



United States  
of America

# Congressional Record

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

Vol. 157

WASHINGTON, MONDAY, MAY 2, 2011

No. 57

## Senate

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

### PRAYER

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

Let us pray.

Almighty God, Father of all mercy, let Your presence be felt today by all on Capitol Hill and beyond. May the awareness of Your nearness make a positive impact upon our thoughts, speech, and actions. As we learn to cultivate companionship with You, may it improve our decisions, our relationships, and our aspirations. Teach us Your ways and lead us in Your truth.

Lord, as millions react to the death of Osama bin Laden, may we remember Your mercies to our Nation and our accountability to You. Bless the many who have sacrificed so much to keep us free. We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 2, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A.

COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in a period of morning business until 4:30 p.m. today. Following that morning business, the Senate will be in executive session to consider Calendar No. 74, Roy Bale Dalton, of Florida, to be U.S. District Judge for the Middle District of Florida; Calendar No. 76, Kevin Hunter Sharp, of Tennessee, to be U.S. District Judge for the Middle District of Tennessee.

There will be an hour of debate, equally divided and controlled between Senators LEAHY and GRASSLEY or their designees.

At 5:30 this evening, there will be a rollcall vote on the Sharp nomination. The Dalton nomination will be confirmed by unanimous consent.

### OSAMA BIN LADEN

Mr. REID. Mr. President, late last night, we learned the news we have been longing to hear since the worst morning in our memory: an American operation brought Osama bin Laden to justice. This was an American mission ordered by President Obama and accomplished by America's brave and brilliant military and intelligence professionals.

Last night's news stunned the world. But this operation's success should surprise no one. America's special forces

and intelligence operatives are the best—the best trained, the best equipped, the best led.

Every day of every year they risk their lives for our sake, for our safety. They are the most professional and proficient forces on the planet. Yesterday, they brought down the most wanted mass murderer on Earth. Their success is the most significant victory yet in the fight against al-Qaida and terrorism and sends a strong and unmistakable message to terrorists who threaten our country, our people, and our interests.

This success is a direct result of President Obama's leadership and the national security priorities he outlined when he took office and the green light he gave our forces this weekend. President Obama insisted that we refocus on Afghanistan and Pakistan as the central battlefields in our fight against terrorism.

Those tremendous military, diplomatic, intelligence, and economic efforts are the reason we woke up this morning in a world that is no longer home to Osama bin Laden. But the end of his life is not the end of the fight. Yesterday's operation is indeed a measure of justice, but it is only one measure of justice. Absolutely it is a definitive victory, but it does not define absolute victory. America welcomes the success of our fellow citizens' extraordinary mission.

Even as we breathe a sigh of relief, though, we are not relieved of our duty to be vigilant, to be persistent and defeat our enemy and to make our Nation stronger. The leader of al-Qaida is gone, but his organization is not. We know our enemy is widespread and motivated. The truth is, it may be more motivated today than it was yesterday.

Our troops continue to fight. Our intelligence professionals continue to work. Their families continue to sacrifice. We continue to support all of them and support each other.

We also pause today to, once again, lend a shoulder to those whose grief

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



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never ends, not with time, not with bin Laden's demise, not ever. This significant measure of justice is but a small measure of comfort for those who lost loved ones in America and around the world, in New York and Virginia and Pennsylvania, aboard the USS *Cole*, and in American Embassies in Africa, on trains in London and Madrid, and in so many other places.

Bin Laden's death does not bring back the thousands of innocent people his thugs killed or make whole families who will be forever incomplete. But it is an important milestone that reminds the world America does not suffer the wicked and will not submit to evil. Our resolve is strengthened when it is challenged and our unity, though it too is often tested, is unbreakable.

Because of the hard work of courageous Americans and our military, intelligence, diplomatic, and law enforcement communities, a long evil chapter in our Nation's history closed yesterday. Today, we welcome the spring of a new optimism and renewed patriotism. The chapter now behind us ended with justice. We hope the chapter ahead of us will bring security and peace.

#### WORK CONTINUES

While the Nation and the world absorb this crucial development, the work of the Senate continues. Today, we begin a new month and a new work period and a new opportunity to come together to create jobs. I hope this month will be a productive month. There are several important and time-sensitive items on our plate. One, I hope to wrap up the small business jobs bill. This has been on the floor for weeks and weeks and weeks—far too long—and we need to resolve it so we can move on to other matters.

