means in pursuing that agenda. But that is not the Machiavellian ideas that any of our Constitution writers had.

Naturally, he doesn’t see any danger in concentrating power in the Presidency as long as he uses that power very wisely. Moreover, he has gone out of his way to identify himself with the school of thought that the constitutional separation of powers is an outdated barrier to change.

Last month, President Obama gave a speech in Kansas in which he sought to link his agenda to Teddy Roosevelt’s famous “New Nationalism” speech at the same place in 1910. The original speech marked the beginning of Roosevelts many of his past policies and with the incumbent Republican President, William Howard Taft.

Roosevelt then went on to challenge Taft to the 1912 Progressive ticket, heading up the Progressive Party ticket. You know that both Roosevelt and Taft lost.

In that 1910 speech to which President Obama paid tribute, Roosevelt described his new nationalism as “impotent of the impotence which springs from overdivision of governmental power.” This philosophy seeks to fundamentally transform the United States from a nation founded on the principle that protecting the unalienable natural rights of each citizen is the paramount goal of government to one that empowers an enlightened elite to take whatever actions they deem necessary to correct wrongs in society. In other words, throw the Constitution out the door. This may start out with very good intentions, but there is no guarantee that once our constitutional protections are gone, future leaders will always act in the most enlightened way. In fact, the single-minded pursuit of a better society at the expense of individual rights has led to some of history’s worst tyrannies.

Moreover, not only is the concentration of power in the executive branch contrary to the founding principles of our Nation, it is foreign to the realities of American civic life. With a country as large and as diverse as ours, no individual can claim to speak on behalf of all Americans. Our constitutional system, based on federalism, separation of powers, and checks and balances helps ensure that each American has the opportunity to live their life as they see fit.

I return to the words of James Madison: It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of society against the injustice of the other part. The voices of all Americans deserve to be heard through the elected representatives of the people. That is what is at stake. Those of us who were elected to represent the people of our States should do just that or we deserve not to be here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I want to take 60 or 90 seconds to discuss the subject that the Senator from Iowa discussed; that is, the appointment of Richard Cordray to the Consumer Protection Bureau. I checked with the Senator’s story earlier during this move through the Banking Committee on when the Presiding Officer sits. Never in history has anybody in one party blocked even a vote of a Presidential nominee who is admittedly qualified only because they don’t like the agency.

That would be a little like, as Senator REED from Rhode Island said, refusing to confirm an appointee to run the FDA until the Congress weakens food safety laws. It runs counter to everything we believe. I wasn’t insisting that my Senate colleagues all support Richard Cordray, former attorney general from Ohio, who is eminently qualified for this job. We were saying to just let it come up to an up-or-down vote.

Instead, the minority party filibustered as the President had no choice but to act because the agency simply could not do its job. Only 2 years ago, this agency was created, this consumer bureau, to have a consumer cop on the beat to keep Wall Street banks and payday lenders and everybody in between honest. It took 60 votes in the Senate, including the Presiding Officer and me, and 58 others, to say this agency should be created and the consumer bureau should be in effect. That is the history of that.

RECOGNIZING BRANDON MOORE

Mr. BROWN of Ohio. Madam President, I rise today to honor Detective Brandon Moore, of the Morrow County, OH, Sheriff’s Department and Ohio’s first recipient of the Congressional Badge of Bravery.

Established in 2008, the Congressional Badge of Bravery is an annual award from the U.S. Attorney General to public safety officers who display bravery in the line of duty.

Earlier this month, Congressman Jim Jordan and I had the honor of presenting the award to Detective Moore, along with Morrow County Sheriff Steven Brenneman and sheriffs and law enforcement officers from across central Ohio. It was an honor to meet Detective Moore—to hear his story of heroism and to see his humility firsthand.

In October 2010, Detective Moore was shot multiple times and nearly killed in the line of duty during an ambush and firefight. When you hear about what happened, you can imagine the scene.

Then-Deputy Sheriff Moore received a report of neighbors engaged in a property dispute. He traveled to the scene. But in the course of the investigation, he suspected criminal drug activity in one of the homes.

The story quickly turned to the unimaginable.

Of the neighbors came out of his house with an assault rifle and started firing.

Detective Moore was shot in the groin, leg, foot, and abdomen.

Yet his injuries were so life-threatening that he made the unimaginable call to his wife—Diandra, his high school sweetheart—explaining what happened, wanting her to know how much he loved her and their children, Alec and Andrew.

Fortunately, help quickly arrived to the scene.

Detective Moore was airlifted to the hospital for multiple surgeries and where he stayed for a month.

Law enforcement officers across central Ohio visited the hospital to show their support—speaking volumes of the solidarity of a sacred brotherhood and sisterhood.

Today, Detective Moore is on the road to recovery—well ahead of schedule.

He was told it could take two or three years before he could return to duty. Detective Moore thinks he’ll do it in 18 months.

He recently hit one of his goals of running a quarter of a mile without stopping. Before April, his goal is to run half a mile.

And as difficult as the recovery has been for him—he remains grounded by humility and faith, and the love of his family.

Diandra has been with him on every step of the highs and lows of rehabilita-

To their children, Alec and Andrew, when you’re older, you’ll understand more than most people, the meaning of duty, love, and faith.
I had the honor of meeting Detective Moore's parents, who raised him and his siblings near my hometown of Mansfield, OH.

His parents—mother Tommie and father Jim—still live there. Jim is also a police officer—the sense of duty and faith runs deep in the family.

And it’s not just for a father seeing a son follow his footsteps—it’s also for a mother seeing both her husband and son put on a uniform to protect the public.

Like much of our great State, Mansfield is a place where you grow up with the values of hard work and fair play—service, community, and faith.

Detective Moore’s story illustrates those values as clearly as any.

We ask a great deal from our law enforcement officials—to risk their lives each day and each night.

And while we may never guarantee their safety, in honoring their service we give tribute to their sacrifice.

That’s what the Congressional Badge of Bravery reflects—the very character of our Nation that honors those who serve us.

Mr. ROCKEFELLER. Madam President, I rise to honor Dr. Michael Copps.

Dr. Copps turns in his badge and turns presents the best in public service. So as like Michael Copps anymore. He represents the best in public service. So as Dr. Copps turns in his badge and turns clear focus, and ability to marshal public and private efforts to manage the transition kept millions and millions of households with access to television news, emergency information, and entertainment.

Second, he called early and often for policies to support broadband, understanding well before others that broadband is the great infrastructure challenge of our age. It was here that his eye for history served him especially well as he saw the parallel between the broadband networks and the railroads that criss-crossed our country more than a century before; between opening ports to new markets and opening communities through new communications networks; and between the need for our interstate highway system and the need for new broadband byways. He called for a national broadband plan well before it was popular to do so. He reminded us that rural Americans must not be left on the wrong side of the digital divide. He was also the first to press for expanded service to the historically underserved—from rural areas, to Indian Country, to those with disabilities, and more—believing that access to communications technologies strengthens our economy and our democracy.

Third, he was an early champion of the open and free Internet. As our lives migrated online, he saw the risks posed by the control of both connectivity and content. He gave early voice to basic concepts that grew to become network neutrality.

Fourth, and finally—he has emerged as an important voice on media policy. He has never shied from asking the hard questions about our media institutions. He has criticized media concentration for diluting the diversity, localism, and competition we need in our information sources. He has worried for all of us that with the shuttering of newspapers, we are doing great harm to the public’s need to know. He was not blind to the great international promise of the Internet, but instead a realist about its near-term journalistic limitations. Without an informed citizenry, he reminded us over and over again, we risk what is essential for democracy. His zeal for this issue was anything but academic. He took to the road and held countless hearings outside of Washington—giving thousands of people across the country the opportunity to speak about the changes in our media landscape, and the information they need in their communities.

As part of this, he also pressed for less indecency in the media, and less coarse content on our airwaves. His media policies had fans and also detractors. But both uniformly respected how he took on these issues and how deeply committed he was to his cause. Simply put, they do not make men like Michael Copps anymore. He represents the best in public service. So as Dr. Copps turns in his badge and turns
to spending more time with Beth and their family of five children, I wanted
to come to the floor and congratulate
him on his accomplishments. His has
set an example for all of us. This one-
time history professor has earned his
place in history. I know I am grateful
for this opportunity. I am also grateful
to call him a friend.

TRIBUTE TO THE DICK FAMILY

Mr. MCCONNELL. Madam President,
I rise today to honor a family of entre-
preneurs who have been loyal and per-
sistent in contributing to the economy
of the Commonwealth, the Dick family
of Science Hill, KY. The late brothers
Arl and Carl Dick opened two separate
general stores over 60 years ago which
are still open for business and family
operated today. In the midst of an econ-
y in Kentucky, small businesses
commonly struggle, it is inspiring that
Kentucky’s very own Pulaski County
has had family-run busi-
nesses that have withstood the test of
time.

The brothers Carl and Arl were Ken-
tucky natives, but were living in Ohio
when they met, and decided to return to their
Pulaski County roots and open a gen-
eral store that would become a back-
bone in the local economy. At the be-

ginning of 1952, there were a total of
three general stores in the downtown
area of Science Hill; one owned by
local merchants, Ed Gibson and
Hazel Thurman Dick, and the other two belonging to the Dick broth-

ers. The stores were ahead of their
time; not only carried a full line of
groceries but were supplied with items
such as shoes, clothes, and hard-
ware as well.

None of the three stores were nec-
essarily in competition with each other
because each store specialized in car-
rying a different supply of items. Carl’s
grandson James Dick, who grew up
working in the family business, started
out as a delivery boy. If a customer re-
quested an item that a particular store
did not have in stock, James would run
store to store to find the item and
make sure it was delivered to the cus-
tomer.

Carl’s son Russell Dick remembers
the generosity his father showed to
customers on a daily basis. Carl initi-
ated a local system of credit so farmers
could obtain the items they needed with
the idea being that they would pay for
the items as soon as their crops were
sold. Carl was also notorious for
investing in the local economy. He
would lend money to farmers who wished to purchase new farm equip-
ment and entrepreneurs who were in-
terested in starting local businesses,
all of which was paid back to him in full.

For the past half century, the gen-
eral stores of downtown Science Hill
have provided a family atmosphere for
customers and have maintained a rep-
utation for caring about their com-

munity. Carl Dick’s General Store—now
run by Carl’s son and daughter-in-law
Russell and Hazel Thurman Dick—and
Science Hill Market, now run by Arl’s
widow Ruth Elliot Dick, still value
friendly, caring customer service above
all else. This devotion to the local cus-
tomer has led to the long-lasting suc-
cess of this small Kentucky business in
today’s modern economy.

The Pulaski County-area publication
The Commonwealth Journal recently
published an article that illustrates
the impact three generations of the Dick family and their businesses have
made on the community of Science Hill.
I ask unanimous consent that the
full article be printed in the RECORD.

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

[From The Commonwealth Journal, June 19, 2011]

CARL DICK’S GENERAL STORE: A SCIENCE HILL TRADITION
(By Don White)

Wal-Mart would have had a tough time
competing with the Science Hill of yester-
year.

Three general merchandise stores once op-
dertown, all within a few feet of each other, carrying items ranging from
shoes and soap to wallpaper and, flooring,
to a full line of groceries.

Brothers Arl and Carl Dick each opened his
own store at about the same time, and both
remain in business.

Arl’s widow, Ruth Elliot Dick, is owner-
manager of Science Hill Market, and across
the way on Carl Dick’s General Store, where
his son and daughter-in-law Russell
and Hazel Thurman Dick hold down the fort,
often assisted by their son, James.

The Pulaski County natives opened their
stores in 1948 and 1952 after returning home
from living in Ohio.

“Arl’s is the oldest, and the other store in
town was operated by Ed Gibson,” says
James. “They were so close together, it
was almost like they were under the same roof.”

James supplemented the $5 per week paid
for working in the store with such chores as
delivering mail, helping residents at a nickel per job, and mowing lawns.
“I was so young when I started mowing my
customers had to start the mower for me.”

Often, when things were extra busy in the
store, James welcomed the opportunity to
make deliveries and figures he went to every
house in town, either by walking, riding
a bike, motorcycle or driving a golf cart.

“When our store didn’t have something
a customer wanted, chances were pretty
good one of the others would, so I did the running
from store to store picking up and delivering the
items.”

The 45-year-old bachelor and 1984 Somerset
High graduate remains on the run, currently
serving as president and CEO of Morris &
Hilope and Pulaski Funeral homes, in addi-
tion to being a licensed funeral director. Life
lessons learned in the store are given credit
for the success he enjoys today in the world
of business and helping people.

He learned about credit due to a big por-
tion of the customers’ purchases, and
had an agreement to pay when their crops were
sold.
When adults would gather around the coal
stove in the center of the building and swap
stories and items of wisdom, James tried to
stay within hearing distance.

“Adults were always talking, and I was lis-
tening, picking up lots of good advice along
the way.”

His papaw stressed the value in remaining
humble throughout, saying “If you’ve got a quarter in your pocket, be sure
and make people think it’s a nickel,” and to
always be thrifty.

Arl purchased his store from Millard Roy.
“All the stores stayed extremely busy, and
there was never a feeling of one being in
competition with the other because each
was known for certain items.

“We specialized in shoes, feed and cloth-
ing,” says James.

“I can remember selling bibb overalls for
$2.98 per pair,” says Russell, also widely
known as a used car dealer from 45 years
with two lots in Science Hill.

James has always been aware of the re-

pect people in the area have had throughout
three generations of service for Dick family
members.

“I have all good memories of growing up
in Science Hill, a really close-knit community
that’s a great place to live and work.

“It’s been a pleasure to see all the
progress, like watching Charles Hall (former
superintendent for the Science Hill Inde-
pendent School System) build that school
into one of the best in the state.”

At the visitation for papaw, he heard from
dozens of people about the things he
done for them, including lending money
for the buying of farm equipment.

“Vernon Merrick told me that papaw took
a dollar off every pair of shoes he bought his
children, and that meant a lot.”

Coming to town “to do your tradin’” at
the three stores was a big deal.

“I seldom meet an area family who didn’t
shop downtown,” he says.

And the best thing about the good ol’ days
is that they aren’t over yet in Science Hill,
Kentucky.

Carl Dick’s General Store is open Monday
dawn until sunset Saturday from 6 a.m.
until 5 p.m., still selling everything from
delicious bacon to diamond rings.

Even old-fashioned candy is still sold by
the pound at Christmas time.

The store has been that papaw took a
dollar off every pair of shoes he bought his
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   ADDITIONAL STATEMENTS

TRIBUTE TO JAMIE KAMAILANI BOYD

Mr. AKAKA. Madam President,
I wish to congratulate an innovative ed-

ucator and health care professional from
my State, Jamie Kamailani Boyd, from
Kaneohe, HI, on receiving the
Robert Wood Johnson Foundation 2011
Community Health Leaders Award.

The award was presented at a ceremo-

nial last November in Baltimore.

