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## Senate

The Senate met at 2:00 p.m. and was called to order by Nancy Erickson, Secretary of the Senate.

### PRAYER

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

Let us pray.

Immortal, invisible God only wise, the fountain of every blessing, we thank You for the life and legacy of Senator ROBERT C. BYRD, our friend and colleague whose death we grieve today. We praise You for his more than five decades of exemplary service to our Nation and the citizens of West Virginia, for the way he carried out his duties with integrity and faithfulness. We are grateful that he knew when to be the gadfly, to ask the tough questions, and to challenge the status quo.

Lord, You gave him courage to make course corrections both privately and publicly and empowered him to oppose without bitterness, to compromise with wisdom, and to yield without being defeated. I thank You that he was my friend.

Lord, we pray for his loved ones, our Senate family, and all who mourn his passing. May his many contributions to our Nation not be forgotten by this and succeeding generations. May all of us who had the privilege of knowing our Nation's longest serving legislator emulate his passion, patience, and perseverance. Give him a crown of righteousness and permit him to hear You say, "Well done, good and faithful servant."

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Secretary of the Senate 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.

### RECOGNITION OF THE MAJORITY LEADER

The SECRETARY OF THE SENATE. The majority leader is recognized.

### MOMENT OF SILENCE

Mr. REID. I ask that the Senate observe a moment of silence for Senator BYRD.

(Moment of silence.)

### ELECTING SENATOR DANIEL K. INOUE PRESIDENT PRO TEMPORE

Mr. REID. I have a resolution at the desk and ask for its consideration.

The SECRETARY OF THE SENATE. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 567) to elect DANIEL K. INOUE, a Senator from the State of Hawaii, to be President pro tempore of the Senate of the United States.

The resolution (S. Res. 567) was agreed to, as follows:

S. RES. 567

*Resolved*, That Daniel K. Inouye, a Senator from the State of Hawaii, be, and he is hereby, elected President of the Senate pro tempore.

### ADMINISTRATION OF OATH OF OFFICE

The SECRETARY OF THE SENATE. Without objection, Senator INOUE will be escorted to the desk.

The President pro tempore-elect, escorted by Mr. REID and Mr. AKAKA respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Secretary of the Senate; and he subscribed to the oath in the Official Oath Book.

Mr. INOUE thereupon assumed the chair as President pro tempore.

The PRESIDENT pro tempore. The majority leader.

### REMEMBERING SENATOR ROBERT C. BYRD

Mr. REID. Mr. President, our Senate family grieves today with the Byrd family over the loss of one of the most dedicated Americans ever to serve this country; one of the most devoted men ever to serve his State; one of the most distinguished Senators ever to serve in the Senate.

ROBERT BYRD's mind was among the greatest the world has ever seen. As a boy, he was called upon, when he was in elementary school, to stand before the class and recite not paragraphs from the assignment of the night before but pages of the night before. He did this from memory.

From his graduation as valedictorian of his high school class at the age of 16 to his death this morning as the Senate's President pro tempore at age 92, he mastered everything he touched with great thoughtfulness and skill. This good man could drive from his home here in Washington to West Virginia and back—it took 8 hours—reciting classic poetry the entire time, and not recite the same poem twice.

I was asked by Senator BYRD to travel to West Virginia to do an exchange with the British Parliament. There were a number of us there, eight or nine Senators, and a like number of British Parliamentarians. I can remember that night so well. We had the music up there he liked the best—bluegrass music—and they played. It was a festive evening.

Then it came time for the program. In the program, Senator BYRD said: I am going to say a few things. And he passed out little notebooks. He had notebooks passed out to everyone there with a little pencil. He wanted to make sure everything was just right; that people, if they had something to write, had something to write on and write with. And he proceeded, standing there without a note, to pronounce the reign of the British monarchs, from the beginning to the end. He would give the

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



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dates they served. On some of the more difficult spellings, he would spell the name. And he would, as I indicated, if it was something he really wanted to talk about that they had accomplished that he thought was noteworthy, he would tell us about that. That took about an hour and a half to do that. The British Parliamentarians were stunned. They had never heard anyone who could do anything like that, an American talking about the reign of the British monarchs. Those of us who were Senators, nothing surprised us that he could do from memory.

I can remember when he decided he was no longer going to be the Democratic leader, Senator Dole did an event for him in the Russell Building, and all Senators were there, Democratic and Republican Senators. He told us a number of things he did not do, and he told us a number of things he did do. For example, he read the Encyclopedia Britannica from cover to cover twice. He studied the dictionary. He read that from cover to cover during one of our breaks.

I have told this story on an occasion or two, but to give the depth of this man's memory—I had been to Nevada, and when I came back, he asked me: What did you do?

I said: Senator BYRD, I pulled a book out of my library on the way back. I didn't have anything to read. It was a paperback. I read "The Adventures of Robinson Crusoe."

And as those of us who can remember him, he looked at me and he held his head back a little bit and his eyes rolled back and he said: Robinson Crusoe. He proceeded to tell me—I had just read the book—how long he had been on that island: 28 years, 3 months, a week, and 2 days, or whatever it was. I was stunned. I did not know. I went back and pulled the book out to see if he was right, and he was right. He probably had not read that book in 35 or 40 years, but he knew that. What a mind. It was really stunning, the man's memory.

The head of the political science department at the University of Nevada at Las Vegas, Andy Tuttle, taught a graduate course, based on Senator BYRD's lectures on the Roman Empire.

He gave 10 lectures here on the Senate floor on the fall of the Roman Empire. He gave a lecture because he was concerned because of the line-item veto, and he felt the line-item veto would be the beginning of the end of the Senate. He proceeded to give 10 lectures on that on the Senate floor, every one of them from memory—every one of them from memory. Timed just perfectly. They ended in 1 hour. That is how much time he had been given. The original Roman Emperors served for 1 year. He could do it from memory. He knew who they were, how long they served, knew how to spell their names—truly an unbelievably brilliant man.

He is the only person who earned his law degree while he was a Member of

Congress. What he accomplished is really very long. His thirst for knowledge was simply without equal.

Senator BYRD once observed that the longer he lived, the better he understood how precious the gift of our time on Earth was.

I quote Senator BYRD:

As you get older, you see time running out. It is irretrievable and irreversible. But one should never retire from learning and growth.

ROBERT BYRD never retired from anything. He served in the Senate for more than half a century and the House of Representatives for 6 more years, and he dedicated every one of those days to strengthening the State and the Nation he loved so dearly. He never once stopped fighting for the good people of West Virginia and for the principles in our founding documents. He was forever faithful to his constituents, his Constitution, and his country. He fought for what he thought was right, and when he was wrong, he was wise enough to admit it, and he did admit it a few times.

Senator BYRD's ambition was legendary. He took his oath in this Chamber on January 3, 1959, the same day Alaska became our 49th State. He told the Charleston Gazette newspaper in that freshman year:

If I live long enough, I'd like to be Chairman of the Senate Appropriations Committee.

Thirty years later, he was, and then he lived and served for 21 more years. His legislative accomplishments are many, and those achievements fortify his incomparable legacy. But he is perhaps best known in this Chamber as the foremost guardian of the Senate's complex rules, procedures, and customs. He did not concern himself with such precision as a pastime or mere hobby; he did so because of the unyielding respect he had for the Senate—a reverence the Senate always returned to him and now to his memory.

With ROBERT BYRD's passing, America has lost its strongest defender of its most precious traditions. It now falls to each of us to keep that flame burning.

Throughout one of the longest political careers in history, no one in West Virginia ever defeated ROBERT BYRD in a single election. In Washington, his fellow Democrats twice elected him to lead us when we were in the majority and once more when we were in the minority. Having seen both sides, he knew better than most that legislating is the art of compromise. Many years ago, in this Chamber where he served longer than any other Senator, Senator BYRD taught a heartfelt history lesson to guide our future. It was a lesson about both the Constitution and this institution. He said:

This very charter of government under which we live was created in a spirit of compromise and mutual concession. And it is only in that spirit that continuance of this charter of government can be prolonged and sustained.

In his tenure he saw partisanship and bipartisanship, war and peace, recession and recovery. His perspective and legacy are invaluable to the way we carry ourselves as United States Senators. It is instructive that the man who served the longest and saw the most concluded we must work together as partners, not partisans, for the good of our States and our country.

In 1996, ROBERT BYRD spoke to a meeting of incoming Senators and reminded them that the Senate is still the anchor of the Republic. Senator BYRD was the anchor of the Senate. There will never be another like him.

He was a Member of this Nation's Congress for more than a quarter of the time it has existed, and longer than a quarter of today's sitting Senators and the President of the United States have been alive. His political career spanned countless American advances and achievements. A dozen men called the Oval Office his own while Senator BYRD called the Capitol Building his office—and he would be the first to remind us that those two branches are equal in the eyes of the Constitution. I have heard him say so many times that we work with the President, not under the President.

The nine times the people of his State sent him to the Senate and the more than 18,500 votes he cast here will never be matched.

As the President pro tempore and I, and each of us fortunate enough to be here, have the privilege of knowing firsthand, it was an incomparable privilege to serve with him and learn from this giant. By virtue of his endurance, ROBERT BYRD knew and worked with many of the greats of the Senate. Because of his enduring virtue, he will be forever remembered as one of them.

#### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will turn to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each. Following leader remarks, the Senate will resume consideration of the motion to proceed to H.R. 5297, the small business jobs bill. At 5 p.m., the Senate will proceed to executive session and debate the nomination of Gary Feinerman to be a Federal judge—that will be until 5:30—with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees. There will be a series of two rollcall votes at 5:30. The first vote will be on the motion to invoke cloture on the motion to proceed to the small business jobs bill. The second vote will be on the confirmation of the Feinerman nomination.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

#### REMEMBERING SENATOR ROBERT C. BYRD

Mr. McCONNELL. Mr. President, I too wish to say a few words about our departed colleague. The first thing to say is that we are sorry, first and foremost, to the family and also to the staff of Senator BYRD for their loss. The next thing to say is that it is a sad day for the Senate. Everybody who has been here for a while has a few ROBERT BYRD stories. A couple come to mind I thought I would share.

Along with Senator REID and Senator DODD, who were here on the floor earlier, Senator BYRD, in the early part of the decade, responded to my request to come down to the University of Louisville, my alma mater, to speak to the students and to a broader audience. At his age and particularly given the fact that I was a member of the opposition party, there was, frankly, no particular reason for him to do that. But he did and made an extraordinary impression on the students and inconvenienced himself on my behalf, which I always appreciated.

My second—and really my favorite—recollection of Senator BYRD, I found myself a few years ago in a curious position, at variance with virtually everybody on my side of the aisle. I had reflexively, as I think many Members had, responded negatively to a decision of the U.S. Supreme Court in the late 1980s essentially holding that flag burning was a permissible first amendment expression of political speech. The first time that amendment came before the Senate, I voted for it. Then I began to have some pangs of discomfort about my position. Having spent a good portion of my political career focusing on political speech and the first amendment, I, frankly, decided I was wrong and in subsequent votes have opposed it.

A few years ago, it became clear it was going to be defeated in the Senate by the narrowest of margins. I remembered that Senator BYRD was always carrying around a Constitution in his pocket and had a feeling that upon reflection, he might reach the same conclusion I did. So I lobbied Senator BYRD. I thought initially it would be a futile act, but he reexamined his position. As a result, he too changed his position, and as it turns out, there was not a vote to spare the last time the Senate considered whether it would be appropriate to amend the first amendment for the first time in the history of the country to kind of carve a niche out of it to make it possible to punish an act we all find despicable. But, nevertheless, the most unfortunate of

speech is probably what the first amendment was all about initially. So Senator BYRD did change his position. There was not a vote to spare, and the amendment was defeated. And from my point of view, the first amendment was saved on that important occasion.

We will all remember Senator BYRD for a variety of different things. As the majority leader pointed out, he was a unique individual in so many different ways. Those are two of my favorite stories about ROBERT BYRD.

More than anyone else in any of our lifetimes, ROBERT BYRD embodied the Senate. He not only wrote the book on it, he was a living repository of its rules, its customs, and its prerogatives. So it would be a mistake to think that Senator BYRD became synonymous with the Senate simply because he served in it longer than anybody else. Rather, it was a fitting coincidence that a man who cherished and knew this place so well would become its longest serving Member.

Yet it is probably true that he will be remembered above all for his longevity.

Everyone seems to have a different way of communicating just how long a time he spent here. For me, it is enough to note that ROBERT BYRD had already spent nearly 20 years serving in elected office in West Virginia and in the House of Representatives before he was elected to the U.S. Senate during the Eisenhower administration.

And over the years, he would walk the floor with 4 future Presidents, 4 of the 12 he would serve alongside in a 57-year career in Congress. I won't enumerate all the legislative records Senator BYRD held, but I would venture to say that the figure that probably made him proudest of all was the nearly 70 years of marriage he spent with a coal miner's daughter named Erma.

If he was synonymous with the Senate, he was no less synonymous with West Virginia. Here is how popular ROBERT BYRD was in his home State: In the year ROBERT BYRD was first elected to the U.S. Senate, 1958, he won with 59 percent of the vote, a margin that most people around here would consider a landslide. In a record 9 Senate elections, it was the smallest margin of victory he would ever get.

Members will offer tributes of their own in the coming days.

I will close with this. Last year, in becoming the longest serving Member of Congress in history, Senator BYRD surpassed another legendary figure, Carl Hayden of Arizona. Hayden was known to many as the "silent Senator," a phrase few would use to describe Senator BYRD.

But what the two men shared was a devotion to the United States and, in particular, to the legislative branch of our Government, which the founders envisioned and established as coequal with the other two.

A few years ago, Senator BYRD's official portrait was unveiled at an event in the Old Senate Chamber. And I

think that portrait pretty well sums up the image Senator BYRD wanted to leave of himself. It is the image of a dignified man, in the classical mold, supported by three things: the Bible, the U.S. Constitution, and his wife. A lot of people looked at Senator BYRD's record-long tenure in Congress, his immense knowledge of poetry, history, and the Senate, and wondered where he got the strength. With this painting, he gave us the answer. He showed us the anchors.

As I noted at that ceremony, Senator BYRD once wrote that if the question was whether to be loved or respected, he always chose to be respected. Yet his real accomplishment is that, in the end, he managed to be both.

So I join my colleagues, my fellow Americans, the people of West Virginia, and the Byrd family today in remembering our colleague. We will surely miss him.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, on this day, West Virginia has lost probably its most prominent son and the Senate has lost probably its most able statesman. For myself, I have lost an admired colleague and a treasured friend. More than nine decades of a remarkable life and five decades as an accomplished public servant in the Senate only serve as one form of proof that ROBERT C. BYRD was and always will be an icon, particularly in his own State. A man of great character, faith, intellect, who rose to the heights of power, yet never forgot where he came from, his story holds such a profoundly significant place in both West Virginia and American history. But it was in the coalfields of southern West Virginia where a young ROBERT C. BYRD first gained the skills, the moral character, the toughness, and the shrewdness that would make him a truly great man.

After his mother passed away, he was raised by his aunt and uncle, a coalminer, he movingly called "the most remarkable man I have ever been privileged to know." From them Senator BYRD learned early in life what it meant to be loyal, to have a ferocious work ethic, really almost beyond imagination, and possess a deep faith in God. And it was these values—these innately West Virginia values, I argue—that guided his every action and made him such a unique and strong fighter for our State and who got such joy in doing that fight.

He was proud of West Virginia. He was proud of his ideals. He was proud of the service he could render to the people from whom he came. He believed with all of his heart that our breathtaking mountains, our rivers, and our deep valleys, and especially our well-rooted people, who face adversity always and face it with strength and courage, make our State a place like quite none other in the world.

He loved the music of the mountains and played his fiddle, in fact, very brilliantly. He was a master violin player. He loved to quote the ancients, lending depth to his analysis and observations, with knowledge of history and philosophy to rival any professor. Just as easily as he could quote Cicero from memory, he could sing every verse of "Amazing Grace" from memory, too, and often did.

Everything about Senator BYRD was a testament to his faith in God. This man, who wrote and debated countless laws, lived with 10 clear Commandments in his heart. His aunt and uncle kept the King James Bible in their home and instilled in him an enduring reverence for God. He always remembered that as important as the Senate and our constitutional government might be, there was always a higher law that took precedence.

He started his career humbly by any definition—as a butcher, as a welder, other things too—and then campaigned by playing his foot-stomping music, the fiddle, to get elected to the West Virginia Legislature—that is how he did it—the very same body that decades later would deem him the "West Virginian of the 20th Century."

It was at Mark Twain High School where a lifetime of love first began for ROBERT C. BYRD and his future wife, Erma Ora James. Calling her the "wind beneath this BYRD's wings," as he put it, Senator BYRD was never shy to tell you that Erma—a beloved coal miner's daughter herself—was the reason he reached all of his goals. He believed that with all of his heart. So from the fiddle-playing young man to a history-making American icon, she loved and supported him every step of the way until her passing in 2006.

I know and I observed maybe earlier than some that Senator BYRD lost just a bit when Erma died. Watching him hurting was painful. His wife died from the same disease my mother died from; that is, Alzheimer's, and we talked about it, especially a few years ago when he was talking more frequently. I always felt bad that I could not give him comfort and that I could not say something to him that would relinquish his pain, which was evident and obvious—very obvious in privacy. But I could not do that because you cannot do that for diseases like that one. There were not words to describe the difficulty such a devastating loss can bring, and I commend my friend for continuing on so strongly—as he did—for so long.

Erma was his soulmate, his best friend and trusted counselor. Their marriage was something to behold. My wife Sharon and I loved watching them together. He became a different person. They radiated an extraordinary faith in God, in each other, and in the beautiful family they built together, which in the end was what he loved the most. Indeed, it was the time ROBERT C. BYRD spent with Erma; their daughters, Mona and Marjorie, their husbands, and their grandchildren and their great-grandchildren that brought sheer

joy—pure, unadulterated—to his life. So with sadness in my heart, I also have joy at the thought of my friend united with his precious Erma, with his dear grandson he lost at a young age. And we all know, those of us who have been here for several years, the agony he went through at the death of that young man, setting up a shrine in his office. It affected him deeply. It was interesting that a man who could be so oriented toward policy, and sometimes almost remote from personal matters, as a professional self-definition, could be so utterly moved by sadness in his own life and I think in the lives of others.

It was in the Halls of the U.S. Senate where ROBERT C. BYRD became known as the "Soul of the Senate," a fierce defender of the Constitution, a respected historian, and an absolutely fearless legislator. He held, as has been said many times before, more leadership posts than any other Senator, cast more votes than any other Senator, and served longer than any other Senator. And one could go on in many ways in that theme. He literally wrote the authoritative book on the rules and procedures of the Senate. He taught all of us who were freshmen in this body about that in classes which he would conduct standing in the well of the Senate. He loved and he revered this institution. Everybody says that. It is true.

Some people pass through this institution. They experience this institution. He lived this institution. Yet, still, his entire career was fundamentally an act of commitment to the State of West Virginia and its people—a day-in and day-out effort to do the best he possibly could for the people of the Mountain State; always put upon, often looked down upon, even disdained by others who did not understand where they came from, what their lives were like, and, for example, what it was like to be a coal miner. People do not understand West Virginia well. Most people do not go there. Senator BYRD sprung from West Virginia and, yes, was an intensely devoted statesman.

He put himself through law school while also serving in Congress. I know a few others have done that, but I just sort of deny that. I think it is amazing that Senator BYRD did that; therefore, any others who did it do not get my attention.

He understood that people with the fortitude to ask questions and to debate and to dissent one from another makes America stronger. He had that courage himself, standing up time and time again to defend the ideals upon which our Nation was founded. And often those ideas were very different from those of others. No matter with Senator BYRD; he always spoke for what he felt was correct.

As the minority leader has pointed out, the Senator always had the Constitution in his pocket, close to his heart. And he outlasted Presidents and Supreme Court Justices. He served with an absolute insistence on the

equality of the three branches of government as envisioned by our Founding Fathers, and he, therefore, helped us as a body be more than our separate parts. He spread the words of our Constitution to young children and his colleagues alike. His patriotism was strong and confident, infusing his every action with deep devotion for our Nation and its people.

A Senator from a State that has sent legions of sons and daughters to war—out of courage, out of love of country, sometimes just out of a need to get work—he supported our troops whether he agreed with their cause or not, fought for our veterans, and worked hard to make sure those who served our country got the respect, the support, the supplies they needed and they deserved.

He also earned the loyalty of West Virginians with a record of support for education and economic opportunity that few Senators, at any time, in any State, in my judgment, could ever match. To him, every school building or education grant was a chance for a better life for some West Virginia child or maybe quite a lot of children. He cared about that, and he helped that become true.

Every overpass, every road represented an opportunity for a more dynamic economy for our cities and towns, which might be taken casually in some places but not in West Virginia because only 4 percent of our land is flat, and unless there is a road or a bridge, you cannot build anything anywhere or virtually do anything anywhere. Every business park or government office meant the possibility of a better job for West Virginians trying to raise their families—people he fought for all his life.

Senator BYRD also believed health care is one of the most important ways to strengthen a community, and his support for medical research resulted in breakthrough medical opportunities. He spread this research all across West Virginia, to West Virginia University, to Marshall University, to institutions of all kinds. He believed in medical research and did more than most of our colleagues even know.

So in a State with rugged terrain, full of people like the family who raised him, doing their best for their family, for their country, for their God, ROBERT C. BYRD decided that somebody needed to do the best for them, and he did so each and every day of his life.

To me, he was a perfect colleague and a reliable friend, a walking example of the kind of America I believe in, and a living testament to the values that made West Virginia my own home forever. It has been my greatest privilege to serve with ROBERT C. BYRD in the U.S. Senate. I respected him and I fought side-by-side with him for causes we both believed in, and obviously I am profoundly saddened that he is gone.

So in closing, Mr. President, I think he leaves a void that probably cannot

be filled. But I am lifted by the knowledge of his deep and abiding faith and that he is in the hands of the One who inspired these words in "Amazing Grace":

Yea, when this flesh and heart shall fail,  
And mortal life shall cease,  
I shall possess within the veil,  
A life of joy and peace.

I think that gives all of us some comfort. It certainly does me.

So peace and Godspeed, Senator BYRD, and peace to your family, your loyal staff, and to the loving people of West Virginia, who held you high for so long and will continue to do so.

I thank the Chair and yield my time.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Connecticut.

Mr. DODD. Mr. President, I see my friend from Tennessee. I presume we are kind of going back and forth. The Senator is in leadership. I do not want—

Mr. ALEXANDER. Mr. President, I would like to leave by 3, but I will be glad to defer to the Senator from Connecticut if he would like to go ahead.

Mr. DODD. I thank my colleague. I will not be long.

Mr. President, are we in morning business? Is that correct?

The PRESIDING OFFICER. That is correct.

#### REMEMBERING SENATOR ROBERT C. BYRD

Mr. DODD. Mr. President, let me begin by expressing my deep sorrow and my condolences to ROBERT C. BYRD's family. And that family includes, obviously, not only his direct, immediate family but obviously the literally legions of people who worked for ROBERT C. BYRD—worked with him in both the House of Representatives and this body for the more than five decades he served in the U.S. Congress.

I suspect I am one of a handful of people left who remember the day when I was 7 years old, in the gallery of the House of Representatives, watching my father be sworn in as a new Congressman, watching my father and a young 34-year-old West Virginian named ROBERT C. BYRD to be sworn in as a Member of the House on January 3, 1953. Seven years later, at the age of 14, I was in the gallery of this Chamber when I watched my father and his great friend be sworn in together on January 3, 1959, as Members of the Senate. Two years later, as a 16-year-old

sitting on the very steps where these young pages sit today, in the summer of 1961, I worked with ROBERT C. BYRD. In fact, with his departure and his death, he is now the last remaining Member of the Senate who was there that day when I first arrived as a page in the summer of 1961 when all these chairs were filled by 100 Senators. For the last 25 years, I have sat next to him at this very seat to be the recipient of his good counsel, his advice, his humor, his contributions in so many ways to me, as he was to so many others with whom he served during his tenure in the Congress.

So this is a very poignant day, one that begins, in a sense, a sense of book-marks to me and a sense of public life. It won't be the same for the remaining 6 or 7 months of my tenure here to not have this wonderful human being, ROBERT C. BYRD, as my seatmate in the Senate.

So I rise today to mark the passing and to celebrate the prolific life of ROBERT C. BYRD of West Virginia. As I have said to his family and to his staff, and, of course, to the people of West Virginia, for whom he has been such a champion throughout his public life, ROBERT BYRD loved three things above all else during the 30 years we spent together in this Chamber. He loved his wife Erma, he loved the State of West Virginia, and he loved deeply the Senate. I might say that each in turn loved him back.

Our sadness at his passing is tempered by our joy that he now joins his beloved Erma. What a love story it was. They met in grade school. They married in 1937, well before I was even born. They spent nearly 70 years on an incredible journey together, and even after passing a few years ago, his love for her was apparent in everything he did.

In 1946, when ROBERT BYRD first ran for office, West Virginia ranked at the bottom in nearly every economic indicator you could possibly think of. It was a bleak landscape pockmarked by coal fields and populated by hard-working people from hardscrabble backgrounds and communities struggling to make ends meet.

Then a young grocer from the town of Sophia arrived on the scene, asking his neighbors in those communities around Sophia for their votes in his race for the West Virginia House of Delegates. As the Washington Post noted in its obituary this morning, ROBERT C. BYRD met nearly every person—I would suspect every person—in his district, campaigning alone, with no one else, talking about the issues he cared about and those that would affect and did affect the people he wanted to represent; and when all else failed, wowing potential voters with his fiddle prowess.

He won that election, as he would every single election—every single election for which he ever ran. The people of West Virginia never could say no to ROBERT C. BYRD, and he could never

say no to them. As a State legislator, a Congressman, and as a Senator, ROBERT C. BYRD fought for West Virginians, and our Nation, I might add, at every single turn.

If you travel the State of West Virginia today, you will see his name on schools and bridges and highway signs. You will perceive his influence when you see the government buildings and research laboratories he brought to West Virginia—investments that contributed both to the State and to our national economy and to our Nation. But don't just look for his name on the sides of buildings or overpasses. Listen for it in the appreciative words of his constituents, his extended family, and of a grateful nation for his service.

No State has ever had such a deep appreciation for the Senate Appropriations Committee because no State has ever had such an effective appropriator and fighter. ROBERT C. BYRD came to Congress with my father, as I pointed out, in January of 1953, and they both arrived on the same day as they had in the House, on January 3 of 1959. In the summer of 1961, I mentioned I was a Senate page sitting on the Senate floor. I still remember the eloquent speeches of the freshman Senator from West Virginia.

It is incredible to imagine that he was once a freshman Senator. Even then, he had the same gentlemanly manner; he was kind to pages, as I recall, the same knack for triumphant oratory, and the same respect for the rules and traditions of the Senate. But he soon became a fixture and a mentor to new Senators as well. I expect that over the next few days many Senators will take this floor with a Constitution in their pockets, as I do, that they received from ROBERT C. BYRD. Here is my tattered and rather worn copy signed by ROBERT C. BYRD: "To my friend, Chris Dodd, with great personal esteem. Sincerely, Robert C. Byrd." I have carried this with me every day of my life for the last quarter of a century, given to me by my colleague in this Chamber, along, I might add, with a stern but kind lecture about Senate protocol. I have mine right here, as I said. It is a tattered and withered copy, after this many years.

For the past quarter of a century I have occupied some prime real estate on the floor of the Senate. This desk right next to me today, adorned with these flowers and this black cape, marks the seat ROBERT C. BYRD sat in for many years. As have all of us, I have been awed by his deep knowledge of this institution and his deeper commitment to preserving its place in our legislative system.

So, in many ways, ROBERT BYRD's story is one of constancy, of preservation, and of tradition. You could define his life by longevity, I suppose—his 69 years of marriage, his 52 years of service in the Senate, his 64 years of public service to the people of West Virginia. But he wouldn't have wanted it that way. This country has changed over

the many years in which ROBERT C. BYRD helped to lead it and to shape it, and he grew and changed with it, I might add. His story in so many ways parallels the American story over these many years—the story of a nation on a long and difficult journey, always trying to seek that more perfect union that our Founders described more than two centuries ago.

He wouldn't have wanted us to forget about the positions and affiliations that marked the early part of his life and career, and he did not as well. We should learn from our mistakes, as he did, draw inspiration from his journey, and credit him, I might add, for being willing to admit wrong and embrace right when he had the opportunity to do so, because, like our country, ROBERT C. BYRD grew wiser as he grew older.

