

effective news gathering that a privilege to refrain from revealing sources should be interpreted to be extended to reporters by the 1st Amendment.

Unfortunately, to date the 1st Amendment has not been so interpreted. Furthermore, in the past few years more than thirty reporters have been subpoenaed or questioned in federal court proceedings about confidential sources, and several have been handed or threatened with jail sentences. The time has clearly arrived for the Congress to enact this statutory privilege to address the increasing use of subpoenas to extract confidential source information from reporters.

Our legislation sets criteria which must be met to compel the disclosure of information from reporters in any federal criminal or civil matter, with heightened protection for the identities of confidential sources. While extending a broad privilege, we have included some exceptions for instances in which source information can be disclosed where a strong public interest compels the disclosure. Provisions have been incorporated to allow disclosure to prevent imminent death or significant bodily harm, to determine who has disclosed trade secrets or personal health or personal financial information in violation of law, and to assure that national security interests are protected.

An exception to the privilege will only apply if the court determines that the public interest in disclosing the information outweighs the public interest in the gathering and dissemination of news and information.

The bill is a carefully constructed measure which will provide a broad new and much needed privilege for reporters to refrain from revealing confidential sources.

The measure protects the public's right to know, and its passage should be a priority in this Congress. The measure we are reintroducing today is identical to the measure which passed the House in 2007 by a large, bipartisan majority of 398 to 21.

I want to commend MIKE PENCE who has devoted substantial personal time and attention to this effort.

He has done much to bring the need for the privilege to public attention, and he is a highly effective advocate for the cause.

It was a pleasure coauthoring a similar bill with MIKE in the last two Congresses and in writing with him the bill we are introducing today.

I also want to thank Chairman CONYERS for his helpful suggestions and his support in moving the bill through the Judiciary Committee.

Given the broad bipartisan support this measure enjoys, I am optimistic that we will be able to enact the legislation into law during the course of this Congress.

I hope my colleagues will join with us in enacting into law the Free Flow of Information Act of 2009.

REMEMBERING THE LIFE AND
CONTRIBUTIONS OF ROBERT
(BOB) NESTA MARLEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. RANGEL. Madam Speaker, I rise today to commemorate the life and contributions of

Robert (Bob) Nesta Marley and the impact that he has had on the world. This is a man whose music has inspired the world over and whose lyrics began a movement of revolution not just in actions and words but in the core being of individuals and he made his contribution and achieved his wonderful legacy in a short life cut off by cancer at the age of thirty-six. On his birthday on February 6th of this year he would have been only sixty-four.

Bob Marley's humble beginnings in a small town in Jamaica instilled in him an appreciation of the various stations in life and especially that of the most unfortunate. His early life influenced the majority of his music which heralded the strength of the worker and denounced the unfortunate plight of the disenfranchised. Throughout his life Bob Marley strove to create music that would inspire people for generations to come. His music was born in a time of turmoil and heavy racial prejudice throughout the world and his music absorbed the hatred and bigotry only to release lyrics that spoke of reconciliation and harmony.

One of his most celebrated songs, "One Love" is a perfect example of his music that seeks to find the beauty in the midst of darkness. He sings of a nation with "one love" and "one heart" that is united towards the achievement of harmony and peace. This song is rightfully acclaimed as a global anthem and recognized as one of the most influential songs of the 20th century. Bob Marley asks "Let's get together and feel all right, I'm pleading to mankind", and in so doing, he challenges us all to respond to our better selves.

HONORING WILLIAM BERLINER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Ms. WOOLSEY. Madam Speaker, I rise with sadness today to honor a friend of the Petaluma Community, William "Bill" Berliner, who passed away at his home in Petaluma, California, on January 21, 2009.

Bill was a central figure in his adopted community of Petaluma, California, while remaining true to his Chicago roots. After visiting his brother Andy in Petaluma, Bill moved to town in 1973 and noticed the absence of any place serving a good deep-dish pizza, a style invented in Chicago. In 1978 he opened Old Chicago Pizza in the heart of downtown where it has provided locals with an authentic and tasty food in a warm and family-friendly environment.

The restaurant has also provided opportunities for jobs for young people and long-term work for trusted employees. My son Michael worked at Old Chicago as a youth learning his way in the workforce, as did my daughter-in-law Lisa. Happily the restaurant, under the ownership of two employees who have been with the restaurant for well over 20 years, will continue in business.