This award was given to individ-

uals throughout the Nation who have
overcome challenges to improve health
and quality of life in disadvantaged or
underserved communities. The award provides $20,000 to each recipient for personal development and overall $105,000 to the project with which the awardee is affiliated. I am confident that this funding will be put to good use in Dr. Boyd’s hands.

Dr. Boyd is a nursing assistant professor and a health programs coordinator for the University of Hawaii’s Windward Community College, WCC. She is the first Native Hawaiian faculty member at the University of Hawaii to have earned a Ph.D., while also being a registered nurse. Carrying on a family tradition of nursing learned from her grandmother, she set out to better the health care system in Hawaii by improving nurse training and patient care.

To help achieve those goals, Dr. Boyd created the Pathway out of Poverty program at WCC. The program is founded on Native Hawaiian cultural values and seeks to encourage and train Native Hawaiian and disadvantaged youth pursuing careers in nursing. She aims to reduce poverty, increase the number of Native Hawaiian nurses, and improve the quality of nursing care by producing more empathetic and culturally competent providers. Today, Dr. Boyd trains about 50 nurse’s aides a year with approximately one-quarter of them going on to pursue an RN degree.

As an educator and former principal, I know firsthand about the countless hours of counseling, creating positive prospects, and reaching out to students. It makes me proud to see outstanding educators receive well-deserved national recognition for their hard work. Dr. Boyd’s dedication to her field and to the people of Hawaii is undeniable. I applaud her for earning this outstanding recognition, and I wish her much continued success in her future endeavors.

100TH ANNIVERSARY OF NEW MEXICO’S STATEHOOD

Mr. BINGAMAN. Madam President, this month marked the 100th anniversary of New Mexico’s statehood. In recognition of this occasion, the Senate Historian, Donald Ritchie, wrote a wonderful piece highlighting the political and ethnic issues surrounding New Mexico’s efforts to become a State. I thought it would be nice to share this historical note with the public by including it in the Congressional Record.

Mr. President, I ask that Mr. Ritchie’s Senate Historical Minute, titled “New Mexico Enters the Union,” be printed in the RECORD.

The material follows.

SENATE HISTORICAL MINUTE—JANUARY 6, 1912

NEW MEXICO ENTERS THE UNION

A century ago, on January 6, 1912, New Mexico entered the Union as a State. This ended a 64-year effort to achieve statehood, stalled by a combination of political and ethnic prejudices.

In 1848, the United States acquired vast territories in the Southwest under the Treaty of Guadalupe-Hidalgo, which ended the Mexican War. The problem was how to organize this territory without inflaming tensions between the North and South over the spread of slavery. The treaty had provided that inhabitants of the territories would become citizens and would be admitted into the Union as States “at the proper time (to be determined by the Congress of the United States).” President Zachary Taylor thought that sectional tensions might be eased if New Mexico and California immediately applied for statehood and achieved territorial status. The Compromise of 1850 admitted California but ignored New Mexico’s application for statehood.

Over the next few decades, other Western States were admitted ahead of New Mexico. Congress at that time was often divided between a Democratic majority in the House and a Republican majority in the Senate. Each party tried to block the admission of a new State that might give the other party two more Senators. Because New Mexico was viewed as a potentially Democratic state, the Republican Congress thwarted its admission. In 1888, Republican majorities in both houses passed an omnibus statehood bill that approved statehood for New Mexico, Wyoming, Colorado, Utah, Dakota, Washington, and Montana to move towards statehood, but omitted New Mexico.

Besides political snobbery, met resistance from Senators who questioned whether its largely Spanish-speaking, Catholic population was capable of self-government “in the Anglo-Saxon sense.” Senator Albert Beveridge, who chaired the Committee on Territories, traveled through New Mexico and Arizona in 1902 and came back convinced that neither was ready for statehood. Senator Theodore Roosevelt, however, was anxious to settle the issue, and to break the logjam he proposed combining the territories of New Mexico and Arizona into a single State. Its capital would be in Sante Fe, but it would take the name Arizona. When submitted to the voters, New Mexico passed the proposal, but Arizona soundly defeated it.

In his last annual message to Congress, President Roosevelt abandoned the idea of a combined territory and proposed that each should gain statehood. Senator Beveridge continued to fight statehood, but in 1910 Congress adopted the Enabling Act to admit both New Mexico and Arizona. New Mexico immediately submitted its constitution, but objections were raised against Arizona’s more progressive constitution. As a result, New Mexico’s admission was blocked by a holdout until Arizona’s constitution was also approved. New Mexico at last became a State on January 6, 1912, and Arizona followed a month later.

TRIBUTE TO SHERIFF PAUL LANEY

Mr. CONRAD. Madam President, I wanted to say a word today about Paul Laney, who is the Sheriff of Cass County, ND. Sheriff Laney has just been named the Sheriff of the Year for 2011 by the National Sheriff’s Association, and I can tell you that it is a well-deserved recognition.

Sheriff Laney has long been known for his tireless, diligent and innovative efforts on behalf of the people of Cass County. He is always out in public putting the best face on the Sheriff’s Department and working hard to strengthen community bonds in that part of the Red River Valley. Last year he received the 9-1-1 Government Leader Award from the E9-1-1 Institute for his work in helping create the Fargo-Moorhead regional dispatch center, which was the first in the nation to integrate services across State lines.

Sheriff Laney also played a strong and pivotal role in coordinating the major floods of 2009 and 2010 in Cass County. The flooding in 2009 was the worst ever seen in the region, and his leadership made a major difference in a situation that many thought would end in catastrophic loss.

I congratulate Sheriff Laney for being named Sheriff of the Year. I know the citizens of Cass County, like me, greatly appreciate all he has done on their behalf.

VERMONT STUDENTS’ ESSAYS

Mr. SANDERS. Madam President, I ask that these essays written by Vermont High School students be printed in the Second Annual “What is the State of the Union?” essay contest conducted by my office. The following essays were selected as “Honorable Mentions.”

HANNAH APPELBBAUM, CHAMPLAIN VALLEY UNION HIGH SCHOOL (HONORABLE MENTION) (January 23, 2012)

America is not living up to its full potential. We have one of the highest child poverty rates in the Western world, a sky-high unemployment rate, and test very low in math and science compared to other developed countries. And that’s not all—we also face existential challenges and the decline of the middle class. We must use our differences to unite us by tackling all aspects of the issues we face. But America is asking how, specifically, do we solve these problems?

First, we need to decide what problems to solve. Iraq and Afghanistan are not in ideal condition. This does not mean, however, that we should be pouring all of our money into military efforts there. Instead, we need to make more money for the most pressing issues in our own country.

One way to make more money available is to stop giving the wealthiest people the biggest tax cuts. It is unfair that some politicians are concerned about backlash from these influential citizens, but the majority of people in this country—the middle class—needs to be taken into account. With the national debt becoming greater and greater, these tax cuts simply are not sustainable.

Where should our money go? The first priority should be education. Successful experiences in the early years of school make children much less likely to drop out or end up in prison—an entity that tax dollars pay for, with less than stellar results. Investment in public elementary schools benefits both the children and the general public. We also need to spend money on college financial aid programs. The most successful students cannot pay their own tuition despite having the opportunity, and will most likely take a large number of years to pay off their loans. Education in this country is not in ideal condition. This does not mean, however, that we should be pouring all of our money into military efforts there. Instead, we need to make more money for the most pressing issues in our own country.

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to all citizens. It is simply not acceptable for a child in need of a treatment such as chemotherapy to not be able to access it. It is time that we live up to this responsibility. And if we don’t address this, the clean environment that we need is also essential. Clean air helps reduce our risk of cancer, lung disease and numerous other health issues.

America cannot figure how to make choices for the benefit of our national community. We need to fund education. We need to fund healthcare. We need to take environmental action. It is up to each of us to advocate and actively work for these policies so that America can reach its full potential.

Elin Clauss, Champlain Valley Union High School (Honorable Mention) (January 23, 2012)

My fellow Americans, as we move into 2012, there are serious issues that must be resolved. The American middle class is in crisis. Hard-working Americans are losing their jobs, and are unable to care for and provide for their families. This nation is drowning in debt. Americans are unable to pay for basic needs like healthcare.

The Occupy Wall Street movement has brought attention bringing about a fundamental economy is. As of November 2011, 7.6 million Americans have lost their jobs during this recession. The unemployment rate is low, but there is still much work to be done. These people want to be able to support themselves. They don’t want to be living off food stamps and have their homes foreclosed on. They want to work. They want to be able to afford to give their children a college education. The United States has the most expensive college tuition in all of the world, leaving young adults struggling with debt. They have difficulty paying off that debt when they are unable to find a decent job after graduation.

Part of the solution must be to raise taxes on America’s wealthiest citizens. This isn’t about class warfare. It’s about saving the American economy. Those who can afford to pay more have the responsibility to do so. To be able to pay off our debt and bring back the so-called “American dream,” we desperately need to raise revenue, and this is the clear solution.

Due to this recession, many Americans cannot afford to buy health care. They are uninsured and unprotected. Over 44 million Americans are uninsured. This is an outrage. Health care is a basic right that should be guaranteed for everyone. If, in the Declaration of Independence, we, as a nation, chose to guarantee the rights to life, liberty, and the pursuit of happiness, we must do so. By allowing insurance companies to deny our people adequate medical care, we deny away their right to life. This must be remedied.

What we really need now is compromise. Nothing has been achieved by the leaders of our nation, the representatives of the people, refuse to compromise and work together towards the betterment of our country. This crisis is not unsolvable. We have the tools to fix the situation in our nation today, but only if both sides are willing to make concessions to help us move forward into the future as a peaceful nation.

Thank you.

Yamuna Dahal, Winooski High School (Honorable Mention) (January 23, 2012)

The United States of America is country of opportunity and success. We believe in our country and our confidence. We believe that we would every day overcoming any obstacles. We never fear to try something new. We are always trying to show the world our power of unity and diversity. We got the best entrepreneurs in this country whose continues hard work and confidence made our country the best among the world, we do have our own country also.

Our parliament system is based on equality and liberty. Our democratic government system enhances the public voice to be heard when willing with the win life of leading this country, could be elected freely regardless of their ethnicity, race or social background.

For the last decade, our country is facing many problems. The average income for the American family is falling down. Many of our American families are losing their jobs because companies are looking for new jobs to the foreign land. Companies and rich peoples are getting richer whereas the average income families are falling towards the poverty line. There are others concerns like illegal immigration, and increasing crime. There are also issues such as recovery of hurricane Katrina at New Orleans, Oil spill at the Gulf of Mexico and California fire. I could go on and on and never finish mentioning our problems.

However, for our generation increasing college tuition is a matter of headache. Our parents have saved all the college loans and home mortgages. Today saving for the children’s college is rarely heard from the average income families. Today, it is very hard to get accepted for scholarship at colleges and university so the only way to go to college is to ‘take a loan.’ However, in 1978, the cost of college tuition has increased more than 900 percent. Costs of a college education have become more affordable for our young adults who are planning and investing in their futures.

As we reach towards these goals, our country must have to pay more the responsibility to do. To be able to pay off our debt and bring back the so-called “American dream,” we desperately need to raise revenue, and this is the clear solution.

To prevent ruining our future the government should put a limit for private colleges and universities tuition. There should be more scholarships available for needy students. High school students should get opportunity to take college courses during summer to reduce their semesters when they actually should be spent on improving their high school education. College graduates should be motivated by a desire to ensure the American people and their rights, and, the power of common citizens in politics should be established that limit an organization’s ability to corrupt the executive branch of its duty to protect the American people and their rights, and, the power of common citizens in politics should be established that limit an organization’s ability to corrupt the executive branch.

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Thank you.

Julienne DeVita, Champlain Valley Union High School (Honorable Mention) (January 23, 2012)

Dear Fellow Americans: Today, I stand before this great nation, to speak to the concerned, hardworking Americans, with the intent of bettering the state of this country. I could list everything to your attention three of the most pressing issues which I feel need to be addressed in 2012 in order for the United States of America to reach its full potential; these are labor, our economy, and college education costs.

This past year, after 10 years of war, and frustration, the United States Military forces have been involved the Al Quada movement; Osama Bin Laden. This brought relief and feelings of security back to Iraqi and American citizens. We were able to welcome our troops back home. Now however, it is the time for our government to focus on domestic issues, three important things that need to get done in our country.

Firstly, fossil Fuels are a finite commodity in our world today, and whose dwindling supply places our country in a vulnerable position on this planet. We need to focus the public’s attention not only on the devastating effects of the environment, but unity, and the need for reform is evident.

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EMMA HAMILTON, CHAMPLAIN VALLEY UNION HIGH SCHOOL (HONORABLE MENTION)  

[January 23, 2012]  

At the dawn of 2012, the United States is facing a multitude of pressing issues. Currently, the United States has faced the highest since 1993; the unemployment rate is 8.6 percent; and an unprecedented string of natural disasters has overcome our country. This year will bring these problems to the forefront, Congress, which has proven to be largely ineffective in addressing these daunting issues in a concerted and resolute manner, is one of the most divided and uncompromising Congresses the American public has ever seen. In this critical time, it is imperative that change comes soon.

The root of many of our country’s problems originate with our degraded education system. There are many opportunities for early education, which is in large measure based on income. Studies have proven that a quality early education is essential for a successful future. Rebuilding and strengthening our early education system must become a top priority if the country wants to see future positive change.

When American children are born, they are told that if they follow the rules: go to school, work hard, and attend college, then they can have a successful future. Nowadays, graduates fresh out of college find that even though they followed the rules, they struggle to find the promising future that they were led to believe would be there. America needs to find a way to put our educated people back to work with jobs that will build our economy, community, and country.

This past year extreme tornadoes ripped through the southeast. Hurricanes and tropical storms flooded communities along the eastern seaboard. Furthermore, the summer of 2011 was the hottest ever in Texas, New Mexico and Oklahoma, causing heat waves and record droughts. This extreme weather only costs our country billions of dollars. Most can agree that the climate is drastically changing at unprecedented rates. The time has come that the human race faces the effects it has on Mother Earth. The United States emits more than 5,425 million tons of carbon dioxide every year, ranking it second highest worldwide. We must join together as a nation to fight against this ever-growing problem before it is too late.

In 2011, Congress proved to be one of the most divided and uncompromising Congresses ever seen. In a time of crisis, America needs congressional leadership with creative solutions and a willingness to work together to get things done. It is time for the government to get rid of the bickering and focus on making positive change.

During a time of high unemployment, living with a degrading education system, and increasing environmental catastrophes, our country cannot afford to wait anymore. The time has come for Americans to come together to solve the problems we are facing. Although we are confronted with many issues, there is hope for a brighter future. America has repeatedly shown it is strong and can and will restore itself to become the thriving and great nation it is capable of being.