So we can remember him not only as a tremendously effective legislator, not only as a powerful speaker, not only as a parliamentary wizard, but also as a human being who fought for equality with the true sense of urgency of a convert. He was a man unafraid of reflection, a man who voted to make Martin Luther King's birthday a Federal holiday because, as he put it—I remember him saying it so well—"I'm the only one who must vote for this bill."

Here was a man unafraid of progress, a man who, in one of his final acts in the Senate, voted to overturn the don't ask, don't tell rule in our military. Here was a man unafraid of conscience, a man who, as the guns of war prepared to fire in 2003, delivered one of history's most courageous and memorable pleas for peace.

So let us not remember ROBERT C. BYRD for how much he stayed the same throughout his life. Let us remember him for how the years changed him, and how he changed America for the better through so many years of his service.

Let us remember him as West Virginia's greatest champion, the Senate's gentlemanly scholar, Erma's husband, and above all, a true friend to each and every one of us who knew and loved him so well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I see the Senator from Pennsylvania and I would ask through the Chair—I plan to speak for about 5 minutes. Does that leave him time to make remarks?

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, in 1981, after a surprising election, the Republican leader, Howard Baker, became the majority leader of the Senate, and the Democratic leader, ROBERT C. BYRD, became the minority leader.

According to Senator Baker, he walked to Senator BYRD's office and said to him: BOB, I will never know the Senate rules as well as you do, so I will make you an offer. I will not surprise you if you will never surprise me.

Senator BYRD looked at Senator Baker and said: Let me think about it.

The next morning, Senator BYRD called Senator Baker and said: It is a deal. And that is the way they operated the Senate in those 4 years when Senator Baker was the majority leader and Senator BYRD was the minority leader. They operated the Senate during that time under an agreement where Senator BYRD was careful to try to give every Senator the right of amendment. He thought that was very important. In return, Senator BYRD was able to get unanimous consent agreements on amendments that many Senators thought were frivolous or unnecessary or not germane, which permitted him and Senator Baker to have a fairly orderly management of the Senate during that time.

Senator MCCONNELL a few minutes ago talked about the time Senator BYRD reexamined the Constitution and changed his mind on the first amendment and flag burning. Senator BYRD and Senator Baker during that time both read David McCullough's book and changed their minds on the Panama Canal Treaty, at great political cost to both of them. I bring this up today because I never saw Senator BYRD, after I was elected to the Senate a few years ago, when he did not ask me about his friend and colleague Howard Baker.

We will miss Senator BYRD's fiddling and his love of mountain music. He campaigned in Tennessee a long time ago for Albert Gore, Sr. who was running for the Senate and who also played the fiddle. Senator BYRD played the fiddle at the Grand Ole Opry in Nashville and came back to Nashville in October of 2008 and sang along with a group of fiddlers who were playing songs at his request. I went over there with him. He knew all the songs and all the fiddlers knew him. A few days later I came to him on the Senate floor and talked to him about an old mountain song called "Wreck on the Highway" that Roy Acuff made famous in the 1930s or 1940s, and Senator BYRD began to sing the song—he knew all the words—so loudly that the staff was afraid the galleries would all notice it.

We will miss his love of United States history, not just any United States history, but in his words "traditional American history." He was the sponsor of the Teaching Traditional American History Program, which is part of the Elementary and Secondary Education Act. He has provided nearly \$600 million to 1,000 local school districts to improve the professional development of American history teachers. He and the late Senator Kennedy and I were working on a piece of legislation which we have introduced to consolidate all the Federal programs that support the teaching of U.S. history, hoping that our children can grow up learning what it means to be an American.

Senator BYRD is also responsible for the celebration of September 17 as Constitution Day and Citizenship Day.

Senator BYRD had no time for revisionists who didn't believe America was exceptional. He believed this is one country, unified by a common language and a few principles. He did not want our country to become a United Nations, but always to be the United States of America. He wanted us to be proud of where we came from, but prouder to be American.

We will especially miss Senator BYRD's love of and understanding of the Senate. One of the most special occasions I ever experienced was the opportunity as a freshman Senator in 2003 to attend an indoctrination, one might say—or orientation would be the proper description—on what it means to be a Senator. Senator BYRD began by saying: "You are presently occupying what I consider to be hallowed ground."

I wish to ask unanimous consent to have printed in the RECORD following my remarks the remarks of Senator BYRD at the orientation of new Senators on December 3, 1996.

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

(See exhibit 1.)

Mr. ALEXANDER. Senator BYRD served long enough to know that, as he put it:

As long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure.

He believed that when he was lecturing Republicans in 2005 who were trying to change the rules when there was a controversy about President Bush's appointees to the Federal judiciary, and he said the same thing to young Democrats who grew impatient this year and wanted to change the rules to limit unlimited amendment and unlimited debate.

Perhaps his last Senate appearance was before the Rules Committee on May 19, 2010, where his opening statement on the filibuster and its consequences warned against a rules change.

I ask unanimous consent to have that statement printed in the RECORD following my remarks.

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

(See exhibit 2.)

Mr. ALEXANDER. Mr. President, I was 12 years old when Senator ROBERT BYRD was elected to the House of Representatives. I was a senior in Maryville, TN, when he was elected to the Senate. When I came here as a Senate aide 42 years ago, he had just been elected to his second term and was working his way up the party leadership.

He was an imposing man. He had a wonderful photographic memory. But, after one got to know him especially, he was a kind man.

All of us can be replaced, but it is fair to say the Senate will never be the same place without ROBERT C. BYRD.

I yield the floor.



## EXHIBIT 1

REMARKS BY U.S. SENATOR ROBERT C. BYRD  
AT THE ORIENTATION OF NEW SENATORS, DE-  
CEMBER 3, 1996

Good afternoon and welcome to the United States Senate Chamber. You are presently occupying what I consider to be 'hallowed ground.'

You will shortly join the ranks of a very select group of individuals who have been honored with the title of United States Senator since 1789 when the Senate first convened. The creator willing, you will be here for at least six years.

Make no mistake about it, the office of United States Senator is the highest political calling in the land. The Senate can remove from office Presidents, members of the Federal judiciary, and other Federal officials but only the Senate itself can expel a Senator.

Let us listen for a moment to the words of James Madison on the role of the Senate.

'These [reasons for establishing the Senate] were first to protect the people against their rulers: secondly to protect the people against the transient impression into which they themselves might be led, [through their representatives in the lower house] A people deliberating in a temperate moment, and with the experience of other nations before them, on the plan of government most likely to secure their happiness, would first be aware, that those charged with the public happiness, might betray their trust. An obvious precaution against this danger would be to divide the trust between different bodies of men, who might watch and check each other. . . . It would next occur to such a people, that they themselves were liable to temporary errors, through want of information as to their true interest, and that men chosen for a short term, [House members], . . . might err from the same cause. This reflection would naturally suggest that the Government be so constituted, as that one of its branches might have an opportunity of acquiring a competent knowledge of the public interests. Another reflection equally becoming a people on such an occasion, would be that they themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. *A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous councils.* [emphasis added]

Ladies and gentlemen, you are shortly to become part of that all important, 'necessary fence,' which is the United States Senate. Let me give you the words of Vice President Aaron Burr upon his departure from the Senate in 1805. 'This house,' said he, 'is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, will resistance be made to the storms of political phrensy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hand of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor.' Gladstone referred to the Senate as 'that remarkable body—the most remarkable of all the inventions of modern politics.'

This is a very large class of new Senators. There are fifteen of you. It has been sixteen years since the Senate welcomed a larger group of new members. Since 1980, the average size class of new members has been approximately ten. Your backgrounds vary. Some of you may have served in the Executive Branch. Some may have been staffers here on the Hill. Some of you have never held federal office before. Over half of you have had some service in the House of Representatives.

Let us clearly understand one thing. The Constitution's Framers never intended for the Senate to function like the House of Representatives. That fact is immediately apparent when one considers the length of a Senate term and the staggered nature of Senate terms. The Senate was intended to be a continuing body. By subjecting only one-third of the Senate's membership to reelection every two years, the Constitution's framers ensured that two-thirds of the membership would always carry over from one Congress to the next to give the Senate an enduring stability.

The Senate and, therefore, Senators were intended to take the long view and to be able to resist, if need be, the passions of the often intemperate House. Few, if any, upper chambers in the history of the western world have possessed the Senate's absolute right to unlimited debate and to amend or block legislation passed by a lower House.

Looking back over a period of 208 years, it becomes obvious that the Senate was intended to be significantly different from the House in other ways as well. The Constitutional Framers gave the Senate the unique executive powers of providing advice and consent to presidential nominations and to treaties, and the sole power to try and to remove impeached officers of the government. In the case of treaties, the Senate, with its longer terms, and its ability to develop expertise through the device of being a continuing body, has often performed invaluable service.

I have said that as long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure.

The Senate was intended to be a forum for open and free debate and for the protection of political minorities. I have led the majority and I have led the minority, and I can tell you that there is nothing that makes one fully appreciate the Senate's special role as the protector of minority interests like being in the minority. Since the Republican Party was created in 1854, the Senate has changed hands 14 times, so each party has had the opportunity to appreciate firsthand the Senate's role as guardian of minority rights. But, almost from its earliest years the Senate has insisted upon its members' right to virtually unlimited debate.

When the Senate reluctantly adopted a cloture rule in 1917, it made the closing of debate very difficult to achieve by requiring a super majority and by permitting extended post-cloture debate. This deference to minority views sharply distinguishes the Senate from the majoritarian House of Representatives. The Framers recognized that a minority can be right and that a majority can be wrong. They recognized that the Senate should be a true deliberative body—a forum in which to slow the passions of the House, hold them up to the light, examine them, and, thru informed debate, educate the public. The Senate is the proverbial saucer intended to cool the cup of coffee from the House. It is the one place in the whole government where the minority is guaranteed a public airing of its views. Woodrow Wilson observed that the Senate's informing function was as important as its legislating function, and now, with televised Senate debate, its informing function plays an even larger and more critical role in the life of our nation.

Many a mind has been changed by an impassioned plea from the minority side. Important flaws in otherwise good legislation have been detected by discerning minority members engaged in thorough debate, and important compromise which has worked to the great benefit of our nation has been forged by an intransigent member deter-

mined to filibuster until his views were accommodated or at least seriously considered.

The Senate is often soundly castigated for its inefficiency, but in fact, it was never intended to be efficient. Its purpose was and is to examine, consider, protect, and to be a totally independent source of wisdom and judgment on the actions of the lower house and on the executive. As such, the Senate is the central pillar of our Constitutional system. I hope that you, as new members will study the Senate in its institutional context because that is the best way to understand your personal role as a United States Senator. Your responsibilities are heavy. Understand them, live up to them, and strive to take the long view as you exercise your duties. This will not always be easy.

The pressures on you will, at times, be enormous. You will have to formulate policies, grapple with issues, serve the constituents in your state, and cope with the media. A Senator's attention today is fractured beyond belief. Committee meetings, breaking news, fundraising, all of these will demand your attention, not to mention personal and family responsibilities. But, somehow, amidst all the noise and confusion, you must find the time to reflect, to study, to read, and, especially, to understand the absolutely critically important institutional role of the Senate.

May I suggest that you start by carefully reading the Constitution and the Federalist papers. In a few weeks, you will stand on the platform behind me and take an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic; to bear true faith and allegiance to the same; and take this obligation freely, without any mental reservation or purpose of evasion; and to well and faithfully discharge the duties of the office on which you are about to enter: So help you God.'

Note especially the first 22 words, 'I do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic . . .'

In order to live up to that solemn oath, one must clearly understand the deliberately established inherent tensions between the 3 branches, commonly called the checks and balances, and separation of powers which the framers so carefully crafted. I carry a copy of the Constitution in my shirt pocket. I have studied it carefully, read and reread its articles, marveled at its genius, its beauty, its symmetry, and its meticulous balance, and learned something new each time that I partook of its timeless wisdom. Nothing will help you to fully grasp the Senate's critical role in the balance of powers like a thorough reading of the Constitution and the Federalist papers.

Now I would like to turn for a moment to the human side of the Senate, the relationship among Senators, and the way that even that faced of service here is, to a degree, governed by the constitution and the Senate's rules.

The requirement for super majority votes in approving treaties, involving cloture, removing impeached federal officers, and overriding vetoes, plus the need for unanimous consent before the Senate can even proceed in many instances, makes bipartisanship and comity necessary if members wish to accomplish much of anything. Realize this. The campaign is over. You are here to be a Senator. Not much happens in this body without cooperation between the two parties.

In this now 208-year-old institution, the positions of majority and minority leaders have existed for less than 80 years. Although the positions have evolved significantly within the past half century, still, the only really substantive prerogative the leaders

possess is the right of first recognition before any other member of their respective parties who might wish to speak on the Senate Floor. Those of you who have served in the House will now have to forget about such things as the Committee of the Whole, closed rules, and germaneness, except when cloture has been invoked, and become well acquainted with the workings of unanimous consent agreements. Those of you who took the trouble to learn Deschler's Procedure will now need to set that aside and turn in earnest to *Riddick's Senate Procedure*.

Senators can lose the Floor for transgressing the rules. Personal attacks on other members or other blatantly injudicious comments are unacceptable in the Senate. Again to encourage a cooling of passions, and to promote a calm examination of substance, Senators address each other through the Presiding Officer and in the third person. Civility is essential here for pragmatic reasons as well as for public consumption. It is difficult to project the image of a statesman-like, intelligent, public servant, attempting to inform the public and examine issues, if one is behaving and speaking in a manner more appropriate to a pool room brawl than to United States Senate debate. You will also find that overly zealous attacks on other members or on their states are always extremely counterproductive, and that you will usually be repaid in kind.

Let us strive for dignity. When you rise to speak on this Senate Floor, you will be following in the tradition of such men as Calhoun, Clay, and Webster. You will be standing in the place of such Senators as Edmund Ross (KS) and Peter Van Winkle (WEST VIRGINIA), 1868, who voted against their party to save the institution of the presidency during the Andrew Johnson impeachment trial.

Debate on the Senate Floor demands thought, careful preparation and some familiarity with Senate Rules if we are to engage in thoughtful and informed debate. Additionally, informed debate helps the American people have a better understanding of the complicated problems which besiege them in their own lives. Simply put, the Senate cannot inform American citizens without extensive debate on those very issues.

We were not elected to raise money for our own reelections. We were not elected to see how many press releases or TV appearances we could stack up. We were not elected to set up staff empires by serving on every committee in sight. We need to concentrate, focus, debate, inform, and, I hope, engage the public, and thereby forge consensus and direction. Once we engage each other and the public intellectually, the tough choices will be easier.

I thank each of you for your time and attention and I congratulate each of you on your selection to fill a seat in this August body. Service in this body is a supreme honor. It is also a burden and a serious responsibility. Members' lives become open for inspection and are used as examples for other citizens to emulate. A Senator must really be much more than hardworking, much more than conscientious, much more than dutiful. A Senator must reach for noble qualities—honor, total dedication, self-discipline, extreme selflessness, exemplary patriotism, sober judgment, and intellectual honesty. The Senate is more important than any one or all of us—more important than I am; more important than the majority and minority leaders; more important than all 100 of us; more important than all of the 1,843 men and women who have served in this body since 1789. Each of us has a solemn responsibility to remember that, and to remember it often.

Let me leave you with the words of the last paragraph of Volume II, of *The Senate*:

1789–1989: 'Originally consisting of only twenty-two members, the Senate had grown to a membership of ninety-eight by the time I was sworn in as a new senator in January 1959. After two hundred years, it is still the anchor of the Republic, the morning and evening star in the American constitutional constellation. It has had its giants and its little men, its Websters and its Bilbos, its Calhouns and its McCarthys. It has been the stage of high drama, of comedy and of tragedy, and its players have been the great and the near-great, those who think they are great, and those who will never be great. It has weathered the storms of adversity withstood the barbs of cynics and the attacks of critics, and provided stability and strength to the nation during periods of civil strife and uncertainty, panics and depressions. In war and in peace, it has been the sure refuge and protector of the rights of the states and of a political minority. And, today, the Senate still stands—the great forum of constitutional American liberty!'

#### EXHIBIT 2

STATEMENT OF SENATOR ROBERT C. BYRD (D-W.VA.), SENATE RULES AND ADMINISTRATION COMMITTEE, MAY 19, 2010

#### THE FILIBUSTER AND ITS CONSEQUENCES

On September 30, 1788, Pennsylvania became the first state to elect its United States senators, one of whom was William Maclay. In his 1789 journal Senator Maclay wrote, "I gave my opinion in plain language that the confidence of the people was departing from us, owing to our unreasonable delays. The design of the Virginians and of the South Carolina gentlemen was to talk away the time, so that we could not get the bill passed."

Our Founding Fathers intended the Senate to be a continuing body that allows for open and unlimited debate and the protection of minority rights. Senators have understood this since the Senate first convened.

In his notes of the Constitutional Convention on June 26, 1787, James Madison recorded that the ends to be served by the Senate were "first, to protect the people against their rulers, secondly, to protect the people against the transient impressions into which they themselves might be led . . . They themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous councils." That "fence" was the United States Senate.

The right to filibuster anchors this necessary fence. But it is not a right intended to be abused.

During this 111th Congress in particular the minority has threatened to filibuster almost every matter proposed for Senate consideration. I find this tactic contrary to each Senator's duty to act in good faith.

I share the profound frustration of my constituents and colleagues as we confront this situation. The challenges before our nation are far too grave, and too numerous, for the Senate to be rendered impotent to address them, and yet be derided for inaction by those causing the delay.

There are many suggestions as to what we should do. I know what we must not do.

We must never, ever, tear down the only wall—the necessary fence—this nation has against the excesses of the Executive Branch and the resultant haste and tyranny of the majority.

The path to solving our problem lies in our thoroughly understanding it. Does the difficulty reside in the construct of our rules or in the ease of circumventing them?

A true filibuster is a fight, not a threat or a bluff. For most of the Senate's history,

Senators motivated to extend debate had to hold the floor as long as they were physically able. The Senate was either persuaded by the strength of their arguments or unconvinced by either their commitment or their stamina. True filibusters were therefore less frequent, and more commonly discouraged, due to every Senator's understanding that such undertakings required grueling personal sacrifice, exhausting preparation, and a willingness to be criticized for disrupting the nation's business.

Now, unbelievably, just the whisper of opposition brings the "world's greatest deliberative body" to a grinding halt. Why?

Because this once highly respected institution has become overwhelmingly consumed by a fixation with money and media.

Gone are the days when Senators Richard Russell and Lyndon Johnson, and Speaker Sam Rayburn gathered routinely for working weekends and couldn't wait to get back to their chambers on Monday morning.

Now every Senator spends hours every day, throughout the year and every year, raising funds for re-election and appearing before cameras and microphones. Now the Senate often works three-day weeks, with frequent and extended recess periods, so Senators can rush home to fundraisers scheduled months in advance.

Forceful confrontation to a threat to filibuster is undoubtedly the antidote to the malady. Most recently, Senate Majority Leader Reid announced that the Senate would stay in session around-the-clock and take all procedural steps necessary to bring financial reform legislation before the Senate. As preparations were made and cots rolled out, a deal was struck within hours and the threat of filibuster was withdrawn.

I heartily commend the Majority Leader for this progress, and I strongly caution my colleagues as some propose to alter the rules to severely limit the ability of a minority to conduct a filibuster. I know what it is to be Majority Leader, and wake up on a Wednesday morning in November, and find yourself a Minority Leader.

I also know that current Senate Rules provide the means to break a filibuster. I employed them in 1977 to end the post-cloture filibuster of natural gas deregulation legislation. This was the roughest filibuster I have experienced during my fifty-plus years in the Senate, and it produced the most-bitter feelings. Yet some important new precedents were established in dealing with post-cloture obstruction. In 1987, I successfully used Rules 7 and 8 to make a non-debatable motion to proceed during the morning hour. No leader has attempted this technique since, but this procedure could be and should be used.

Over the years, I have proposed a variety of improvements to Senate Rules to achieve a more sensible balance allowing the majority to function while still protecting minority rights. For example, I have supported eliminating debate on the motion to proceed to a matter (except for changes to Senate rules), or limiting debate to a reasonable time on such motions, with Senators retaining the right to unlimited debate on the matter once before the Senate. I have authored several other proposals in the past, and I look forward to our committee work ahead as we carefully examine other suggested changes. The Committee must, however, jealously guard against efforts to change or reinterpret the Senate rules by a simple majority, circumventing Rule XXII where a two-thirds majority is required.

As I have said before, the Senate has been the last fortress of minority rights and freedom of speech in this Republic for more than two centuries. I pray that Senators will pause and reflect before ignoring that history and tradition in favor of the political priority of the moment.



The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, since hearing this morning about the passing of Senator BYRD—he died shortly after 5 a.m.—I have been reflecting on the man I knew.

Those who have the great privilege to serve in the Senate have occasion to meet and interact with great people. The expression “giant” is used not too frequently about Senators. It certainly would apply to Senator BYRD, but I believe it is insufficient. Searching my own mind for a more apt term, “colossus” might better fit ROBERT BYRD.

His career in the Congress of the United States was extraordinary, really astounding. To think that he was elected in 1952 and was sworn in while Harry Truman was still President of the United States and has served since that time, with many things that happened, during the administrations of President Eisenhower, President Kennedy, President Johnson, President Nixon, President Carter, President George H.W. Bush, President Ronald Reagan before, President George W. Bush, President Clinton, and now President Obama.

One of the distinctions he made early on was the fact that in the Senate, we serve with Presidents; we do not serve under Presidents. I think that was a calling card by Senator BYRD as a constitutionalist on the separation of powers. He was a fierce fighter for that separation of powers.

When the line-item veto was passed, he took up the battle to have it declared unconstitutional as an encroachment on article I powers in the U.S. Congress on appropriations. The bills which we present to the President have a great many provisions, and Senator BYRD was looking upon the factor of the President perhaps taking some provisions he did not like too well in order to take the whole bill. I am sure on Senator BYRD's mind was the largeness which came to the State of West Virginia. That is part of our Federal system, part of our democracy, part of our Constitution of the advantage of seniority, where Senator BYRD had been elected and reelected on so many occasions.

I recall Senator BYRD and his swift action shortly after the 1986 election. I was on the Intelligence Committee at that time. Senator BYRD stepped into the picture to see to it that the witnesses who testified on what was later known as the Iran Contra controversy were placed under oath. He had a sense that there was a problem that had to be investigated by Congress, again, under the doctrine of separation of powers.

I recollect his position on the impeachment proceeding as he stood at this chair and recited the provisions of the Constitution, about the impeachment for high crimes and misdemeanors, and then started to talk about the action of the respondent in the case, President Clinton, and the

charges which were levied. He came to the conclusion that the constitutional standard had been met and then voted not guilty—with a sweep on the conclusion, a judgment of a higher principle involved that President Clinton had not lost the capacity to govern, and he ought to stay in office.

I recall in October of 2002 we debated the resolution authorizing the use of force for President Bush. The resolution did not say force would be used but gave the President the authority to use force as he decided it appropriate.

I was concerned about that. The scholars who had written on the subject for the most part said it would be an inappropriate delegation of constitutional authority for the Congress to say to the President: You may start a war at some future date.

The starting of a war depended on the facts and circumstances at hand when the decision was made. Senator BYRD and I discussed that at some length and finally concluded there ought to be some flexibility. Both of us voted for that resolution on the ground that empowering the President without authority, we might have the realistic chance of avoiding a war.

While serving with Senator BYRD on the Appropriations Committee, I recall 1 year when he chaired the Appropriations Committee—I think in the late 1980s—the allocations made were not in accordance with the budget resolution which had been passed. Some of us on the Appropriations Committee thought we ought to have those allocations in accordance with what Congress had set in the budget resolution. Senator D'Amato, Senator Kasten, and I staged a minor revolution. It did not last too long. The vote was 26 to 3. But we expressed ourselves.

I recall hearing Senator BYRD and participated in a discussion with him on the Senate floor about the right to retain the floor, whether you could yield to someone or whether you had to have an order of consent before you retained your right to the floor. Discussing or debating Senator BYRD on procedural issues was indeed an education. He was always regarded as the foremost expert on Senate procedure and the rules of this body.

His service—most recently in coming in ill, in a wheelchair for a series of cloture votes at 1 a.m.—historians, I think, will write about the passage of the comprehensive health care bill and the cloture votes and passage in the Senate on Christmas Eve early in the morning—finally, we had a concession we would not vote at 11:59 on Christmas but would vote earlier in the day. Even the objectors wanted to leave town. Senator BYRD came here performing his duty, although he certainly was not well and it was a tremendous strain on him. He came and made the 60th vote.

It is a sad occasion to see a black drape on Senator BYRD's desk and flow-ers. I am sure in days to come there will be many comments, many eulogies

about Senator BYRD. He leaves a great void. But reflecting on the experiences I have had with him, there is much to celebrate in his life. He was a great American, a great Senator. We will all miss him very much.

In the absence of any other Senator on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. BURRIS. Mr. President, early this morning, our country lost an icon and a national treasure. Our friend and colleague, Senator ROBERT C. BYRD, became a legend in his own time. And in many ways, he came to embody the institution of the Senate.

As a leader, and as a guardian of Senate procedure and tradition, Senator BYRD was without equal. For more than half a century, he helped shape federal policy, and guided the course of a nation.

But on the day he was born, in 1917, this unique place in history was far from assured.

Raised in the coal country of West Virginia, few could have predicted that this intelligent but unassuming young man would rise to the very highest levels of our democracy. He was an avid fiddle player, and valedictorian of his high school class. But he could not afford to go to college until many years later. So as a young man, he found work as a meat cutter, a gas station attendant, and a store owner. And the store owner is very dear to me because our family were store owners, and I know how tough that business is. He welded Liberty and Victory ships during the Second World War, and several years later entered politics at the State level.

That is where ROBERT BYRD found his true calling: public service.

He was first elected to the House of Representatives in 1952, and has served the people of West Virginia in this Chamber since 1958. Over the course of his extraordinary career, he worked alongside 11 Presidents. He served in Congress longer than anyone in American history, cast more than 18,000 votes, and was elected to more leadership positions than any other Senator.

Most recently, he assumed the role of President pro tempore of the Senate, ranking him third in the line of Presidential succession. At every turn, he dedicated himself to the sanctity of our Constitution, and fought to uphold its principles and the weight of Senate tradition.

It is difficult to measure the vast impact he has had on the lives of every single American.

No, he was not right on every issue. His past was not without mistakes and errors in judgment. But it is a credit to Senator BYRD that, over the years, he gained the wisdom to recognize the moments when he strayed from the right path. It is the mark of greatness that he worked hard to overcome these errors and set America on course for a more prosperous, more inclusive future.

In recent years, Senator BYRD raised his voice against the unilateral invasion of Iraq.

He fought to preserve the filibuster, ensuring that the voice of the minority will always have a place in this august Chamber. He offered his support to a young Senator from Illinois named Barack Obama, as he fought to become the first African-American President of the United States.

Senator BYRD's historic tenure spanned 11 administrations, thousands of bills, and more than half a century. Thanks to his leadership, and the leadership of others he has inspired and mentored over the years, we live in a very different world today.

The year he launched his first campaign for the House of Representatives, gas cost about 25 cents a gallon, Winston Churchill was Prime Minister of the United Kingdom, and I was only 15 years old.

Senator BYRD has left an indelible mark on this Nation, and for that we will be forever grateful.

But today, as we remember and celebrate the contributions he has made, we also offer our condolences to his friends and loved ones in this time of mourning. We offer our sympathies to the people of West Virginia, who have lost a staunch advocate. We offer our fervent hope that a new generation of Americans, liberal and conservative; Black and White; from all races and religions and backgrounds.

We hope that a new generation will take up the legacy of patriotism and service that was left to us by Senator BYRD; that today's young people will inherit his fierce loyalty to the Constitution, and recognize their responsibility to confront every challenge we face.

So I ask my colleagues to join with me in honoring the life of our dear friend, Senator ROBERT BYRD.

And I call upon every American to learn from the example set by this son of the West Virginia hills who overcame poverty, lack of education, and the prejudice of his times to become one of the greatest public servants in our history.

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

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

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to H.R. 5297 be delayed to occur at 2:15 tomorrow, Tuesday, June 29; further that if cloture is invoked on the motion to proceed, then all postcloture time be considered yielded back, and the Senate then proceed to consideration of H.R. 5297; further, that as if in executive session, I ask unanimous consent the previous order with respect to the vote on confirmation of the nomination occur upon the use of time specified in the order governing consideration of the nomination with any other provision of the previous order remaining in effect, which would mean the vote would be at 5:30 tonight.