Two, we will have the same debate in the Senate that the American people are having at home; that is, the question of whether we should keep giving away money to oil companies that clearly do not need taxpayer handouts. That will be part of a larger debate we will continue having about how best to reduce our reliance on foreign oil and invest better and smarter in clean energy.

Three, we will vote on the House-passed budget. A majority of the House has embraced it, a majority of the American people have rejected it, and the Senate will soon have its say.

Finally, we will confirm judicial nominees, many of whom we have waited a long time for in the Senate. If the minority forces us to file cloture on those nominees in order to get a final vote, I will file cloture. I think it is too bad if we get involved in this with trial court judges. We cannot waste any more time or play these games for a longer period of time. The country needs these empty benches filled.

We also have other nominations to confirm, including the Attorney General's top Deputy, No. 1 Deputy, Jim Cole. The Deputy Attorney General runs the day-to-day operations of the Department of Justice. He is also the

person who signs the critical warrants to permit our intelligence officials to conduct surveillance on suspected terrorists. But he cannot do that unless the Senate confirms him. So we must do that soon.

Especially given last night's developments, it is unthinkable that partisanship and legislative ploys would keep a well-qualified nominee out of this important national security role.

A moment ago we began this remarkable new day in the Senate the same way we begin every day in session. We begin it with the Pledge of Allegiance to our flag. Its closing words were the powerful closing words of President Obama's address to the Nation last night. Their meaning is even more profound today, the first day of this new era.

The words "liberty and justice for all" represent America's purpose. This weekend, in the name and pursuit of liberty, heroic Americans halfway around the world secured justice for an evil man's victims, for the survivors of his terror, for Americans, their allies, and the entire world. "Liberty and justice for all."

#### RECOGNITION OF THE MINORITY LEADER

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

#### OSAMA BIN LADEN

Mr. McCONNELL. Mr. President, today, Americans and all who long for justice woke to the good news: nearly 10 years after the United States set out to kill or capture Osama bin Laden, justice has been done. The man who orchestrated the 9/11 attacks and who reveled in the horror of that day is dead. And those who follow his twisted vision are again on notice: America is in pursuit.

This was a long time coming. For two decades, Osama bin Laden and the al-Qaida network he created, sustained, and led has been at war with the United States.

The path of terror extended from the first World Trade Center bombing to the bombing of the Khobar Towers and the U.S. embassies in Kenya and Tanzania, to the bombing of the USS *Cole*, to the horrors of 9/11, and through two long and difficult wars that followed. 9/11 may have been the day that this pattern of violence became suddenly and undeniably clear. But bin Laden's destructive path was already long by then, and for the past 10 years, America has been determined to bring this monster to justice.

From the beginning of this fight, the mission has been clear: to deny al-Qaida and any of its affiliates around the world a sanctuary from which they could plan, prepare, or launch another attack on U.S. soil. And the effort to prevent that long-feared attack has been an undeniable success under two

administrations in the ongoing war on terror.

Yet despite this success, and our early success in Afghanistan, al-Qaida's senior leadership was able to find a safe-haven in Afghanistan. A few short years after 9/11 al-Qaida had regained enough strength to once again pose a serious threat to the United States. Meanwhile, the Taliban had re-established its headquarters in Pakistan and had gained enough strength to return to Afghanistan and to risk the success of our mission there.

And as the years went by, Osama bin Laden's ability to elude capture had become a greater source of frustration to us, and a source of propaganda to his followers.

Over the years, Americans had become all too familiar with bin Laden's dark pronouncements, from his perverse declaration 3 years before 9/11 that it was the obligation of every Muslim "to kill and fight Americans and their allies, whether civilian or military in any country" . . . to his declaration after 9/11 that he had calculated the number of innocents he could kill that morning, and that he was the most optimistic planner of them all.

Last night, those proud pronouncements ended at the barrel of a gun. The last thing Osama bin Laden saw on this earth was the small team of Americans who shot him.

So Americans can be proud of the efforts of our military and intelligence communities, and the focused efforts of two administrations in fighting al-Qaida, and now, in capturing, its self-appointed leader.