ZACH HOLMAN, CHAMPLAIN VALLEY UNION HIGH SCHOOL, (HONORABLE MENTION)  

[January 23, 2012]  

I stand before our great nation to address the crisis of 2011. I believe it was a struggle for many people; students were ending college carriers thousands of dollars in debt, scraping every last penny to cover living expenses. Many people have no choice but to work for wages that are too low and not always paid. The middle class was certainly unsecured.

The past few years have led to the demise of the middle class. This is due to the financial crisis involving family, friends, and neighbors. In order for a democracy to function it requires popular participation and it should be the imperative of government to encourage all those who are eligible, to vote. This year, 2012, will bring all these problems to the forefront.

The country must be granted increased jurisdiction over national elections. Thus the government can facilitate absentee balloting, all of which are vital steps to giving underrepresented citizens the right and do not work. Middle class families barely can afford the outrageous price of tuition for one child let alone two or more. We must enact new forms of aid that make college affordable for all and give everyone an equal opportunity.

The country needs help, but with a few small changes success is possible. God bless you and God bless the United States of America.
A major issue in our country today is the poverty crisis. One cannot enter a city without passing someone with all their belongings in a bag, asking for any money to help alleviate hunger. The majority walk by and do nothing. The whole country begs for change: an end to poverty, yet they walk right by when a person in need asks for money to help them, just a sudden guilt. They feel sorry for those who have no connection to the person. It is temporary peace of mind. They do nothing to truly help because there is no intrinsic pull to help a person in need. People truly care about those that they walk by everyday to get to work. Or- porary peace of mind. They do nothing to solve the problem. Thank you. I've seen it.

The solution to the crisis of poverty is to replicate this feeling. To find a way to make people truly care about those that they walk by in the street everyday to get to work. Org- ize committees to issue government grants to motivated groups of people who will work in the community in their own hometowns and cit- ies. Grant them the money for them to cre- ate works: absolute neediness from people you become friends, and begin to form a community. That's all it takes: when you know someone, and you realize they are having a crisis, you will find a way to help. The majority of community will find a way to engender the feeling of urgency to alleviate their situation that they have no connection to the person. It is the sense of caring for this person and the urgency to alleviate their situation that they lack.

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issues of economy, education, healthcare, and environment must be addressed. Currently we are in debt to China for over $15 trillion; this means our population of roughly 308 million has a debt of around $49 thousand each. East Asian countries and European countries surpass us in education—especially in the academic subject of science. Japan has a universal health care system and an average population life expectancy of 82.23. Germany understands that our environment has a finite supply and imposes an environmental tax on its citizens.

Focusing on the economy, we need to generate more jobs and discontinue outsourcing. It is true that for some time we have an end to the laissez-faire relationship with big businesses. This is evident in the Wall Street bailout, the outrage 99 percent, and the unacceptable (though declining) unemployment rate of 8.5 percent. The warfare against the middle classes must be addressed, and the lower classes must be bolstered.

Education is success. The focus of education should be aimed at life achievement rather than standardized tests. The problem now is that schools don’t have a large enough budget to teach and aid smaller salaries more competition would be created and our children would be taught by the best quality teachers. When they mother and assist their children, can become invaluable components in this exciting process.

Our healthcare system is a painful topic. America has the most expensive healthcare system without the better results of less expensive European systems. We should follow the European models. Well, at least all children, seniors, and disabled should have assured healthcare. Vermont is an innovator in healthcare, and if we are successful the rest of America might follow our example.

The environmental issue is not to be taken lightly. Global warming is real and we perpetuate the harm caused to our planet. It is our responsibility to work with other powerful countries to limit our ecological footprints and conserve the world’s natural resources. Steps must be taken not only on a political level but on a cultural one as well. It must become part of our culture to consume less extravagantly and recycle more diligently.

To make these ideals a reality our government must be a two-party system with the Democrats and the Republicans. We need to remember that this is not an issue of which party is most correct, but what can be compromised. The United States has not seen all America can be, she is still growing and we, the present and the future, must guide her to the best outcome.

KIDDER SPILLANE, CVU, (HONORABLE MENTION) (January 23, 2012)

Dear Fellow Americans, I am reporting to you as New Years starting I would like to inform the state in which the country is in and in which subjects we are going to push our efforts toward.

I believe the most important subject to address first is our problem with oil. We depend on the oil that is produced in the Middle East, and it contributes to the issues of economy, education, healthcare, and environment must be addressed. Currently we are in debt to China for over $15 trillion; this means our population of roughly 308 million has a debt of around $49 thousand each. East Asian countries and European countries surpass us in education—especially in the academic subject of science. Japan has a universal health care system and an average population life expectancy of 82.23. Germany understands that our environment has a finite supply and imposes an environmental tax on its citizens.

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the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.


EC–4690. A communication from the Chief of the Office of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ‘‘First Class Airspace Rules’’ (47 FR 17128, April 22, 1982) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4691. A communication from the General Counsel of the Department of Commerce, transmitting, proposed legislation entitled ‘‘Port State Measures Agreement Act of 2011’’; to the Committee on Commerce, Science, and Transportation.

EC–4692. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Amendment of Class E Airspace; Fremont, NE’’ (Docket No. FAA–2011–0898) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4693. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Amendment of Class E Airspace; Hawaiian Group Airspace; Honolulu Airspace; Honolulu, HI’’ (Docket No. FAA–2011–0911) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4694. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Amendment of Class E Airspace; Emmonak, AK’’ (Docket No. FAA–2011–0910) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4695. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘IFR Altitudes; Miscellaneous Amendments (77); Amdt. No. 3450’’ (Docket No. FAA–2011–0907) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4696. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Amendment of Class E Airspace; Nashville, AR’’ (Docket No. FAA–2011–0912) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4697. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Establishment of Class D and Amendment of Class E Airspace; Las Vegas, NV’’ (Docket No. FAA–2011–0909) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4698. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Amendment of Class E Airspace; Danville Airport, PA’’ (Docket No. FAA–2011–0908) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4699. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Amendment of Class E Airspace; Fayette, AL’’ (Docket No. FAA–2011–0906) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4700. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Amendment of Class E Airspace; Winters, TX’’ (Docket No. FAA–2011–0907) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4701. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Amendment of Class E Airspace; Umiat, AK’’ (Docket No. FAA–2011–0905) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4702. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Amendment of Class E Airspace; Dalles, OR’’ (Docket No. FAA–2011–0899) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4703. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Amendment of Class E Airspace; Blythe, CA’’ (Docket No. FAA–2011–0885) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4704. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Modification of Class E Airspace; Seattle, WA’’ (Docket No. FAA–2011–0232) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4705. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Standard Instrument Approach Procedures; Miscellaneous Amendments (77); Amdt. No. 3450’’ (Docket No. FAA–2011–0907) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4706. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Amendment of Class E Airspace; Nashville, AR’’ (Docket No. FAA–2011–0912) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4707. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Amendment of Class D and Amendment of Class E Airspace; North-east United States’’ (Docket No. FAA–2011–0876) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4708. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Establishment of Class E Airspace; Saint Adolphe, MT’’ (Docket No. FAA–2011–0880) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4709. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Amendment of Class E Airspace Rules; Montgomery, AL’’ (Docket No. FAA–2011–0879) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4710. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Amendment of Class E Airspace; Alice, TX’’ (Docket No. FAA–2011–0898) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4711. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Revisions to the Pilot, Flight Instructor, Ground Instructor, and Flight Examiner Rules; Pilot Certificate Test View’’ (Docket No. FAA–2006–2661) received during adjournment of the Senate in the Office of
the President of the Senate on December 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4712. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Pilot, Flight Instructor, and Pilot Certification; Airworthiness Amendment” ((RIN2120–A186) (Docket No. FAA–2006–26661)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4720. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier, Inc. Airplanes” (Docket No. FAA–2011–1315) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4722. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Rolls-Royce Deutschland Ltd and Co KG (RRD) BR700–710 Series Turbofan Engines” (Docket No. FAA–2011–0984) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4724. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Continental Motors, Inc. (CMI) Reciprocating Engines” (Docket No. FAA–2011–0742) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4728. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pratt and Whitney Canada Turboprop Engines” (Docket No. FAA–2011–1038) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4732. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pratt and Whitney Canada PT6A–15AG, –27, –34, –34AG, –34B, and –36 Series Turbo-
a rule entitled “Airworthiness Directives; Learjet Inc. Airplanes” (RIN2120-AA64) (Docket No. FAA–2011–0651) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–738. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Erickson Air-Crane Incorporated Model S–61F Helicopters” (RIN2120–AA64) (Docket No. FAA–2011–0999) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–739. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Eurocopter France (Eurocopter) Model EC220LP helicopters” (RIN2120–AA64) (Docket No. FAA–2011–1074) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–740. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S–92A helicopters” (RIN2120–AA64) (Docket No. FAA–2011–0792) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–741. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Eurocopter France (Eurocopter) Model EC220LP helicopters” (RIN2120–AA64) (Docket No. FAA–2011–1033) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.


EC–743. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Eurocopter France (Eurocopter) Model AS332C, AS332LL, AS332LL1, and AS332L2 Helicopters” (RIN2120–AA64) (Docket No. FAA–2011–0959) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–744. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A310 Series Airplanes” (RIN2120–AA64) (Docket No. FAA–2011–0650) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–745. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Airplanes” (RIN2120–AA64) (Docket No. FAA–2011–6255) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–746. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Model 777–200, –200LR, –300, and –300ER Series Airplanes” (RIN2120–AA64) (Docket No. FAA–2011–1317) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–747. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Bluefish Fishery; Quota Transfer” (RIN0648–XA26) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–748. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Butterfish Fisheries; Amendment 11” (RIN0648–AX65) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–749. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Southeastern United States; South Atlantic Fishery Management Plan; Annual Catch Limits” (RIN0648–BA68) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–750. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning (PSP)” (RIN0648–BB59) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–751. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Western Gulf of Mexico; Seasonal and Management Amendment 10” (RIN0648–AY72) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–752. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Pelagic Species Fisheries; Amendment 13 to the Coastal Pelagic Species Fishery Management Plan; Annual Catch Limits” (RIN0648–BB61) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–753. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Southeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Interim 2012 Summer Flounder, Scup, and Black Sea Bass Specifications; 2012 Research Set Aside Projects” (RIN0648–XA76) received during adjournment of the Senate in the Office of the President of the Senate on December 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–754. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Interim 2012 Summer Flounder, Scup, and Black Sea Bass Specifications; 2012 Research Set Aside Projects” (RIN0648–XA76) received during adjournment of the Senate in the Office of the President of the Senate on December 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–755. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled...
REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1494. A bill to conserve wild Pacific salmon, and for other purposes (Rept. No. 112-140).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1657. A bill to amend the provisions of law relating to sport fish restoration and recreational boating (Rept. No. 112-141).

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 890, a bill to establish the supplemental fraud fighting account, and for other purposes (Rept. No. 112-142).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and second times by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER (for himself, Mr. LUGAR, Mr. VITTER, Mr. MCCONNELL, Mr. JOHANNES, Mr. PORTMAN, Mr. BARRASSO, Mr. MCDAIN, Mr. CORNYN, Mrs. HUTCHISON, Mr. THUNE, Mr. SESSIONS, Mr. ALEXANDER, Mr. MORAN, Ms. AYOTTE, Mr. BOOZMAN, Mr. DEMINT, Mr. PAUL, Ms. MURKOWSKI, Mr. KYL, Mr. MANCHIN, Mr. LEE, Mr. BLUNT, Mr. INHOFE, Mr. TOOMY, Mr. HATCH, Mr. BURRE, Mr. CHAMBLISS, Mr. COATS, Mr. CORER, Mr. COBURG, Mr. COCHRAN, Mr. GRAPES, Mr. GRAHAM, Mr. ENZI, Mr. GRASSLEY, Mr. HELLER, Mr. ISAKSON, Mr. JOHNSON of Wisconsin, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SHELBY, Mr. WICHER, and Mr. BROWN of Massachusetts):

S. 2041. A bill to approve the Keystone XL pipeline project and provide for environmental protection and government oversight; read the first time.

By Mr. TESTER:

S. 2042. A bill to restate the reporting provision, related and expenses awarded to prevailing parties in civil actions involving the United States; the Committee on the Judiciary.

By Mr. BURBRO:

S. 2043. A bill to amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations; the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. FEINSTEIN (for herself, Mr. LIEBERMAN, Mr. RUBIO, Mrs. BOXER, Mr. DURBIN, Mr. MCCAIN, Mr. WEBER, and Mr. UDALL of Colorado):

S. Res. 356. A resolution expressing support for the people of Tibet; to the Committee on Foreign Relations.

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. Res. 357. A resolution commemorating the 150th anniversary of the Battle of Chancellorsville and the significance of the battle to the Civil War; considered and agreed to.

By Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. KERRY, Mr. LEAHY, Mr. BRISCOE, Ms. KLOBUCHAR, Mr. UDAHL, of New Mexico, Mr. PYOR, and Mrs. BOXER):

S. Res. 358. A resolution expressing support for the designation of January 28, 2012, as “National Data Privacy Day”; considered and agreed to.

By Mr. RUBIO (for himself, Mr. LIEBERMAN, Mr. LUGAR, Mr. KYL, Mr. CASEY, Mr. CARDIN, Mr. INHOFE, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. DURBIN, Mr. BARRASSO, Mr. CORNYN, Mr. NELSON of Florida, Mrs. SHAHEEN, Mr. ISAKSON, Mr. MCDAIN, and Mr. GRAHAM):

S. Con. Res. 34. A concurrent resolution expressing the sense of Congress in honor of the life and legacy of Vaclav Havel; considered and agreed to.

ADDITIONAL COSPONSORS

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 593

At the request of Mr. SCHUMER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 593, a bill to modify the Internal Revenue Code of 1986 to modify the tax rate for excise tax on investment income of private foundations.

S. 598

At the request of Mr. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 598, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S. 704

At the request of Mr. WYDEN, the names of the Senator from Missouri (Mr. BLUMENT) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 704, a bill to provide duty-free treatment of certain recreational performance outerwear, and for other purposes.

S. 738

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 738, a bill to amend title
At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 750, a bill to reform the financing of Senate elections, and for other purposes.

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 816, a bill to facilitate nationwide availability of volunteer income tax assistance for low-income and underserved populations, and for other purposes.

At the request of Mr. CROPA, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 835, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearms laws and regulations, protect the community from criminals, and for other purposes.

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1023, a bill to authorize Department of Defense support for professor of S. 1106, a bill to authorize Department of Defense support for professor of S. 1106, a bill to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. CASEY) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 1486, a bill to amend title XVIII of the Social Security Act to clarify and expand on criteria applicable to patient admission to and care furnished in long-term care hospitals participating in the Medicare program, and for other purposes.

At the request of Mr. ROBERTS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1591, a bill to award Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

At the request of Mr. MORAN, the name of the Senator from Arkansas (Mr. JOHNSON) was added as a cosponsor of S. 1600, a bill to enhance the ability of community banks to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

At the request of Mr. PORTMAN, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1600, a bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

At the request of Mr. TESORO, the name of the Senator from New Mexico (Mrs. GILLIBRAND) was added as a cosponsor of S. 1629, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans to herbicides in the vicinity of the Republic of Vietnam, and for other purposes.