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

#### NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID. Mr. President, I have a resolution at the desk and ask for its consideration.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 568) notifying the House of Representatives of the election of a President pro tempore.

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

Mr. REID. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid on the table.

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

The resolution (S. Res. 568) was agreed to, as follows:

S. RES. 568

*Resolved*, That the House of Representatives be notified of the election of the Honorable Daniel K. Inouye as President of the Senate pro tempore.

#### NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID. I have a resolution at the desk.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 569) notifying the President of the United States of the election of a President pro tempore.

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

Mr. REID. I ask unanimous consent that the resolution be agreed to and

the motion to reconsider be laid on the table.

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

The resolution (S. Res. 569) was agreed to, as follows:

S. RES. 569

*Resolved*, That the President of the United States be notified of the election of the Honorable Daniel K. Inouye as President of the Senate pro tempore.

#### EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate continue in morning business until 5 o'clock today.

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

Mr. REID. As I indicated, we will have one vote at 5:30 today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NOMINATION OF ELENA KAGAN

Mr. McCONNELL. Madam President, the Judiciary Committee just wrapped up its hearings on the first day of the nomination of Elena Kagan to be an Associate Justice of the Supreme Court. These hearings will provide Senators on both sides of the aisle an opportunity to examine Ms. Kagan's record, legal experience, and background in light of the awesome responsibility that comes with a lifetime appointment on our Nation's highest Court. These hearings also provide an opportunity for the American people to focus their attention on a woman whom President Obama would like to see deciding cases on many of the most important and consequential issues we face as a people, long after the President's time in office is through.

In the near term, she would be ruling on the actions and policies of an administration of which she is now a member. So it is well worth asking why the President chose Ms. Kagan in the first place. We know the President and Ms. Kagan are former colleagues, and we know from the President himself that they are friends. We know he views her as an important member of his team and that he was especially pleased with her handling of the Citizens United case. The President is no doubt confident that Ms. Kagan shares his view that judges should be judged primarily on their ability to empathize with some over others; in other words, that she embraces the empathy standard he has talked about time and time again. But as I have said before, while empathy may be a very good quality in general, in a court of law it is only

good if you are lucky enough to be the guy the judge empathizes with. In those cases, it is the judge, not the law, who determines your fate.

In a nation such as ours, conceived from its very beginning as a nation not of men but of laws, this is a very dangerous road to go down. In the case of President Obama's previous nominee to the Supreme Court, Senators had many years of court cases to study in determining whether Sonia Sotomayor could be expected to treat everyone who came before her equally, just as Americans would expect in a judge and just as the judicial oath requires. In Elena Kagan's case, however, no such record exists. She has no experience as a judge, nor does she have much of a record as a legal practitioner. This is one of the reasons some have raised Ms. Kagan's experience as an issue.

It stands to reason that in order to know what kind of judge John Roberts or Sam Alito or Sonia Sotomayor would be, it was useful for Senators from both parties to look at the kind of judge these nominees had been. Since Ms. Kagan has not had the judicial or private practice experience common to most modern-day nominees, it is all the more important that we look more closely at the kind of experience she has had. A review of that experience reveals a woman who has spent much of her adult life not steeped in the practice of law but in the art of politics. To be more specific, when we look at Elena Kagan's resume, what we find is a woman who spent much of her adult life working to advance the goals of the Democratic Party.

As a young woman in college, she spent one summer working 14 hours a day for a liberal Democratic candidate for the Senate, and when her candidate lost, Ms. Kagan wrote that she believed the "world had gone mad, that liberalism was dead." If all we had were the comments of an impassioned young student, they would not be worth all that much. Few of us would want everything we wrote as a college student put up on an overhead projector.

Yet the trajectory of Ms. Kagan's career, the testimony of those who know her work well, and the recently released records of her time as a political adviser in the Clinton White House, suggest otherwise. Taken together, they suggest someone, as one news story put it, who long after college and even at the highest peaks of political influence was "driven and opinionated, with a flare for political tactics. . . ."

What else do we find in Ms. Kagan's resume? Well, she volunteered for the Dukakis Presidential campaign, working as an opposition researcher to defend the then-Governor of Massachusetts from attacks, and to look for ways to attack the Republican opposition. As an aide to President Clinton, Ms. Kagan did not serve mostly as an attorney, as she put it, but as a policy advocate, frequently looking for ways to advantage Democrats over Republicans.

If you believe the role of a judge is to be an impartial arbiter, these things cannot be ignored. Indeed, Members of both parties should appreciate the importance of confirming judges who are more interested in what the law says than in how the law can be used to advantage any one individual, party, or group. It is to no one's advantage if judges cannot be expected to rise above politics. As the chairman of the Judiciary Committee once put it:

No one should vote for somebody that's going to be a political apparatchik for either the Democratic Party or the Republican Party.

If there is one thing we can all agree on, it is that politics should end at the courtroom door.

So this is one of the key questions Senators will be looking to answer as these hearings proceed: Is someone who has done the kind of political work Ms. Kagan has done in her career more or less likely to restrain her political views if she were confirmed to a lifetime position on the country's highest Court?

Ms. Kagan has never made a secret of her professional aspirations. She has cultivated all the right friendships along the way, which is all well and good. No one ever rose to the heights of their profession by ignoring or upsetting the people who could get them there. But the question before us is whether Ms. Kagan's political views would be more or less constrained by the Constitution she swears to uphold once she reaches her goal.

Some of Ms. Kagan's supporters wish us to focus on her personality. They wish to point out she has a knack for making friends and for getting along well with different kinds of people in academia and among the political class. Once again, these are all fine qualities. No one has any doubt that Ms. Kagan is bright and personable and easy to get along with. But the Supreme Court is not a dinner club. If getting along in polite society were enough to put somebody on the Supreme Court, then we would not need confirmation hearings at all.

The goal here is not to determine whether we think someone will get along well with the other eight Justices; it is whether someone can be expected to be a neutral and independent arbiter of the law rather than a rubberstamp for any administration.

These are just some of the questions Senators will be asking and which Ms. Kagan will be expected to answer. No one should have any doubt that Republicans will treat Ms. Kagan with the same respect and professionalism they treated Judge Sotomayor. But questions must be answered and clear judgments must be made.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Madam President, I listen sometimes on the floor of the Senate and think there should be an Olympic Gold Medal for flexibility. It is interesting. For example, the flexibility would mean you are flexible enough to understand if a Republican President were to send down a nominee for the Supreme Court, and that person had never served as a judge previously, that would be a big advantage, and you would argue that would be something that is very salutary, that this person does not have judicial experience. Such was the case of Chief Justice Rehnquist, who did not have such experience. But because they were nominated by a Republican, it was a big advantage not to have judicial experience. Now a Democrat sends a nominee down and all of a sudden not having judicial experience is a liability. That is some flexibility, as far as I am concerned.

I met with the nominee, Ms. Kagan, and she is a great nominee. I am sure she is going to be confirmed easily in the Senate. I cannot believe the Judiciary Committee will have any opportunity to find very much wrong with this very credible, very high-qualified, well-qualified nominee. I did not come here to say that. But listening, again, as I do, I keep hearing the sound of sawing on the floor of the Senate, sawing away in a partisan manner. I simply wanted to observe that much of this has very little to do with substance and has everything to do with partisan politics that we hear on the floor of the Senate.

#### REMEMBERING SENATOR ROBERT C. BYRD

Mr. DORGAN. Madam President, today I rise on the floor of the Senate recognizing that we have white roses and a black drape adorning the desk of the late Senator ROBERT C. BYRD.

I had told him personally in the past that when my service is done I will have considered it a great privilege to have served in this body at the time when ROBERT BYRD served in this body. He was a lot of things. He was smart and tough and honest. Because he legislated and because of his career here, this is a better country, I am convinced of that.

All of us know Senator BYRD grew old here and became someone with health problems in recent years and yet even last week would come to this Chamber and cast his vote. In recent weeks I had several visits with him on the floor of the Senate.

All of us know as well that he loved his country. He, most of all, loved the Senate. He wrote a two-volume book of history on this body, and I say to anybody listening, if they enjoy history and enjoy knowing anything about the wonderful history of this body, read what Senator BYRD has written. It is extraordinary.

He loved the Constitution of the United States, and he never appeared on the floor of the Senate without having a copy of that Constitution in his suit pocket. He always had a copy of the Constitution with him.

He was also someone who did not just love the history of the Senate but loved Roman history. I recall sitting on the floor of the Senate many years ago when I first came to the Senate, listening to Senator BYRD talk about Roman history and the lessons in it for us. I recall him 1 day describing Hannibal crossing the Alps, with a conclusion of Hannibal, who had lost an eye—a one-eyed Carthaginian—on the plains, riding the last emaciated elephant before he was cornered, and taking a pill from a secret container in a ring and, rather than being captured, took his life.

I learned a lot listening to Senator BYRD on the floor of the Senate about a lot of things, including Roman history.

I also learned that he had one of the extraordinary memories you have ever known. And I thought today—because we are saddened but also mourning the loss of a friend and someone who served this country so well—I would read something he read on the floor of the Senate a couple of times, but he read the preamble to it and then recited it from memory, this great story. He did it because he was talking about a crime that occurred with respect to a dog, an animal. He talked a lot about his dog Billy, that he loved very much, and then he told us the story about a man named Vest, George G. Vest, who was to become a Senator later.

I will read what Senator BYRD said. He said:

At the turn of the century, George G. Vest delivered a deeply touching summation before the jury in the trial involving the killing of a dog, Old Drum. This occurred, I think, in 1869. There were two brothers-in-law, both of whom had fought in the Union Army. They lived in Johnson County, MO. One was named Leonidas Hornsby. The other was named Charles Burden.

Burden owned a dog, and he was named "Old Drum." He was a great hunting dog. Any time that dog barked one could know for sure that it was on the scent of a raccoon or other animal.

Leonidas Hornsby was a farmer who raised livestock and some of his calves and lambs were being killed by animals. He, therefore, swore to shoot any animal, any dog that appeared on his property.

One day there appeared on his property a hound. Someone said: "There's a dog out there in the yard." Hornsby said: "Shoot him."

The dog was killed. Charles Burden, the owner of the dog, was not the kind of man to take something like this lightly. He went to court.

This was Old Drum that was killed.

He won his case and was awarded \$25. Hornsby appealed, and, if I recall, on the appeal there was a reversal, whereupon the owner of the dog decided to employ the best lawyer that he could find in the area.

He employed a lawyer by the name of George Graham Vest. This lawyer gave a summation to the jury.

Senator BYRD recited the summation to the jury, and he did it without a note. It so reminded me of all the things I heard on the floor from Senator BYRD—yes, "The Ambulance Down in the Valley," a piece of lengthy prose without a note, and this without a note. He recited the summation to the jury by George Vest:

Gentlemen of the jury. The best friend a man has in the world may turn against him and become his enemy. His son or daughter whom he has reared with loving care may prove ungrateful. Those who are nearest and dearest to us, those whom we trust with our happiness and our good name, may become traitors to their faith. The money that a man has he may lose. It flies away from him perhaps when he needs it most. A man's reputation may be sacrificed in a moment of ill-considered action. The people who are prone to fall on their knees to do us honor when success is with us may be the first to throw the stone of malice when failure settles its cloud upon our heads. The one absolutely unselfish friend that a man can have in this selfish world, the one that never deserts him, the one that never proves ungrateful or treacherous, is the dog.

Gentlemen of the jury, a man's dog stands by him in prosperity and in poverty, in health and in sickness. He will sleep on the cold ground when the wintry winds blow and the snow drives fiercely, if only he can be near his master's side. He will kiss the hand that has no food to offer, he will lick the wounds and sores that come in encounter with the roughness of the world. He guards the sleep of his pauper master as if he were a prince.

When all other friends desert, he remains. When riches take wings and reputation falls to pieces, he is as constant in his love as the sun in its journey through the heavens. If fortune drives the master forth an outcast into the world, friendless and homeless, the faithful dog asks no higher privilege than that of accompanying him, to guard him against danger, to fight against his enemies. And when the last scene of all comes, and death takes his master in its embrace and his body is laid in the cold ground, no matter if all other friends pursue their way, there by his graveside will the noble dog be found, his head between his paws and his eyes sad but open, in alert watchfulness, faithful and true, even unto death.

Well, I read this summation to the jury in the case of Old Drum. But Senator BYRD recited it, as he did all of these similar circumstances, completely from memory.

Senator BYRD came to the floor, and he had a way with words that does not so much exist in the Senate anymore. I was sitting on the floor one day when another Senator came to the floor and said some very disparaging things about a President of the United States. They referred to the President in a way that was very disparaging. Senator BYRD did not like that, no matter who the President was. He came to the floor, and I am sure the person who was disparaging the President at that point never understood what had happened to him after Senator BYRD was done.

Mr. LEAHY. I remember that.

Mr. DORGAN. But Senator BYRD came to the floor, and he stood up, and he said this: I have served here long enough to see pygmies strut like Colossus. And he said, very like the fly in

Aesop's fable, sitting on an axle of a chariot, "My, what dust I do raise."

And it occurred to me he had just told someone what they had done was unbelievably foolish. I am not sure they understood it. But he wrapped it in such elegant language, as he always did.

In addition to serving at a time early on in his career when things were different, when there was perhaps less anger and less partisanship and committee chairmen and ranking members got together and decided what we needed to do for the country and did it together and came to the floor together, he was also, on the floor of the Senate, someone who knew the rules. He studied the rules because he understood that knowing the rules to this Chamber and how this process works was also important to be successful here.

Aside from that, he was a skillful legislator—very skillful. I watched him walk out of this Chamber from that door and very often stop as a bunch of Senate pages—high school kids who serve in the Senate—would gather around and then he would spend 15, 20 minutes telling them a story about the Senate, about the history of this great place. Too many of us walk back and forth around here, walking very briskly because we are late to go here or there and we are working on a lot of things. Senator BYRD always took time to talk to the pages—not just talk to them but tell them stories about what this great Senate has meant to this great country.

He also loved very much his late wife Erma and talked about her a lot to many of us.

He loved to play the fiddle. Early on when I came to the Senate, if you expressed even the least interest in music, he would get you down to his office and put a tape in his recording device to show us that he played the fiddle on the program "Hee Haw." He was so proud of that. He was someone who loved West Virginia, loved his country, and was a friend to all of us.

Today is a very sad day for those of us who see a desk that was occupied by a great U.S. Senator for so many decades, now occupied with a dozen roses and a black cloth, signifying that we have lost this great man. America has lost a great public servant. As one Member of the Senate, I say it has been a great privilege—my great privilege—to serve while Senator BYRD served in this body.

Madam President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I appreciate the words of the Senator from North Dakota. I recall sitting here on the floor, I tell my friend from North Dakota, who may well have been here at that time when Senator BYRD spoke of the pygmies strutting like a colossus. We both know who he meant and we both know the effect it had, and I thank him for reminding us of that.

I believe all of us who served with him and knew Senator BYRD were saddened by the news of his passing. No Senator came to care more about the Constitution or was a more effective defender of our constitutional government than the senior Senator from West Virginia. How many times did we see him reach into his jacket pocket and hold up the Constitution? He would say: This is what guides me.

I said in the Judiciary Committee today that many of us carry the Constitution and we can turn to it and read from it. Senator BYRD, if asked, would recite it verbatim from memory from page 1 straight through.

Senator BYRD was a Senator's Senator. During the time before he stopped playing, some of us would be at an event with him where he would play the fiddle. I recall one of those times when he played the fiddle, and now his successor as President pro tempore, Senator INOUE, played the piano, playing compositions only requiring one hand, and the two of them played in the caucus room now named after our late Senator Ted Kennedy. I heard him play in the happy times and the enjoyable times when he would try to bring Senators of both parties together and act like human beings.

I have also sat here with him when he reminded Senators of what the Constitution stood for, what our role was in the Constitution, when he spoke against going to war in Iraq without reason and without a declaration of war. It was one of the most powerful speeches I have heard him give. In over 36 years of serving with him, I heard many speeches.

Others will speak of his records for time served in the Senate and in Congress and the number of votes he cast. I think of him more as a mentor and a friend. I recall in the fall of 1974 becoming the Senator-elect and coming down here to talk to Senators and meeting with Senator BYRD and Senator Mansfield, Senator Mansfield being the leader, Senator BYRD the deputy leader. I recall one of the things he told me—both of them did: Always keep your word. ROBERT BYRD, ROBERT CARLYLE BYRD, if he gave you his word, you could go to the bank with it, but he would expect the same in return, as he should. That is something all of us should be reminded of and all of us should seek to achieve.

I was honored to sit near him on the Senate floor. Sitting near him in the same room we would engage in many discussions about the Senate and the rules or about the issues of the moment, or about our families. But now I sit here and I look at the flowers on his desk; I look at the drape on that desk. Over the many years I have had the privilege of representing the State of Vermont in this body, I have had to come on the floor of the Senate to see the traditional drapery and the flowers on either side of the aisle when we have lost dear colleagues; more than that, we have lost dear friends. Party is ir-

relevant. The friendship is what is important. It tugs at your heart and it tugs at your soul to see it. Walking in here and looking down the row where I sit and seeing that, I don't know when I have felt the tug so strong.

Marcelle and I were privileged to know BOB and Erma, his wonderful Erma. We would see them in the grocery store in Northern Virginia. Our wives would drive in together for Senate matters. I recall sitting with him in his office 1 day when we spoke of the death of his grandson and how it tore him apart to have lost him in an accident. He had his portrait in his office with a black drapery. We sat there—this man who could be so composed—we sat and held hands while he cried about his grandson. At that time I did not have the privilege of being a grandfather yet. Today, I think I can more fully understand what he went through. I remember the emotion and the strength of it. This was not just the person whom we saw often as the leader of the Senate, the chairman of a major committee, ready and in control, but a human being mourning somebody very dear to him.

He was a self-educated man. He learned much throughout his life, but then he had much to teach us all. It has been spoken about how he talked to the pages, but he would talk to anybody about his beloved Senate. He did more than that. He wrote the definitive history of the Senate. We all learned from him. He was a symbol of West Virginia. He was an accomplished legislator. He was an extraordinary American.

As a form of tribute I suspect Senator BYRD himself would appreciate—let me quote from Pericles' funeral oration from Thucydides History of the Peloponnesian War about the inherent strength of democracy. Senator BYRD was well familiar with this passage, and with its relevance to our Constitution and our form of government. I heard him use it before. Pericles is said to have spoken this:

Our form of government does not enter into rivalry with the institutions of others. Our government does not copy our neighbors, but is an example to them. It is true that we are called a democracy, for the administration is in the hands of the many and not of the few. But while there exists equal justice to all and alike in their private disputes, the claim of excellence is also recognized; and when a citizen is in any way distinguished, he is preferred to the public service, not as a matter of privilege, but as a reward of merit. Neither is poverty an obstacle, but a man may benefit his country whatever the obscurity of his condition.

Senator BYRD believed in this country. He believed that a youngster who had been adopted, who lived in a house without running water, who had to work for every single thing he obtained, could also rise to the highest positions in this body, a body he loved more than any other institution in our government, save one: the Constitution. The Constitution was his North Star and his lone star. It was what guided him.

Senator BYRD was such an extraordinary man of merit and grit and determination who loved his family. I recall him speaking of his grandchildren and great-grandchildren and he would proudly tell you about each of them. I remember even after he was a widower walking by and leaning over and saying, How are you? He would say, I am fine. How is Marcelle? And Senators from both sides of the aisle would come just to talk with him.

He drew strength from his deep faith. He took to heart his oath to support and defend the Constitution of the United States. The arc of his career in public service is an inspiration to us all, and it will inspire Americans of generations to come.

So, ROBERT, I say goodbye to you, my dear friend. I am not going to forget your friendship. I am not going to forget how you mentored me. But, especially, I will not forget, and I will always cherish even after I leave this body, your love of the Senate.

Senator BYRD, you are one of a kind. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, Members of the Senate are coming to the floor today from both sides of the aisle to acknowledge a moment in our history: the passing of ROBERT C. BYRD of West Virginia. Senator BYRD was the longest serving Senator in the history of the United States of America; a man who cast more than 18,000 votes; a man who served as majority leader, as chairman of the Appropriations Committee, as President pro tempore. He was, in fact, the Senate. He embodied the Senate in his life. It was his life.

Each of us, before we can become a Senator, takes a walk down this aisle and goes over to the side here where the Vice President of the United States swears us in. You put your hand on a Bible and you take an oath to uphold and defend the Constitution of the United States. You have to say that or you can't be a Senator. For many people, it is a formality. For ROBERT C. BYRD, it was a commitment, a life commitment to a document, the Constitution of the United States. He used to carry one in his pocket every day of his life. That is the kind of commitment most people will not make because they think: Well, maybe I will change my mind. For ROBERT C. BYRD, there was no changing his mind. He was committed to that Constitution.

For him, it was the North Star, it was the guiding light, it was the document that created this Nation, and he had sworn on his Bible to uphold and defend it, and he meant it. That is why he was so extraordinary.

He understood this Constitution because he understood what our government is about. He made a point of saying whenever a new President would come in, even a President of his own party: I will work with the President but as a Senator; I do not work for the President. We are equal to the President because we are an equal branch of

government. I will be glad to work with the President, but I have a responsibility as a Senator.

I remember so well in what I consider to be the finest hour I witnessed when it came to ROBERT C. BYRD. It was in October of 2002. It was a little over a year after 9/11. President George W. Bush was asking this Senate to vote for a resolution to invade Iraq. At the time, the pressure was building. Public sentiment was strongly in favor. Remember, there was talk about weapons of mass destruction, nuclear weapons, attacks on our allies and friends, even on the United States if we did not move, and move quickly. There was a prevailing growing sentiment to go to war.

But the Senator from West Virginia stood up, took out his Constitution, and said: This is a mistake. We should not be going to war.

He proceeded day after day, week after week, and month after month to stand there at that desk and lead the charge against the invasion of Iraq. It was an amazing display of his talent, which was prodigious, and his commitment to this Constitution as he saw it, and the fact that he was politically fearless.

I agreed with him on that issue. I was inspired by him on that issue. I can recall when my wife and I went to a Mass in Old St. Patrick's Church in Chicago, we were in the pew kneeling after communion. The church was quiet as people were returning from communion. An older fellow, whom I did not know, stood next to me in the aisle and looked down at me and said in a voice that could be heard across the church: Stick with BOB BYRD.

I came back and told him that story, and he just howled with laughter. I said: Senator BYRD, your reach is beyond West Virginia and beyond the Senate. It is in Chicago and across the country. What you are saying is resonating with a lot of people.

In the end, 23 people voted against that war—1 Republican and 22 Democrats. For a while, we were not popular. Over time I think that vote became more respected. ROBERT C. BYRD was our leader, and he used this Constitution as his inspiration.

He had such a sense of history. My favorite story related to about 16 or 18 years ago. I was a Member of the House of Representatives then on the Appropriations Committee, and ROBERT C. BYRD was the chairman of the Senate Appropriations Committee. He was a powerful man. We were supposed to meet downstairs in a conference committee, House and Senate, the conferees from both Appropriations Committees, on a transportation bill.

To no one's surprise and without any apology, Senator BYRD had quite a few West Virginia projects in that bill. Congressman FRANK WOLF of Virginia, a Republican, sat on the committee on the House side. When he looked at the West Virginia projects, he got upset. He said it publicly in the Washington

Post and other places that he had thought Senator BYRD had gone too far.

That was a pretty bold move by Congressman WOLF to make those statements in the minority about the chairman of the Senate Appropriations Committee. I could not wait for that conference committee because the two of them would literally be in the same room. In fact, it turned out to be even better. They were not even in the same room, but Senator BYRD's staff had reserved a chair directly across the table from Congressman WOLF.

The place was packed, waiting for this confrontation. Senator BYRD came in last and sat down very quietly in his chair and waited his turn. Congressman WOLF at some point asked for recognition and went after the Byrd West Virginia projects. FRANK is a passionate man. I served with him and agreed with him on many issues and disagreed on others. I respected him. He was passionate and committed and made it clear he thought this was unfair and unjust.

Senator BYRD, in his three-piece suit, sat across from him with hands on the table showing no emotion until after 15, 20 minutes, Congressman WOLF was exhausted by his protests about these Byrd projects, at which point Senator BYRD leaned over and said to whomever was presiding at that moment: May I speak? And they said: Of course.

Then he said—and I am going to paraphrase this. I think it is pretty close to what he said. There was no video camera there. I wish there had been. He said: In 1830, in January of 1830, January 19, 1830, which, if my memory serves me, was a Thursday, Daniel Webster and Mr. Hayne engaged in one of the most famous debates in American history. And off he went.

For the next 15 minutes, without a note, ROBERT C. BYRD tried to explain a very basic principle, and it was this: The Senate is created to give every State the same number of Senators—two Senators. The House is elected by popular vote. A small State such as West Virginia does not have much of a chance in the House of Representatives. It is small in a body of 435 Members. But in the Senate, every State, large and small—Virginia and West Virginia, Illinois, New York, California—each has two Senators.

The point Senator BYRD was making was: If I do not put the projects in in the Senate, we will never get them in in the House. That is what the Great Compromise, the Constitution, and the Senate and the House are all about.

It was a masterful presentation, which led to a compromise, one might expect, at the end of the day in which Senator BYRD did quite well for his State of West Virginia.

Years passed, and I was elected to this body. I came here and I saw Senator BYRD sitting in that seat one day, and I said: I want to tell you the most famous debate I can ever remember—there was not a camera in the room,

and I do not think anyone recorded it—I recalled his debate with FRANK WOLF.

I said: What I remember particularly is when you said: January 19, 1830, which was a Thursday, if I recall.

He said: Yes, I think it was a Thursday.

I said: I don't doubt it was a Thursday, but that little detail was amazing.

He kind of smiled. He did not say anything more. About an hour passed before the next rollcall, and he called me over to that desk. He had brought out a perpetual calendar and found January 19, 1830, and said: Mr. DURBIN, it was a Thursday.

I said: I didn't dispute it, Senator.

It was an example in my mind of a man who understood this Constitution, understood his use of that Constitution for his State—some would say he overused it, but he was fighting for his State every day he was here—his command of history and his command of the moment.

That was ROBERT C. BYRD. They do not make them like that anymore. There just are not many people in our generation who can even claim to be in that position.

I recall it and I remember very well another conversation I had with him. You see, history will show that in his early life, ROBERT C. BYRD was a member of the Ku Klux Klan. Many of his detractors and enemies would bring that up. He would be very open about it, not deny it but say that he had changed, and his votes reflected it.

I once said to him: Of all these thousands and thousands of votes you have cast, are there any you would like to do over?

Oh, yes, he said. Three. There was one for an Eisenhower administration appointee which I voted against, and I wish I voted for him. I think that was a mistake. And, he said, I was wrong on the civil rights legislation. I voted the wrong way in the 1960s. And, he said, I made a mistake and voted for the deregulation of the airline industry which cut off airline service to my State of West Virginia. Those were three.

If you have been in public life or even if you have been on this Earth a while, I think you have learned the value of redemption. ROBERT C. BYRD, in his early life, made a mistake with his membership in the Ku Klux Klan. He was open about it, and he demonstrated in his life that he was wrong and would do better in the future. That is redemption—political redemption—and, in my mind, it was total honesty.

There were so many other facets to this man too. Senator LEAHY talked about him playing the fiddle. That is the first time I ever saw him in person. He came to Springfield, IL, in 1976, when he was aspiring to run for President of the United States. He stood out from the rest of the crowd because he got up and said a few words about why he wanted to be President. Then he reached in and grabbed his fiddle and started playing it.



I tell you, it brought the house down. I don't remember who else was there. I think Jimmy Carter was there. But I do remember that BOB BYRD was there.

When I came to the Senate, I thought: I cannot wait to see or hear him play that fiddle again. I learned that after his grandson died in an automobile accident, he said: I will never touch it again, in memory of my grandson. That is the kind of family commitment he made as well. He would sing and occasionally have a Christmas party downstairs, and a few of us would be lucky enough to get invited. He would sing. He was a man who had gone through some life experiences and family experiences that were very meaningful to him.

I remember another day when I was on the floor of the Senate and there was a debate about the future of the National Endowment for the Arts. Senator Ashcroft of Missouri wanted to eliminate the National Endowment for the Arts and take away all its money. I stood up to debate him. I was brandnew here, not smart enough to know when to sit down and shut up. I started debating: I thought it was wrong, the arts are important, so forth.