This is indeed a signal achievement, a huge victory in the war against terrorism, and a day of great pride for our country. The President made the right call, and we thank him for it.

We can never bring back those who died on 9/11 or those who have given their lives in this long and difficult war, but all Americans can say with renewed confidence today that we have kept our pledge, and that this is a war we will win.

Some will recall that Osama bin Laden launched this war many years ago on the false assumption that America didn't have the stomach for the fight. While it may have taken longer than we hoped, last night he and his followers learned just how wrong he was. We take great satisfaction in knowing that Osama bin Laden will no longer be able to carry out his evil plans, that he has made his last video, and that whenever someone suggests the United States has grown weary, complacent in this war, we have shown how determined we are to fight it to the end.

History is full of fallen despots and madmen who underestimated the resolve of the United States. Last night, we added one more to their ranks. But we don't rest, because we know al-Qaida's determination to attack the United States didn't end on September

11, 2001, and it didn't end last night. We continue to fight, knowing that al-Qaida remains committed to attacking our homeland and our allies. We were reminded of this last week when police in Germany arrested three men associated with al-Qaida who were planning an attack there.

Since the beginning of Operation Enduring Freedom, we have matched the terrorist threat with the valor of our armed services and counterterrorism professionals. The men and women of the Central Intelligence Agency's Counterterrorism Center have unselfishly devoted themselves to preventing attacks against us and in hunting down bin Laden. Last night, their determined efforts met with success, and we are deeply grateful for their efforts.

As for the broader war, the death of bin Laden may create the opportunity to renew our efforts with Pakistan to bring fresh pressure on al-Qaida's senior leadership. President Obama noted in his remarks of last night that it is essential for Pakistan to join us in this fight. Today is the day to redouble our efforts in pursuit of al-Qaida.

In the coming weeks and months, these same counterterrorism professionals will focus on determining what bin Laden's death means for the threat posed by al-Qaida affiliates in Somalia, Yemen, North Africa, and for the remainder of al-Qaida's senior leadership. But today the world knows once again that wherever al-Qaida lurks—wherever they lurk—we will find them. It may not be days from now; it may not be months. But those who plot harm to innocent Americans and our allies will be captured or killed. For them too justice will be done.

Anyone who lived through the horror of 9/11 remembers exactly where they were on that terrible September day. Now they will remember where they were when they first heard the news that the man behind it had been killed by brave American forces inside Pakistan. We will remember where we were when, after years of effort, we finally got our man. America didn't seek this fight; it came to us. But ever since 9/11, we have been determined to fight al-Qaida to the end. We knew from the start it would require patience and great sacrifice, and that effort has paid off. Thanks to the skill and perseverance of many brave men and women, we have done what we said. America has not wavered, it has not lost sight of the mission, and we will prevail.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for debate only until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### DEATH OF OSAMA BIN LADEN

Mr. TESTER. Mr. President, it was a little less than 10 years ago that I was in northern Wyoming driving home. It was the day of September 11, 2001. On that drive home that evening, I heard the press report saying that Osama bin Laden was behind the terrorist attack on the trade center, the Pentagon, and in that field in Pennsylvania where the plane went down. I said to myself then that it was just a matter of time before the United States would catch him and justice would be served.

Mr. President, across the remote mountains and dingy suburbs of Afghanistan and Pakistan, thousands of American troops dedicated themselves to stamping out Osama bin Laden and the evil he defined. All of those Americans made painful sacrifices at home, and many still are. Many are struggling with injuries, seen and unseen, and thousands have given their precious lives.

Of course, we will never forget the innocent lives taken in cold blood on that day of September 11, 2001. We all know how that day changed the course of world history. One man was behind it all. We have hunted him for the better part of a decade.

Now, thanks to the hard, diligent work of America's Special Forces and intelligence agents, that man is dead. At long last, catching him in a corner, a handful of American troops delivered justice to the entire world.

The price for Osama bin Laden's death was enormous. Although yesterday's precision strike was executed by the toughest, smartest, and most effective special operations force on Earth, its justice is the result of all the countless soldiers, marines, airmen, sailors, and intelligence agents and their families who went "all in" for us over the past decade.

This country—now and among future generations—will never forget their sacrifices.

Thirty-six Montanans have been killed in worldwide operations since 9/11. Dozens more have been seriously wounded, and a few were longtime servicemembers, but many of them joined the military specifically because of that awful day and what happened on September 11, 2001.