At the request of Mr. LEAHY, the names of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1692, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

At the request of Mr. OOYAMADA, the names of the Senator from Louisiana (Mr. BINGAMAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2010, a bill to provide for Medicare coverage of certain medical devices and supplies, and for other purposes.

At the request of Mr. JOHNSTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

At the request of Mr. TOOMEY, the name of the Senator from Wisconsin (Mr. JOHNSON) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

At the request of Mr. WHITEHOUSE, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Kentucky (Ms. CANTWELL) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1930, a bill to prohibit earmarks.

At the request of Mr. TOOMEY, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 1930, a bill to prohibit earmarks.

At the request of Mr. BARRASSO, the name of the Senator from Mississippi (Mr. BLUNT) was added as a cosponsor of S. 1884, a bill to prohibit Federal Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market.

At the request of Mr. GILLIBRAND, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1894, a bill to make permanent the Inflation Adjustment for Federal Employees' Benefits.

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Dakota (Mr. JOHNSON) was withdrawn as a cosponsor of S. 1894, a bill to make permanent the Inflation Adjustment for Federal Employees' Benefits.

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

At the request of Mr. LEAHY, the names of the Senator from Maine (Ms. MILLS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1884, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1884, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

At the request of Mr. TESORO, the name of the Senator from New Mexico (Mrs. GILLIBRAND) was added as a cosponsor of S. 1884, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

At the request of Mr. JOHNSTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1894, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

At the request of Mr. LEAHY, the names of the Senator from Maine (Ms. MILLS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1884, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

At the request of Mr. JOHNSTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.
Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

At the request of Ms. Mikulski, the name of the Senator from New Hampshire, has been 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOEVEN (for himself, Mr. LUGAR, Mr. VITTER, Mr. MCCONNELL, Mr. JOHANNS, Mr. PORTMAN, Mr. BARASSO, Mr. MCCAIN, Mr. CORNYN, Mrs. HUTCHISON, Mr. THUNE, Mr. SESSIONS, Mr. ALEXANDER, Mr. MORAN, Ms. Ayotte, Mr. BOOZMAN, Mr. DE MINT, Mr. PAUL, Ms. MURKOWSKI, Mr. KYL, Mr. MANCHIN, Mr. LEE, Mr. BLUNT, Mr. INHOFFEN, Mr. DOONEY, Mr. HATCH, Mr. BURR, Mr. CHAMBILSS, Mr. COATS, Mr. CORKER, Mr. COBURN, Mr. COCHRAN, Mr. CRAPO, Mr. GRAHAM, Mr. ENZI, Mr. GRASSLEY, Mr. HELLER, Mr. ISAKSON, Mr. JOHNSON of Wisconsin, Mr. RISCH, Mr. BURGESS, Mr. NUNES, Mr. SHELBY, Mr. WICKER, and Mr. BROWN of Massachusetts):

S. 2041. A bill to approve the Keystone XL pipeline project and provide for environmental protection and government oversight; read the first time.

Mr. HOEVEN. Mr. President, I rise today to speak about legislation I am introducing. I am pleased to introduce this legislation, along with 43 cosponsors, making that 41 Members of the Senate sponsoring legislation to improve the Keystone XL project.

This legislation would approve Keystone XL under article 1, section 8 of the Constitution. That provision, the commerce clause, gives Congress the authority to regulate commerce with foreign countries, and that is the authority Congress needs to use, just as Congress used that authority in 1973 to approve the Alaskan Pipeline.

Moving forward with the Keystone project will create tens of thousands of jobs—tens of thousands of jobs at a time when our economy badly needs those jobs, at a time when we have more than 13 million people out of work, or 8½ percent unemployment. It will cost $11 billion without sending one Federal taxpayer dollar. Not one.

This is private sector investment—more than $7 billion that will help generate tens of thousands of jobs at a time when our economy badly needs them and when we need to get people back to work. Also, this will reduce our dependence on oil from the Middle East—830,000 barrels a day. The Keystone XL pipeline will move 830,000 barrels of oil a day from Canada and from States such as my own, the State of North Dakota. That is 830,000 barrels of oil a day we don’t have to get from the Middle East at a time when we have rising tensions in the Middle East, at a time when Iran is threatening to close the Strait of Hormuz, at a time when we might see gas prices going to $4, maybe even $5 a gallon.

The reality is, even if we don’t build the project, the oil will still be produced. The oil in Canada will still be produced. It is just that it would not come to the United States. It will go to China, and we will have worse environmental stewardship, not better. Building the project will actually help us provide better environmental stewardship because we don’t need to haul that oil overseas, around the world. We would not need to continue bringing in oil from the Middle East. That 830,000 barrels a day will go to our refineries where there are higher standards with better environmental stewardship.

President Obama recently turned down this project. He turned down the project because he said he couldn’t make a decision in 60 days. He said he would make a decision in 60 days. That was too soon. But the project has been under review for more than 3 years. Let me repeat that. This project has been under review by the administration for more than 3 years.

The State Department has been reviewing the project.

In our legislation we simply say this has been under review for more than 3 years, and it is time to make a decision. It is time to move forward. Further, the applicability of the route that was contested, the Nebraska portion, we say: Take as much time as you need to reroute in Nebraska—after 3 years—to make sure we provide enough time for the decision.

I have a chart here that shows this timeline. Let’s take a minute and go through it.

The application was originally submitted in September of 2008. September of 2008 is when the process started. So as you can see, it has been under review in 2008, 2009, 2010, 2011.

The State Department itself, EPA through the NEPA process and the State Department, has responsibility to make a decision on the project and, as you can see, on their own timeline they had planned to render a decision before the end of last year. As a matter of fact, I received a letter from Secretary of State Clinton indicating they intended to have a final decision before the end of last year. When we passed our earlier legislation, the President said, Well, we can’t make a decision in 60 days.

Do you mean 3 years and 60 days? How long does it take to study this process and make a decision—particularly when in the last bill which we passed 89–10 by this body, and now in this legislation again we say, as to the only contested portion of the rule where you may want to reroute through Nebraska due to the Oglala aquifer, we are recreating the wheel or doing something new and different. Well, that is not quite the case, either.

Let’s go to my third chart. These are the oil and gas pipelines in the United States. All these red lines show oil and gas pipelines throughout our country, already existing, already in place, already moving oil and gas around the country. So now we are going to bring another one through here with all these pipelines, with the latest technology, the latest safeguards. And you mean to say that, after 3 years, that is not time to figure out whether we can approve another pipeline when we have hundreds of pipelines all over this country that people can count on day by day for their supply of oil? For their supply of gas? That is the situation.

Clearly, we can make this decision. Clearly, after more than 3 years of study, it doesn’t make sense to not move forward, particularly when we are talking about tens of thousands of jobs that we need. Not only will it not cost our Federal Government revenue, it will generate hundreds of millions in revenue back to local, State, and Federal Government.

In addition to creating jobs, it reduces our dependence on Middle East oil. And if we don’t do it, the oil goes to China. It is still produced, but it goes to China. So, actually, we have better environmental stewardship with the project.

The U.S. Chamber of Commerce last year did a study. In that study, they cited 351 infrastructure projects that are being held up right now—351 infrastructure projects that are being held up in the country right now due to regulations and bureaucratic delays. If we can get those people going, we can do the study. The U.S. Chamber did, that would generate almost $1.1 trillion in gross domestic product for our country. It would generate—their estimate—1.9 million jobs,
not with more government spending, but enabling the private investment to go forward by taking the bureaucratic delays out of the way, by reducing the regulatory burden, by green-lighting projects like Keystone XL, which has been under study for more than 3 years. Back in the 1970s, I voted for it.

In my home State of North Dakota, we now produce more than 500,000 barrels of oil a day. We need to put 100,000 barrels a day into this pipeline so we can get it to market, so we can get it to consumers and companies throughout this country. That is 100,000 barrels a day right now that we have to move through other means, such as truck or rail. That is equal to 500 truckloads a day, or 17 million truck miles a year. Think of the toll on our roads, think of the traffic fatalities that result when that product should be going through pipeline. And at the same time that we have less traffic safety, tremendous wear and tear on our roads, we suffer a discount.

Where these earnings are kept, our mineral owners, our pipeline owners, our people suffer a discount because it is more expensive to transport that product by rail and by truck. Those are the realities of getting our economy going.

Again, I go back to the national security concern: 830,000 barrels a day that we have got to get from the Middle East.

With these kinds of developments, with this pipeline infrastructure, together with Canada and some oil that we get from Mexico, by building Keystone XL Pipeline we can produce more than 80 percent of the oil we consume right here in our country. That means we don’t have to get it from the Middle East. And look what is going on in the Middle East. Look at Iran, threatening to blockade the Strait of Hormuz. That is a fundamental national security issue.

Unions across this country have said, Hey, we need these jobs. We support this project. We want to move forward with this and other infrastructure projects. But it is not just about the jobs and the economy, although that is vitally important to all the people who are out of work; it is a vital and national security issue, and it is going to continue to be a more important national security issue as we continue to see gas prices rise and as we continue to see instability in the Middle East.

Again, back to the environmental issues. This oil will be produced. It is either going to China or it is coming here. If we bring it here, we have better environmental stewardship because it goes in a pipeline to refineries that have the lowest emission standards. If we don’t, the pipeline goes to the west coast. They load it on tankers. You have to haul it to places such as China where it is refined in refineries with higher emissions. And then, guess what. We have to ship oil from the Middle East more expensive again to bring to our refineries. Again, it makes no sense. It is time to move forward.

There is clear precedence and clear authority. Article 1, section 8 of the Constitution gives Congress the constitutional authority to act under the commerce clause. Congress exercised that authority in 1973 for the Alaskan pipeline. It is time for Congress to exercise that authority in the good of our economy and for the good of our country.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 356—EX- PRESSING SUPPORT FOR THE PEOPLE OF TIBET

Mrs. FEINSTEIN (for herself, Mr. LIEBERMAN, Mr. RUBIO, Mrs. BOXER, Mr. DURBIN, Mr. MCCAIN, Mr. WEBB, and Mr. UDALL of Colorado) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 356

Whereas Tibet is the center of Tibetan Buddhism, and His Holiness the Dalai Lama, Tenzin Gyatso, is the most revered figure in Tibetan Buddhism;

Whereas the Government of the People’s Republic of China continues to enforce policies that infringe on fundamental freedoms of Tibetans, including punitive security measures against monasteries, mass arrests, and restrictions on freedom to practice religion;

Whereas both the Dalai Lama and the Karmapa, Mr. Lobsang Sangay, the prime minister democratically elected by the Tibetan exile community, have specifically stated that they do not seek independence for Tibet from China;

Whereas, in his inaugural address on August 6, 2011, Karmapa Lobsang Sangay stated that he will “continue the Middle-Way policy, which seeks genuine autonomy for Tibet within the People’s Republic of China”; whereas, according to the Department of State’s “2011 Report on Tibet Negotiations” since 2002, nine rounds of talks between the Government of the People’s Republic of China and envoys of the Dalai Lama have not borne satisfactory results;

Whereas, despite persistent efforts by the Dalai Lama and his representatives, the Government of the People’s Republic of China and envoys of the Dalai Lama “have not borne constructive fruit” and have not held any formal dialogue since January 2010;

Whereas, since March 2011, at least 16 Tibetans have self-immolated and deplores the repressive measures against monasteries, mass arrests, and as articulated in the Tibetan Policy Act of 2002 (subtitle B of title VI of Public Law 107-228, 22 U.S.C. 6801 note) to promote a substantive dialogue between the Government of the People’s Republic of China and the Dalai Lama or his representatives in order to secure genuine autonomy for the Tibetan people within China; Now, therefore, be it

Resolved, That the Senate

(1) mourns the death of Tibetans who have self-immolated and deprecates the repressive policies targeting Tibetans;

(2) calls on the Government of the People’s Republic of China to suspend implementation of religious control regulations, reassess religious and security policies implemented since 2008 in Tibet, and resume a dialogue with Tibetan Buddhist leaders, including the Dalai Lama or his representatives, to resolve underlying grievances;

(3) calls on the Government of the People’s Republic of China to release all persons that have been arbitrarily detained; to cease the intimidation, harassment and detention of peaceful protesters; and to provide unrestricted access to journalists, foreign diplomats, and international organizations to Tibet;

(4) calls on the Secretary of State to seek from the Government of the People’s Republic of China a full accounting of the forcible
removal of monks from Kirti Monastery, including an explanation of the pretext or conditions under which monks were removed and their current whereabouts;
5. commends His Holiness the Dalai Lama for his decision to devote his political power in favor of a democratic system;
6. congratulates Tibetans living in exile for holding peaceful protests, including four this month alone, by Tibetan monks and nuns.
7. reaffirms the unwavering friendship between the people of the United States and the people of Tibet; and
8. both—
(a) calls on the Department of State to fully implement the 2002 Tibetan Policy Act (subtitle B of title VI of Public Law 107–228; 22 U.S.C. 6901 note), including the stipulation that the Secretary of State seek “to establish an office in Lhasa, Tibet, to monitor political, economic, and cultural developments in Tibet”, and also to provide consular protection and citizen services in emergencies; and
(b) urges that the agreement to permit China to open further diplomatic missions in the United States should be contingent upon the establishment of a United States Government consulate in Lhasa, Tibet.

Mrs. FEINSTEIN. Mr. President, I rise today with Senators LIEBERMAN, RUBIO, BOXER, DURBIN, McCaIN, WEBb, and mark Udall to submit a resolution expressing our deep concern about the current situation in Tibet and our steadfast support for the Tibetan people.

Once again, we have seen how harsh and counterproductive Chinese policies have heightened tensions and led to deadly violence.

According to press reports and the International Campaign for Tibet, since the beginning of the Chinese New Year on Monday, security forces in Sichuan province have opened fire three times on Tibetans who gathered peacefully to protest Chinese policies on Tibet.

At least six Tibetans have been killed and many more wounded.

These attacks come on top of a recent spate of self-immolations mostly by Tibetan monks and nuns.

Since March 2011, at least 16 Tibetans, including four this month alone, have set themselves on fire and at least 12 have died.

I know I join my colleagues in mourning these tragic deaths and the death of Tibetans in this latest round of unrest.

In addition, I call on Chinese security forces to exercise maximum restraint and stop targeting Tibetan protesters. Violence is not the answer to the legitimate grievances of the Tibetan people.

We must raise our voice with this resolution to call on Beijing to respect the rights of Tibetans to practice their own religion freely and preserve their distinct cultural and linguistic identity.