Through the door comes BOB BYRD. He walks in here and asks if he could be recognized. Everything stopped when he had asked for recognition. They said: Of course.

He said: I want to tell you what music meant to me. I was an orphan, and I was raised in a loving family. Early in life, they went out and bought me a fiddle. Music has always been a big, important part of my life. Out of nowhere, this man gives this beautiful speech, and then he quotes poetry during the course of the speech.

As one can tell, all of us who served with him are great fans of ROBERT C. BYRD and what he meant to this Senate and what he meant to this Nation. West Virginia has lost a great servant who was so proud of his home State. Time and again that was always the bottom line for him: Is this going to be good for the future of my little State of West Virginia? He fought for them and put them on the map in some regards and some projects. He was respected by his colleagues because of the commitment to the people who honored him by allowing him to serve in the Senate.

There may be a debate as to whether there is a heaven. If there is a heaven and they have a table for the greats in the Senate, I would ask Daniel Webster to pull up a chair for ROBERT C. BYRD of West Virginia.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### NOMINATION OF GARY SCOTT FEINERMAN

Mr. BURRIS. Madam President, very shortly, we are going to be voting on a judicial nomination. I come before this body to bring my thoughts on that action.

As a lawyer, as a former attorney general for the State of Illinois, I consider it a great privilege to evaluate and confirm nominees to the bench. The constitutional power of advise and consent is one this Senate must exercise with discretion. It determines the makeup of our judicial branch and helps preserve the principle of equal justice under law.

That is why I have come to the floor today in support of Gary Scott Feinerman, President Obama's nominee to become a judge for the Northern District Court of Illinois.

Gary is an Illinois native and a graduate of both Yale and Stanford Universities. Over the past two decades, he has worked extensively in private practice—most recently for Sidley Austin, the respected Chicago law firm. He has served in the public sector, as well as a clerk to the U.S. Supreme Court and counsel at the Department of Justice.

From 2003 to 2007, he was Solicitor General of the State of Illinois. That is the person who argues the cases on behalf of the attorney general before the highest court, whether in Illinois or in the Nation. He held that position with distinction, proving his commitment to the highest ideals of fairness and justice.

Time and again over the years, Gary Feinerman has demonstrated his competence in the legal profession. His training is without equal. His experience is second to none. That is why I am proud to support his nomination to the Northern District Court of the State of Illinois.

We must demand the very best of our public officials, especially those who are entrusted with lifetime appointments on the Federal bench.

These fine men and women are charged with interpreting a body of law that is constantly evolving. They must navigate a treacherous landscape, full of gray areas, to arrive at sound legal truth. The answers are seldom easy, but I have confidence in Gary Feinerman's ability to rise to this challenge. At every stage, he has proven his considerable intellect and his passion for the law. I am proud to join the President in calling for his swift confirmation. I ask my colleagues to join me in pledging to afford the nominee with a fair and timely vote to confirm him to the bench.

This body has a crowded legislative calendar in the months ahead, but cases have piled up in the Northern District of Illinois, and every single day more judicial nominees await as vacancies remain unfilled. Even as we consider Mr. Feinerman's confirmation today, another Illinois nominee, Judge Sharon Johnson-Coleman, awaits a similar up-or-down vote. We need to rise to our constitutional duty and vote on these nominees. We must waste no more time in allowing this fine public servant to get to work.

Let's put our judges to work. Let's confirm Mr. Feinerman now.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, first, I wish to thank the Senator from Montana for allowing me to make some brief remarks, and then I will turn to him.

I join my colleague, Senator BURRIS, in asking my colleagues on both sides of the aisle to vote in just a few moments on the nomination of Gary Feinerman to be U.S. district court judge for the Northern District of Illinois.

Gary Feinerman is one of the brightest lights in the Chicago legal community. He is a partner at one of Chicago's oldest and largest law firms, Sidley Austin, where he specializes in litigation and appellate work. Before that, he served as Illinois' solicitor general and represented our State in many very valuable and important appeals. He won five "Best Brief" awards from the National Association of Attorneys General, and he has argued cases before the U.S. Supreme Court and the U.S. Court of Appeals for the Seventh Circuit, as well as the Illinois Supreme Court. Earlier in his career, Mr. Feinerman worked at the Chicago law firm of Mayer Brown and in the Justice Department's Office of Policy Development. He served as law clerk for Supreme Court Justice Anthony Kennedy and for Seventh Circuit Judge Joel Flaum. He is a leader in the Chicago legal community. He is the president of the Appellate Lawyers Association of our State and serves on Chicago's Constitutional Rights Foundation and the Midwest chapter of the Anti-Defamation League. He has also had a very active pro bono practice, which speaks well of his commitment as a professional.

Mr. Feinerman's academic record is also impressive. He graduated from Yale and Stanford Law School, where he finished second in his class. Not surprisingly, he received the highest possible rating of "well-qualified" from the American Bar Association for this commitment.

We currently have six—six—vacancies in the Northern District of Illinois. We need to fill them quickly so that we don't slow down the process of justice. I hope the Senate will confirm Gary Feinerman today and move very quickly to Justice Sharon Coleman, who is also on the calendar. Mr. Feinerman will be an excellent judge, and Judge Coleman will join him, with the blessing of the Senate, to start to fill these important vacancies.

Madam President, I yield the floor and again thank my colleague from Montana.

Mr. TESTER. Madam President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

REMEMBERING SENATOR  
ROBERT C. BYRD

Mr. TESTER. Madam President, I have a short speech to give today about a giant of a man. I rise today out of deep respect for our colleague, Senator ROBERT C. BYRD. Sharla and I extend our condolences to the BYRD family and to all the people of West Virginia. We join you in mourning but also in a celebration of his life and his successes as a public servant.

Senator BYRD liked to call me "the Mountain Man," and when somebody from the Mountain State calls you that, it is an incredible compliment.

Senator BYRD and I had a few things in common: We were both from very small towns, we both married our high school sweethearts, and we both made a living at one time as meat cutters. He must have had an eye for the butchering business because he liked to guess my weight. And wouldn't you know, he always came within 3 pounds. You could say Senator BYRD convinced me to spend a little more time in the gym.

Senator BYRD was elected to Congress 4 years before I was even born, and he always shared his wisdom with those of us who admired it. I am honored to call Senator BYRD a respected teacher and a trusted friend.

I was Presiding Officer on the day the farm bill came before the Senate. Instead of signing the farm bill himself, Senator BYRD let me sign the bill. Although it went unspoken, I know it was because he saw me as the farmer in the Senate. It was truly an honor for me to be able to do that.

Another thing Senator BYRD and I had in common was our upbringing in rural America. He was always proud to fight for folks making a living off the land and in the mountains and in the woods. He was a powerful advocate, and he represented West Virginia with tireless passion. He valued hard work and common sense. Those values are a matter of survival in America. They are values you take with you as you go to Congress, and Senator BYRD showed us that.

Madam President, we will miss Senator BYRD very much. His work over the decades on the Hill has made the entire country a better place for us and for our kids and grandkids.

Before I came to Capitol Hill 3½ years ago, many folks came up to me and said: You are going to have an experience of a lifetime. You will meet some incredible people.

And I will tell you that one of the most incredible men I have met since I have been here was Senator BYRD.

We miss you.

I yield the floor.

CONCLUSION OF MORNING  
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF GARY SCOTT  
FEINERMAN TO BE UNITED  
STATES DISTRICT JUDGE FOR  
THE NORTHERN DISTRICT OF IL-  
LINOIS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Gary Scott Feinerman, of Illinois, to be United States District Judge for the Northern District.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be for debate on the nomination, with the time equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS.

Mr. TESTER. Madam President, I ask unanimous consent that the time during the quorum call be equally divided.

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

Mr. TESTER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. BOXER. Madam President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Mrs. BOXER are printed in today's RECORD under "Morning Business.")

Mr. LEAHY. Madam President, today the Senate is proceeding on only one of the 23 judicial nominees stalled by Republican obstruction from action by the Senate. The nominee the Senate will confirm tonight has been stalled for more than 10 weeks, even though his nomination was reported without a single objection from the Judiciary Committee on April 15. There are eight other judicial nominees who have been stalled for at least as long, or longer, and nominees who were favorably reported last year, last November, still being obstructed.

This confirmation was needlessly delayed for no good purpose. The services of this judge are sorely needed in the Northern District of Illinois. I congratulate Mr. Feinerman and his family on his confirmation today.

The Senate Republican leadership refuses to enter into time agreements on pending judicial nominations. That stalling and obstruction is unprecedented. They refuse to enter into a time agreement to consider the North Carolina nominees to the Fourth Circuit, who were reported in January, de-

spite the fact that one was reported unanimously and one with only a single negative vote. They refuse to enter into a time agreement to debate and vote on the Sixth Circuit nominee from Tennessee who was reported last November. I have told Senator ALEXANDER that all Democrats are prepared to vote on that nomination, and have agreed to do so since November. It is his own leadership that continues to obstruct the nominee.

The Senate is well behind the pace I set for President Bush's judicial nominees in 2001 and 2002. A useful comparison is that in 2002, the second year of the Bush administration, the Democratic Senate majority's hard work led to the confirmation of 72 Federal circuit and district judges nominated by a President from the other party. In this second year of the Obama administration, we have confirmed just 22 so far—72 to 22.

In the first 2 years of the Bush administration, we confirmed 100 Federal circuit and district court judges. So far in the first 2 years of the Obama administration, the Republican leadership has successfully obstructed all but 34 of his Federal circuit and district court nominees—100 to 34. We confirmed twice that many in just 2002. Meanwhile Federal judicial vacancies around the country hover around 100.

By this date in President Bush's Presidency, the Senate had confirmed 57 of his judicial nominees. Despite the fact that President Obama began sending us judicial nominations two months earlier than did President Bush, the Senate has to date only confirmed 34 of his Federal circuit and district court nominees—57 to 34.

Last year, Senate Republicans refused to move forward on judicial nominees. The Senate confirmed the fewest judges in 50 years. The Senate Republican leadership allowed only 12 Federal circuit and district court nominees to be considered and confirmed despite the availability of many more for final action. They have continued their obstruction throughout this year. By every measure, the Republican obstruction is a disaster for the Federal courts and for the American people.

To put this into historical perspective, consider this: In 1982, the second year of the Reagan administration, the Senate confirmed 47 judges. In 1990, the second year of the George H.W. Bush administration, the Senate confirmed 55 judges. In 1994, the second year of the Clinton administration, the Senate confirmed 99 judges. In 2002, the second year of the George W. Bush administration, the Senate confirmed 72 judges. The only year comparable to this year's record-setting low total of 16 was 1996, when the Republican Senate majority refused to consider President Clinton's judicial nominees and only 17 were confirmed all session.

Senate Democrats moved forward with judicial nominees whether the President was Democratic, 1994, or Republican, 1982, 1990, 2002, and whether

they were in the Senate majority, 1990, 1994, 2002, or in the Senate minority, 1982. Senate Republicans, by contrast, have shown an unwillingness to consider judicial nominees of Democratic Presidents, 1996, 2009, 2010.

Over the last recess, I sent a letter to Senator MCCONNELL and to the majority leader concerning these matters. In that letter, I urged, as I have since last December, the Senate to schedule votes on these nominations without further obstruction or delay. I called on the Republican leadership to work with the majority leader to schedule immediate votes on consensus nominations—many, like that finally being considered today, I expect will be confirmed unanimously—and consent to time agreements on those on which debate is requested. As I said in the letter, if there are judicial nominations that Republicans truly wish to filibuster—after arguing during the Bush administration that such action would be unconstitutional and wrong—then they should so indicate to allow the majority leader to seek cloture to end the filibuster. It is outrageous that the majority leader will be forced to file cloture petitions to get votes on the North Carolina, Tennessee and other nominees.

After this confirmation, there will still be 22 judicial nominees favorably reported by the Judiciary Committee being stalled from Senate consideration by the Republican leadership.

The PRESIDING OFFICER (Mr. KAUFMAN). Under the previous order, the question is, Will the Senate advise and consent to the nomination of Gary Scott Feinerman, of Illinois, to be U.S. District Judge for the Northern District of Illinois?

Mr. LEAHY. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mrs. GILLIBRAND), the Senator from South Dakota (Mr. JOHNSON), the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. SANDERS), the Senator from Michigan (Ms. STABENOW), and the Senator from Oregon (Mr. WYDEN), are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from New Hampshire (Mr.

GREGG), the Senator from Florida (Mr. LEMIEUX), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alabama (Mr. SHELBY), the Senator from Louisiana (Mr. VITTER), and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 0, as follows:

[Rollcall Vote No. 201 Ex.]

#### YEAS—80

Akaka	Durbin	Lugar
Alexander	Ensign	McCain
Barrasso	Enzi	McCaskill
Baucus	Feingold	McConnell
Bayh	Feinstein	Menendez
Begich	Franken	Nelson (NE)
Bennet	Graham	Nelson (FL)
Bingaman	Grassley	Pryor
Boxer	Hagan	Reed
Brown (MA)	Harkin	Reid
Brown (OH)	Hatch	Risch
Bunning	Hutchison	Roberts
Burr	Inhofe	Rockefeller
Cardin	Inouye	Schumer
Carper	Isakson	Sessions
Casey	Johanns	Shaheen
Chambliss	Kaufman	Snowe
Coburn	Kerry	Specter
Cochran	Klobuchar	Tester
Collins	Kohl	Thune
Conrad	Kyl	Udall (CO)
Corker	Landrieu	Udall (NM)
Cornyn	Lautenberg	Warner
Crapo	Leahy	Webb
DeMint	Levin	Whitehouse
Dodd	Lieberman	Wicker
Dorgan	Lincoln	

#### NOT VOTING—19

Bennett	Johnson	Shelby
Bond	LeMieux	Stabenow
Brownback	Merkley	Vitter
Burr	Mikulski	Voinovich
Cantwell	Murkowski	Wyden
Gillibrand	Murray	
Gregg	Sanders	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Hawaii.

Mr. AKAKA. Madam President, I ask unanimous consent to speak as in morning business.

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

#### REMEMBERING SENATOR ROBERT C. BYRD

Mr. AKAKA. Madam President, I rise to pay tribute to Senator ROBERT C. BYRD, my mentor, supporter, and good friend.

Senator BYRD was the dean of the Senate, our foremost constitutional scholar. No one in the history of our country served longer in Congress.

For more than a half century, ROBERT C. BYRD kept the Senate in line. He always kept a copy of the Constitution in his jacket pocket, close to his heart. He was meticulous, a master of the rules of this historic institution.

Through hard work and dedication, Senator BYRD became an institution himself.

When I joined the Senate 20 years ago, to my great fortune, Senator BYRD took me under his wing. He guided me through procedural rules and taught me how to preside over the floor. I still have the notes he gave me when I was a freshman Senator. He was adamant that the Presiding Officer should always be respectful of the speakers, while maintaining strict adherence to the rules of the Senate.

Senator ROBERT C. BYRD was a patriot who cared for and loved this country, the United States of America. He worked hard for the people of West Virginia, who showed their support for him election after election.

Senator ROBERT C. BYRD was a spiritual man. Each week a number of Senators got together for a morning prayer breakfast. Senator BYRD was a regular participant when he was well. His favorite hymn was "Old Rugged Cross." I enjoyed singing it with him many times.

We shared a love for music and the arts. His fiddle playing was legendary.

He loved his family. He loved his children and grandchildren. He loved his dogs. Closest always was his wife Erma who was always by his side until her death in 2006. They spent many wonderful years together, and now they are together again.

My thoughts and prayers are with the Byrd family.

Senator BYRD, we love you and we miss you.

Thank you very much, Madam President.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I ask unanimous consent to speak as in morning business.

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

#### USE OF IEDS IN AFGHANISTAN

Mr. CASEY. Madam President, I rise tonight to speak about the war in Afghanistan, but on a particular subject. In particular, I wish to speak about the terribly destructive force of improvised explosive devices. These improvised explosive devices, known by the acronym IEDs, represent the single greatest threat to the United States and coalition forces in Afghanistan. The impact of this deadly tool of war has been felt in my home State of Pennsylvania, and I know so many of our colleagues have had not only loved ones in some cases but constituents who have lost their lives because of IEDs. In Pennsylvania, we have lost marines, soldiers, and National Guard troops to this insidious threat.

In the first 4 months of 2010, incidents of IEDs in Afghanistan increased 94 percent over a comparable period in the previous year according to the United Nations.

In 2009, more than 6,000 IEDs were discovered, the vast majority of which

used ammonium nitrate as their main explosive ingredient. This is the No. 1 killer of United States and coalition forces. In 2009 alone, 275 American troops were killed by IEDs. In addition to the lethality of IEDs, they have a tremendously demoralizing effect on our troops. Just the threat of IEDs forces troops to move at a slower pace and take away their focus from the mission at hand.

Ammonium nitrate bombs, often crude wood and graphite pressure-plate devices buried in dirt lanes or heaps of trash, are very difficult to detect.

Americans remember, unfortunately, the deadly power of ammonium nitrate from its use by Timothy McVeigh in the 1995 Oklahoma City bombing which killed 168 Americans. It can be used, as we know, as a fertilizer as well as an explosive in the mining and construction industry. Its use in the United States is tightly restricted. President Karzai of Afghanistan has rightly recognized the threat and has banned its use as a fertilizer. Afghan troops and police, supported by ISAF forces, have begun a concerted effort to crack down on its proliferation, distribution, and sale. On Wednesday, ISAF reported that 11 tons of ammonium nitrate were seized by Afghan forces supported by NATO troops. These 11 tons would have been enough to build more than 500 IEDs—IEDs that could have been used to kill NATO forces, Afghan troops, and civilians.

The Afghan Government appears committed to this fight and has enacted the appropriate legal measures and enforcement efforts. But ammonium nitrate is still ubiquitous in Afghanistan due to smuggling along supply routes from its neighbors, particularly along Pakistan's tribal belt where smuggling is a way of life. The Los Angeles Times newspaper reported last month that as much as 85 tons of ammonium nitrate is smuggled into Afghanistan from Pakistan in a single night, a shipment that could yield more than 2,500 bombs. Even as we heard recently that 11 tons were intercepted, this published report says that 85 tons can be smuggled in a single night.

Along with seven of my colleagues—Senators LEVIN, REED, SNOWE, WEBB, KYL, MCCASKILL, and KAUFMAN—I have submitted a resolution calling for continued support for and increased efforts and focus by the Governments of Pakistan, Afghanistan, and the central Asian countries in that region to effectively monitor and regulate the manufacture, sale, transport, and use of ammonium nitrate fertilizer in order to prevent criminal groups, insurgents, and terrorist organizations from transporting ammonium nitrate into Afghanistan where it is used in these improvised explosive devices.

I am committed to highlighting this threat and supporting United States and international efforts to crack down on the proliferation of precursor chemicals such as ammonium nitrate.

The Joint Improvised Explosive Device Defeat Organization—JIEDDO—which includes coalition partners from the United Kingdom, Canada, and Australia, has led an impressive effort to combat IEDs at every step in the process. The U.S. Immigration and Customs Enforcement Agency will soon commence Project Global Shield, which is an unprecedented multilateral law enforcement operation aimed at countering the illicit diversion and trafficking of precursor chemicals, such as ammonium nitrate.

Pakistan has made efforts to contend with ammonium nitrate in large part because the threat has begun to impact the security of its country as well. Recent coordination between Pakistani civilian and military entities on the IED issue has been positive. The Government of Pakistan has formed an interagency national coalition IED forum. We are also beginning to see efforts at the local level, such as small-scale bans and regulations in the community of Malakand. I hope Pakistan expeditiously approves its draft legislation to better control explosive materials in the country and make a concerted effort at enforcement.

We must exercise extraordinary vigilance in stemming the unregulated flow of ammonium nitrate in this region because of its importance to U.S. national security interests, as well as, of course, to the lives of our troops.

The United States, together with our allies, must do everything we can to make it more difficult for our enemies to make IEDs. I am committed to this task for the long term. I also understand terrorists will resort to different strategies and different ingredients after we are better able to restrict the flow of ammonium nitrate. Implementing more robust and interdiction measures is important, but we also must do more to disrupt and dismantle terrorist and criminal organizations in making IEDs. This will involve multilateral engagement, regulatory measures, training, and technological efforts, building border control capacity, and other means as well.

There are a host of other ingredients terrorists can and probably will utilize in IEDs. But ammonium nitrate is what they are using today to kill scores of U.S. troops. We must do all that is in our power to ensure the job of making these bombs is made more difficult. When they shift tactics and use other ingredients, we will go after those too. Restricting the flow of ammonium nitrate is, in fact, a very difficult challenge. But we must do all we can to protect our troops on the ground across the world, but especially our troops in Afghanistan. There is no more important task at hand.

#### REMEMBERING SENATOR ROBERT C. BYRD

Mr. CASEY. Mr. President, I wish to offer a few words in remembrance of Senator BYRD. I will offer a longer

statement for the RECORD, but I wish to give a few thoughts now.

We do mourn his passing. We see at his desk today a reminder of his passing. To say that ROBERT BYRD was a towering figure in the history of the Senate does not begin to describe his impact, his influence and, indeed, the memory he leaves behind, the legacy he leaves behind for those of us in the Senate, for his home State of West Virginia, and I know for millions of Americans.

He was a strong advocate for not just his point of view but, more importantly, for the people of West Virginia. He arrived in the Senate in 1958—before I was born. I was pleased to have the opportunity and honor, the chance to serve with him a couple of years.

He was a strong advocate. He was also a remarkable orator. Even in the last couple years of his life when some thought he might have been slowing down a little, when he got the microphone, he could deliver a speech like no other. He was a tremendous orator who believed in what he was saying, believed in the traditions of the Senate but mostly, and most importantly, believed in fighting for the working men and women and the families of West Virginia.

We also knew him as a scholar—a scholar of not just this institution, maybe the leading scholar of all time when it comes to the institution of the Senate, but also as well as a constitutional scholar.

His was a life of commitment, of real fidelity, first and foremost I believe to his family. He spoke often of his wife Erma. In the portrait that is just outside the door, there are three items in his area of control in the picture. He has his hand on the Bible, the Scriptures, he has a copy of the Constitution, and a picture of his beloved wife Erma, about whom he spoke so often.

He was committed and had a life of commitment to his family and his faith. But he was also committed to the people of West Virginia for so many years, so many battles on their behalf and especially the families of West Virginia.

Of course, he also led a life of commitment and fidelity to the Constitution and knew it better than anyone I have ever met and certainly better than some of our more renowned constitutional scholars.

Of course, we know of his commitment to this institution, to the Senate. He loved this institution and wrote volume after volume about the Senate. We know that the multivolume work he did, the one volume in and of itself—hundreds of pages on the history of the Senate—is a compilation of speeches he gave on the floor of the Senate, some of them written out, but some of them he could give by memory.

We know of his capacity to extemporaneously talk about so many topics, whether it was history or poetry or Scripture or the history of the Senate.

We will miss his scholarship, we will miss his service, and we will miss his

fidelity to his country and to his home State. I, along with others here, am honored to have served with him in this body. For me it was 3½ years. To be in his presence, to listen to him, to learn from him is a great gift. We mourn his passing. I do not think any of us will believe there will ever be a Senator quite like him in the 50 years he served in this body, in addition to serving the people of West Virginia in the House of Representatives, as well as in the legislature in West Virginia.

We say farewell and God bless and Godspeed to ROBERT BYRD and his memory. We are praying for and thinking this day and I know many future days about his legacy and his family.

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

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

#### MORNING BUSINESS

Mr. CASEY. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### TRIBUTE TO JOE FRANK NEIKIRK

Mr. MCCONNELL. Madam President, I rise to pay tribute to Joe Frank Neikirk and the business success he has helped build. Mr. Neikirk is the president and general manager of Paul's Discount in Somerset, KY. Paul's Discount has become a local institution in the region, and this month celebrated its 50th anniversary of operations.

The land that Paul's Discount now sits upon was purchased by Joe's ancestor, Franklin Neikirk, and his spouse for 500 cords of wood in 1856. Joe's parents, Paul E. and Frances R. Neikirk, opened the first discount store in south-central Kentucky on that land 104 years later in the early spring of 1960.

Founder Paul Neikirk passed away in 1974. Today Joe runs the store with his wife Jamie. The original store occupied only about 1,800 square feet and had three employees. Today, Paul's Discount boasts more than 20,000 square feet of selling space, plus three warehouses.

They offer sporting goods, hardware, automotive goods, clothing and crafts.

Joe's glad he's still in the same original location, saying, "You can't duplicate the atmosphere of this building." Judging by the crowd that turned out for the 50th anniversary, he must certainly be right.

The Commonwealth Journal recently published an excellent article about Paul's Discount, the Neikirk family's legacy and the 50th anniversary celebration that I would like to share with my colleagues. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Somerset Commonwealth Journal, June 13, 2010]

50 YEARS OF SERVICE—"UNIQUE" PAUL'S DISCOUNT—A PULASKI GEM

(By Tricia Neal, CJ Staff Writer)

Paul's Discount has always had a steady stream of customers, but yesterday, the customers came in droves—packing the parking lot and spilling out onto Ky. 2227 to help president and general manager Joe Frank Neikirk and his employees celebrate 50 years in business. Paul's Discount, opened in 1960 by Joe's parents, Paul and Frances Neikirk, is described by Joe as a "unique" store—offering sporting goods, hardware, automotive goods, clothing, and crafts.

What started as an Army surplus store with three employees has evolved into a sprawling, multi-department retail store with 30 employees, all of whom Joe says help make Paul's what it is. "God has blessed us with good employees at every level, from department managers to cashiers," he said.

Some of Paul's Discount's employees have worked in the store for nearly 30 years. Joe himself worked in his parents' store while he was in high school and college—and even earlier, he recalled, passing out baby chickens to customers at Easter.

"Customer service is the big thing about Paul's," Joe said. "You actually get somebody to ask you if you need help." That kind of friendly service is what brings customers from Pulaski and surrounding counties—and even, Joe says, from northern Kentucky, southern Ohio, and from other points east and west.

Paul Neikirk opened Paul's Surplus on his ancestors' land north of Somerset in 1960. In the beginning, the shop—the first discount store in south central Kentucky—occupied only about 1,800 square feet of space. Paul passed away in late 1974. At that time, his brother, Lyle Neikirk, took over management of the business. Lyle retired about 14 years later, leaving the shop in the hands of Paul's sons, Joe and Randy Neikirk.

Joe continues to manage the store, which now offers more than 20,000 square feet of selling space plus three warehouses, but he says his job has been made easy by those who surround him. "Today, my wife, Jamie, and I run the store. She does human resources, the employees do most everything else, and I handle whatever is left," he said.

"Our employees are almost self-sufficient." While the merchandise available at Paul's is constantly changing, Joe hopes the store's quality customer service and its atmosphere will keep customers loyal.

"We could never open another Paul's," Joe said. "You can't duplicate the atmosphere of

this building." Joe adds that his employees help create the atmosphere there.

While many things have remained the same at Paul's throughout the years, the current management is making sure the business keeps current. Paul Neikirk never would have imagined that his little shop would eventually be accessible to millions on the Internet. Now, the business can be found at [www.paulsdiscount.com](http://www.paulsdiscount.com) and on Facebook. "That's part of it nowadays," Joe said. But he still believes customers appreciate a good, old fashioned brick and mortar shopping experience.

"People still like to come to a store and look at what they're buying," he said. Paul's Discount is located on Ky. 2227, just north of SomerSplash water park. Ky. 2227 is part of the former North U.S. 27, and was once the most highly traveled road in the county. The store is now a little more out-of-the-way than it once was, but Joe says the change in traffic patterns hasn't hurt his business.

"Many local people were lost for a while," Joe recalled. "We were really dead for a couple of weeks. But people find their way. . . . It was an incredible risk (to stay in the same location). I thought it would affect us a lot more than it has." Store hours are 8 a.m. to 8 p.m., Mondays through Saturdays.

#### NOMINATION OF ELENA KAGAN

Mr. LEAHY. Madam President, this morning, the Supreme Court concluded its work for the term and, accordingly, it was Justice John Paul Stevens' last day on the Court. This afternoon, the Senate Judiciary Committee began the hearing on the nomination of Elena Kagan to succeed Justice Stevens on the Supreme Court of the United States.

Solicitor General Kagan appropriately included a tribute to Justice Stevens in her opening remarks. The Nation is indebted to Justice Stevens for his decades of service to this country, from his days as a Navy intelligence officer during World War II for which he was awarded a Bronze Star, to his contributions as a circuit judge, to his 35 years on our highest Court and his leadership there.