Bill was active in the Petaluma Downtown Association and supported nonprofits such as the Carousel Fund which assists children battling serious illnesses. He always spoke his mind about the issues of the day in Petaluma, while he continued to root for Chicago sports teams. As a former drag racer and pianist in

a jazz ensemble, Bill used his wide-ranging interests and hands-on style to create a special place and a special spirit for the community.

Madam Speaker, Bill Berliner's passing has left an empty space in our town and in his family. He is survived by twin daughters Angela and Jordana and his mother Clarice Saltiel as well as his brother Andy Berliner. Petaluma will miss Bill's involvement, but we are grateful for his imprint on our community, as well as for the delicious Old Chicago pizza.

TRIBUTE TO JENNIFER PARSONS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. LATHAM. Madam Speaker, I rise today to recognize the excellence in education in the 4th Congressional District of Iowa, and to specifically congratulate Jennifer Parsons of Ames Community School District, who earned the National Board Certification—the highest level of certification in the teaching profession.

National Board Certification is a voluntary assessment program designed to recognize and reward great teachers. National Board Certified Teachers (NBCTs) have successfully demonstrated advanced teaching knowledge, skills and practices. Certification is achieved through a rigorous, performance-based assessment that typically takes one to three years to complete. Certification is offered in 25 different subjects, covering 97 percent of the subjects taught in K–12 schools.

I congratulate Jennifer Parsons on her well-deserved certification, and I'm certain that she will continue to touch the lives of many youth in her community. It is a great honor to represent Jennifer in the United States Congress, and I wish her continued success.

INTRODUCTION OF THE NORTHERN ROCKIES ECOSYSTEM PROTECTION ACT (NREPA) OF 2009

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mrs. MALONEY. Madam Speaker, today, along with my friend Mr. GRIJALVA, I am pleased to reintroduce the Northern Rockies Ecosystem Protection Act, NREPA, in the 111th Congress.

NREPA differs from traditional state-by-state wilderness bills by offering a variety of designations that work in concert to achieve one goal: the protection of entire functioning ecosystems on federal public lands. These are lands that belong to all American taxpayers, and we have a right and responsibility to protect our precious resources.

First, NREPA protects over 24 million acres of America's premiere roadless lands as wilderness. It also protect the rivers and streams that are the last habitats for many of America's wild trout stocks, by protecting 1800 miles of river and streams as wild and scenic rivers.

Importantly, NREPA emphasizes that all of these wild places are linked together in the most vital ways possible. By protecting natural

biological corridors, NREPA connects the region's core wildlands into a functioning ecological whole. NREPA also creates jobs by putting people to work restoring the land in wildland restoration and recovery areas designated in the bill.

Finally, I want to be very clear about what NREPA doesn't do. NREPA does not impact private landowners. It impacts only federal public lands—lands owned by all Americans.

Some years ago, two NREPA supporters from Manhattan, Montana wrote to me and said "We feel that there is a little ray of hope for the incredible but dwindling wildlands we are so lucky to live near and love." All of us have a responsibility to sustain that hope.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. PUTNAM. Madam Speaker, on Tuesday, February 10, 2009, I was not present for six recorded votes. Had I been present, I would have voted the following way: roll No. 54—"yea"; roll No. 55—"yea"; roll No. 56—"yea"; roll No. 57—"nay"; roll No. 58—"yea"; roll No. 59—"yea."

FREE FLOW OF INFORMATION ACT OF 2009

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. PENCE. Madam Speaker, in October 2007, the House of Representatives overwhelmingly passed the Free Flow of Information Act, legislation that would provide a qualified privilege to journalists to shield confidential sources from compelled disclosure by a federal court. I am pleased to join over 30 of my colleagues today in reintroducing that same legislation that previously garnered 398 votes here on the House floor. Today, we take up the mantle and renew the push to make this bill law.

I am honored to be joined by my distinguished colleague Congressman RICK BOUCHER, who is such a tireless advocate for the First Amendment. Also, we are pleased to have Chairman CONYERS and Reps. COBLE, WALDEN, BLUNT, GOODLATTE, LOFGREN, WEXLER, YARMUTH and many others as original cosponsors. This is truly a bipartisan issue. It is a First Amendment issue, and I thank these Members for their leadership. They are truly champions for a free press.

Enshrined in the First Amendment are these words: "Congress shall make no law . . . abridging the freedom of speech, or of the press."

As a conservative who believes in limited government, I know the only check on government power in real time is a free and independent press. The Free Flow of Information Act is not about protecting reporters; it is about protecting the public's right to know. Our Founders did not enshrine the freedom of the press in the Constitution because they got good press. And, I am certainly not advocating

a free and independent press because I always get good press.