This resolution mourns the death of Tibetans who have self-immolated and deplores the police attacks targeting Tibetans; calls on the Government of the People’s Republic of China to suspend implementation of religious control regulations, reassess religious and security policies implemented since 2008 in Tibet, and resume a dialogue with Tibetan Buddhist leaders, including the Dalai Lama or his representatives, to resolve underlying grievances; calls on the Government of China to release all persons that have been arbitrarily detained; to cease the intimidation, harassment and detention of peaceful protestors; and to allow unrestricted access to journalists, foreign diplomats, and international organizations to Tibet.

The resolution commends His Holiness the Dalai Lama for his decision to devote his political power in favor of a democratic system; congratulates Tibetans living in exile for holding, on March 20, 2011, a competitive, multi-candidate election that was free, fair, and met international electoral standards; and reaffirms the unwavering friendship between the people of the United States and the people of Tibet.

Over the past several years I have been following the situation in Tibet with increasing concern.

I became involved in this issue when I first met His Holiness the Dalai Lama during a trip to India and Nepal in the fall of 1978.

At that time, as Mayor, I invited His Holiness to visit San Francisco and he accepted.

In September 1979, I was delighted to welcome the Dalai Lama to San Francisco to receive his first public recognition in the United States.

He inspired me to act and I have had the privilege to call him a friend for over 30 years.

Over this time, I have come to the view that Chinese policies on Tibet are intended to suppress the Tibetan culture and people.

These policies include punitive security measures including permanently placing Chinese officials in monasteries; surveillance; mass arrests, and detentions; and restrictions on freedom to practice religion including requiring monks to denounce the Dalai Lama.

We have seen how these policies have created an atmosphere of despair, hopelessness, and frustration among many Tibetans.

Despite nine rounds of talks between the United Front Work Department of the Communist Party of China and envoy of His Holiness, a comprehensive solution to the Tibetan issue remains out of reach.

As a friend of China and the Dalai Lama, I am saddened to see the situation in Tibet deteriorate to this point. The Dalai Lama has been trying to engage the Chinese leadership for over fifty years.

In the 1990s, I carried three letters to President Jiang Zemin from the Dalai Lama requesting a face to face meeting.

In my view, the Dalai Lama’s concerns are driven by a strong Tibetan belief and experience that the Chinese Government continues to suppress the Tibetan culture and way of life.

As my colleagues know, the Dalai Lama has made it clear that he does not support independence for Tibet, but rather meaningful cultural and religious autonomy for the Tibetan people within the People’s Republic of China.

Most recently, in his March 2011 statement marking the 52nd anniversary of the peaceful Tibetan uprising he stated:

In our efforts to solve the issue of Tibet, we have consistently pursued the mutually beneficial Middle-Way Approach, which seeks genuine autonomy for the Tibetan people within the [People’s Republic of China].

The newly elected prime minister of the Tibetan government-in-exile, Dr. Lobsang Sangay, has affirmed this policy in his inaugural address: Guided by the wisdom of our forefathers and foremothers, we will continue the Middle-Way policy, which seeks genuine autonomy for Tibet within the People’s Republic of China.

Despite these repeated and unequivocal statements, Beijing continues to insist that His Holiness seeks independence for Tibet.

I am stunned that this message has fallen on deaf ears.

Let there be no doubt; the clear goal of His Holiness and the Tibetan people is autonomy within China.

This autonomy can only come about through meaningful dialogue and negotiations that would undermine Tibetan culture.

As such, I urge the administration to work with our friends and allies in the international community and call on the Chinese Government to begin a substantive dialogue with the Dalai Lama on national reconciliation, respect for the Tibetan culture, and meaningful autonomy for Tibet.

I urge my colleagues to stand up for the Tibetan people and support this resolution.

SENATE RESOLUTION 357—COMMEMORATING THE 150TH ANNIVERSARY OF THE BATTLE OF MILL SPRINGS AND THE SIGNIFICANCE OF THE BATTLE TO THE CIVIL WAR

Mr. McCONNELL (for himself and Mr. PAUL) submitted the following resolution; which was considered and agreed to:

S. Res. 357

Whereas the Battle of Mill Springs, which took place on January 26, 1863, in Pulaski and Wayne Counties in Kentucky, was the first significant victory for the Union Army in the Civil War, according to the National Park Service;

Whereas Confederate General Felix Zollicoffer, who died at the Battle of Mill Springs, was one of the first generals to die in the Civil War;

Whereas the Battle of Mill Springs was the second largest battle to take place in Kentucky during the Civil War, engaging over 10,000 soldiers;

Whereas the outcome of the Battle of Mill Springs opened the path for the Union Army
to move through Kentucky and into Tennessee, affecting the outcome of the Civil War;
Whereas Mill Springs Battlefield has been designated as a National Historic Landmark by the Department of the Interior;
Whereas the Mill Springs Battlefield Association, along with volunteers in the surrounding community, has made significant strides in preserving the historic site of the battle and educating the public about the historic event that took place at that site;
Whereas the Mill Springs Battlefield Association Visitor Center provides visitors with battlefield tours, access to Civil War artifacts, and a Civil War library; and
Whereas more than 50,000 visitors have traveled to the uniquely preserved battlefield, which spans nearly 500 acres: Now, therefore, be it
Resolved, That the Senate—
(1) recognizes the 150th anniversary of the Battle of Mill Springs;
(2) recognizes—
(A) the work of the Mill Springs Battlefield Association in acquiring, preserving, and maintaining Mill Springs Battlefield for posterity; and
(B) the continuing effort of the Mill Springs Battlefield Association to educate the public about this significant historic event;
(3) encourages the people of the United States to visit Mill Springs Battlefield on the occasion of the 150th anniversary of the Battle of Mill Springs; and
(4) recognizes—
(A) the contributions of the soldiers who fought in the Battle of Mill Springs; and
(B) the outcome of the Battle of Mill Springs, which helped to preserve the union of the United States;

SENATE RESOLUTION 358—EXPRESSION OF SUPPORT FOR THE DESIGNATION OF JANUARY 28, 2012, AS “NATIONAL DATA PRIVACY DAY”

Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. KERRY, Mr. LEAHY, Mr. BEGICH, Ms. KLOBUCHAR, Mr. UDALL of New Mexico, Mr. REED, and Ms. BOXER) submitted the following resolution; which was considered and agreed to:

S. Res. 358

Whereas new and innovative technologies enhance our lives by increasing our ability to communicate, learn, share, and produce;
Whereas integration of new and innovative technologies into our everyday lives has the potential to compromise the privacy of our personal information if appropriate protection is not taken;
Whereas protecting the privacy of personal information is a global imperative for governments, commerce, civil society, and individuals;
Whereas many individuals and companies are unaware of the risks to the privacy of personal information posed by new and innovative technologies, of data protection and privacy laws, or of the specific steps they can take to protect the privacy of personal information;
Whereas “National Data Privacy Day” constitutes an international collaboration and a nationwide effort to educate and raise awareness about data privacy and about protecting the privacy of personal information;
Whereas the fourth annual recognition of “National Data Privacy Day” by Congress would encourage more people nationwide to be aware of data privacy and to protect the privacy of their personal information;
Whereas government officials and agencies from the United States, Canada, and Europe, as well as representatives of businesses and nonprofit organizations, privacy professionals, legal scholars, educators, and others with an interest in data privacy are working together on January 28, 2012, to educate and raise awareness about data privacy and about protecting the privacy of personal information;
Whereas on January 28, 2012, privacy professionals and educators are being encouraged to discuss data privacy and security with teens and young adults in schools across the United States, and parents are being encouraged to discuss data privacy and security with their children; and
Whereas January 28, 2012, would be an appropriate day to designate as “National Data Privacy Day”;
Now, therefore, be it
Resolved, That the Senate—
(1) supports the designation of January 28, 2012, as “National Data Privacy Day”;
(2) encourages State and local governments to observe the day with appropriate activities and initiatives that raise awareness about data privacy;
(3) encourages privacy professionals and educators to discuss data privacy and security with teens and young adults in schools across the United States;
(4) encourages corporations to take steps to protect the privacy and security of the personal information of their clients and consumers, to design data privacy into products they create wherever possible, and to promote trust in technologies; and
(5) encourages individuals across the United States to learn about data privacy and the specific steps they can take to protect the privacy of their personal information.

SENATE CONCURRENT RESOLUTION 34—EXRESSING THE SENSE OF CONGRESS IN HONOR OF THE LIFE AND LEGACY OF VACLAV HAVEL

Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. KERRY, Mr. LEAHY, Mr. BEGICH, Ms. KLOBUCHAR, Mr. UDALL of New Mexico, Mr. REED, and Ms. BOXER) submitted the following resolution; which was considered and agreed to:

S. Con. Res. 34

Whereas Vaclav Havel, former President of the Czech Republic, passed away on December 18, 2011, at 75 years of age, at his country home in Hradeˇcek in the Czech Republic;
Whereas Vaclav Havel was widely recognized and respected throughout the world as a defender of democratic principles and human rights;
Whereas through his extensive writings, Vaclav Havel courageously challenged the ideology and legitimacy of the authoritarian communist regimes that ruled Central and Eastern Europe during the Cold War;
Whereas Vaclav Havel, who was imprisoned 3 times by the Communist Party of Czechoslovakia for his advocacy of universal human rights and democratic principles, maintained his convictions in the face of repression;
Whereas Mr. Havel was one of the leading organizers of Charter 77, a group of 242 individuals who called for the human rights guaranteed under the 1975 Helsinki accord to be realized in Czechoslovakia;
Whereas Vaclav Havel was a cofounder of the Committee for the Defense of the Unjustly Prosecuted, an organization dedicated to supporting dissidents and their families, which helped to advance the cause of freedom and justice in Czechoslovakia;
Whereas Vaclav Havel, a peace face of the Civic Forum movement, was a key figure in the 1989 peaceful overthrow of the Czechoslovakian communist government known as the Velvet Revolution;
Whereas following the Velvet Revolution, Vaclav Havel was democratically elected as President of the Czech and Slovak Federal Republic, becoming the first democracy to formation 2 separate states, democratically elected President of the Czech Republic in 1993;
Whereas under the leadership of Vaclav Havel, the Czech Republic became a prosperous, democratic country and a respected member of the international community;
Whereas under the leadership of Vaclav Havel, the Czech Republic became a member of the North Atlantic Treaty Organization (NATO) on March 12, 1999, and continues to be a valued friend and treasured ally of the United States;
Whereas during his lifetime, Vaclav Havel received praise as one of the world’s great democratic leaders and many international prizes recognizing his commitment to peace and democratic principles;
Whereas on July 23, 2003, President George W. Bush honored Vaclav Havel with the Presidential Medal of Freedom, the highest civilian award of the United States Government, for being “one of liberty’s great heroes”;
Whereas, after leaving office as president of the Czech Republic in February 2003, Vaclav Havel remained a voice on behalf of democratic dissidents worldwide and against authoritarian regimes, including Belarus, Iran, Cuba, and Burma; and
(5) reaffirms the commitment of the United States to the causes of freedom, democracy, and human rights for which Vaclav Havel stood.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1470. Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLETTI, Mr. ROCKEFELLER, Mr. ENZI, Mr. MCCASKILL, Mr. JOHANNIS, Mr. BARRASSO, Mr. BLUNT, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to be printed as an amendment to the bill; 

SA 1471. Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. ENZI, Mrs. MCCASKILL, Mr. JOHANNIS, Mr. BARRASSO, Mr. BLUNT, and Mr. GRAHAM) submitted an amendment in writing proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.
SA 1470. Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1471. Mr. COBURN (for himself, Mr. Udall of Colorado, Mr. MCCAIN, Mr. BURIS, Mrs. MCCASKILL, and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1472. Mr. TOOMEY (for himself, Mrs. McCASKILL, Mr. DEMINT, Mr. UDALL of Colorado, Mr. RUBIO, Ms. AYOTTE, Mr. PORTMAN, Mr. THUNE, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1473. Mr. COBURN (for himself, Mr. UDALL of Colorado, Mr. MCCAIN, Mr. BURIS, Mrs. MCCASKILL, and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1474. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1475. Mr. COBURN (for himself, Mr. MCCAIN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1476. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SEC. 4. PROHIBITION OF INSIDER TRADING.

(a) AFFIRMATION OF NON-EXEMPTION.— Members of Congress and employees of Congress are not exempt from federal insider trading prohibitions arising under the securities laws, including section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder.

(b) DUTY.—

(1) PURPOSE.—The purpose of the amendment made by this subsection is to affirm a duty arising from a relationship of trust and confidence owed by each Member of Congress and each employee of Congress.

(2) AMENDMENT.—Section 21A of the Securities Exchange Act of 1934 (15 U.S.C. 78u-1) is amended by adding at the end the following:

"(g) DUTY OF MEMBERS AND EMPLOYEES OF CONGRESS.—

(1) IN GENERAL.—For purposes of the insider trading prohibitions arising under the securities laws, including section 10(b) and Rule 10b-5 thereunder, each Member of Congress or employee of Congress owes a duty arising from a relationship of trust and confidence to the Congress, the United States Government, and the citizens of the United States with respect to non-public information derived from such person’s position as a Member of Congress or employee of Congress or gained from the performance of such person’s official responsibilities.

(2) DEFINITIONS.—In this subsection—

(A) the term ‘Member of Congress’ means a member of the Senate or House of Representatives, and the Resident Commissioner from Puerto Rico;

(B) the term ‘employee of Congress’ means—

(A) an employee of the Senate; or

(B) an employee of the House of Representatives.

(C) EXECUTIVE BRANCH EMPLOYEE.—The term ‘executive branch employee’—

(A) has the meaning given the term ‘employee’ under section 2105 of title 5, United States Code; and

(B) includes—

(i) the President;

(ii) the Vice President; and

(iii) an employee of the United States Postal Service or the Postal Regulatory Commission.

(D) JUDICIAL OFFICER.—The term ‘judicial officer’ has the meaning given that term under section 108(10) of the Ethics in Government Act of 1978.

SEC. 5. CONFORMING CHANGES TO THE COMPETENCY EXCHANGE ACT.

Section 3 of the Competency Exchange Act (7 U.S.C. 6(c)(a)) is amended—

(1) in paragraph (3), in the matter preceding subparagraph (A)—

(A) by inserting any Member of Congress or employee of Congress (as defined in this subsection as those terms are defined in section 2 of the Stop Trading on Congressional Knowledge Act of 2012) after ‘‘Federal Government,’’ the first place it appears; and

(B) by inserting ‘‘Member,’’ after ‘‘position of the’’; and

(C) by inserting or ‘‘congressional staff’’ before ‘‘in a manner’’;

and

(2) in paragraph (4)—

(A) in subparagraph (A), in the matter preceding clause (1)—

(i) by inserting ‘‘or any Member of Congress or employee of Congress’’ after ‘‘Federal Government,’’ the first place it appears; and

(ii) by inserting ‘‘Member,’’ after ‘‘position of the’’; and

(iii) by inserting or ‘‘congressional staff’’ before ‘‘in a manner’’;

(B) in subparagraph (B), in the matter preceding clause (1), by inserting or ‘‘any Member of Congress or employee of Congress’’ after ‘‘Federal Government,’’; and

(C) in subparagraph (C), in the matter preceding clause (1), by inserting or ‘‘by Congress’’—

(I) before ‘‘that may affect’’; and

(II) before ‘‘in a manner’’; and

(i) in clause (iii), by inserting ‘‘to Congress, or any Member of Congress or employee of Congress’’ after ‘‘Federal Government’’.}

SEC. 6. PROMPT REPORTING OF FINANCIAL TRANSACTIONS.