When I visited with Justice Stevens earlier this year he shared with me the note President Ford had written a year before his death in which the President said: "I am prepared to allow history's judgment of my term in office to rest (if necessary, exclusively) on my nomination 30 years ago of John Paul Stevens to the U.S. Supreme Court." President Ford was justifiably proud of his nomination. Despite those on the far right who have ranted against Justice Stevens' refusal to be bound by narrow, conservative ideology and who have criticized his good judgment—just as they have Justice Sandra Day O'Connor and Justice David Souter—his was principled jurisprudence founded on adherence to the rule of law and

an appreciation for the effects of decisions.

His was the first Supreme Court nomination on which I have been privileged to vote. I have never regretted supporting his confirmation. Just as I reached across the political aisle to vote for Justice Stevens, Justice O'Connor, and Justice Souter, who were nominated by Republican Presidents, I have urged Senate Republicans to fairly consider President Obama's nominations.

Justice Stevens has written important decisions upholding the power of Congress to pass legislation to protect hard-working Americans. He brought to his opinions a keen understanding of the distinct roles set forth in our Constitution for courts and for our democratically elected Congress, and a respect for both. In *Gonzales v. Raich* and in *Tennessee v. Lane*, Justice Stevens authored the Supreme Court's opinions upholding Congress' actions. I suspect these precedents will be even more important as the Supreme Court continues to examine laws passed by Congress to protect Americans from discriminatory health insurance policies and fraudulent Wall Street practices.

A decade ago, the Supreme Court overreached and unnecessarily waded into the political thicket to award the presidency in a close election to George W. Bush. In his dissent, Justice Stevens lamented that the decision would damage the Court's reputation and it did. He noted: "Although we may never know with complete certainty the identity of the winner of this year's Presidential election, the identity of the loser is perfectly clear. It is the Nation's confidence in the judge as an impartial guardian of the rule of law."

While the public's memory of that partisan decision was receding, it came rushing back when the Supreme Court issued another election-related decision in the *Citizens United* case. In *Citizens United*, five conservative, activist Justices overturned a century of law to empower corporations to overwhelm and distort the democratic process by using corporate funds to influence elections. Those five Justices substituted their own preferences for the judgment of Congress that had built on decades of legal development to pass bipartisan campaign finance reform legislation. In order to reach its divisive decision granting corporations, banks, and insurance companies new rights to the detriment of the voices of individual Americans, the Court overstepped the proper judicial role, and rejected not just the conclusions of the elected branches, but also its own recent precedent upholding the very law it chose to overturn. In one of his most powerful dissents, Justice Stevens noted that: "[The] Court's ruling threatens to undermine the integrity of elected institutions across the nation. The path it has taken to reach its outcome will, I fear, do damage to this institution." He was right, again.

I share Justice Stevens' concern for the Court's reputation. Two of the three branches of government are involved in campaigns and elections. When the American people see the third branch reaching out to influence those elections—as they did most recently in Arizona—they rightly get suspicious of its impartiality. I hope that Elena Kagan will show the judgment and forthrightness of Justice Stevens and share our concern about the public's confidence in our judicial system. Based on her Oxford thesis almost 20 years ago, before she had even attended law school, I expect that she will. I hope that she will honor Justice Stevens' extraordinary legacy and that of the Justice for whom she clerked, Justice Thurgood Marshall, by so doing.

The country needs and deserves a Supreme Court that bases its decisions on the law and the Constitution, not politics or an ideological agenda. A recent pattern of Supreme Court decisions has emerged by a conservative, activist majority. These opinions have twisted both the Constitution and the law to favor big corporations over the interests of hard-working Americans.

The most recent example of this conservative activism came just last week in a case called *Rent-a-Center v. Jackson* when they distorted their own precedent the clear congressional intent in passing the Federal Arbitration Act, FAA. Congress did not intend the FAA to apply to employment cases and certainly did not intend involuntary and unconscionable provisions requiring binding mandatory arbitration to override civil rights protections against racial discrimination and retaliation, as was allowed in that case. The five Justices distorted the law to forbid almost all court challenges to arbitration. In doing so, the court stripped quintessential civil rights protections that Congress has passed over the last several decades for hundreds of thousands of Americans who work under mandatory arbitration agreements. It is artifice and activism to the detriment of hard-working Americans who deserve their day in court.

The law is not a game. The law is intended to serve the people—protecting the freedom of individuals from the tyranny of government or the mob, and helping to organize our society for the good of all. No Justice should substitute his or her personal preferences and overrule congressional efforts passed into law to protect hard-working Americans pursuant to our constitutional role. Judges must approach every case with an open mind and a commitment to fairness and the rule of law. I was encouraged to hear Solicitor General Kagan voice similar views in her eloquent opening statement today. I hope Americans took the opportunity to see and hear from the nominee herself. If they did, I suspect that they will be supportive.

Tomorrow each Senator on the Judiciary Committee, whether Republican

and Democrat, will have 30 minutes to question her. I urge Senators to listen to Solicitor General Kagan's responses and to approach the hearing with the same openmindedness and impartiality that we expect from Supreme Court Justices.

## HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS BARRY DANIEL SMITH

Mrs. SHAHEEN. Madam President, today I rise to express my deepest sympathies to the family of Army PFC Barry Daniel Smith, who died on May 7 while stationed at Fort Hood, TX. He enlisted in the Army in October of 2009 and completed basic training and Multiple Launch Rocket System training before joining the 2nd Battalion, 20th Field Artillery, MLRS, 41st Fires Brigade. The American people will forever be grateful to Private First Class Smith for his willingness to serve.

A longtime New Hampshire resident, Barry was a graduate of Littleton High School and Hesser College in Manchester, where he earned a degree in criminal justice. He was a lover of the great outdoors, of hunting and camping with family and friends. With his friendly nature and wonderful laugh, Barry made friends easily and had many.

Private Smith exemplified the best in America's long tradition of service to this country. He was extremely proud to serve in the U.S. Army. Our Nation can never adequately thank Private Smith for his willingness to make the ultimate sacrifice in the defense of the American people, nor can words diminish the pain of losing this young soldier. It is now up to us to honor his memory by supporting our veterans and their families and ensuring America's continued security.

Private Barry Smith is survived by his parents Dan and Shelly Smith of Auburn, ME, and Linda and Jonathan Larrivee of Littleton, NH. He is also survived by numerous siblings, grandparents, aunts, uncles and cousins. This young patriot will be dearly missed by all.

I ask my colleagues and all Americans to join me in honoring the life of Army PFC Barry Daniel Smith.

## TAX EXTENDERS BILL

Mr. GRASSLEY. Madam President, I was surprised to see the Senate majority leader on Friday morning, in some of the harshest possible language, make the misleading assertion that Senate Republicans oppose the underlying policy in the tax extenders bill. His statement conveniently ignored the basic reason nearly every Republican for opposing the Democratic leadership's substitute. It was opposed to because it perpetuated the large deficit spending that has become the modus operandi of the Democratic leadership.

The way to a bipartisan agreement is to follow the path set 1 week ago



today. Just 1 week ago, the Senate passed a bill that extended the so-called Medicare doc fix for several months.

The bill was fully offset. It was paid for. It did not add to the deficit. Every Republican Senator supported that fiscally responsible approach. I would like to make a couple of points on the process employed by the Democratic leadership. The majority leader's comments this morning are typical of the dysfunctional way that these routine extenders have been unnecessarily delayed by the strategy and tactics of the Democratic leadership.

What I find surprising is that we took up a package, the fourth in the latest series, that, like previous exercises, absolutely belongs to the Senate Democratic leadership. That is to say they continued to refuse to take up a bipartisan package that I put together with Finance Committee Chairman BAUCUS. To be sure, some of the structure reflected the agreement my friend, the chairman and I reached.

I was under the impression that the Senate Democratic leadership was genuine in its desire to work on a bipartisan basis, but clearly I was mistaken. Although the Senate Democratic leadership was highly involved in the development of a bipartisan bill, they arbitrarily decided to replace it with a bill that skews toward their liberal wing.

My second comment goes to the way in which these expiring tax provisions have been described by many on the other side, including those in the Democratic leadership. If you rolled the videotape back a few months or so ago, you would hear a lot of disparaging comments about these routine, bipartisan extenders. From my perspective, those comments were made in an effort to sully the bipartisan agreement reached by Chairman BAUCUS and me.

If you take a look at newspaper accounts of that period, you'd come away with the impression that the tax extenders are partisan pork for Republicans. A representative sample comes from one report, which describes the bipartisan bill as "an extension of soon-to-expire tax breaks that are highly beneficial to major corporations, known as tax extenders, as well as other corporate giveaways that had been designed to win GOP support." The Washington Post included this attribution to the Senate Democratic leadership in an article at that time: "We're pretty close," [the majority leader] said Friday during a television appearance in Nevada, adding that he thought "fat cats" would have benefited too much from the larger Baucus-Grassley bill."

The portrait that was painted by certain members of the majority in some press reports was inaccurate.

For one thing the tax extenders include provisions such as the deduction for qualified tuition and related expenses and also the deduction for certain expenses of elementary and sec-

ondary school teachers. If you are going to school or if you are a grade school teacher, the Senate Democratic leadership apparently viewed you as a fat cat. If your house was destroyed in a recent natural disaster and you still need any of the temporary disaster relief provisions contained in the extenders package, too bad, because helping you would amount to a corporate giveaway in the eyes of some.

The tax extenders have been routinely passed repeatedly because they are bipartisan and very popular. Democrats have consistently voted in favor of extending these tax provisions. House Speaker NANCY PELOSI released a very strong statement upon House passage of tax extenders in December of 2009, saying this was "good for businesses, good for homeowners, and good for our communities." December of 2009 was not very long ago. In 2006, the then-Democratic leader released a blistering statement "after Bush Republicans in the Senate blocked passage of critical tax extenders" because "American families and businesses are paying the price because this Do Nothing Republican Congress refuses to extend important tax breaks."

Recent bipartisan votes in the Senate on extending expiring tax provisions have come in the Emergency Economic Stabilization Act of 2008, the Tax Relief and Health Care Act of 2006, which passed the Senate by unanimous consent and the Working Families Tax Relief Act of 2004, which originally passed the Senate by voice vote, although the conference report only received 92 votes in favor and a whopping 3 against. According to the non-partisan Congressional Research Service, extension of several of these provisions go back even further, including the Tax Relief Extension Act of 1999, which again passed the Senate by unanimous consent, but lost 1 vote on the conference report.

One Member on the other side said "Our side isn't sure that the Republicans are real interested in developing good policy and to move forward together. Instead, they are more inclined to play rope-a-dope again. My own view is, let's test them." Another Member of this large 59-vote majority exclaimed, "It looks more like a tax bill than a jobs bill to me. What the Democratic Caucus is going to put on the floor is something that's more focused on job creation than on tax breaks."

Reading those comments I found myself scratching my head. The only explanation for this behavior is that certain senators decided last week that it serves a deeply partisan goal to slander what have been for several years bipartisan and popular tax provisions benefiting many different people. The Washington Post article I quoted from earlier includes a statement from a Senate Democratic leadership aide saying that "No decisions have been made, but anyone expecting us immediately to go back to a bill that includes tax extenders will be sorely disappointed."

You can imagine, that today, after considering these comments, I am really scratching my head. We have before us the expiring tax and health provisions that were disparaged just a short time ago. Have they morphed from corporate tax pork? Have they suddenly re-acquired their bipartisan character? Are these time-sensitive items, now expired for more than 2 months, suddenly jobs-related?

Madam President, I also want to correct the record regarding a statement made last Thursday night by the senior Senator from Illinois. He said that the international tax increases that the Democrats have called for in the extenders bill would stop companies from sending jobs overseas. If only these international tax increases would do that, I would be at the front of the line, doing what I could to pass them. But, unfortunately, that is not what they would do. I would like to briefly describe why, if anything, these international tax increases would actually tend to hurt the job market here at home in America.

Quite to the contrary of the complaint by the senior Senator from Illinois, these international tax increases may make American businesses less competitive in the global marketplace. Increased taxes increase the cost of doing business. Those tax increases are targeted only at U.S. companies on their business abroad. They are not aimed at foreign companies with which the U.S. companies are competing side-by-side. Guess what. The cost must be absorbed by the U.S. company. The cost of these tax increases may make it less likely that American businesses will hire. Instead German, or Indian, or Chinese companies will out-compete and thus be hiring more. If the U.S. taxes the foreign subsidiaries of U.S. parent companies at ever higher rates, the result won't be jobs kept here at home.

No, the result will instead be that the U.S. will become a less and less attractive place to have a parent company, to have a global headquarters. This will result in less, not more, but less jobs here in America.

But that is certainly not my only objection. Not only could these international tax increases result in less American jobs, but these proposed tax increases have not had adequate vetting. In some cases, the proposed tax increases would actually be retroactive. These tax increases would be permanent tax increases, meant to pay for temporary tax reductions—a strange miss-match. If these international tax increases really are loophole closers, then it is squandering them to use them for such temporary provisions, rather than to use them to pay for corporate tax reform.

Finally, the business community—that is, the hiring sector—has reacted quite negatively to this bill, even though the bill also contains the tax extenders that the business community wants.

Those are the reasons that I oppose these tax increases.

#### SAFER AIR ACT

Mr. BENNETT. Madam President, I am pleased to rise today to speak about an important piece of legislation that I introduced last week with my friend Senator KLOBUCHAR. The SAFER AIR Act is going to bring our commercial air travel security checkpoints into the 21st century. Threats to our Nation's air travelers have advanced and magnetometers are simply not enough in this post-9/11 world. Our legislation would support and expand TSA's current efforts to adopt and deploy advanced technologies, like the advanced imaging technology, and explosive trace detection at an accelerated pace to ensure such equipment is the primary screening method in every commercial airport.

The December 25 terror attempt on NW flight 253 was a frightening wake-up call that could have been prevented. It represents a failure in the mechanisms of our national security. This failed plot highlights our need to look at areas that can increase our security in the national airport system immediately. Important security improvements have been made in intelligence handling, but I am convinced more needs to be done. Airport security improvements are a needed and overdue part of the equation.

I have been watching our domestic airport security closely in the past year. My airport in Salt Lake City, UT, is a testing site for advanced imaging technology. I have seen this machine in use, and been impressed with what represents a true advancement in the technology of safer skies. TSA needs to utilize equipment that is currently available to identify plastic and liquid explosives as well as move forward with the development and testing of new technologies to fight emerging threats.

Our bill will require TSA to install technology with the capability of detecting plastic explosives, liquid explosives and other nonmetallic threats and explosives. These devices have been tested and available since 2007. The delay in deployment has gone on long enough. The SAFER AIR Act will require this technology in all commercial airports by 2013 and will encourage the further development of these technologies as threats continue to advance.

An important provision in our legislation is the privacy protections it will establish for our traveling public. I applaud TSA for the protections it has already put in place. Our language will codify those protections and ensure the new technologies will also be used in a manner that doesn't violate the personal privacy of commercial flyers in the United States.

New and emerging technologies have a great ability to detect nontraditional threats. I am eager to see these capa-

bilities improved through further innovation and testing. I urge my colleagues to join me in supporting the SAFER AIR Act and do all we can to better protect the traveling public from existing and emerging threats.

#### ADDITIONAL STATEMENTS

##### ARKANSAS NEWS-EDITORIAL CONTEST WINNERS

• Mrs. LINCOLN. Madam President, today I congratulate the 2010 winners of the Arkansas Press Association's News-Editorial Contest, who were honored this past weekend during the 2010 Tri-State Convention, cohosted by the press associations of Arkansas, Mississippi and Tennessee. I commend the Arkansas reporters, editors, and staff who were recognized during this prestigious event.

Under the leadership of executive director Tom Larimer, the Arkansas Press Association serves 135 newspapers: 99 weeklies, six semi-weeklies, 28 dailies and 2 free newspapers.

Our Arkansas newspapers inform citizens throughout our State and are an essential part of Arkansas's culture. I appreciate the dedication of all of our Arkansas news media, and I commend them on their commitment to excellence in journalism.

As the oldest professional association in the State, the Arkansas Press Association has a long history of supporting our local newspapers. All Arkansans should be proud of the hard work put in each day by our Arkansas news media, who work tirelessly to fairly and accurately report the news of the day. Their work educates and inspires each one of us, and I am grateful that we live in a society where reporters are able to perform their jobs freely and openly.

I again congratulate all of the winners of this year's conference.●

##### TRIBUTE TO MARTIN LEONARD SKUTNIK

• Mr. CONRAD. Madam President, I want to take a moment to honor a great civil servant. On June 4, Martin Leonard Skutnik retired after 30 years of working at the Congressional Budget Office. Lenny exemplified the best of our public workforce. In his decades of service, Lenny worked tirelessly to support the work of CBO. He moved from handling mail and supplies, to printing reports, to providing IT support. Lenny's behind-the-scenes efforts helped CBO in its mission to provide Congress and the public with clear, timely, and accurate information. For that alone, he deserves our recognition and deepest thanks.

But Lenny will also be remembered for the heroic deed he performed early in his career at CBO. On a cold January day in 1982, Lenny was returning home from work when he witnessed Air Florida flight 90 crash into the Potomac

River. Risking his own life, Lenny jumped into the icy waters and saved one of the passengers from drowning. His selfless and heroic act was widely acclaimed at the time. President Reagan honored Lenny in his State of the Union Address, singling him out in the House gallery. This acknowledgment began the tradition of Presidents, in their State of the Union Addresses, recognizing people who have done extraordinary things. The President's gallery in the House is now often referred to as "the Heroes' Gallery," thanks to Lenny.

Lenny received many awards and honors for his actions on that day. But he never sought out the limelight or asked for special treatment. He remained a humble and hardworking public servant. Lenny insists he "wasn't a hero," and that he "was just someone who helped another human being." But we know a hero when we see one. We can't thank Lenny enough for his long, faithful service to CBO and the American people. I wish him a long, happy, and well-deserved retirement.●

• Mr. GREGG. Madam President, today I would like to recognize and thank a dedicated civil servant, Martin Leonard Skutnik. Lenny, as he is known, recently retired after working for 30 years for the Congressional Budget Office. He started at CBO in 1980 handling the mail and messenger duties—before the advent of the internet, email, and blackberries—and later worked to help print and produce CBO reports and provide IT support. Lenny worked behind the scenes, tirelessly for three decades, to help provide Congress with the information it needed. Lenny was a model civil servant, and for that he deserves our respect and praise.

Lenny was also a model citizen, and whether he thought so or not, a hero. In January 1982, Lenny witnessed a horrible event when an Air Florida plane crashed into the Potomac River near the 14th Street bridge. Without so much as a thought about his own safety, Lenny jumped into the river, which was full of chunks of floating ice, and saved the life of one of the crash victims. He was honored later that month by President Reagan during his State of the Union Address, and this began the inspirational tradition of Presidents honoring ordinary people who have done extraordinary things.

Through it all, Lenny shied away from the spotlight and continued to report to work, putting 100 percent effort into his work each day. He worked hard, remained humble, and never sought to exploit his fame. His character exemplifies the best of the American spirit, and for that he deserves our admiration. I wish to thank Lenny for his hard work and for his heroism—may he enjoy a healthy and well-deserved retirement.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mrs. Neiman, one of his secretaries.

#### CAPS EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

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

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 2009, the following enrolled bill, previously signed by the Speaker of the House, was signed on today, June 28, 2010, by the President pro tempore (Mr. INOUE):

H.R. 2194. An act to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5136. An act to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 5175. An act to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5136. An act to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5175. An act to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6401. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the RAND report entitled "Retaining F-22A Tooling: Options and Costs"; to the Committee on Armed Services.

EC-6402. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Administrative Process for Seizures and Forfeitures Under the Immigration and Nationality Act and Other Authorities" (RIN1651-AA58) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6403. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District" (RIN1625-AA08) (Docket No. USG-2010-0102) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6404. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; U.S. Navy Submarines, Hood Canal, WA" (RIN1625-AA11) (Docket No. USG-2009-1058) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6405. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Patapsco River, Northwest Harbor, Baltimore, MD" (RIN1625-AA08) (Docket No. USG-2010-0087) received in the Office of the President of the Senate on June 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6406. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Portland Rose Festival Fleet Week, Willamette River, Portland, OR" (RIN1625-AA87) (Docket No. USG-2010-0196) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6407. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Potomac River, Washington Channel, Washington, DC" (RIN1625-AA87) (Docket No. USG-2010-0405) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6408. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Golden Guardian 2010 Regional Exercise; San Francisco Bay, San Francisco, CA" (RIN1625-AA87) (Docket No. USG-2010-0221) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6409. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone" (RIN1625-AA00) (Docket No. USG-2010-0129) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6410. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Tri-City Water Follies Hydroplane Races Practice Sessions, Columbia River, Kennewick, WA" (RIN1625-AA00) (Docket No. USG-2010-0277) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6411. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Washington State Department of Transportation Ferries Division Marine Rescue Response (M2R) Full-Scale Exercise for a Mass Rescue Incident (MRI)" (RIN1625-AA00) (Docket No. USG-2010-0389) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6412. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Marathon Oil Refinery Construction, Rouge River, Detroit, MI" (RIN1625-AA00) (Docket No. USG-2010-0333) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6413. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; May Fireworks Displays within the Captain of the Port Puget Sound Area of Responsibility (AOR)" (RIN1625-AA00) (Docket No. USG-2010-0285) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6414. A communication from the Project Council, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone, Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL" (RIN1625-AA00) (Docket No. USG-2010-0166) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6415. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Gallants Channel, Beaufort, NC" (RIN1625-AA00) (Docket No. USG-2010-0120) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6416. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Marine Events within the Captain of the Port Sector Northern New England Area of Responsibility" (RIN1625-AA00) (Docket No. USG-2010-0239) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6417. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; KFOG Kaboom, Fireworks Display, San Francisco, CA" ((RIN1625-AA00) (Docket No. USG-2010-0162)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6418. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Sea World Summer Nights Fireworks, Mission Bay, San Diego, CA" ((RIN1625-AA00) (Docket No. USG-2010-0213)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6419. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; San Clemente 3 NM Safety Zone, San Clemente Island, CA" ((RIN1625-AA00) (Docket No. USG-2009-0277)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6420. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Under Water Clean Up of Copper Canyon, Lake Havasu, AZ" ((RIN1625-AA00) (Docket No. USG-2010-0168)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6421. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Riser for DEEPWATER HORIZON at Mississippi Canyon 252 Outer Continental Shelf MODU in the Gulf of Mexico" ((RIN1625-AA00) (Docket No. USG-2010-0337)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6422. A communication from the Secretary of Energy, transmitting, pursuant to law, an annual report relative to the Strategic Petroleum Reserve for calendar year 2008; to the Committee on Energy and Natural Resources.

EC-6423. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Safe Harbors for Sections 143 and 25" (Rev. Proc. 2010-25) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Finance.

EC-6424. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-435, "Brookland Streetscape Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6425. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-436, "Renewable Energy Incentive Program Fund Balance Rollover Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6426. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-437, "Commission on Uniform State Laws Appointment Authorization Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6427. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-438, "District of Columbia Public Schools Teacher Reinstatement Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6428. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-439, "Solar Thermal Incentive Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6429. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-440, "Senior Housing Modernization Grant Fund Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6430. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-444, "Prohibition Against Human Trafficking Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6431. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, (3) reports relative to vacancies in positions in the Office of Management and Budget; to the Committee on Homeland Security and Governmental Affairs.

EC-6432. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the Department's Semi-annual Report to Congress on Audit Follow-Up for the period of October 1, 2009, through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6433. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data and defense services to Japan and Israel to support the manufacture and assembly of Helmet Mounted Displays for the Fighter Aircraft of the Armed Forces of Japan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6434. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, and defense services to Bermuda, Hong Kong, Cayman Islands, Malaysia and the Philippines for the sale and support of the Asia Broadcast Satellite 2 (ABS 2) Commercial Communications Satellite Program in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6435. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, and defense services to Japan and Israel to support the manufacture and assembly of Helmet Mounted Displays for the Fighter Aircraft of the Armed Forces of Japan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6436. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certifi-

cation of a proposed manufacturing license agreement for the export of defense articles, including technical data, and defense services to Turkey and Poland for the manufacture of machined parts, subassemblies and components for all models of the H-60/S-70, H-53, and H-92 families of helicopters in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-6437. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services to support the C3 Commercial Communication Satellite Programs of Brazil in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6438. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services to support the 737 Airborne Early Warning and Control Wedgetail System previously delivered to the Commonwealth of Australia in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-6439. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including technical data, and defense services for the upgrade of Swedish Low Coverage Radars in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6440. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0089—2010-0092); to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 2129. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum (Rept. No. 111-216).

H.R. 1700. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum (Rept. No. 111-217).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. WHITEHOUSE (for himself and Mr. VITTER):

S. 3540. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 3541. A bill to prohibit royalty incentives for deepwater drilling, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 3542. A bill to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, to establish a Commission to investigate and report on corrective measures to prevent similar incidents, to improve the Oil Spill Liability Trust Fund and Federal oil spill research, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 567. A resolution to elect Daniel K. Inouye, a Senator from the State of Hawaii, to be President pro tempore of the Senate of the United States; considered and agreed to.

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

S. Res. 568. A resolution notifying the House of Representatives of the election of a President pro tempore; considered and agreed to.

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

S. Res. 569. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. CASEY (for himself, Mr. LEVIN, Mr. KAUFMAN, Mr. WEBB, Mr. REED, Ms. SNOWE, and Mr. KYL):

S. Res. 570. A resolution calling for continued support for and an increased effort by the Governments of Pakistan, Afghanistan, and other Central Asian countries to effectively monitor and regulate the manufacture, sale, transport, and use of ammonium nitrate fertilizer in order to prevent the transport of ammonium nitrate into Afghanistan where the ammonium nitrate is used in improvised explosive devices; considered and agreed to.

By Mrs. GILLIBRAND (for herself, Mr. VOINOVICH, Mr. LIEBERMAN, Mr. SCHUMER, Mr. LEVIN, Mr. CASEY, Mr. KYL, and Mr. VITTER):

S. Res. 571. A resolution calling for the immediate and unconditional release of Israeli soldier Gilad Shalit held captive by Hamas, and for other purposes; considered and agreed to.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. ROCKEFELLER, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG,

Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 572. A resolution relative to the death of the Honorable Robert C. Byrd, a Senator from the State of West Virginia; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 714

At the request of Mr. WEBB, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 1159

At the request of Mrs. BOXER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1159, a bill to promote freedom, human rights, and the rule of law in Vietnam.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1275

At the request of Mr. WARNER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1275, a bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

S. 1353

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1353, a bill to amend title 1 of the

Omnibus Crime Control and Safe Streets Act of 1986 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits.

S. 1382

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 2740

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2740, a bill to establish a comprehensive literacy program.

S. 3034

At the request of Mr. SCHUMER, the names of the Senator from Ohio (Mr. BROWN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 3034, a bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

S. 3183

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3183, a bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit to roofs with pigmented coatings which meet Energy Star program requirements.

S. 3320

At the request of Mr. WHITEHOUSE, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3339

At the request of Mr. KERRY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3409

At the request of Ms. LANDRIEU, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3409, a bill to make certain adjustments to the price analysis of propane

prepared by the Secretary of Commerce.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3466

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3466, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 3489

At the request of Mr. VITTER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3489, a bill to terminate the moratorium on deepwater drilling issued by the Secretary of the Interior.

S. 3512

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3512, a bill to provide a statutory waiver of compliance with the Jones Act to foreign flagged vessels assisting in responding to the Deepwater Horizon oil spill.

S. 3519

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3519, a bill to stabilize the matching requirement for participants in the Hollings Manufacturing Partnership Program.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WHITEHOUSE (for himself and Mr. VITTER):

S. 3540. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes; to the Committee on Environment and Public Works.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3540

*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 "Clean Estuaries Act of 2010".