We all remember when not long ago a confidential source brought to light abuses at the highest levels of government in the long national nightmare of Watergate. History records that W. Mark Felt never would have come forward without the assurance made to him of confidentiality.

But, thirty-plus years later the press cannot make that assurance to sources, and we face the real danger that there may never be another Deep Throat. The protections provided by the Free Flow of Information Act are necessary so that members of the media can bring forward information to the American public without fear of retribution or prosecution.

In recent years, we have famously seen reporters such as Judith Miller jailed and David Ashenfelter, Mark Fainaru-Wada and Lance Williams threatened with jail sentences. They are a few names among many who have been subpoenaed for taking a stand for the First Amendment and refusing to reveal confidential sources.

Compelling reporters to testify, and in particular, compelling them to reveal the identity of their confidential sources, is a detriment to the public interest. Without the promise of confidentiality, many important conduits of information about our government will be shut down. The dissemination of information by the media to the public on matters ranging from the operation of our government to events in our local communities is invaluable to the operation of our democracy. Without the free flow of information from sources to reporters, the public is ill-equipped to make informed decisions.

Thirty-six states and the District of Columbia have various statutes that protect reporters from being compelled to testify or disclose sources and information in court. Thirteen states have protections for reporters as a result of judicial decisions. The Free Flow of Information Act would set national standards similar to those that are in effect in the states.

The Free Flow of Information Act closely follows existing Department of Justice guidelines for issuing subpoenas to members of the news media. It simply makes the guidelines mandatory and provides protection against compelled disclosure of confidential sources. In doing so, this legislation strikes a balance between the public interest in the free flow of information against the public interest in compelling testimony in highly limited circumstances such as situations involving grave risk to national security or imminent threat of bodily harm.

Abraham Lincoln said, "Give the people the facts and the Republic will be saved." The Free Flow of Information Act is designed to ensure that the American people have the facts that they need to make choices as an informed electorate.

A free and independent press is the only agency in America that has complete freedom to hold government accountable. Integrity in government is not a Democratic or Republican issue, and corruption cannot be laid at the feet of one party. When scandal hits either party, any branch of government, or any institution in our society, it wounds our nation.

As a conservative, I believe that concentrations of power should be subject to great scrutiny. The longer I serve in Congress, the more firmly I believe in the wisdom of our Found-

ers—especially as it pertains to the First Amendment and freedom of the press. It is imperative that we preserve the transparency and integrity of American government, and the only way to do that is by preserving a free and independent press.

Thomas Jefferson warned that, "Our liberty cannot be guarded but by the freedom of the press, nor that limited without danger of losing it."

This Congress would be wise to take those words to heart. Now is the time to heed the advice of Mr. Jefferson.

I believe there are bipartisan majorities in the House and Senate sufficient to enact this bill this year. President Obama pledged his support for a federal media shield during his service in the Senate.

With the bipartisan support of my colleagues in Congress and the President, I believe the time has come to stitch this tear in the First Amendment freedom of the press.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Ms. WOOLSEY. Madam Speaker, on February 10, 2009, I was unavoidably detained and was not able to record my vote for rollcall Nos. 54–56.

Had I been present I would have voted: rollcall No. 54—"yes"—On Motion to Instruct Conferees; rollcall No. 55—"yes"—Supporting the goals and ideals of "National Girls and Women in Sports Day"; rollcall No. 56—"yes"—Recognizing and commending University of Oklahoma quarterback Sam Bradford for winning the 2008 Heisman Trophy and for his academic and athletic accomplishments.

EARMARK REFORM

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Mr. PUTNAM. Madam Speaker, on January 28, 2009, I introduced a resolution, H. Res. 100, to amend the Rules of the House of Representatives to provide for earmark reform. The bill that I introduced will not only promote accountability and transparency in Congress, but push its Members in a direction that better serves their constituents.

All too frequently, Congressional spending requests are funding embarrassing and unworthy projects. This institution has lost credibility because earmarks fund "monuments-to-me," bizarre private enterprises, or even projects to subsidize their family. This growing trend is unacceptable and, as guardians of taxpayer dollars, we owe it to the citizens of the United States to be good stewards of their money.

Congressional spending requests deserve to be scrutinized and publicly debated, that is why I introduced this commonsense approach to reform the earmark process. This resolution will prohibit earmarks from being used for non-public entities, except for institutions of higher education. Likewise, this bill will prohibit any earmark for any entity named after an individual serving in Congress, which will eliminate controversial "monuments-to-me."