(a) REPORTING REQUIREMENT.—Section 101 of the Ethics in Government Act of 1978 is amended by adding at the end the following subsection:

"(c) Not later than 30 days after any transaction required to be reported under section 102(a)(3)(B), a Member of Congress or officer or employee of Congress shall file a report of the transaction.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to transactions occurring on or after the date that is 90 days after the date of enactment of this Act.

SEC. 7. REPORT ON POLITICAL INTELLIGENCE ACTIVITIES.

(a) REPORT.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Congressional Research Service, shall submit to the Committee on Homeland Security and Governmental Affairs of the Committee on Oversight and Government Reform of the House of Representatives a report on the role of political intelligence in the financial markets.

(2) CONTENTS.—The report required by this section shall include a discussion of—

(A) what is known about the prevalence of the sale of political intelligence and the extent to which investors rely on such information;

(B) what is known about the effect that the sale of political intelligence may have on the financial markets;

(C) the extent to which information which is being sold would be considered non-public information;

(D) the legal and ethical issues that may be raised by the sale of political intelligence;

(E) any benefits from imposing disclosure requirements on those who engage in political intelligence activities; and

(F) any legal and practical issues that may be raised by the imposition of disclosure requirements on those who engage in political intelligence activities.

(b) DEFINITION.—For purposes of this section, the term ‘‘political intelligence’’ shall mean information that is—

(1) derived by a person from direct communications with executive branch and legislative branch officials; and

(2) provided in exchange for financial compensation to a client who intends, and who is known to intend, to use the information to inform investment decisions.

SEC. 8. PUBLIC FILING AND DISCLOSURE OF FINANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS AND CONGRESSIONAL STAFF.

(a) PUBLIC, ON-LINE DISCLOSURE OF FINANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS AND CONGRESSIONAL STAFF.—

(1) IN GENERAL.—Not later than August 31, 2012, or 90 days after the date of enactment of this Act, whichever is later, the Secretary of the Senate and the Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, shall ensure that financial disclosure forms filed by Members of Congress, officers of the House and Senate, candidates for Congress, and employees of the Senate and the House of Representatives in calendar year 2012 and in subsequent years pursuant to title I of the Ethics in Government Act of 1978 are made available to the public on the respective official websites of the members of Congress.
the Senate and the House of Representatives not later than 30 days after such forms are filed.

(2) EXTENSIONS.—The existing protocol allowing for extension requests for financial disclosures retained for purposes of this subsection. Notices of extension for financial disclosure shall be made available electronically under this subsection along with its related disclosure.

(3) REPORTING TRANSACTIONS.—In the case of a transaction disclosure required under section 101(j) of the Ethics in Government Act of 1978, each such transaction shall be filed not later than 30 days after the transaction. Notices of extension for transaction reports shall be made available electronically under this subsection along with its related disclosure.

(4) EXPIRATION.—The requirements of this subsection shall be deemed to have met the public disclosure system established by subsection (b).

(b) ELECTRONIC FILING AND ON-LINE PUBLIC AVAILABILITY OF FINANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS, OFFICERS OF THE HOUSE AND SENATE, AND CONGRESSIONAL STAFF.—

(1) IN GENERAL.—Subject to paragraph (6) and not later than 18 months after the date of enactment of this Act, the Secretary of the Senate, the Secretary of the House, the Senate and the Clerk of the House of Representatives shall develop systems to enable—

(a) electronic filing of reports received by them pursuant to section 103(b)(1)(A) of title I of the Ethics in Government Act of 1978; and

(b) public access to financial disclosure reports filed by Members of Congress, Officers of the House and Senate, candidates for Congress, and employees of the Senate and House of Representatives, as well as reports of a transaction disclosure required by section 101(j) of the Ethics in Government Act of 1978, as added by this Act, notices of extensions, amendments and blind trusts, pursuant to title I of the Ethics in Government Act of 1978 through databases that—

(i) are maintained on the official websites of the House of Representatives and the Senate; and

(ii) allow the public to search, sort and download data contained in the reports.

(2) LOGIN.—No login shall be required to search or sort the data contained in the reports made available by this subsection. A login name and password shall be utilized by a person downloading data contained in the reports. For purposes of filings under this section, section 105(b)(2) of the Ethics in Government Act of 1978 does not apply.

(3) PUBLIC AVAILABILITY.—Pursuant to section 105(b)(1) of title I of the Ethics in Government Act of 1978, electronic availability on the official websites of the Senate and the House of Representatives under this subsection shall be deemed to have met the public availability requirement.

(4) FILERS COVERED.—Individuals required under the Ethics in Government Act of 1978 or the Senate Rules to file financial disclosure reports with the Secretary of the Senate or the Clerk of the House shall file reports electronically using the systems developed by the Secretary of the Senate, the Sergeant at Arms of the Senate, and the Clerk of the House.

(5) EXTENSIONS.—The existing protocol allowing for extension requests for financial disclosure retained for purposes of this subsection. Notices of extension for financial disclosure shall be made available electronically under this subsection along with its related disclosure.

(6) ADDITIONAL TIME.—The requirements of this subsection may be implemented after the date provided in paragraph (1) if the Secretary of the Senate or the Clerk of the House identify in writing to relevant congressional committees an additional amount of time needed.—Section 105(d) of the Ethics in Government Act of 1978 is amended to read as follows:

"(d) An annual report filed with or transmitted to an agency or supervising ethics office or to the Clerk of the House of Representatives, as the case may be, pursuant to this title shall be retained by such agency or office by the Clerk of the Senate, or the Secretary of the Senate, as the case may be.

"(2) Such report shall be made available to the public—

"(A) in the case of a Member of Congress until a date that is 6 years from the date the individual ceases to be a Member of Congress; and

"(B) in the case of all other reports filed pursuant to this title, for a period of six years after receipt of the report.

"(3) After the relevant time period identified under paragraph (2), the report shall be destroyed unless needed in an ongoing investigation, except that in the case of a Member who filed the report pursuant to section 101(b) and was not subsequently convicted of a financial interest offense, such report shall be destroyed 1 year after the individual either is no longer a Member of the Senate or is no longer a candidate for nomination or election to the Office of President, Vice President, or as a Member of Congress, unless needed in an ongoing investigation or inquiry.".

SEC. 9. OTHER FEDERAL OFFICIALS.

(a) PROHIBITION OF THE USE OF NONPUBLIC INFORMATION FOR PRIVATE PROFIT.—

(1) EXECUTIVE BRANCH EMPLOYEES.—The Office of Government Ethics shall issue such interpretive guidance of the relevant Federal ethics statutes and regulations, including the Standards of Ethical Conduct for executive branch employees, related to use of non-public information, as necessary to clarify that no executive branch employee may use non-public information derived from such person's position as an executive branch employee or gained from the performance of such person's official duties as a means for making a private profit.

(2) JUDICIAL OFFICERS.—The Judicial Conference of the United States shall issue such interpretive guidance of the relevant ethics rules applicable to Federal judges, including the Code of Conduct for United States Judges, as necessary to clarify that no judicial officer may use non-public information derived from such person's position as a judicial officer or gained from the performance of such person's official responsibilities as a means for making a private profit.

(b) APPLICATION OF INSIDER TRADING LAWS.—

(1) AFFIRMATION OF NON-EXEMPTION.—Executive branch employees and judicial officers are not exempt from the insider trading prohibitions arising under the securities laws, including section 10(b), and Rule 10b-5 thereunder, each executive branch employee and each judicial officer owes a duty arising from a relationship of trust and confidence owed by each executive branch employee and judicial officer.

(2) DUTY.—

(A) PURPOSE.—The purpose of the amendment made by this paragraph is to confirm a duty arising from a relationship of trust and confidence owed by each executive branch employee and judicial officer.

(B) AMENDMENT.—Section 21A of the Securities Exchange Act of 1934 (15 U.S.C. 78u-1), as amended by this Act, is amended by adding at the end the following:

"(c) DUTY OF OTHER FEDERAL OFFICIALS.—

'(1) in general.—For purposes of the insider trading prohibitions arising under the

"(2) DEFINITIONS.—In this subsection—

"'(I) the term 'executive branch employee' means—

"'(A) a person who serves as an officer of the United States, or as a Member of Congress, unless such position is in an executive branch agency.

"'(B) an employee of the United States Postal Service or the Postal Regulatory Commission; and

"'(C) an employee of the United States Government, or an employee of any other Federal executive agency, who is not a Member of Congress, and who is not serving in an official position for personal benefit, including section 10(b), and Rule 10b-5 thereunder, each executive branch employee and judicial officer, arising from such person's official position; or

3) be in derogation of existing laws, regulations or ethics policies governing Members of Congress, executive branch employees or judicial officers.

SEC. 10. RULE OF CONSTRUCTION.

Nothing in this Act, the amendments made by this Act, or the interpretive guidance to be issued pursuant to sections 3 and 9 of this Act, shall be construed to—

(1) impair or limit the construction of the antifraud provisions of the securities laws or the Commodities Futures Trading Commission or the authority of the Securities and Exchange Commission or the Commodities Futures Trading Commission under those provisions;

(2) be in derogation of the obligations, duties and functions of a Member of Congress, an employee of Congress, executive branch employee or a judicial officer, arising from such person's official position; or

(3) be in derogation of existing laws, regulations or ethics policies governing Members of Congress, executive branch employees or judicial officers.
intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table.

At the appropriate place, insert the following:

SEC. ______ EARMARK ELIMINATION ACT OF 2012.

(a) Short Title.—This Act may be cited as the “Earmark Elimination Act of 2012”.

(b) Prohibition on Earmarks.—

(1) Bills and joint resolutions, amendments, amendments between the houses, and conference reports.

(A) In general.—It shall not be in order in the Senate to consider a bill or resolution introduced in the Senate or the House of Representatives, amendments, amendments between the houses, or conference report that includes an earmark.

(B) Procedure.—Upon a point of order being made by any Senator pursuant to subparagraph (A) against an earmark, and such point of order being sustained, such earmark shall be deemed stricken.

(2) Conference report and amendment between the houses procedure.—When the Senate is considering a conference report on, or an amendment to, a bill or joint resolution of a public character reported by any committee (including the committee on the Budget) shall contain—

(B) Determination by the Senate.—In the event the Chair is unable to ascertain whether or not the offending provision constitutes an earmark as defined in this subsection, the offending provision constitutes an earmark shall be submitted to the Senate and be decided without debate by an affirmative vote of two-thirds of the Members, as follows:

(c) This paragraph may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate upon their certification that such waiver is necessary as a result of—

(1) a significant disruption to Senate facilities or to the availability of the Internet; or

(2) an emergency as determined by the leaders.

SA 1473. Mr. COBURN (for himself, Mr. UDALL of Colorado, Mr. MCCAIN, Mr. BURR, Mrs. McCaskill, and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ______ PREVENTING Duplicative and OVERLAPPING GOVERNMENT PROGRAMS.

(a) Short Title.—This section may be cited as the “Preventing Duplicative and Overlapping Government Programs Act”.

(b) Reported Legislation.—Paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended—

(1) in subparagraph (c), by striking “and” and inserting “, and”;

(2) by redesignating subparagraph (c) and subparagraph (d); and

(3) by inserting after subparagraph (b) the following:

(c) The report accompanying each bill or joint resolution of a public character reported by any committee (including the Committee on Appropriations and the Committee on the Budget) shall contain—

(1) an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or report language included primarily at the end thereof the following:

(b) Motion to suspend.—It shall not be in order in the Senate or the House of Representatives to proceed to any legislative matter unless the legislative matter has been publically available on the Internet as provided in subsection (b) in searchable form 72 hours (excluding Saturdays, Sundays and holidays except when the Senate or the House of Representatives is in session on such a day) prior to proceeding.

(c) Waiver and suspension.—

(1) In the Senate.—The provisions of this section may be waived by a rule or order of the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

(2) In the House.—The provisions of this section may be waived by a rule of the House of Representatives only by a rule or order proposing only to waive such provisions by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(d) Point of order protection.—In the House of Representatives, it shall not be in order to consider a rule or order that waives the application of paragraph (2).

(4) Motion to suspend.—It shall not be in order for the Speaker to entertain a motion to suspend the application of this section unless as a rule or order of the Rules of the House of Representatives.

(d) Legislative Matter.—In this section, the term “legislative matter” means any bill, joint resolution, concurrent resolution, conference report, or substitute amendment.

SA 1475. Mr. COBURN (for himself, Mr. MCCAIN, and Mr. JOHNSON, of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place, insert the following:

SEC. 1. PERMANENT PROHIBITION ON CONGRESSIONAL EARMARKS.

(a) BILLS ADDED TO CONFERENCES.—

(1) POINT OF ORDER.—It shall not be in order to—

(A) consider a bill or joint resolution reported by a conference committee that includes an earmark, limited tax benefit, or limited tariff benefit; or

(B) a Senate bill or joint resolution not reported by a conference committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) CONFERENCE REPORT.—

(1) POINT OF ORDER.—It shall not be in order to—

(A) consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(B) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.

(c) FLOOR AMENDMENT.—It shall not be in order to—

(A) consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(B) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(d) AMENDMENT BETWEEN THE HOUSES.—

(1) POINT OF ORDER.—It shall not be in order to consider an amendment between the Houses if that amendment includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) WAIVER.—Any Senator may move to waive any or all points of order under this paragraph, but such a motion shall be decided without debate.

(f) DEFINITIONS.—For the purpose of this section—

(1) the term ‘‘earmark’’ means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing, authorizing, or requiring a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(2) the term ‘‘limited tax benefit’’ means any revenue provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(B) is consistent with the criteria that are not uniform in application with respect to potential beneficiaries of such provision; and

(3) the term ‘‘limited tariff benefit’’ means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

SA 1476. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 238, to prohibit Members of Congress and employees of Congress from using nonprofit information technology contractors for their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SEC. 1. MEMBER CERTIFICATION.

Section 102(a) of the Ethics in Government Act of 1978 is amended by inserting at the end the following:

‘‘(9)(A) A statement as provided in subparagraph (B) certifying that financial transactions included in the report filed pursuant to section 101 (d) and (e) were not made on the basis of non-public information. ‘‘(B) The certification required by this paragraph is as follows: ‘‘I hereby certify that the financial transactions reflected in this disclosure form were not made on the basis of material, non-public information.’’