### SEC. 2. NATIONAL ESTUARY PROGRAM AMENDMENTS.

#### (a) PURPOSES OF CONFERENCE.—

(1) DEVELOPMENT OF COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section 320(b) of the Federal Water Pollution Control Act (33 U.S.C. 1330(b)) is amended by striking paragraph (4) and inserting the following:

"(4) develop and submit to the Administrator a comprehensive conservation and management plan that—

"(A) identifies the estuary and the associated upstream waters of the estuary to be

addressed by the plan, with consideration given to hydrological boundaries;

"(B) recommends priority corrective actions and compliance schedules addressing—

"(i) point and nonpoint sources of pollution; and

"(ii) protection and conservation actions—

"(I) to restore and maintain the chemical, physical, and biological integrity of the estuary, including—

"(aa) restoration and maintenance of water quality, wetlands, and natural hydrologic flows;

"(bb) a resilient and diverse indigenous population of shellfish, fish, and wildlife; and

"(cc) recreational activities in the estuary; and

"(II) to ensure that the designated uses of the estuary are protected;

"(C) identifies healthy watershed components for protection and conservation by carrying out integrated assessments, where appropriate, of—

"(i) aquatic habitat and biological integrity;

"(ii) water quality; and

"(iii) natural hydrologic flows;

"(D) considers current and future sustainable commercial activities in the estuary;

"(E) addresses the impacts of climate change on the estuary, including—

"(i) the identification and assessment of vulnerabilities in the estuary;

"(ii) the development and implementation of adaptation strategies; and

"(iii) the impacts of changes in sea level on estuarine water quality, estuarine habitat, and infrastructure located in the estuary;

"(F) increases public education and awareness with respect to—

"(i) the ecological health of the estuary;

"(ii) the water quality conditions of the estuary; and

"(iii) ocean, estuarine, land, and atmospheric connections and interactions;

"(G)(i) identifies and assesses impairments, including upstream impairments, coming from outside of the area addressed by the plan, and the sources of those impairments; and

"(ii) provides the applicable State with any information on such impairments or the sources of such impairments;

"(H) includes performance measures and goals to track implementation of the plan; and

"(I) includes a coordinated monitoring strategy for Federal, State, and local governments and other entities."

(2) MONITORING AND MAKING RESULTS AVAILABLE.—Section 320(b) of the Federal Water Pollution Control Act (33 U.S.C. 1330(b)) is amended by striking paragraph (6) and inserting the following:

"(6) monitor (and make results available to the public regarding)—

"(A) water quality conditions in the estuary and the associated upstream waters of the estuary identified under paragraph (4)(A);

"(B) healthy watershed and habitat conditions that relate to the ecological health and water quality conditions of the estuary; and

"(C) the effectiveness of actions taken pursuant to the comprehensive conservation and management plan developed for the estuary under this subsection;"

(3) INFORMATION AND EDUCATIONAL ACTIVITIES.—Section 320(b) of the Federal Water Pollution Control Act (33 U.S.C. 1330(b)) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following:

"(7) provide information and educational activities on the ecological health and water quality conditions of the estuary; and"

(4) CONFORMING AMENDMENT.—The sentence following section 320(b)(8) of the Federal Water Pollution Control Act (as so redesignated) (33 U.S.C. 1330(b)(8)) is amended by striking "paragraph (7)" and inserting "paragraph (8)".

#### (b) MEMBERS OF CONFERENCE; COLLABORATIVE PROCESSES.—

(1) MEMBERS OF CONFERENCE.—Section 320(c)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1330(c)(5)) is amended by inserting "not-for-profit organizations," after "institutions,".

(2) COLLABORATIVE PROCESSES.—Section 320(d) of the Federal Water Pollution Control Act (33 U.S.C. 1330(d)) is amended—

(A) by striking "(d)" and all that follows through "In developing" and inserting the following:

"(d) USE OF EXISTING DATA AND COLLABORATIVE PROCESSES.—

"(1) USE OF EXISTING DATA.—In developing"; and

(B) by adding at the end the following:

"(2) USE OF COLLABORATIVE PROCESSES.—In updating a plan under subsection (f)(4) or developing a new plan under subsection (b), a management conference shall make use of collaborative processes—

"(A) to ensure equitable inclusion of affected interests;

"(B) to engage with members of the management conference, including through—

"(i) the use of consensus-based decision rules; and

"(ii) assistance from impartial facilitators, as appropriate;

"(C) to ensure relevant information, including scientific, technical, and cultural information, is accessible to members;

"(D) to promote accountability and transparency by ensuring members are informed in a timely manner of—

"(i) the purposes and objectives of the management conference; and

"(ii) the results of an evaluation conducted under subsection (f)(3);

"(E) to identify the roles and responsibilities of members—

"(i) in the management conference proceedings; and

"(ii) in the implementation of the plan; and

"(F) to seek resolution of conflicts or disputes as necessary."

(c) ADMINISTRATION OF PLANS.—Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended by striking subsection (f) and inserting the following:

"(f) ADMINISTRATION OF PLANS.—

"(1) APPROVAL.—Not later than 120 days after the date on which a management conference submits to the Administrator a comprehensive conservation and management plan under this section, and after providing for public review and comment, the Administrator shall approve the plan, if—

"(A) the Administrator determines that the plan meets the requirements of this section; and

"(B) each affected Governor concurs.

"(2) IMPLEMENTATION.—

"(A) IN GENERAL.—On the approval of a comprehensive conservation and management plan under this section, the plan shall be implemented.

"(B) USE OF AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated under titles II and VI and section 319 may be used in accordance with the applicable requirements of this Act to assist States with the implementation of a plan approved under paragraph (1).

"(3) EVALUATION.—

"(A) IN GENERAL.—Not later than 5 years after the date of enactment of this paragraph, and every 5 years thereafter, the Administrator shall carry out—



“(i) an evaluation of the implementation of each comprehensive conservation and management plan developed under this section to determine the degree to which the goals of the plan have been met; and

“(ii) a review of the program designed to implement the plan.

“(B) REVIEW AND COMMENT BY MANAGEMENT CONFERENCE.—In completing an evaluation under subparagraph (A), the Administrator shall submit the results of the evaluation to the appropriate management conference for review and comment.

“(C) REPORT.—

“(i) IN GENERAL.—In completing an evaluation under subparagraph (A), and after providing an opportunity for a management conference to submit comments under subparagraph (B), the Administrator shall issue a report on the results of the evaluation, including the findings and recommendations of the Administrator and any comments received from the management conference.

“(ii) AVAILABILITY TO PUBLIC.—The Administrator shall make a report issued under this subparagraph available to the public, including through publication in the Federal Register and on the Internet.

“(D) SPECIAL RULE FOR NEW PLANS.—Notwithstanding subparagraph (A), if a management conference submits a new comprehensive conservation and management plan to the Administrator after the date of enactment of this paragraph, the Administrator shall complete the evaluation of the implementation of the plan required by subparagraph (A) not later than 5 years after the date of such submission and every 5 years thereafter.

“(4) UPDATES.—

“(A) REQUIREMENT.—Not later than 18 months after the date on which the Administrator makes an evaluation of the implementation of a comprehensive conservation and management plan available to the public under paragraph (3)(C), a management conference convened under this section shall submit to the Administrator an update of the plan that reflects, to the maximum extent practicable, the results of the program evaluation.

“(B) APPROVAL OF UPDATES.—Not later than 120 days after the date on which a management conference submits to the Administrator an updated comprehensive conservation and management plan under subparagraph (A), and after providing for public review and comment, the Administrator shall approve the updated plan, if the Administrator determines that the updated plan meets the requirements of this section.

“(5) PROBATIONARY STATUS.—The Administrator may consider a management conference convened under this section to be in probationary status, if the management conference has not received approval for an updated comprehensive conservation and management plan under paragraph (4)(B) on or before the last day of the 3-year period beginning on the date on which the Administrator makes an evaluation of the plan available to the public under paragraph (3)(C).”.

(d) FEDERAL AGENCIES.—Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended—

(1) by redesignating subsections (g), (h), (i), (j), and (k) as subsections (h), (i), (j), (k), and (m), respectively; and

(2) by inserting after subsection (f) the following:

“(g) FEDERAL AGENCIES.—

“(1) ACTIVITIES CONDUCTED WITHIN ESTUARIES WITH APPROVED PLANS.—After approval of a comprehensive conservation and management plan by the Administrator, any Federal action or activity affecting the estuary shall be conducted, to the maximum ex-

tent practicable, in a manner consistent with the plan.

“(2) COORDINATION AND COOPERATION.—

“(A) IN GENERAL.—The Secretary of the Army (acting through the Chief of Engineers), the Administrator of the National Oceanic and Atmospheric Administration, the Director of the United States Fish and Wildlife Service, the Secretary of the Department of Agriculture, the Director of the United States Geological Survey, the Secretary of the Department of Transportation, the Secretary of the Department of Housing and Urban Development, and the heads of other appropriate Federal agencies, as determined by the Administrator, shall, to the maximum extent practicable, cooperate and coordinate activities, including monitoring activities, related to the implementation of a comprehensive conservation and management plan approved by the Administrator.

“(B) LEAD COORDINATING AGENCY.—The Environmental Protection Agency shall serve as the lead coordinating agency under this paragraph.

“(3) CONSIDERATION OF PLANS IN AGENCY BUDGET REQUESTS.—In making an annual budget request for a Federal agency referred to in paragraph (2), the head of such agency shall consider the responsibilities of the agency under this section, including under comprehensive conservation and management plans approved by the Administrator.

“(4) MONITORING.—The heads of the Federal agencies referred to in paragraph (2) shall collaborate on the development of tools and methodologies for monitoring the ecological health and water quality conditions of estuaries covered by a management conference convened under this section.”.

(e) GRANTS.—

(1) IN GENERAL.—Subsection (h) (as redesignated by subsection (d)) of section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended—

(A) in paragraph (1), by striking “other public” and all that follows before the period at the end and inserting “and other public or nonprofit private agencies, institutions, and organizations”; and

(B) by adding at the end the following:

“(4) EFFECTS OF PROBATIONARY STATUS.—

“(A) REDUCTIONS IN GRANT AMOUNTS.—The Administrator shall reduce, by an amount to be determined by the Administrator, grants for the implementation of a comprehensive conservation and management plan developed by a management conference convened under this section, if the Administrator determines that the management conference is in probationary status under subsection (f)(5).

“(B) TERMINATION OF MANAGEMENT CONFERENCES.—The Administrator shall terminate a management conference convened under this section, and cease funding for the implementation of the comprehensive conservation and management plan developed by the management conference, if the Administrator determines that the management conference has been in probationary status for 2 consecutive years.”.

(2) CONFORMING AMENDMENT.—Section 320(i) of the Federal Water Pollution Control Act (as redesignated by subsection (d)) is amended by striking “subsection (g)” and inserting “subsection (h)”.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) (as redesignated by subsection (d)) is amended by striking subsection (j) and inserting the following:

“(j) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to the Administrator \$75,000,000 for each of fiscal years 2011 through 2016 for—

“(A) expenses relating to the administration of management conferences by the Ad-

ministrator under this section, except that such expenses shall not exceed 10 percent of the amount appropriated under this subsection;

“(B) making grants under subsection (h); and

“(C) monitoring the implementation of a conservation and management plan by the management conference, or by the Administrator in any case in which the conference has been terminated.

“(2) ALLOCATIONS.—Of the sums authorized to be appropriated under this subsection, the Administrator shall provide—

“(A) at least \$1,250,000 per fiscal year, subject to the availability of appropriations, for the development, implementation, and monitoring of each conservation and management plan eligible for grant assistance under subsection (h); and

“(B) up to \$5,000,000 per fiscal year to carry out subsection (k).”.

(g) RESEARCH.—Section 320(k)(1)(A) of the Federal Water Pollution Control Act (as redesignated by subsection (d)) is amended—

(1) by striking “parameters” and inserting “parameters”; and

(2) by inserting “(including monitoring of both pathways and ecosystems to track the introduction and establishment of nonnative species)” before “, to provide the Administrator”.

(h) NATIONAL ESTUARY PROGRAM EVALUATION.—Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended by inserting after subsection (k) (as redesignated by subsection (d)) the following:

“(l) NATIONAL ESTUARY PROGRAM EVALUATION.—

“(1) IN GENERAL.—Not later than 5 years after the date of enactment of this paragraph, and every 5 years thereafter, the Administrator shall complete an evaluation of the national estuary program established under this section.

“(2) SPECIFIC ASSESSMENTS.—In conducting an evaluation under this subsection, the Administrator shall—

“(A) assess the effectiveness of the national estuary program in improving water quality, natural resources, and sustainable uses of the estuaries covered by management conferences convened under this section;

“(B) identify best practices for improving water quality, natural resources, and sustainable uses of the estuaries covered by management conferences convened under this section, including those practices funded through the use of technical assistance from the Environmental Protection Agency and other Federal agencies;

“(C) assess the reasons why the best practices described in subparagraph (B) resulted in the achievement of program goals;

“(D) identify any redundant requirements for reporting by recipients of a grant under this section; and

“(E) develop and recommend a plan for limiting reporting any redundancies.

“(3) REPORT.—In completing an evaluation under this subsection, the Administrator shall issue a report on the results of the evaluation, including the findings and recommendations of the Administrator.

“(4) AVAILABILITY.—The Administrator shall make a report issued under this subsection available to management conferences convened under this section and the public, including through publication in the Federal Register and on the Internet.”.

(i) CONVENING OF CONFERENCE.—Section 320(a)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)) is amended—

(1) by striking “(2) CONVENING OF CONFERENCE.—” and all that follows through “In any case” and inserting the following:

“(2) CONVENING OF CONFERENCE.—In any case”; and

(2) by striking subparagraph (B).

(j) GREAT LAKES ESTUARIES.—Section 320(m) of the Federal Water Pollution Control Act (as redesignated by subsection (d)) is amended by striking the subsection designation and all that follows through “and those portions of tributaries” and inserting the following:

“(m) DEFINITIONS.—In this section, the terms ‘estuary’ and ‘estuarine zone’ have the meanings given the terms in section 104(n)(4), except that—

“(1) the term ‘estuary’ also includes near coastal waters and other bodies of water within the Great Lakes that are similar in form and function to the waters described in the definition of ‘estuary’ in section 104(n)(4); and

“(2) the term ‘estuarine zone’ also includes—

“(A) waters within the Great Lakes described in paragraph (1) and transitional areas from such waters that are similar in form and function to the transitional areas described in the definition of ‘estuarine zone’ in section 104(n)(4);

“(B) associated aquatic ecosystems; and

“(C) those portions of tributaries”.

By Mrs. FEINSTEIN:

S. 3541. A bill to prohibit royalty incentives for deepwater drilling, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Deepwater Drilling Royalty Prohibition Act.

The purpose of this bill is to ensure that taxpayer dollars are not used to incentivize the dangerous and often dirty business of offshore drilling in deep waters.

Over the past decades, Congress has established a number of royalty-relief programs to encourage domestic exploration and production in deep waters. This may have made sense in times when oil prices were too low to provide energy companies with an incentive to drill in difficult places, and before we were ready to deploy large-scale renewable energy production.

But that is no longer the case. The events of the last weeks have shown that safety and response technologies are not sufficient in deep waters. I believe taxpayer-funded incentives should go to clean, renewable energy, not deepwater drilling for oil.

The disastrous impacts of the leak from the Deepwater Horizon have shown that offshore drilling has enormous environmental and safety risks—particularly in deep waters. Eleven people died and 17 others were injured when the Deepwater Horizon caught fire. All these weeks later, we continue to watch in horror as the scope of the disaster keeps expanding:

Oil slicks spread inexorably across the Gulf of Mexico;

Pelicans and other wildlife struggle to free themselves from crude oil; tar balls spoil the pristine white sand beaches of Florida; Wetlands are coated with toxic sludge; More than 1/3 of Federal waters in the Gulf have been closed to fishing; The plumes of oil under water may create zones of toxicity or low oxygen for aquatic life; The oil may spread into the Atlantic

Ocean via the Loop Current; The response techniques, such as the use of dispersants, may have their own toxic consequences; and

Upcoming storms may delay or prevent continued containment and response efforts.

The impacts of an oil spill are so dramatic and devastating, it seems clear to me that regulation, oversight and prevention technologies should be rigorous. But that is clearly not the case.

Regulators failed to ensure appropriate safety and response technologies were in place.

MMS gave BP a categorical exclusion from an environmental impact analysis that in my opinion should never have been allowed.

MMS allowed BP to run a drilling operation without the demonstrated ability to shut off the flow of gas and oil in an emergency.

MMS allowed BP to operate without remote shutoff capability in case the drilling rig became disabled.

MMS did not have an inspector on the rig to settle the heated argument between the BP, Transocean, and Halliburton officials on how they would stop drilling and plug the well.

MMS did not have—and did not require the industry to have—emergency equipment stationed in the Gulf of Mexico that could respond immediately to an emergency.

MMS did not have a plan for responding to disasters.

MMS did not, in fact, have a real inspection and compliance program. It relied on the expertise and advice of the industry on how and how much they should be inspected.

This is not how things should be done. We expect more from our government.

Prevention and response technologies show similar unacceptable deficits: they are not good enough.

These have not improved much since the oil spill in 1969 off the California coast near Santa Barbara. That too was caused by a natural gas blowout when pressure in the drill hole fluctuated. It was successfully plugged with mud and cement after 11 and a half days, but oil and gas continued to seep for months. The Santa Barbara spill was devastating, but it was a tiny fraction of the size of the Deepwater Horizon spill.

The old technology was not good enough, but now it appears that even the newest safety technology fails to prevent wellhead blowouts.

The Deepwater Horizon drill rig was just completed in 2001.

The drill rig that caused the 2009 spill in the Montara oil and gas field in the Timor Sea—one of the worst in Australia’s history—was designed and built in 2007. That spill continued unchecked for 74 days.

The New York Times reports that the blind shear rams in the blowout preventers—the last line of defense to prevent wellhead leaks are “surprisingly vulnerable” to failure. One study found

that blowout preventers have a failure rate of 45 percent.

These technologies are insufficient, and they are particularly vulnerable in deep waters.

Methane hydrate crystals form when methane gas mixes with pressurized cold ocean waters—and the likelihood of these crystals forming increases dramatically at about 400 meters depth. These crystals interfere with response and containment technologies. They formed in the cofferdam dome that was lowered onto the gushing oil in the Gulf, and prevented it from working. When a remotely operated underwater vehicle bumped the valves in the “top hat” device, the containment cap had to be removed and slowly replaced to prevent formation of these crystals again.

Other risks increase too, as explained by the Wall Street Journal:

Drilling in deeper water doesn’t change the fundamental process, but it makes virtually everything harder. Rigs must be bigger so they can hold more drilling pipe to stretch vast distances. The pipes themselves must be stronger to withstand ocean currents. Equipment on the sea floor must be sturdier to face extreme pressures at depth. Drill bits must be tougher so they don’t melt in the 400-degree temperatures they encounter deep in the earth. And it is harder for drillers to exert just the right amount of pressure down the well bore, enough to keep oil and gas from spurting upwards—a blowout—but not so much that they crack open the rocks beneath the surface, which could also lead to a blowout.

It is clear that prevention, containment, and clean-up measures are not sufficient to handle oil leaks, particularly in deep waters.

American taxpayers should not forego revenue to incentivize offshore drilling. It is not good environmental policy, and it is not good energy policy either.

We need to move to clearer renewable fuels.

I believe that global warming is the biggest environmental crisis we face—and the biggest culprit of global warming is manmade emissions produced by the combustion of fossil fuels, like oil and coal.

Taxpayer funded incentives should not finance production of fossil fuels—particularly in places where the production itself poses potential devastation, but rather should be used to develop and deploy clean energy technologies like wind and solar. I very much believe this.

That is why I have worked with my colleagues on a number of legislative initiatives designed to reduce greenhouse gas emissions, increase energy efficiency and incentivize the use of renewable energy.

One of our biggest victories was the enactment of the aggressive fuel economy law, called the Ten in Ten Fuel Economy Act, which was passed by Congress and signed into law by then-President Bush in the 110th Congress. This law, which I authored with Senator SNOWE, will improve fuel economy

standards for passenger vehicles at the maximum feasible rate. The good news is that the administration has taken the framework of this law and implemented aggressive standards that require raising fleetwide fuel economy to 35.5 mpg in 2016—a 40 percent increase above today's standard.

The other positive development is that the domestic renewable energy industry has grown dramatically over the last few years. Last year, the United States added more new capacity to produce renewable electricity than it did to produce electricity from natural gas, or oil, or coal. A great deal of this growth can be attributed to government renewable energy incentives. That is where public investment in energy development should go.

It is clear that the clean energy sector is the next frontier in jobs creation.

We need to ensure that developers can access financing to launch wind, solar and geothermal projects, so that they can put people to work. Programs like The Recovery Act grant program run by the Treasury Department have been very successful in encouraging private investment in this sector. So far, the program has helped to bring 4,250 megawatts of clean power online and is expected to generate more than 143,000 green jobs by the end of the year, according to the Lawrence Berkeley National Laboratory. The program, however, is set to expire at the end of year if we don't act. So, I'm working on legislation that will extend this successful program for an additional 2 years.

All told, these types of measures are helping to foster the incentives that will push the United States to adopt a cleaner energy future, and to move away from fossil fuels.

Let me make one final point clear, I don't believe the oil companies need taxpayer dollars to help them out. They are already reaping record profits.

Last year, the top 10 U.S. oil companies' combined revenues were almost \$850 billion. Yet we continue to use money that should come to the U.S. Treasury, to add to their bottom line. This is unacceptable.

Oil reserves are a public resource. When a private company profits from those public resources, American taxpayers should benefit too.

I urge my colleagues to support this legislation and ensure that royalties owed to the taxpayers are not waived to incentivize risky off-shore drilling. In these critical economic times, every cent of the people's money should be spent wisely, on clean, efficient and safe technologies.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3541

*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 "Deepwater Drilling Royalty Prohibition Act".

#### SEC. 2. PROHIBITION ON ROYALTY INCENTIVES FOR DEEPWATER DRILLING.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior shall not issue any oil or gas lease sale under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) with royalty-based incentives in any tract located in water depths of 400 meters or more on the outer Continental Shelf.

(b) ROYALTY RELIEF FOR DEEP WATER PRODUCTION.—Section 345 of the Energy Policy Act of 2005 (42 U.S.C. 15905) is repealed.

(c) ROYALTY RELIEF.—Section 8(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)) is amended by adding at the end the following:

"(D) PROHIBITION.—Notwithstanding subparagraphs (A) through (C) or any other provision of law, the Secretary shall not reduce or eliminate any royalty or net profit share for any lease or unit located in water depths of 400 meters or more on the outer Continental Shelf."

(d) APPLICATION.—This section and the amendments made by this section—

(1) apply beginning with the first lease sale held on or after the date of enactment of this Act for which a final notice of sale has not been published as of that date; and

(2) do not apply to a lease in effect on the date of enactment of this Act.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 567—TO ELECT DANIEL K. INOUE, A SENATOR FROM THE STATE OF HAWAII, TO BE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES

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

S. RES. 567

*Resolved*, That Daniel K. Inouye, a Senator from the State of Hawaii, be, and he is hereby, elected President of the Senate pro tempore.

##### SENATE RESOLUTION 568—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

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

S. RES. 568

*Resolved*, That the House of Representatives be notified of the election of the Honorable Daniel K. Inouye as President of the Senate pro tempore.

##### SENATE RESOLUTION 569—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

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

S. RES. 569

*Resolved*, That the President of the United States be notified of the election of the Honorable Daniel K. Inouye as President of the Senate pro tempore.

##### SENATE RESOLUTION 570—CALLING FOR CONTINUED SUPPORT FOR AND AN INCREASED EFFORT BY THE GOVERNMENTS OF PAKISTAN, AFGHANISTAN, AND OTHER CENTRAL ASIAN COUNTRIES TO EFFECTIVELY MONITOR AND REGULATE THE MANUFACTURE, SALE, TRANSPORT, AND USE OF AMMONIUM NITRATE FERTILIZER IN ORDER TO PREVENT THE TRANSPORT OF AMMONIUM NITRATE INTO AFGHANISTAN WHERE THE AMMONIUM NITRATE IS USED IN IMPROVISED EXPLOSIVE DEVICES

Mr. CASEY (for himself, Mr. LEVIN, Mr. KAUFMAN, Mr. WEBB, Mr. REED, Ms. SNOWE, and Mr. KYL) submitted the following resolution; which was considered and agreed to:

S. RES. 570

Whereas it is illegal to manufacture, own, or use ammonium nitrate fertilizer in Afghanistan since a ban was instituted by Afghan President Hamid Karzai in January 2010;

Whereas ammonium nitrate fertilizer has historically been and continues to be 1 of the primary explosive ingredients used in improvised explosive devices (referred to in this preamble as "IEDs") by Taliban insurgents in Afghanistan against the United States and coalition forces;

Whereas 275 United States troops were killed by IEDs in Afghanistan in 2009;

Whereas large amounts of ammonium nitrate are shipped into Afghanistan from Pakistan, Iran, and other Central Asian countries;

Whereas the Government of Pakistan has indicated a willingness to work collaboratively with the Governments of the United States and Afghanistan to address the regulation and interdiction of ammonium nitrate fertilizer and other IED precursors; and

Whereas the United States government currently provides assistance to Pakistan for agricultural development and capacity building: Now, therefore, be it

*Resolved*, That the Senate—

(1) urges the Governments of Pakistan, Afghanistan, and other Central Asian countries to fully commit to regulating the sale, transport, and use of ammonium nitrate in the region;

(2) calls on the Secretary of State—

(A) to continue to diplomatically engage with the Governments of Pakistan, Afghanistan, and other Central Asian countries to address the proliferation and transportation of ammonium nitrate and other improvised explosive device ("IED") precursors in the region; and

(B) to work with the World Customs Organization and other international bodies, as the Secretary of State determines to be appropriate, on initiatives to improve controls globally on IED components; and

(3) urges the Secretary of State to work with the Governments of Pakistan, Afghanistan, and other Central Asian countries to encourage and support improvements in infrastructure and procedures at border crossings to prevent the flow of ammonium nitrate and other IED precursors or components into the region.

**SENATE RESOLUTION 571—CALLING FOR THE IMMEDIATE AND UNCONDITIONAL RELEASE OF ISRAELI SOLDIER GILAD SHALIT HELD CAPTIVE BY HAMAS, AND FOR OTHER PURPOSES**

Mrs. GILLIBRAND (for herself, Mr. VOINOVICH, Mr. LIEBERMAN, Mr. SCHUMER, Mr. LEVIN, Mr. CASEY, Mr. KYL, and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 571

Whereas Congress previously expressed its concern for missing Israeli soldiers in the Act entitled "An Act to locate and secure the return of Zachary Baumel, a United States citizen, and other soldiers missing in action", approved November 8, 1999 (Public Law 106-89; 113 Stat. 1305), which required the Secretary of State to raise the status of missing Israeli soldiers with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and other governments in the region, and to submit to Congress reports on those efforts and any subsequent discovery of relevant information;

Whereas the House of Representatives passed H. Res. 107 on March 13, 2007, regarding Gilad Shalit and other Israeli soldiers illegally attacked and captured by terrorists;

Whereas Israel completed its withdrawal from Gaza on September 12, 2005;

Whereas, on June 25, 2006, Hamas together with allied terrorists crossed into Israel to attack a military post, killing two soldiers and wounding and kidnapping Gilad Shalit in a blatantly illegal and extortionate effort to coerce the Government of Israel;

Whereas Hamas has prevented access to Gilad Shalit by competent medical personnel and representatives of the International Committee of the Red Cross;

Whereas Hamas has refused to provide Gilad Shalit with regular contact with his family or any other party, or to allow his family to know where he is being held;

Whereas Hamas has compelled Gilad Shalit to appear in video and voice recordings intended to illegally and extortionately coerce the Government of Israel; and

Whereas Gilad Shalit has been held in captivity by Hamas for almost four years: Now, therefore, be it

*Resolved*, That the Senate—

(1) demands that—

(A) Hamas immediately and unconditionally release Israeli soldier Gilad Shalit; and

(B) Hamas—

(i) allow prompt access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross;

(ii) facilitate regular communication by Gilad Shalit with his family and allow his family to know where he is being held; and

(iii) cease compelling Gilad Shalit to appear in video and voice recordings intended to illegally and extortionately coerce the Government of Israel;

(2) expresses—

(A) its vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state within recognized and secure borders;

(B) its strong support and deep interest in achieving a resolution of the Israeli-Palestinian conflict through the creation of a democratic, viable, and independent Palestinian state living in peace alongside of the State of Israel;

(C) its ongoing concern and sympathy for the family of Gilad Shalit; and

(D) its full commitment to continue to seek the immediate and unconditional re-

lease of Gilad Shalit and other missing Israeli soldiers;

(3) recalls—

(A) the illegal and barbaric attack on and kidnapping of the bodies of Ehud Goldwasser and Eldad Regev on July 12, 2006, by the Iran-supported terrorist group Hezbollah; and

(B) the missing Israeli soldiers Zecharia Baumel, Zvi Feldman, and Yehuda Katz, missing since June 11, 1982, Ron Arad, who was captured on October 16, 1986, Guy Hever, last seen on August 17, 1997, and Majdy Halabi, last seen on May 24, 2005; and

(4) condemns—

(A) Hamas for the grossly illegal and immoral cross border attack and kidnapping of Gilad Shalit; and

(B) the Governments of Iran and Syria, the primary state sponsors and patrons of Hamas, for their ongoing support for international terrorism.

**SENATE RESOLUTION 572—RELATIVE TO THE DEATH OF THE HONORABLE ROBERT C. BYRD, A SENATOR FROM THE STATE OF WEST VIRGINIA**

Mr. REID (for himself, Mr. MCCONNELL, Mr. ROCKEFELLER, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 572

Whereas, the Honorable Robert C. Byrd served the people of his beloved state of West Virginia for over 63 years, serving in the West Virginia House of Delegates, the West Virginia Senate, the United States House of Representatives, and the United States Senate;

Whereas, the Honorable Robert C. Byrd is the only West Virginian to have served in

both Houses of the West Virginia Legislature and in both Houses of the United States Congress;

Whereas, the Honorable Robert C. Byrd has served for fifty-one years in the United States Senate and is the longest serving Senator in history, having been elected to nine full terms;

Whereas, the Honorable Robert C. Byrd has cast more than 18,680 roll call votes—more than any other Senator in American history;

Whereas, the Honorable Robert C. Byrd has served in the Senate leadership as President pro tempore, Majority Leader, Majority Whip, Minority Leader, and Secretary of the Majority Conference;

Whereas, the Honorable Robert C. Byrd has served on a Senate committee, the Committee on Appropriations, which he has chaired during five Congresses, longer than any other Senator; and

Whereas, the Honorable Robert C. Byrd is the first Senator to have authored a comprehensive history of the United States Senate;

Whereas, the Honorable Robert C. Byrd has played an essential role in the development and enactment of an enormous body of national legislative initiatives and policy over many decades;

Whereas his death has deprived his State and Nation of an outstanding lawmaker and public servant: Now therefore, be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Robert C. Byrd, Senator from the State of West Virginia.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 4398. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4399. Mr. CASEY (for Mr. LEAHY (for himself and Mr. LEVIN)) proposed an amendment to the concurrent resolution H. Con. Res. 286, recognizing the 235th birthday of the United States Army.

SA 4400. Mr. CASEY (for Mr. LEAHY (for himself and Mr. LEVIN)) proposed an amendment to the concurrent resolution H. Con. Res. 286, *supra*.

**TEXT OF AMENDMENTS**

**SA 4398.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which

was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ANNUAL REPORT ON AWARDING OF FEDERAL CONTRACTS TO CONTRACTORS LISTED ON THE EXCLUDED PARTIES LIST SYSTEM.**

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report describing during the previous year the extent to which suspended or debarred contractors on the Excluded Parties List System, including those suspended or debarred for failing to make full or timely payments to subcontractors—

(1) continued to receive Federal contracts; or

(2) were granted waivers from Federal agencies from suspension or debarment for purposes of entering into Federal contracts.

**SA 4399.** Mr. CASEY (for Mr. LEAHY (for himself and Mr. LEVIN)) proposed an amendment to the concurrent resolution H. Con. Res. 286, recognizing the 235th birthday of the United States Army; as follows:

Strike all after the resolving clause and insert the following: That Congress—

(1) expresses its appreciation to the members of the United States Army for 235 years of dedicated service; and

(2) honors the valor, commitment, and sacrifice that members of the United States Army, their families, and Army civilians have displayed throughout the history of the Army.

**SA 4400.** Mr. CASEY (for Mr. LEAHY (for himself and Mr. LEVIN)) proposed an amendment to the concurrent resolution H. Con. Res. 286, recognizing the 235th birthday of the United States Army; as follows:

Strike the preamble and insert the following:

Whereas, on June 14, 1775, the Second Continental Congress, representing the citizens of 13 American colonies, authorized the establishment of the Continental Army;

Whereas for the past 235 years, the United States Army's central mission has been to fight and win wars;

Whereas the 183 campaign streamers from Lexington to Iraqi Surge carried on the Army flag are a testament to the valor, commitment, and sacrifice of the brave members of the United States Army;

Whereas members of the United States Army have won extraordinary distinction and respect for the Nation and its Army stemming from engagements around the globe;

Whereas in 2010, the United States will reflect on the contributions of members of the United States Army on the Korean peninsula in commemoration of the 60th anniversary of the Korean War;

Whereas the motto on the United States Army seal, "This We'll Defend", is the creed by which the members of the Army live and serve;

Whereas the United States Army is an all-volunteer force that is trained and ready for any adversary that might threaten our Nation or its national security interests; and

Whereas no matter what the cause, location, or magnitude of future conflicts, the United States can rely on its well-trained, well-led, and highly motivated members of

the United States Army to successfully carry out the missions entrusted to them: Now, therefore, be it

**NOTICE OF HEARING**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a Business Meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, June 30, 2010, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider S. 3516, a bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, and for other purposes.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON THE JUDICIARY**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 28, 2010, at 12:30 p.m., in room SH-216 of the Hart Senate Office Building, to conduct a hearing on the nomination of Elena Kagan to be an Associate Justice of the Supreme Court of the United States.

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

**ISRAEL'S UNDENIABLE RIGHT TO SELF-DEFENSE**

On Thursday, June 24, 2010, the Senate agreed to S. Res. 548, as amended, with its preamble, as amended, as follows:

**S. RES. 548**

Whereas the State of Israel, since its founding in 1948, has been a strong and steadfast ally of the United States, standing alone in its commitment to democracy, individual liberty, and free-market principles in the Middle East, a region characterized by instability and violence;

Whereas the special bond between the United States and Israel, forged through common values and mutual interests, must never be broken;

Whereas Israel has an undeniable right to defend itself against any threat to its security, as does every nation;

Whereas Hamas is a terrorist group, formally designated as a Foreign Terrorist Organization by the Secretary of State, and similarly designated by the European Union;

Whereas Hamas is committed to the annihilation of Israel and opposes the peaceful resolution of the Israeli-Palestinian conflict;

Whereas Hamas took control of the Gaza Strip in 2007 through violent means and has maintained control ever since;

Whereas Hamas routinely violates the human rights of the residents of Gaza, including attempting to control and intimidate political rivals through extra-judicial

killing, torture, severe beatings, maiming, and arbitrary detentions;

Whereas Hamas continues to hold prisoner Israeli Staff Sergeant Gilad Shalit, who was seized on Israeli soil and has been denied basic rights, including contact with the International Red Cross;

Whereas the military build-up of Hamas has been enabled by the smuggling of arms and other materiel into Gaza;

Whereas the Government of Iran has materially aided and supported Hamas by providing extensive funding, weapons, and training;

Whereas since 2001, Hamas and other Palestinian terrorist organizations have fired more than 10,000 rockets and mortars from Gaza into Israel, killing at least 18 Israelis and wounding dozens more;

Whereas approximately 860,000 Israeli civilians, more than 12 percent of Israel's population, reside within range of rockets fired from Gaza and live in fear of attacks;

Whereas in 2007, the Government of Israel, out of concern for the safety of its citizens, put in place a legitimate and justified blockade of Gaza, which has been effective in reducing the flow of weapons into Gaza and the firing of rockets from Gaza into southern Israel;

Whereas according to Michael Oren, the Israeli Ambassador to the United States, "If the sea lanes are open to Hamas in Gaza . . . they will acquire thousands of rockets that will threaten every single citizen in the state of Israel and also kill the peace process. . . . Hamas armed with thousands of rockets not only threatens 7,500,000 Israelis but it's the end of the peace process.";

Whereas the Israeli blockade has not hindered the transfer of approximately 1,000,000 tons of humanitarian supplies into Gaza over the last 18 months to aid its 1,500,000 residents;

Whereas, on May 28, 2010, the "Free Gaza" flotilla, which included the Mavi Marmara and 5 other ships, departed from a port in Turkey and sailed towards Israel's defensive naval blockade of Gaza;

Whereas the sponsor of the flotilla was a Turkish organization, the Humanitarian Relief Foundation;

Whereas the Humanitarian Relief Foundation has aided al Qaeda in the past, "basically helping al Qaeda when [Osama] bin Laden started to want to target U.S. soil," according to statements by a former French counterterrorism official, in a June 2, 2010, Associated Press interview;

Whereas the Humanitarian Relief Foundation has a clear link to Hamas, according to a 2008 order of the Government of Israel, and the Humanitarian Relief Foundation is a member of the Union for Good, a United States-designated terrorist organization created by Hamas leaders in 2000 to help fund Hamas;

Whereas there were at least 5 active terrorist operatives among the passengers on the Mavi Marmara, with affiliations with terrorist groups such as al Qaeda and Hamas, according to the Israel Defense Forces;

Whereas the flotilla's primary aim was to break the Israeli blockade of Gaza, under the guise of delivering humanitarian aid to the residents of Gaza;

Whereas, on May 27, 2010, while the flotilla was moving towards Gaza, one of its organizers admitted, "This mission is not about delivering humanitarian supplies, it's about breaking Israel's siege on 1,500,000 Palestinians," according to news reports;

Whereas based on interviews with Mavi Marmara passengers after the incident, the actual intention of passengers on the Mavi Marmara had been to achieve "martyrdom" at the hands of the Israel Defense Forces;

Whereas Saleh Al-Azraq, a journalist who was aboard the ship, recounted that, "The moment the ship set sail, the cries of 'Allahu Akbar' began . . . It made you feel as if you were going on an Islamic conquest or raid," according to an interview recorded on Al-Hiwar TV on June 4, 2010;

Whereas Hussein Orush, a Humanitarian Relief Foundation official, read from the diary of a dead Mavi Marmara passenger: "The last lines he wrote before the attack were: 'Only a short time left before martyrdom. This is the most important stage of my life. Nothing is more beautiful than martyrdom, except for one's love for one's mother. But I don't know what is sweeter—my mother or martyrdom.'", and also stated, "All the passengers on board the ship were ready for this outcome. Everybody wanted and was ready to become a martyr. . . . Our goal was to reach Gaza or to die trying. All the ship's passengers were ready for this. IHH was ready for this too.", according to an interview recorded on Al-Jazeera TV on June 5, 2010;

Whereas Ali Haider Banjinin, another dead Mavi Marmara passenger, told his family before departing on the flotilla, "I am going to be a martyr, I dreamed about it," according to news reports in Turkey;

Whereas Ali Ekber Yaratilmis, another dead Mavi Marmara passenger, "always wanted to become a Martyr," one of his friends told Al-Hayat Al-Jadida newspaper in an interview on June 3, 2010;

Whereas one female passenger on the deck of the Mavi Marmara stated, "Right now we face one of two happy endings: either martyrdom or reaching Gaza," according to Al Jazeera footage taken prior to the incident;

Whereas the Government of Israel had extended a reasonable offer to transfer the flotilla's humanitarian cargo to Gaza;

Whereas the Mavi Marmara and the other ships of the flotilla ignored repeated Israeli calls to turn around or be peacefully escorted to an Israeli port outside of Gaza;

Whereas, on May 31, 2010, the Israeli Navy intercepted the Mavi Marmara 75 miles west of Haifa, Israel, in an effort to maintain the integrity of the blockade and prevent potential smuggling of arms and other materiel into the hands of Hamas;

Whereas upon the boarding of the Mavi Marmara by the Israeli Navy, the Mavi Marmara's passengers brutally and violently attacked the members of the Israeli Navy with knives, clubs, pipes, and other weapons, injuring several of them;

Whereas the members of the Israeli Navy, under attack and in grave danger, reacted in self-defense and used lethal force against their attackers on the Mavi Marmara, shooting and killing 9 of them;

Whereas the incident has fomented unwarranted international criticism of Israel and its blockade of Gaza;

Whereas in the time since the attack, the United Nations has unjustly criticized the actions of the Government of Israel and called for an investigation of such actions; and

Whereas the actions of the United Nations are undermining Israel's inherent right to self-defense, compromising its sovereignty, and helping to legitimize Hamas: Now, therefore, be it

*Resolved*, That it is the sense of the Senate—

(1) that Israel has an inherent and undeniable right to defend itself against any threat to the safety of its citizens;

(2) to reaffirm that the United States stands with Israel in pursuit of shared security goals, including the security of Israel;

(3) to condemn the violent attack and provocation by extremists aboard the Mavi Marmara, who created a highly destabilizing

incident in a region that cannot afford further instability;

(4) to condemn any future such attempts to break the Israeli blockade of Gaza for the purpose of creating or provoking violent confrontation or otherwise undermining the security of Israel;

(5) to condemn Hamas for its failure to recognize the right of Israel to exist, its human rights abuses against the residents of Gaza, and its continued rejection of a constructive path to peace for the Israeli and Palestinian people;

(6) to condemn the Government of Iran for its role, past and present, in directly supporting Hamas and undermining the security of Israel;

(7) to encourage the Government of Turkey to recognize the importance of continued strong relations with Israel and the necessity of closely scrutinizing organizations with potential ties to terrorist groups.

#### PREDISASTER HAZARD MITIGATION ACT OF 2010

Mr. CASEY. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 440, S. 3249.

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

The legislative clerk read as follows:

A bill (S. 3249) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard mitigation program and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment.

S. 3249

#### SEC. 3. PROHIBITION ON EARMARKS.

*Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) is amended by adding at the end the following:*

*"(n) PROHIBITION ON EARMARKS.—*

*"(1) IN GENERAL.—None of the funds appropriated or otherwise made available to carry out this section may be used for congressionally directed spending, as defined under rule XLIV of the Standing Rules of the Senate.*

*"(2) REPORT TO CONGRESS.—If grants are awarded under this section using procedures other than competitive procedures, the Administrator of the Federal Emergency Management Agency shall submit to Congress a report explaining why competitive procedures were not used."*

Mr. CASEY. I ask unanimous consent that the committee-reported amendment be agreed to; the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table without intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The amendment was agreed to.

The bill (S. 3249), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### RECOGNIZING THE 235TH BIRTHDAY OF THE UNITED STATES ARMY

Mr. CASEY. Madam President, I ask unanimous consent that the Judiciary

Committee be discharged from further consideration of H. Con. Res. 286 and the Senate proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 286) recognizing the 235th birthday of the United States Army.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CASEY. I ask unanimous consent that a Leahy-Levin amendment to the resolution, which is at the desk, be agreed to; the concurrent resolution, as amended, be agreed to; that a Leahy-Levin amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate; and any statements related to the concurrent resolution be printed in the RECORD.

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

The amendment (No. 4399) was agreed to, as follows:

#### AMENDMENT NO. 4399

Strike all after the resolving clause and insert the following: That Congress—

(1) expresses its appreciation to the members of the United States Army for 235 years of dedicated service; and

(2) honors the valor, commitment, and sacrifice that members of the United States Army, their families, and Army civilians have displayed throughout the history of the Army.

The resolution, as amended, was agreed to.

The amendment (No. 4400) was agreed to, as follows:

#### AMENDMENT NO. 4400

Strike the preamble and insert the following:

Whereas, on June 14, 1775, the Second Continental Congress, representing the citizens of 13 American colonies, authorized the establishment of the Continental Army;

Whereas for the past 235 years, the United States Army's central mission has been to fight and win wars;

Whereas the 183 campaign streamers from Lexington to Iraqi Surge carried on the Army flag are a testament to the valor, commitment, and sacrifice of the brave members of the United States Army;

Whereas members of the United States Army have won extraordinary distinction and respect for the Nation and its Army stemming from engagements around the globe;

Whereas in 2010, the United States will reflect on the contributions of members of the United States Army on the Korean peninsula in commemoration of the 60th anniversary of the Korean War;

Whereas the motto on the United States Army seal, "This We'll Defend", is the creed by which the members of the Army live and serve;

Whereas the United States Army is an all-volunteer force that is trained and ready for any adversary that might threaten our Nation or its national security interests; and

Whereas no matter what the cause, location, or magnitude of future conflicts, the



United States can rely on its well-trained, well-led, and highly motivated members of the United States Army to successfully carry out the missions entrusted to them: Now, therefore, be it

The preamble, as amended, was agreed to.

#### AMMONIUM NITRATE FERTILIZER

Mr. CASEY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 570, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 570) calling for continued support for and an increased effort by the Governments of Pakistan, Afghanistan, and other Central Asian countries to effectively monitor and regulate the manufacture, sale, transport, and use of ammonium nitrate fertilizer in order to prevent the transport of ammonium nitrate into Afghanistan where the ammonium nitrate is used in improvised explosive devices.

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

Mr. CASEY. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 570) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 570

Whereas it is illegal to manufacture, own, or use ammonium nitrate fertilizer in Afghanistan since a ban was instituted by Afghan President Hamid Karzai in January 2010;

Whereas ammonium nitrate fertilizer has historically been and continues to be 1 of the primary explosive ingredients used in improvised explosive devices (referred to in this preamble as "IEDs") by Taliban insurgents in Afghanistan against the United States and coalition forces;

Whereas 275 United States troops were killed by IEDs in Afghanistan in 2009;

Whereas large amounts of ammonium nitrate are shipped into Afghanistan from Pakistan, Iran, and other Central Asian countries;

Whereas the Government of Pakistan has indicated a willingness to work collaboratively with the Governments of the United States and Afghanistan to address the regulation and interdiction of ammonium nitrate fertilizer and other IED precursors; and

Whereas the United States government currently provides assistance to Pakistan for agricultural development and capacity building: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Governments of Pakistan, Afghanistan, and other Central Asian countries to fully commit to regulating the sale, transport, and use of ammonium nitrate in the region;

(2) calls on the Secretary of State—

(A) to continue to diplomatically engage with the Governments of Pakistan, Afghanistan, and other Central Asian countries to address the proliferation and transportation of ammonium nitrate and other improvised explosive device ("IED") precursors in the region; and

(B) to work with the World Customs Organization and other international bodies, as the Secretary of State determines to be appropriate, on initiatives to improve controls globally on IED components; and

(3) urges the Secretary of State to work with the Governments of Pakistan, Afghanistan, and other Central Asian countries to encourage and support improvements in infrastructure and procedures at border crossings to prevent the flow of ammonium nitrate and other IED precursors or components into the region.

#### RELEASE OF GILAD SHALIT

Mr. CASEY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 571, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 571) calling for the immediate and unconditional release of Israeli soldier Gilad Shalit held captive by Hamas, and for other purposes.

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

Mr. CASEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 571) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 571

Whereas Congress previously expressed its concern for missing Israeli soldiers in the Act entitled "An Act to locate and secure the return of Zachary Baumel, a United States citizen, and other soldiers missing in action", approved November 8, 1999 (Public Law 106-89; 113 Stat. 1305), which required the Secretary of State to raise the status of missing Israeli soldiers with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and other governments in the region, and to submit to Congress reports on those efforts and any subsequent discovery of relevant information;

Whereas the House of Representatives passed H. Res. 107 on March 13, 2007, regarding Gilad Shalit and other Israeli soldiers illegally attacked and captured by terrorists;

Whereas Israel completed its withdrawal from Gaza on September 12, 2005;

Whereas, on June 25, 2006, Hamas together with allied terrorists crossed into Israel to attack a military post, killing two soldiers and wounding and kidnapping Gilad Shalit in a blatantly illegal and extortionate effort to coerce the Government of Israel;

Whereas Hamas has prevented access to Gilad Shalit by competent medical personnel and representatives of the International Committee of the Red Cross;

Whereas Hamas has refused to provide Gilad Shalit with regular contact with his family or any other party, or to allow his family to know where he is being held;

Whereas Hamas has compelled Gilad Shalit to appear in video and voice recordings intended to illegally and extortionately coerce the Government of Israel; and

Whereas Gilad Shalit has been held in captivity by Hamas for almost four years: Now, therefore, be it

Resolved, That the Senate—

(1) demands that—

(A) Hamas immediately and unconditionally release Israeli soldier Gilad Shalit; and

(B) Hamas—

(i) allow prompt access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross;

(ii) facilitate regular communication by Gilad Shalit with his family and allow his family to know where he is being held; and

(iii) cease compelling Gilad Shalit to appear in video and voice recordings intended to illegally and extortionately coerce the Government of Israel;

(2) expresses—

(A) its vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state within recognized and secure borders;

(B) its strong support and deep interest in achieving a resolution of the Israeli-Palestinian conflict through the creation of a democratic, viable, and independent Palestinian state living in peace alongside of the State of Israel;

(C) its ongoing concern and sympathy for the family of Gilad Shalit; and

(D) its full commitment to continue to seek the immediate and unconditional release of Gilad Shalit and other missing Israeli soldiers;

(3) recalls—

(A) the illegal and barbaric attack on and kidnapping of the bodies of Ehud Goldwasser and Eldad Regev on July 12, 2006, by the Iran-supported terrorist group Hezbollah; and

(B) the missing Israeli soldiers Zecharia Baumel, Zvi Feldman, and Yehuda Katz, missing since June 11, 1982, Ron Arad, who was captured on October 16, 1986, Guy Hever, last seen on August 17, 1997, and Majdy Halabi, last seen on May 24, 2005; and

(4) condemns—

(A) Hamas for the grossly illegal and immoral cross border attack and kidnapping of Gilad Shalit; and

(B) the Governments of Iran and Syria, the primary state sponsors and patrons of Hamas, for their ongoing support for international terrorism.

Mr. CASEY. 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.

#### CHINESE CURRENCY MANIPULATION

Mr. BROWN of Ohio. Madam President, over the last few days, we have watched President Obama's Cabinet Members and leaders of the G20 nations in Toronto for an economic summit.

Our trade relationship with China has been one of the most important among many issues the world's leaders have addressed.

We know Ohio's workers and manufacturers can compete with anyone in the world, but China's currency manipulation imposes an enormous and an unfair competitive disadvantage to our workers and our manufacturers.

While last week's announcement that China will allow a gradual appreciation of the value of the yuan is encouraging, we have all too often seen China revert to its old tricks when the spotlight fades. In fact, China made its announcement on a Saturday—a minimalist announcement at that—and the next day backpedaled even on that announcement.

China's systemic intervention in the currency market, where they continue to buy Western currency, has led to the undervaluation of the yuan by up to 40 percent—some economists say even more than that. That means China has a distinct advantage for its exporters and puts our exporters at a distinct disadvantage when they try to get into the Chinese market. That is why we asked the Commerce Department to make the important decision to investigate China's currency manipulation on behalf of paper manufacturers in Ohio and several other States. These companies and their workers in West Carlton, OH, and in Miamisburg, OH, are holding on for their lives, and, like manufacturers and workers around the United States, they understand why our trade law's enforcement and remedies are so vital. They know firsthand why our trade laws must combat currency manipulation.

If we fail to act, China's currency manipulation will continue to contribute to our country's staggering trade deficit with China. Our trade deficit with China in the last 3 years, particularly prior to our terrible financial situation, approached \$1 billion a day. That means we bought from China \$1 billion more than we sold to them, day-in and day-out, 365 days a year.

Senators GRAHAM, SCHUMER, STABENOW, and I are calling for a vote on our legislation that addresses this blatant currency manipulation to ensure that we take action on Chinese imports until the yuan rises to its fair market value.

It is clear that our manufacturers are backed into a corner. It is also clear that it did not have to be this way. Ten years ago this summer, Congress passed permanent normal trade relations with China as our Nation entered the 21st century facing great economic opportunities and confronting gathering national security threats. You remember 10 years ago we had a balanced budget, until the Bush years with tax cuts for the rich, the giveaway for the drug and insurance companies in the name of Medicare privatization, and two wars, all of which were charged to our grandchildren, none of which were paid for. We had an economic situation

where we were beginning to lose manufacturing jobs.

I remember those days, serving in the House, and recall that every Member of Congress—literally probably every single Member of Congress—was told, even those of us who were outspokenly against this PNTR with China—we were told repeatedly in newspaper ads and editorials, told in hundreds of individual visits by CEOs of America's largest companies—they walked into our office and said: We want access to 1.2 billion Chinese consumers. Really, they didn't; they wanted access to 1.2 billion Chinese workers.

Free-trade advocates in Washington and Wall Street and nearly every editorial board lauded the economic opportunities yet to come from U.S. workers and businesses. These pundits, these CEOs, these Ivy League economists, these newspaper editors heralded passage of PNTR with China as the best way to promote reform and stability in China and the region. None hesitated for a minute calling those of us who opposed the PNTR protectionists, saying that we have our heads in the sand, we are backward-looking Luddites and whatever adjective they chose. Today, just 10 years later, those proponents have been shown dreadfully wrong. The problem is that those people who pushed PNTR—the CEOs, the Harvard economist, the newspaper editors—few of them have lost their jobs. It has been workers in Galion, OH, and Zanesville and Toledo and Mansfield and Chillicothe who have paid the price because of that terrible decision to extend those trade preferences to the People's Republic of China.

Since receiving PNTR status and the benefits of membership in the World Trade Organization, the WTO, China has taken money from American consumers and investors without fully opening its markets to American businesses and workers. The results are record trade deficits. The results are millions of jobs lost. Three million manufacturing jobs have been lost in the last several years—not all because of China trade but a significant number.

Chinese workers continue to face low wages and substandard labor conditions. This has not worked particularly well for Chinese workers. It sure has not worked well for American workers. It has worked well for those American companies that outsourced their jobs, hired Chinese workers at very low wages, with very few environmental or worker safety safeguards, and then exported those goods back into the United States.

Even the most ardent proponents of China PNTR are likely to feel a bit of buyer's remorse, unable to do business in China because of China's aggressive protection of its industries.

We must do more to strengthen a multilateral, rules-based system that holds trading partners accountable. A critical way to hold them accountable and advance our economic interests is

strong and aggressive trade enforcement.

President Obama, on two occasions, did something President Bush never did, even though he was presented with recommendations from the International Trading Commission. President Obama twice already showed a willingness to enforce trade rules—the first President to invoke the section 421 safeguards, which he did when he granted relief to the U.S. consumer tire industry. This single action saved at least 100 jobs in Findlay, OH, at Cooper Tire, after President Obama said China is cheating, China is not playing fair, and invoked these sanctions against them.

The Commerce Department then found that steel pipe and tube manufacturers, so-called “oil country tubular goods” manufacturers, are being dramatically undercut by China. As a result, the International Trade Commission granted immediate relief for these oil country tubular goods, which is helping V&M Star expand operations in Youngstown.

I was in Youngstown at V&M Star. I saw what they were doing. We did a groundbreaking today with Governor Strickland, who has played a roll in assembling the package for Star Steel's expansion—some recovery dollars to help with infrastructure leading in and out of the plant, a \$6 million investment in V&M, a very productive workforce for the last several years at V&M Star, and this trade decision President Obama made to simply say the Chinese have not played fair—and the ITC has granted immediate relief. Those factors show that when you enforce trade law, it creates jobs.

There will be 1,000 building trades jobs for the next 18 months in Mahoning Valley because of these direct jobs. Then there will be another 400 or so and maybe more jobs in the future as this company expands.

These are good developments, obviously, but there is more we can do to show America is serious about trade enforcement. There is more we can do to show we are serious about rebalancing our trade relationship with China in defending our national economic interests. And we know there is more we can do in defending a strong national manufacturing base that leads the United States in the global clean energy economy.

Right now, China is working every day to win the race by any cost and any means necessary. Beijing invested \$35 billion in renewable energy last year, more or less double the \$18 billion we invested as a country. Every day we delay investments in clean energy, China spends \$51 million a day to further that unacceptable gap.

China is not only using its abundance of capital to monopolize clean energy manufacturing, it is also elbowing competition out of the way by discriminating against U.S. companies.

China cries foul at our “Buy American” policies but has its own “Buy

China" policies, without signing onto the WTO agreement on procurement. They promised in 2000, with the passage of PNTR, they promised they would join the agreement on procurement, which meant fair play on contracts between and among governments. Yet China has not only refused to sign on, they also had a strong "Buy China" arrangement in their economy, what would have violated WTO rules. Yet several major opinion leaders—Ivy League economists, pundits on television, newspaper editors, and too many elected officials—pushed back and said we should not do "Buy American" in this country.

China's so-called "indigenous innovation" policies provide preferences to products containing Chinese-developed intellectual property for government procurement purposes. That is why I encourage the Obama administration to launch a section 301 case against the Chinese package of policies that limit market access to U.S. companies in the clean energy sector.

If China leads the clean energy revolution, we will trade dependence on foreign oil with dependence on Chinese or foreign clean energy technologies. With the right investments and with strong trade enforcement, we can make sure that does not happen.