NOTICE OF INTENT TO SUSPEND THE RULES

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to offer an amendment to the Standing Rules of the Senate, by proposing Amendment No. 1473 to S. 238.

PRIVILEGES OF THE FLOOR

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Hala Furst, a Presidential Management Fellow on detail to the Homeland Security and Governmental Affairs Committee, be granted the privilege of the floor for the duration of the debate on S. 238.

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

Mr. TESTER. Mr. President, I ask unanimous consent that Val Molaison, a fellow in my office, be granted the privilege of the floor today.

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

BORDER TUNNEL PREVENTION ACT OF 2011

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 260, S. 1236.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows: A bill (S. 1236) to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

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

Mr. BROWN of Ohio. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (S. 1236) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

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 “Border Tunnel Prevention Act of 2011”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) As the international border between the United States and Mexico becomes more secure, trafficking and smuggling organizations may attempt to move their trade into the United States by increasing the number of tunnels and other subterranean passages between Mexico and the United States.

(2) Border tunnels are most often used to transport narcotics from Mexico to the United States, but can also be used to transport people and other contraband.

Between May 1991 and 2011, law enforcement authorities discovered 137 tunnels, 125 of which have been discovered since September 2001. While law enforcement authorities discovered only 2 tunnels in California between 1990 and 2001, there has been a dramatic increase in the number of border tunnels discovered in California since 2001.


(A) criminalizes the construction or financing of an unauthorized tunnel or subterranean passage across an international border into the United States.

(B) prohibits any person from recklessly permitting others to construct or use an unauthorized tunnel or subterranean passage on someone’s land.

(5) Any person convicted of using a tunnel or subterranean passage to smuggle aliens, weapons, drugs, terrorists, or illegal goods is subject to an enhanced sentence for the underlying offense. Additional sentence enhancements would further deter tunnel activities and increase prosecutorial options.

SEC. 3. DEFINITIONS.

In this Act:

(1) NATIONAL SECURITY ZONE.—The term “national security zone” means any Southwest Border land designated by the Secretary as being at a high risk for border tunnel activity, as authorized under section 8(b).

(2) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(3) SOUTHWEST BORDER LAND.—The term “Southwest Border land” means all parcels of real property in the United States that—

(A) are located within 1 mile of the international border between the United States and Mexico; and

(B) are not owned by a Federal, State, tribal, or local government.

SEC. 4. ATTEMPT OR CONSPIRACY TO USE, CONSTRUCT, OR FINANCE A BORDER TUNNEL.

Section 555 of title 18, United States Code, is amended by adding at the end the following:

“(d) Any person who attempts or conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.”

SEC. 5. AUTHORIZATION FOR INTERCEPTION OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS.

Section 2516(c) of title 18, United States Code, is amended by inserting “, section 555 (relating to construction or use of international border tunnels)” before the semicolon at the end.

SEC. 6. FORFEITURE.

(a) CRIMINAL FORFEITURE.—Section 962(a)(2)(B) of title 18, United States Code, is amended by inserting “, section 555 (relating to construction or use of international border tunnels)” before the semicolon at the end.

(b) CIVIL ASSET FORFEITURE.—Any merchandise introduced into the United States
through a tunnel or passage described in section 555(a) of title 18, United States Code, shall be subject to seizure and forfeiture in accordance with section 1956(c) of the Tariff Act of 1930 (19 U.S.C. 1956(c)).

SEC. 7. MONEY LAUNDERING DESIGNATION.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting “section 555 (relating to border tunnels),” after “section 596(c) relating to smuggling goods from the United States.,”

SEC. 8. NOTIFICATION REQUIREMENTS.

(a) NOTIFICATION TO LAND OWNERS.—The Secretary is encouraged to annually provide each known nongovernmental owner and tenant of land located in a national security zone with a written notification that describes—

(1) Federal laws related to the construction of illegal border tunnels; and

(2) the procedures for reporting violations of such laws to U.S. Immigration and Customs Enforcement.

(b) DESIGNATION OF BORDER TUNNEL HIGH RISK AREA.—

(1) IN GENERAL.—The Secretary may designate any Southwest Border land that the Secretary has a substantial reason to believe is at a high risk for border tunnel activity as a national security zone.

(2) PUBLICATION.—The Secretary shall—

(A) publish any designations made under paragraph (1) in the Federal Register; and

(B) allow appropriate notice and comment in accordance with the chapter 5 of title 5, United States Code (commonly referred to as the “Administrative Procedures Act”).

(c) RULEMAKING.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out this section.

SEC. 9. REPORT.

(a) IN GENERAL.—The Secretary shall submit an annual report to the congressional committees set forth in subsection (b) that includes a description of—

(1) the cross border tunnels in Southwest Border land discovered during the reporting period; and

(2) the needs of the Department of Homeland Security to effectively prevent, investigate and prosecute border tunnel construction on Southwest Border land.

(b) CONGRESSIONAL COMMITTEES.—The congressional committees set forth in this subsection are—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Homeland Security of the House of Representatives;

(5) the Committee on the Judiciary of the House of Representatives; and

(6) the Committee on Appropriations of the House of Representatives.

COMMEMORATING 105TH ANNIVERSARY OF THE BATTLE OF MILL SPRINGS

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 358, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows: A resolution (S. Res. 358) commemorating the 105th anniversary of the Battle of Mill Springs and the significance of the battle to the Civil War.

There being no objection, the Senate proceeded to consider the resolution. Mr. BROWN of Ohio. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 357) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 357

Whereas the Battle of Mill Springs, which took place on January 19, 1862, in Pulaski and Wayne Counties in Kentucky, was the first significant victory for the Union Army in the Civil War, according to the National Park Service;

Whereas Confederate General Felix Zollicoffer, who died at the Battle of Mill Springs, was one of the first generals to die in the Civil War;

Whereas the Battle of Mill Springs was the second greatest battle to take place in Kentucky during the Civil War, engaging over 10,000 soldiers;

Whereas the outcome of the Battle of Mill Springs opened the way for the Union Army to move through Kentucky and into Tennessee, affecting the outcome of the Civil War;

Whereas Mill Springs Battlefield has been designated as a National Historic Landmark by the Department of the Interior;

Whereas the Mill Springs Battlefield Association, along with volunteer boards of volunteers in the surrounding community, has made significant strides in preserving the historic site of the battle and educating the public about the historic event that took place at that site;

Whereas the Mill Springs Battlefield Association Visitor Center provides visitors with battlefield tours, access to Civil War artifacts, and a Civil War library; and

Whereas more than 50,000 visitors have traveled to the uniquely preserved battlefield, which spans nearly 500 acres: Now, therefore, be it Resolved, That the Senate—

(1) recognizes the 150th anniversary of the Battle of Mill Springs;

(2) recognizes—

(A) the work of the Mill Springs Battlefield Association in acquiring, preserving, and maintaining Mill Springs Battlefield for posterity; and

(B) the continuing effort of the Mill Springs Battlefield Association to educate the public about this significant historic event;

(3) encourages the people of the United States to visit Mill Springs Battlefield on the occasion of the 150th anniversary of the Battle of Mill Springs; and

(4) recognizes—

(A) the contributions of the soldiers who fought in the Battle of Mill Springs; and

(B) the outcome of the Battle of Mill Springs, which helped to preserve the union of the United States.

The legislative clerk read as follows: A resolution (S. Res. 358) expressing support for the designation of January 28, 2012, as “National Data Privacy Day.”

There being no objection, the Senate proceeded to consider the resolution. Mr. BROWN of Ohio. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 358) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 358

Whereas new and innovative technologies enhance our lives by increasing our ability to communicate, learn, share, and produce; and

Whereas integration of new and innovative technologies into our daily lives has the potential to compromise the privacy of our personal information if appropriate protection is not taken; and

Whereas protecting the privacy of personal information is a global imperative for governments, commerce, civil society, and individuals; and

Whereas many individuals and companies are unaware of the risks to the privacy of personal information posed by new and innovative technologies, of data protection and privacy laws, or of the specific steps they can take to protect the privacy of personal information; and

Whereas “National Data Privacy Day” constitutes an international collaboration and a nationwide effort to educate and raise awareness about data privacy and about protecting the privacy of personal information; and

Whereas the fourth annual recognition of “National Data Privacy Day” by Congress would encourage more people nationwide to be aware of data privacy and to protect the privacy of their personal information; and

Whereas government officials and agencies from the United States, Canada, and Europe, as well as representatives of businesses and non-profit organizations, privacy professionals, academic communities, legal scholars, educators, and others with an interest in data privacy are working together on January 28, 2012, to educate and raise awareness about data privacy and about protecting the privacy of personal information; and

Whereas on January 28, 2012, privacy professionals and educators are being encouraged to discuss data privacy and security with teens and young adults in schools across the United States, and parents are being encouraged to discuss data privacy and security with their children; and

Whereas January 28, 2012, would be an appropriate day to designate as “National Data Privacy Day”; now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of January 28, 2012, as “National Data Privacy Day”;

(2) encourages State and local governments to observe the day with appropriate activities and initiatives that raise awareness about data privacy; and

(3) encourages privacy professionals and educators to discuss data privacy and security with teens and young adults in schools across the United States; and

Whereas the resolution, with its preamble, reads as follows:

S. Res. 358

Whereas January 28, 2012, would be an appropriate day to designate as “National Data Privacy Day”;

Be it resolved, That the Senate—

(1) supports the designation of January 28, 2012, as “National Data Privacy Day”;

(2) encourages State and local governments to observe the day with appropriate activities and initiatives that raise awareness about data privacy; and

(3) encourages privacy professionals and educators to discuss data privacy and security with teens and young adults in schools across the United States;
Whereas following the Velvet Revolution, Václav Havel was democratically elected as President of the Czech and Slovak Federal Republic in 1990, and after a peaceful partition forming 2 separate states, democratically elected President of the Czech Republic in 1993;

Whereas under the leadership of Václav Havel, the Czech Republic became a prosperous, democratic country and a respected member of the international community;

Whereas under the leadership of Václav Havel, the Czech Republic became a member of the North Atlantic Treaty Organization (NATO) on March 12, 1999, and continues to be a valued friend and treasured ally of the United States;

Whereas during his lifetime, Václav Havel received praise as one of the world’s great democratic leaders and awarded many international prizes recognizing his commitment to peace and democratic principles;

Whereas on July 23, 2003, President George W. Bush honored Václav Havel with the Presidential Medal of Freedom, the highest civilian award of the United States Government, for being “one of liberty’s great heroes”; 

Whereas, after leaving office as president of the Czech Republic in February 2003, Václav Havel remained a voice on behalf of democratic dissidents worldwide and against authoritarian regimes, including Belarus, Iran, Cuba, and Burma:

Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) mourns the loss of Václav Havel and offers its heartfelt condolences to the Havel family and the people of the Czech Republic;

(2) recognizes Václav Havel’s courage and commitment to democratic values in the face of communist repression;

(3) recognizes Václav Havel’s pivotal historical legacy in defeating the ideology of communism, peacefully ending the Cold War, and building a Europe that is democratic, united, and at peace;

(4) recognizes Václav Havel’s solidarity with democratic dissidents throughout the world and support for the expansion of freedom, including in Belarus, Iran, Cuba, and Burma; and

(5) reaffirms the commitment of the United States to the causes of freedom, democracy, and human rights for which Václav Havel stood.

MEASURE READ THE FIRST TIME—S. 2041

Mr. BROWN of Ohio. Madam President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 2041) to approve the Keystone XL pipeline project and provide for environmental protection and government oversight;

Mr. BROWN of Ohio. I now ask for a second reading in order to place the bill on the calendar under the provisions of rule XIV, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

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

The PRESIDING OFFICER. Without objection, it is so ordered.
EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS
Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 30, 2012 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

FEBRUARY 1
10 a.m.
Budget
To hold hearings to examine the outlook for the eurozone.
SD–608
Small Business and Entrepreneurship
To hold hearings to examine developing and strengthening high-growth entrepreneurship.
SR–428A
2:30 p.m.
Foreign Relations
European Affairs Subcommittee
To hold hearings to examine Ukraine, focusing on what’s at stake for the United States and Europe.
SD–419
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine Federal retirement processing, focusing on ensuring proper and timely payments.
SD–342
United States Senate Caucus on International Narcotics Control
To hold hearings to examine the United States–Caribbean Security Cooperation.
SD–562
FEBRUARY 2
9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the final report of the Blue Ribbon Commission on America’s Nuclear Future.
SD–366
10 a.m.
Banking, Housing, and Urban Affairs
SD–538
Budget
To hold hearings to examine the budget and economic outlook, focusing on fiscal years 2012–2022.
SD–608
Health, Education, Labor, and Pensions
To hold hearings to examine innovations in college affordability.
SD–430
Judiciary
Business meeting to consider S. 1925, to reauthorize the Violence Against Women Act of 1994; S. 1456, to permit the televising of Supreme Court proceedings; and the nominations of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit; and Dennis J. Erby, to be United States Marshal for the Northern District of Mississippi, and Anuj Chang Desai, of Wisconsin, to be a Member of the Foreign Claims Settlement Commission of the United States, both of the Department of Justice.
SD–226
2:15 p.m.
Indian Affairs
To hold hearings to examine S. 1739, to provide for the use and distribution of judgment funds awarded to the Minnesota Chippewa Tribe by the United States Court of Federal Claims in Docket Numbers 19 and 188, S. 356, to amend the Grand Ronde Reservation Act to make technical corrections, and S. 908, to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon.
SD–628
2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219
FEBRUARY 3
9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employment situation for January 2012.
210, Cannon Building
FEBRUARY 7
2:30 p.m.
Health, Education, Labor, and Pensions
To hold hearings on accessible technology, focusing on challenges and opportunities.
SD–G50
FEBRUARY 9
2:15 p.m.
Indian Affairs
To hold an oversight hearing to examine the Department of Justice’s opinion on internet gaming, focusing on what’s at stake for tribes.
SD–628
FEBRUARY 14
9:30 a.m.
Armed Services
To hold hearings to examine the Department of the Air Force in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.
SD–G50
Armed Services
To hold hearings to examine the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.
SD–G50
FEBRUARY 16
9:30 a.m.
Armed Services
To hold hearings to examine the current and future worldwide threats to the national security of the United States; with the possibility of a closed session in SVC–217 following the open session.
SD–G50
Energy and Natural Resources
To hold hearings to examine the President’s proposed budget request for fiscal year 2013 for the Department of Energy.
SD–366
2:15 p.m.
Indian Affairs
To hold an oversight hearing to examine energy development in Indian country.
FEBRUARY 28
9:30 a.m.
Armed Services
To hold hearings to examine U.S. Pacific Command and U.S. Transportation Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.
SD–106
Armed Services
To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.
SD–106
10 a.m.
Energy and Natural Resources
To hold hearings to examine the President’s proposed budget request for fiscal year 2013 for the Department of the Interior.
SD–366
2:30 p.m.
Veterans’ Affairs
To hold joint hearings to examine a legislative presentation from the Disabled American Veterans (DAV).
345, Cannon Building
FEBRUARY 29
10 a.m.
Veterans’ Affairs
To hold hearings to examine the President’s proposed budget request for fiscal year 2013 for Veterans’ Programs.
SR–418

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
MARCH 1
9:30 a.m.
Armed Services
To hold hearings to examine U.S. European Command, U.S. Africa Command, and U.S. Transportation Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.
SH–216

MARCH 6
9:30 a.m.
Armed Services
To hold hearings to examine U.S. Central Command and U.S. Special Operations Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.
SH–216

MARCH 7
10 a.m.
Veterans’ Affairs
To hold joint hearings to examine a legislative presentation from the Veterans of Foreign Wars (VFW).
SD–G50

MARCH 8
9:30 a.m.
Armed Services
To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.
SD–106

MARCH 13
9:30 a.m.
Armed Services
To hold hearings to examine U.S. Southern Command and U.S. Northern Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.
SD–G50

MARCH 14
10 a.m.
Veterans’ Affairs
To hold hearings to examine ending homelessness among veterans, focusing on Veterans’ Affairs progress on its five year plan.
SR–418

MARCH 21
10 a.m.
Veterans’ Affairs
To hold joint hearings to examine the legislative presentations of the Military Order of the Purple Heart, Iraq and Afghanistan Veterans of America (IAVA), Non Commissioned Officers Association, American Ex-Prisoners of War, Vietnam Veterans of America, Wounded Warrior Project, National Association of State Directors of Veterans Affairs, and The Retired Enlisted Association.
SD–G50

MARCH 22
10 a.m.
Veterans’ Affairs
To hold joint hearings to examine the legislative presentations of the Paralyzed Veterans of America, Air Force Sergeants Association, Blinded Veterans Association, American Veterans (AMVETS), Gold Star Wives, Fleet Reserve Association, Military Officers Association of America, and the Jewish War Veterans.
345, Cannon Building

MARCH 28
10 a.m.
Veterans’ Affairs
To hold hearings to examine the nominations of Margaret Bartley, of Maryland, and Coral Wong Pietsch, of Hawaii, both to be a Judge of the United States Court of Appeals for Veterans Claims.
SR–418
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S139–S174

Measures Introduced: Three bills and four resolutions were introduced, as follows: S. 2041–2043, S. Res. 356–358, and S. Con. Res. 34.

Measures Reported:

S. 1401, to conserve wild Pacific salmon, with an amendment in the nature of a substitute. (S. Rept. No. 112–140)

S. 1657, to amend the provisions of law relating to sport fish restoration and recreational boating safety. (S. Rept. No. 112–141)

Report to accompany S. 890, to establish the supplemental fraud fighting account. (S. Rept. No. 112–142)

Measures Passed:

Border Tunnel Prevention Act: Senate passed S. 1236, to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

150th Anniversary of the Battle of Mill Springs: Senate agreed to S. Res. 357, commemorating the 150th anniversary of the Battle of Mill Springs and the significance of the battle to the Civil War.

National Data Privacy Day: Senate agreed to S. Res. 358, expressing support for the designation of January 28, 2012, as “National Data Privacy Day”.

Life and Legacy of Vaclav Havel: Senate agreed to S. Con. Res. 34, expressing the sense of Congress in honor of the life and legacy of Vaclav Havel.

Measures Considered:

STOP TRADING ON CONGRESSIONAL KNOWLEDGE (STOCK) ACT—AGREEMENT: Senate resumed consideration of the motion to proceed to consideration of S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit.

During consideration of this measure today, Senate also took the following action:

By 93 yeas to 2 nays (Vote No. 3), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill.

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at 11:30 a.m., on Tuesday, January 31, 2012, and Senate vote on the motion to proceed to consideration of the bill.

Messages from the House: Pages S158

Measures Read the First Time: Pages S158

Executive Communications: Pages S158–63

Additional Cosponsors: Pages S163–65

Statements on Introduced Bills/Resolutions: Pages S165–68

Additional Statements: Pages S168–72

Notices of Intent: Page S172

Privileges of the Floor: Page S172

Record Votes: One record vote was taken today. (Total—3) Page S149

Adjournment: Senate convened at 2 p.m. and adjourned at 6:38 p.m., until 10 a.m. on Tuesday, January 31, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S174.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.
House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet at 12 noon on Tuesday, January 31, 2012.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, JANUARY 31, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: To hold hearings to examine holding the Consumer Financial Protection Bureau (CFPB) accountable, focusing on a review of first semi-annual report, 10 a.m., SD–538.

Committee on Energy and Natural Resources: To hold hearings to examine the United States and global energy outlook for 2012, 10 a.m., SD–366.

Committee on Finance: To hold hearings to examine extenders and tax reform, focusing on long-term solutions, 10 a.m., SD–215.

Committee on the Judiciary: Subcommittee on Privacy, Technology and the Law, to hold hearings to examine the “Video Privacy Protection Act”, focusing on protecting viewer privacy in the 21st century, 10 a.m., SD–226.

Select Committee on Intelligence: To hold hearings to examine the world threat, 10 a.m., SH–216.

House

Committee on Armed Services, February 1, full Committee, hearing on the use of Afghan nationals to provide security to U.S. forces in light of attack on U.S. personnel at FOB Frontenac, Afghanistan in March 2011, 10 a.m., 2118 Rayburn.

February 3, Subcommittee on Military Personnel and Oversight and Investigations, hearing on accountability at Arlington National Cemetery, 11:30 a.m., 2118 Rayburn.

Committee on the Budget, February 1, full Committee, hearing entitled “The Congressional Budget Office’s Budget and Economic Outlook”, 10 a.m., 210 Cannon.


Committee on Education and the Workforce, February 1, full Committee, hearing entitled “Expanding Opportunities for Job Creation”, 10 a.m., 2175 Rayburn.

February 2, Subcommittee on Health, Labor and Pensions, hearing entitled “Examining the Challenges Facing PBGC and Defined Benefit Pension Plans”, 10 a.m., 2175 Rayburn.


Committee on Financial Services, February 1, Subcommittee on Insurance, Housing and Community Opportunity, hearing entitled “Implementation of the Manufactured Housing Improvement Act of 2000”, 10 a.m., 2128 Rayburn.

February 1, Subcommittee on Financial Institutions and Consumer Credit, hearing on H.R. 3461, the “Financial Institutions Examination Fairness and Reform Act”, 2 p.m., 2128 Rayburn.


Committee on Foreign Affairs, February 2, full Committee, hearing entitled “Ahmadinejad’s Tour of Tyrants and Iran’s Agenda in the Western Hemisphere”, 10 a.m., 2172 Rayburn.


Committee on Homeland Security, February 1, Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies, markup of H.R. 3674, the “Promoting and Enhancing Cybersecurity and Information Sharing Effectiveness Act of 2011”, 10 a.m., 311 Cannon.

February 3, Subcommittee on Oversight, Investigations, and Management, hearing entitled “Is DHS Effectively Implementing a Strategy to Counter Emerging Threats?” 10 a.m., 311 Cannon.

Committee on the Judiciary, February 1, Subcommittee on Courts, Commercial and Administrative Law, hearing on H.R. 2469, the “End Discriminatory State Taxes for Automobile Renters Act of 2011”, 1:30 p.m., 2141 Rayburn.


February 3, Subcommittee on Courts, Commercial and Administrative Law, hearing on the following: H.R. 3041, the “Federal Consent Decree Fairness Act” and legislation on the “Sunshine for Regulatory Decrees and Settlements Act”, 9:30 a.m., 2141 Rayburn.

Committee on Natural Resources, February 1, full Committee, markup of the following: H.R. 3407, the “Alaskan Energy for American Jobs Act”; H.R. 3408, the “Protecting Investment in Oil Shale the Next Generation of Environmental, Energy, and Resource Security Act”; and H.R. 3410, the “Energy Security and Transportation Jobs Act”, 10 a.m., 1324 Longworth.

February 3, Subcommittee on National Parks, Forests and Public Lands, hearing on the following: H.R. 491, to modify the boundaries of Cibola National Forest in the State of New Mexico, to transfer certain Bureau of Land Management land for inclusion in the National Forest, and for other purposes; H.R. 3500, to provide for the conveyance of a small parcel of National Forest System land in the Flathead National Forest in the State of Montana containing a World War II memorial to the Whitefish Mountain Resort; H.R. 3685, to amend the Herger-Feinstein Quincy Library Group Forest Recovery Act to extend and expand the scope of the pilot forest management project required by that Act; and S. 271, the “Wallowa Forest Service Compound Conveyance Act”, 9:30 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, February 1, full Committee, hearing entitled “Uncharted Territory: What are the Consequences of President Obama’s Unprecedented ‘Recess’ Appointments?“ 9:30 a.m., 2154 Rayburn.

February 2, full Committee, hearing entitled “Fast and Furious: Management Failures at the Department of Justice”, 9 a.m., 2154 Rayburn.

Committee on Rules, January 31, full Committee, markup of H.R. 3521, the “ Expedited Legislative Line-Item Veto and Rescissions Act of 2011”, 5 p.m., H–315 Capitol.

February 1, full Committee, hearing on H.R. 3578, the “Baseline Reform Act of 2011” and H.R. 3582, the “Pro-Growth Budgeting Act of 2011”, 3 p.m., H–313 Capitol.

Committee on Science, Space, and Technology, February 1, Subcommittee on Energy and Environment, hearing entitled “Fractured Science—Examining EPA’s Approach to Ground Water Research: The Pavillion Analysis”, 10 a.m., 2318 Rayburn.

February 2, Subcommittee on Energy and Environment, hearing entitled “Fostering Quality Science at EPA: Perspectives on Common Sense Reform—Day II”, 10 a.m., 2318 Rayburn.

Committee on Small Business, February 1, full Committee, hearing entitled “The Path to Job Creation: The State of American Small Businesses”, 1 p.m., 2360 Rayburn.


Committee on Transportation and Infrastructure, February 2, full Committee, hearing on legislation regarding the “American Energy and Infrastructure Jobs Act”, 9 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, February 1, full Committee, hearing entitled “Examining VA’s Pharmaceutical Prime Vendor Contract”, 10 a.m., 334 Cannon.

February 2, Subcommittee on Economic Opportunity, hearing entitled “Lowering the Rate of Unemployment for the National Guard”, 10 a.m., 334 Cannon.

Committee on Ways and Means, February 1, Subcommittee on Oversight and Subcommittee on Select Revenue Measures, hearing on the Harbor Maintenance Trust Fund and Harbor Maintenance Tax, 9:30 a.m., 1100 Longworth.

February 2, Subcommittee on Social Security, hearing on the accuracy and uses of the Social Security Administration’s Death Master File, 9 a.m., B–318 Rayburn.

House Permanent Select Committee on Intelligence, February 2, full Committee, hearing entitled “World Threats”, 10 a.m., HVC–210. This hearing will begin as an open hearing and move to a closed hearing in HVC–304.

Joint Meetings

Commission on Security and Cooperation in Europe: To receive a briefing on Moldova, focusing on democracy, 2 p.m., 2200, Rayburn Building.

Conference: Meeting of conferees on H.R. 658, 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, 4 p.m., SR–253.

CONGRESSIONAL PROGRAM AHEAD

Week of January 31 through February 4, 2012

Senate Chamber

On Tuesday, at 11:30 a.m., Senate will continue consideration of the motion to proceed to consideration of S. 2038, Stop Trading on Congressional Knowledge (STOCK) Act, and vote on the motion to proceed to consideration of the bill.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Banking, Housing, and Urban Affairs: January 31, to hold hearings to examine holding the Consumer Financial Protection Bureau (CFPB) accountable, focusing on a review of first semi-annual report, 10 a.m., SD–538.

Committee on the Budget: February 1, to hold hearings to examine the outlook for the eurozone, 10 a.m., SD–608.

February 2, Full Committee, to hold hearings to examine the budget and economic outlook, focusing on fiscal years 2012–2022, 10 a.m., SD–608.

Committee on Energy and Natural Resources: January 31, to hold hearings to examine the United States and global energy outlook for 2012, 10 a.m., SD–366.

February 2, Full Committee, to hold hearings to examine the final report of the Blue Ribbon Commission on America’s Nuclear Future, 9:30 a.m., SD–366.

Committee on Finance: January 31, to hold hearings to examine extenders and tax reform, focusing on long-term solutions, 10 a.m., SD–215.

Committee on Foreign Relations: February 1, Subcommittee on European Affairs, to hold hearings to examine Ukraine, focusing on what’s at stake for the United States and Europe, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pension: February 2, to hold hearings to examine innovations in college affordability, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: February 1, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine Federal retirement processing, focusing on ensuring proper and timely payments, 2:30 p.m., SD–342.

Committee on Indian Affairs: February 2, to hold hearings to examine S. 1739, to provide for the use and distribution of judgment funds awarded to the Minnesota Chippewa Tribe by the United States Court of Federal Claims in Docket Numbers 19 and 188, S. 356, to amend the Grand Ronde Reservation Act to make technical corrections, and S. 908, to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon, 2:15 p.m., SD–628.

Committee on the Judiciary: January 31, Subcommittee on Privacy, Technology and the Law, to hold hearings to examine the “Video Privacy Protection Act”, focusing on protecting viewer privacy in the 21st century, 10 a.m., SD–226.

February 2, Full Committee, business meeting to consider S. 1925, to reauthorize the Violence Against Women Act of 1994, S. 1945, to permit the televising of Supreme Court proceedings, and the nominations of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit, and Dennis J. Erby, to be United States Marshal for the Northern District of Mississippi, and Anuj Chang Desai, of Wisconsin, to be a Member of the Foreign Claims Settlement Commission of the United States, both of the Department of Justice, 10 a.m., SD–226.

Committee on Small Business and Entrepreneurship: February 1, to hold hearings to examine developing and strengthening high-growth entrepreneurship, 10 a.m., SR–428A.

Select Committee on Intelligence: January 31, to hold hearings to examine the world threat, 10 a.m., SH–216.

February 2, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

United States Senate Caucus on International Narcotics Control: February 1, to hold hearings to examine the United States-Caribbean Security Cooperation, 2:30 p.m., SD–562.

Joint Meetings

Joint Economic Committee: February 3, to hold hearings to examine the employment situation for January 2012, 9:30 a.m., 210, Cannon Building.

Commission on Security and Cooperation in Europe: January 31, to receive a briefing on Moldova, focusing on democracy, 2 p.m., 2200, Rayburn Building.

Conference: January 31, meeting of conferees on H.R. 658, 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, 4 p.m., SR–253.
Next Meeting of the SENATE
10 a.m., Tuesday, January 31

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 11:30 a.m.), Senate will continue consideration of the motion to proceed to consideration of S. 2038, Stop Trading on Congressional Knowledge (STOCK) Act, and vote on the motion to proceed to consideration of the bill.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
12 noon, Tuesday, January 31

House Chamber

Program for Tuesday: To be announced.