Consider, as you know in Oregon, what is at stake. Five of the top ten solar panel makers in the world are from China. But the No. 1 is First Solar, a U.S. company which has factories around the world that can produce as much energy as any coal or nuclear plant but, of course, much cleaner and more efficient.

One of First Solar's factories is in Perrysburg, OH, and the entrepreneurs behind the company's success started at the University of Toledo. If we want to keep First Solar at the top in the world, and if we want our entrepreneurs to continue to lead the world in innovation, they should have access to all of the world's markets. That is why we need the President of the United States to lead the crusade for vigorous trade enforcement.

Just the launch of a 301 case by this administration will show China we are serious about competing in this emerging market. We cannot enter the next decade of the 21st century further behind, facing the same hurdles that faced our Nation just 10 years ago.

As the G20 summit convenes this weekend and beyond, we must take the buyer's remorse of those who supported China PNTR and make sure we begin the next decade with a rules-based trading system that works for American workers and works for American manufacturers.

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

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

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

#### RELATIVE TO THE DEATH OF ROBERT C. BYRD, A SENATOR FROM THE STATE OF WEST VIRGINIA

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 572, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 572) relative to the death of the Honorable ROBERT C. BYRD, a Senator from the State of West Virginia.

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

#### REMEMBERING SENATOR ROBERT C. BYRD

Mr. INOUE. Mr. President, my heart is heavy with sadness following the passing of a dear friend, ROBERT C. BYRD, Senator from West Virginia.

We have been friends for nearly 50 years and I am overcome with memories. Nearly 48 years ago Senator BYRD was one of the first to greet me in the Chamber of the U.S. Senate.

Since that first moment of friendship we have worked together on many projects. And since those early days, I have called him, "my leader."

He was my mentor. Over the years he provided me countless opportunities and tasked me with positions of critical national oversight while guiding my actions with the temperance he learned as the longest serving Senator in history.

He was a Senator's Senator. His many accomplishments were historic and he fought tirelessly to improve the lives of working families in West Virginia. We shared the belief that we must provide for the people who trust us to represent their communities in Washington.

I owe much to my leader, Senator BYRD. He will forever have my gratitude and respect and I will miss him dearly. My thoughts and prayers are with the Byrd family during this difficult time.

Mr. President, as America mourns, I ask my colleagues to join me in paying tribute to Senator BYRD.

Mrs. BOXER. Mr. President, I know several colleagues have come to the floor today to note the passing of a giant among us, ROBERT BYRD. I want to take a moment here to speak straight from the heart about ROBERT BYRD and my experience working with him. As we look at his desk with the flowers there, we of course think back to not too long ago when we lost another giant, Ted Kennedy. I think what distinguishes these two from others is their unbelievable, undying commitment to the people they represented and to this country.

I think, when all is said and done, that is what it is about. It is not about

how long you serve. Of course, in the case of both Senator Kennedy and Senator BYRD, it was so long. Senator BYRD made history as the longest serving Senator, and that should be duly noted. But it is well beyond that. It is about this fierce sense of "fight for your people" that they both had.

When I came to the Senate, of course ROBERT C. BYRD was a legend for sure. He always met with the incoming Senators, to give them the rules of the road about procedure, about how to conduct yourself when you were in the chair, about the dignity of the Senate, and most of all about reverence for the Constitution. As many know and many saw, the image I will always have of ROBERT C. BYRD is of him reaching inside his suit pocket and bringing out the Constitution—which, along with the Bible, was what he cherished most. He taught us that everything we do here comes from the Founders, and he taught us to love and respect the Constitution and he did it in a way that was truly inspiring.

I can tell you, coming from the largest State in the Union, we have our share of problems. We have floods and fires and droughts, we have pests in our agricultural industry, we have problem after problem—earthquakes, need I say that? Every single time we had one of these disasters, Senator FEINSTEIN and I knew we had to go to our colleagues and say: Please understand, California needs the help of the U.S. Government because the damage is so massive. Of course, we all do that whenever our State has a problem, because we are the United States of America.

However, there are times when you do not have an ear that is listening. Senator BYRD, as the chairman of the Appropriations Committee, opened his doors to us, opened his heart to us, opened his experience to us, and was always there for us. I so remember that, time after time.

I went to see him about our water problems. We have lots of water problems. We have cities and suburbs that need the water. We have fishermen who need the water. We have agriculture that needs the water. All the stakeholders have very difficult debates over water. Senator FEINSTEIN and I again have teamed up on this and we have always had a willing listener in ROBERT C. BYRD, who understood and helped us get the stakeholders to the table to find ways to preserve, to conserve, and increase the supply in a smart way for all those stakeholders.

These things are very big to the people of California, who probably have not connected ROBERT BYRD to California. But in all of these cases where we were so in need, he was there for us.

I remember so well his leadership in trying to bring the troops home from Iraq. Twenty-three of us stood up and said no to that war because we thought it meant taking our eye off Osama bin Laden and what was happening in Afghanistan and turning around and going into Iraq. We worried very much

about what would happen with our troops and that it would be a very long war and there was no exit strategy.

Senator BYRD organized us and he opened his office here in the Capitol and said we need to talk about ways that we can bring this war to the end. We need to organize and we need to talk about what is happening to our troops. He cared so much. For me, to have been in his presence and to watch him work has been an amazing experience. So I rise to pay tribute to him.

He has so many wonderful family members who care so much about him. When he lost his wife, it took a huge toll on ROBERT BYRD, and you saw it in his face. A light went out inside. His grandchildren and children stepped up, but that hole in his heart was there. It was evident to all of us. He stayed here through thick and thin, came in—wheeled in, in a wheelchair, fading, suffering, to be in this place that he loved so much, so much; that he respected so much.

I say, and I know, there is not a Member on either side of the aisle who did not respect ROBERT C. BYRD for his brilliance, for his strength, for his fierce representation of his State and, by the way, for his extraordinary biography, coming up the way he did. Talk about the American dream—a child of dire poverty, close to the mines. He always fought for those miners. What a legacy he leaves.

I don't have any notes in front of me. I am speaking from the heart today. I will have a more complete statement, but I did want to make my views known today and send my condolences to the family. It is a great loss for everyone.

Mr. CARDIN. Mr. President, I rise with a heavy heart to pay tribute to our friend and colleague who died early this morning, Senator ROBERT C. BYRD, the longest serving Member in the illustrious history of the U.S. Congress, the longest serving Senator, and the only Senator in U.S. history elected to nine full terms. Considering that Senator BYRD won his first election, to the West Virginia House of Delegates, in 1946, it may be that he was the longest serving elected official in history. His passing is a profound loss to all Americans, to his beloved constituents in West Virginia, and particularly to the institution of the U.S. Senate and those of us who serve here. The Senate had no greater champion than ROBERT BYRD, no one with his understanding of the Senate's unique character, role, promise, history, and parliamentary procedures.

When ROBERT BYRD was elected to the Senate in 1958, after serving in the House for 6 years, he was part of a large, distinguished class that included such future giants as Hugh Scott, Gene McCarthy, Edmund Muskie, and Philip Hart. He surpassed them all.

According to the Senate Historical Office, ROBERT BYRD was the 1,579th person to become a U.S. Senator. Since he was elected to the Senate, another

335 individuals have become U.S. Senators. All in all, ROBERT BYRD served with over 400 other Senators. And I am certain that each one of them held their colleague, as I do, in the highest esteem.

Senator BYRD's modest beginnings in the hard-scrabble coal fields of Appalachia are well known. After his mother died during the 1918 flu pandemic, Senator BYRD went to live with an aunt and uncle who adopted him and raised him in a house without running water or electricity. He pumped gas and butchered hogs. During World War II, he was a welder and built cargo ships in Baltimore and Tampa Bay. After the war, he successfully ran for the West Virginia House of Delegates and, 4 years later, the State's senate, before entering Congress in 1953. All in all, he ran for and was elected to office 15 times—not counting primaries—without suffering a single defeat. Suffice it to say that his life is the quintessential American success story. I think every young American should learn about Senator BYRD's life as an example of what hard work and persistence and devotion can accomplish in this country. He understood better than most people the importance of being educated, not just for embarking on a successful career, but as an end to itself. He was well-read and could recite from memory long passages from the Bible, and from great poets and authors. He was a fine historian, not just of the Founding Fathers and the U.S. Senate, but of ancient Greece and Rome and England.

Senator BYRD married his high school sweetheart, Erma Ora James, shortly after they both graduated from Mark Twain High School—where he was valedictorian—in 1937. He was too poor to afford college right away and wouldn't receive his degree from Marshall University until 60 years later—when he was 77. In between, he did something no other Member of Congress has ever done: he enrolled in law school—at American University—and in 10 years of part-time study while serving as a Member of Congress, he completed his law degree, which President John Kennedy presented to him. Senator BYRD was married to his beloved Erma for nearly 69 years, and was blessed with two daughters, six grandchildren, and seven great-grandchildren.

During his Senate tenure, ROBERT BYRD was elected to more leadership positions than any other Senator in history, including majority and minority leader, whip, and President pro tempore. He cast 18,689 rollcall votes. Only 29 other Senators in the history of the Republic have cast more than 10,000 votes; Strom Thurmond is the only other Senator to cast more than 16,000 votes. Senator BYRD's attendance record over five decades—97 percent—is as impressive as the sheer number of votes he cast.

Senator BYRD's legislative accomplishments, from economic develop-

ment and transportation to education and health care, are legendary. He steered the Panama Canal Treaty through the Senate and waged a lonely battle against the war in Iraq, leading an unsuccessful filibuster against the resolution granting President George W. Bush broad power to wage a preemptive war against Iraq. He claimed that his vote against the Iraq war resolution was the vote of which he was most proud for having cast over the course of his career. When U.S. military strikes on Iraq commenced on March 19, 2003, he stated:

Today I weep for my country. I have watched the events of recent months with a heavy, heavy heart. No more is the image of America one of strong, yet benevolent peacekeeper. The image of America has changed. Around the globe, our friends mistrust us, our word is disputed, our intentions are questioned. Instead of reasoning with those with whom we disagree, we demand obedience or threaten recrimination.

Senator BYRD was unabashedly determined to use his power as a Senator and as the chairman or ranking member of the Appropriations Committee to help lift his State out of grinding poverty. And he delivered for his constituents. It is no surprise, then, that he won 100 percent of the vote of West Virginians in one election—1976—or frequently carried all 55 of West Virginia's counties. And while he fervently supported the coal industry, he recognized the devastating environmental and social impact of mountaintop removal mining techniques and he called for an end to that practice.

In the meantime, he wrote five books, including the definitive history of the U.S. Senate.

Perhaps the highest tribute to Senator BYRD can be found in his biographical section of the *Almanac of American Politics*, which states: "Robert Byrd . . . may come closest to the kind of senator the Founding Fathers had in mind than any other." His fealty to the U.S. Senate and to the Constitution has served as an inspiration, a lesson, and a guiding light to all of us who have been privileged to follow him in this Chamber.

In the last 10 months, we have lost two towering figures here in the Senate: Ted Kennedy and ROBERT BYRD—one of the Senate's greatest legislators and without doubt its greatest defender. Former Senator Paul Sarbanes, whose seat I am privileged to hold, remarked that Senator BYRD liked to say that he never served under any President, but was honored to serve with many Presidents. We can honor these twin giants by carrying on their legacies, by fighting to make America a better place for all Americans, and by defending the Senate's role as a co-equal, not subservient, branch of government.

When Senator BYRD became the longest serving Member of Congress last November, I quoted Robert E. Lee in my floor statement. Lee said:

Duty is the most sublime word in our language. Do your duty in all things.

You cannot do more. You should never wish to do less.

Senator ROBERT C. BYRD has done his duty in all things—to the Senate, to himself, to his family, to his State, to his Nation, and to God.

I am honored to join his and my colleagues here in the Senate, West Virginians, and all Americans in mourning the death, celebrating the life, and paying tribute to this great Senator and this great man.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 572) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 572

Whereas, the Honorable Robert C. Byrd served the people of his beloved state of West Virginia for over 63 years, serving in the West Virginia House of Delegates, the West Virginia Senate, the United States House of Representatives, and the United States Senate;

Whereas, the Honorable Robert C. Byrd is the only West Virginian to have served in both Houses of the West Virginia Legislature and in both Houses of the United States Congress;

Whereas, the Honorable Robert C. Byrd has served for fifty-one years in the United States Senate and is the longest serving Senator in history, having been elected to nine full terms;

Whereas, the Honorable Robert C. Byrd has cast more than 18,680 rollcall votes—more than any other Senator in American history;

Whereas, the Honorable Robert C. Byrd has served in the Senate leadership as President pro tempore, Majority Leader, Majority Whip, Minority Leader, and Secretary of the Majority Conference;

Whereas, the Honorable Robert C. Byrd has served on a Senate committee, the Committee on Appropriations, which he has chaired during five Congresses, longer than any other Senator; and

Whereas, the Honorable Robert C. Byrd is the first Senator to have authored a comprehensive history of the United States Senate;

Whereas, the Honorable Robert C. Byrd has played an essential role in the development and enactment of an enormous body of national legislative initiatives and policy over many decades: Whereas his death has deprived his State and Nation of an outstanding lawmaker and public servant: Now, therefore, be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Robert C. Byrd, Senator from the State of West Virginia.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

#### MEASURE READ THE FIRST TIME—H.R. 5175

Mr. BROWN of Ohio. I understand that H.R. 5175 has been received from the House and is at the desk. I would ask for its first reading.

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

The legislative clerk read as follows:

A bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

Mr. BROWN of Ohio. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

#### ORDERS FOR TUESDAY, JUNE 29, 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, June 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business for one hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 5297, the small business jobs bill. Finally, I ask that the Senate recess from 12:30 until 2:15 to allow for the weekly caucus luncheons.

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

#### PROGRAM

Mr. BROWN of Ohio. Under a previous order, at 2:15, the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to the small business jobs bill.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN of Ohio. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 572 as a further mark of respect to the memory of Senator ROBERT C. BYRD.

There being no objection, the Senate, at 7:13 p.m., adjourned until Tuesday, June 29, 2010, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF AGRICULTURE

RAMONA EMILIA ROMERO, OF PENNSYLVANIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF AGRICULTURE, VICE MARC L. KESSELMAN, RESIGNED.

##### DEPARTMENT OF STATE

ROBERT PORTER JACKSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON.

JAMES FRANKLIN JEFFREY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

ALEJANDRO DANIEL WOLFF, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHILE.

##### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

RICHARD CHRISTMAN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 6, 2012, VICE TOM OSBORNE, RESIGNED.

JANE D. HARTLEY, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2014, VICE DONNA N. WILLIAMS, RESIGNED.

MARGUERITE W. KONDRACK, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2014, VICE RICHARD ALLAN HILL, TERM EXPIRED.

MATTHEW FRANCIS MCCABE, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013, VICE LEONA WHITE HAT, TERM EXPIRED.

JOHN D. PODESTA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2014, VICE ALAN D. SOLOMON, RESIGNED.

LISA M. QUIROZ, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING FEBRUARY 8, 2014, VICE VINCE J. JUARISTI, TERM EXPIRED.

PHYLLIS NICHAMOFF SEGAL, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013, VICE JACOB JOSEPH LEW, TERM EXPIRED.

##### LEGAL SERVICES CORPORATION

HARRY JAMES FRANKLYN KORRELL III, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011, VICE JONANN E. CHILES, TERM EXPIRED.

JOSEPH PIUS PIETRZYK, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011, VICE THOMAS A. FUENTES, TERM EXPIRED.

##### NATIONAL COUNCIL ON DISABILITY

PAMELA YOUNG-HOLMES, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 17, 2010, VICE CHAD COLLEY, RESIGNED.

PAMELA YOUNG-HOLMES, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013. (REAPPOINTMENT)

##### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:  
KAREN S. SLITER, OF MICHIGAN  
CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:  
ELIA P. VANECHANOS, OF NEW HAMPSHIRE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED. FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

##### DEPARTMENT OF COMMERCE

JAMES K. CHAMBERS, OF OKLAHOMA  
ERIC G. CROWLEY, OF COLORADO  
LAURA GIMENEZ, OF CALIFORNIA  
HANNAH KAMENETSKY, OF FLORIDA  
YASUEY PAI, OF NEW YORK  
FRANCIS M. PETERS, OF TEXAS



FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

#### DEPARTMENT OF COMMERCE

HEATHER R. BYRNES, OF ALASKA  
KENNETH DUCKWORTH, OF MARYLAND  
ALIZA L. TOTATO, OF MARYLAND

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### DEPARTMENT OF COMMERCE

NICOLE DESILVIS, OF PENNSYLVANIA  
JEFFREY W. HAMILTON, OF HAWAII

#### DEPARTMENT OF STATE

MARTIN AGUILAR, OF VIRGINIA  
JOEL D. ALLEY, OF OREGON  
MATTHEW R. ANDRIS, OF NEW HAMPSHIRE  
TODD ARMER, OF VIRGINIA  
JEFFREY MICHAEL AUSTIN, OF FLORIDA  
SCOTT T. BAERST, OF THE DISTRICT OF COLUMBIA  
BRENDON BAIRD, OF VIRGINIA  
JENNIFER ALAYNE BARR, OF FLORIDA  
TYLER ALLEN BEESLEY, OF VIRGINIA  
JAMES W. BEESON, OF THE DISTRICT OF COLUMBIA  
BENJIMAN BOHMAN, OF ALASKA  
CHRISTOPHER D. BOOTH, OF VIRGINIA  
JON BOWERMASTER, OF CALIFORNIA  
ZSOFIA BUDAI, OF MINNESOTA  
MICHAEL CAVEY, OF WISCONSIN  
CHRISTOPHER MICHAEL CHAISSON, OF VIRGINIA  
W. JOSEPH CHILDERS, OF OHIO  
ACACIA ZORANA CLARK, OF CALIFORNIA  
BRIAN M. COMMAROTO-ROVERINI, OF NEW YORK  
TROIDISS J. CORA, OF VIRGINIA  
REID MILLER CREEDON, OF MICHIGAN  
HEATHER L. DAIGLE, OF ILLINOIS  
JACKSON C. DART, OF MICHIGAN  
LISA MARIE DEKEUKELAERE, OF THE DISTRICT OF COLUMBIA  
AARON DELONG, OF LOUISIANA  
PATRICIA M. DEPALMA, OF CONNECTICUT  
BRANDON J. DOYLE, OF MICHIGAN  
KATHERINE F. DUDLEY, OF VIRGINIA  
EMILY BOND DUNIVANT, OF TENNESSEE  
KARIN MARIE EHLERT, OF MINNESOTA  
LINDSAY MARIE EINSTEIN, OF THE DISTRICT OF COLUMBIA  
JENNIFER SUZANNE EMPIE, OF MARYLAND  
MICHAEL A. ERVIN, OF WASHINGTON  
S. ADAM FERGUSON, OF UTAH  
JACLYN M. FICHERA, OF VIRGINIA  
DOUGLAS FOWLER, OF WYOMING  
MAIDA A. FURNIA, OF OREGON  
BRENDA B. GABRIEL, OF VIRGINIA  
MAXIMILIAN ROBERT PEREZ GEBHARDT, OF NEW JERSEY  
EVANGELINE A. GESKOS, OF VIRGINIA  
IVNA GIAUQUE, OF VIRGINIA  
DAMON M. GOFORTH, OF CALIFORNIA  
MICHAEL L. GUNZBURGER, OF CALIFORNIA  
PAUL MICHAEL HANNA, OF FLORIDA  
BRIAN HAZELWOOD, OF VIRGINIA  
BENJAMIN D. HESPRICH, OF WISCONSIN  
NOAH J. HEYMANN, OF THE DISTRICT OF COLUMBIA  
KATE E. HIGGINS, OF MARYLAND  
SHEILA-ANNE P. HODGES, OF NEVADA  
KURT HOLMGREN, OF VIRGINIA  
BRIAN HOYT, OF CALIFORNIA  
GRETA L. HROMOVYCH, OF IOWA  
JOSEPH V. JAMES, OF VIRGINIA  
ANNE JENDERSECK, OF VIRGINIA  
SAMANTHA ANN JENKINS, OF WASHINGTON  
JACOB A. JOHNSON, OF NEW YORK  
AARON JAMES KADKHODAI, OF FLORIDA  
IVAN F. KAMARA, OF ARIZONA  
JOSHUA P. KATZ, OF VIRGINIA  
MATTHEW D. KAWECKI, OF MASSACHUSETTS  
DANIELLE F. KELLEHER, OF VIRGINIA  
MATTHEW A. KELLY, OF NEW YORK  
TERESA L. KENDRICK, OF VIRGINIA  
CAROL S. KIM, OF VIRGINIA  
ROBYN A. KIRKHAM, OF UTAH  
JOHN C. KMETZ, OF OKLAHOMA  
JAMES R. KUYKENDALL, OF OKLAHOMA  
MARK ROBERT LAINE, OF VIRGINIA  
BENEY JUHYON LEE, OF VIRGINIA  
JOSEPH KUO LIN, OF NEW YORK  
JACQUELINE K. LOPOUR, OF VIRGINIA  
NATHANAEL M. LYNN, OF THE DISTRICT OF COLUMBIA  
DAVID R.P. MARTINEZ, OF NEW MEXICO  
TODD E. MCCARRICK, OF VIRGINIA  
JOHN ANDERSON MCCARY, OF MARYLAND  
CHARLES ELLIOTT MCCLELLAN, OF NEVADA  
ELAINE RENEE MCGUINEY, OF THE DISTRICT OF COLUMBIA  
JOSHUA D. MCKEEVER, OF VIRGINIA  
JONATHAN KERNS MCKNIGHT, OF VIRGINIA  
MOLLY S. MCMANUS, OF VIRGINIA  
THEODORE MEINHOVER, OF MINNESOTA

CATHERINE T. MILLER-LITTLE, OF OHIO  
JENNIFER P. MINOR, OF VIRGINIA  
MICHAEL WALTER MITCHELL, OF CALIFORNIA  
YOON SANG NAM, OF CALIFORNIA  
CHESTER I. NIELSEN IV, OF VIRGINIA  
TANNER NIELSON, OF VIRGINIA  
JENNIFER K. NILSON, OF WISCONSIN  
MARTIN N. OBERMUELLER, OF NEBRASKA  
RICHARD ANDREW O'NEAL, OF GEORGIA  
MELISSA S. O'SHAUGHNESSY, OF PENNSYLVANIA  
MARCIA Y. OUTLAW, OF ARIZONA  
AARON THOMAS PAYNE, OF VIRGINIA  
SCOTT R. PETERSON, OF VIRGINIA  
WESLEY A. PHILBECK, OF MARYLAND  
KIRK S. PORTMANN, OF WASHINGTON  
JONATHAN POSNER, OF CALIFORNIA  
ADRIAN PRATT, OF FLORIDA  
SARAH H. RATKOVICH, OF VIRGINIA  
KATHERINE REEDY, OF NEW YORK  
RITA RICO, OF CALIFORNIA  
SCOTT M. RIDER, OF MARYLAND  
JASON CORCORAN ROBERTS, OF VIRGINIA  
BENJAMIN O. ROGUS, OF CALIFORNIA  
JESSICA ROHN, OF VIRGINIA  
CHRISTOPHER DENTON ROMANS, OF ILLINOIS  
BRIAN L. ROSEN, OF NEW JERSEY  
MICHAEL J. ROSENBERG, OF NEW JERSEY  
MICHELE ROULBET, OF ILLINOIS  
ALAN R. ROYSTON, OF FLORIDA  
MICHAEL A. RUZINSKY, OF KENTUCKY  
DAVID VINCENT SALVO, OF PENNSYLVANIA  
TINA B. SANTOS, OF VIRGINIA  
DEMARK F. SCHULZE, OF OHIO  
SARAH M. SCOTT, OF VIRGINIA  
NILESH KANTILAL SHAH, OF CALIFORNIA  
ALEXANDER DP SHARP, OF KANSAS  
JASON SHOW, OF TEXAS  
BRIAN M. SKLAR, OF MARYLAND  
COOPER J. SMITH, OF VIRGINIA  
HARRY CHARLES SMITH, OF THE DISTRICT OF COLUMBIA  
SAUNDRA M. SNIDER-PUGH, OF VIRGINIA  
BRIAN T. SORENSON, OF VIRGINIA  
CESAR GUILLERMO SORIANO, OF VIRGINIA  
ERIN M. SOWDEN, OF NEW YORK  
EVAN ROBERT STANLEY, OF FLORIDA  
KIM A. STEINPORT, OF VIRGINIA  
ADAM B. STERN, OF VIRGINIA  
DANIEL C. STREBE, OF TEXAS  
EVERETT E. SUNDERLAND, OF VIRGINIA  
PAUL SWIDER, OF FLORIDA  
RITA S. TAI, OF THE DISTRICT OF COLUMBIA  
NATHANIEL TEK, OF NEW JERSEY  
LAN J. TRUONG, OF THE DISTRICT OF COLUMBIA  
KAITLIN E. TURCK, OF VIRGINIA  
KEVIN A. VAILLANCOURT, OF VIRGINIA  
JUSTINE E. VEIT, OF MISSOURI  
ERIN MARIE WILLIAMS, OF THE DISTRICT OF COLUMBIA  
KEVIN WILSON, OF GEORGIA  
ALEXIS SATHRE WOLFF, OF NEW YORK  
ASHLEY WROTEN, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR, EFFECTIVE OCTOBER 12, 2008:  
CAMERON MUNTER, OF CALIFORNIA

#### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C., SECTION 53 IN THE GRADE INDICATED.

#### To be rear admiral lower half

REAR ADM. (LH) SANDRA L. STOSZ

#### IN THE AIR FORCE

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

#### To be lieutenant general

MAJ. GEN. STEPHEN P. MUELLER

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

#### To be lieutenant general

MAJ. GEN. ROBIN RAND

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

#### To be major general

BRIGADIER GENERAL HUGH T. BROOMALL

BRIGADIER GENERAL PAUL D. BROWN, JR.  
BRIGADIER GENERAL WILLIAM R. BURKS  
BRIGADIER GENERAL JAMES E. DANIEL, JR.  
BRIGADIER GENERAL MICHAEL J. DORNBUSH  
BRIGADIER GENERAL MATTHEW J. DZIALO  
BRIGADIER GENERAL GREGORY A. FICK  
BRIGADIER GENERAL ROBERT H. JOHNSTON  
BRIGADIER GENERAL JOSEPH L. LENGYEL  
BRIGADIER GENERAL WILLIAM N. REDDEL III  
BRIGADIER GENERAL JAMES R. WILSON

#### To be brigadier general

COLONEL DONALD A. AHERN  
COLONEL JAMES C. BALSERAK  
COLONEL FRANK W. BARNETT, JR.  
COLONEL MARK E. BARTMAN  
COLONEL ROBERT M. BRANNON  
COLONEL RICHARD J. DENNEE  
COLONEL LAWRENCE P. GALLAGHER  
COLONEL MICHAEL D. HEPNER  
COLONEL WORTH S. HOLT, JR.  
COLONEL ARTHUR W. HYATT, JR.  
COLONEL BRADLEY S. LINK  
COLONEL DONALD L. MCCORMACK  
COLONEL BRIAN G. NEAL  
COLONEL ROY V. QUALLS  
COLONEL MARC H. SASSEVILLE  
COLONEL MARK L. STEPHENS  
COLONEL ALPHONSE J. STEPHENSON  
COLONEL KENDALL S. SWITZER  
COLONEL DANIEL C. VANWYK

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

#### To be brigadier general

COL. DONALD P. DUNBAR

#### IN THE ARMY

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

#### To be lieutenant general

LT. GEN. JOSEPH F. FIL, JR.

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

#### To be lieutenant general

MAJ. GEN. WILLIAM J. TROY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be major general

BRIG. GEN. SANFORD E. HOLMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DEAN OF THE ACADEMIC BOARD, UNITED STATES MILITARY ACADEMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4335:

#### To be brigadier general

COL. TIMOTHY E. TRAINOR

## CONFIRMATION

Executive nomination confirmed by the Senate, Monday, June 28, 2010:

#### THE JUDICIARY

GARY SCOTT FEINERMAN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

## WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 28, 2010 withdrawing from further Senate consideration the following nomination:

ARMY NOMINATIONS BEGINNING WITH CARDELL J. HERVEY AND ENDING WITH SCOTT H. SINKULAR, WHICH NOMINATIONS WERE SENT TO THE SENATE ON MARCH 9, 2010.