We are so thankful to them for all they gave and for all their families gave.

While Osama bin Laden's death is a true victory, our vigilance in the

worldwide fight against terrorism doesn't end here. The hundreds of Montanans still serving abroad today remind us of that every day.

Yesterday we blotted out Osama bin Laden forever, and that will make our world safer. But working together with the international community, our Nation will continue to be steadfast in our commitment to security, safety, and opportunity for all Americans.

Security and opportunity and freedom aren't just American values, they are human values. As Americans, we will never be afraid to fight for them.

In the days and months ahead, I expect we will refine and recalibrate the future of U.S. involvement in Afghanistan. As this next chapter unfolds, my thoughts and prayers will always remain with the hundreds of Montanans serving there. We are grateful for their service. We are anxious to bring them home.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### FAREWELL TO THE SENATE

Mr. ENSIGN. Mr. President, I rise today to deliver a very difficult speech. This will be my farewell speech to the Senate. Serving as Nevada's 24th Senator has truly been the greatest professional privilege of my life. Growing up with a single mom in very humble surroundings, I simply never imagined that one day I would end up as a Member of such an august body.

Unfortunately, the amazing experiences that stem from the more than 10 years of my Senate service cannot be summed up in one single speech. I owe a humble thank you to many people who helped to get me here and who have helped me serve effectively, from campaign volunteers, staff, and donors, to some of the best people with whom I have ever worked, my Senate staff. I cannot thank you enough for the honor of the past many years. Each of you has helped me to achieve more than my individual talents alone could have ever accomplished. When I look back over my time, both here and in the House of Representatives, I am very proud of the many accomplishments that we together have been able to achieve. I wish to take a moment to mention a few.

The beauty of the State of Nevada has been greatly enhanced and protected for the enjoyment of future generations because of my work in authoring the Southern Nevada Public Land Management Act and several other important lands bills. Because of these lands bills, Nevada has been able to

keep over \$3 billion that has been raised from land sales in southern Nevada. This is money that did not have to come out of the U.S. Treasury.

In the past, BLM land; that is, the public land in Nevada, was exchanged for sensitive land around the State. But as a result of the lands bills we worked on, we were able to, instead, auction this BLM land, raising far more money for the State of Nevada than the land exchanges ever were able to do. This land revenue has been used to purchase sensitive land to protect it for future generations, but also to construct over 100 beautiful parks and trails in southern Nevada. I cannot tell you how proud I am when I drive around Las Vegas and see so many families enjoying these beautiful areas. These lands bills have made the great quality of life we enjoy in Nevada that much better.

Additionally, for those in northern Nevada, my love for Lake Tahoe has been evident throughout the years. I have worked hard to ensure that the beauty of those tranquil waters and surroundings will be just as beautiful decades from now as they are today, and our lands bills helped to achieve this goal. Through this legislation, hundreds of millions of dollars have been devoted to preserve its ecosystem, and important fuel reduction projects around our State will help prevent catastrophic wildfires that so threaten the future of our State and its breathtaking landscape.

Additionally, I have been a passionate advocate for education reform. Our lands bills have directed millions of dollars to Nevada schools as an endowment our State will benefit from for many years yet to come. I thank Senators REID and Bryan for their cooperation in helping draft this legislation that so greatly benefits our State. I also thank the folks on my staff, especially John Lopez, who worked so hard to turn these pieces of legislation into law.

Speaking of legislation that became law, I wish also to highlight another accomplishment of which I am so proud.

As the only bipartisan provision in the so-called ObamaCare bill, Senator TOM CARPER and I worked against some powerful interest groups to get the Healthy Behaviors Act added to the health reform bill.

Our provision was modeled after efforts by Safeway in the private sector to both improve health care quality and to reduce the cost of health care. Essentially, our provision rewards people in the form of lower health care premiums for making healthy choices, such as quitting smoking. If we as Americans continue to eat too much, exercise too little, and to smoke, it really does not matter what kind of health care reform we enact in this country; costs will continue to escalate. I hope this provision will highlight the individual contribution we can all make to reduce our health care costs.

Certainly this legislation would not have become law if it were not for the spectacular job Michelle Spence from my office did. As I mentioned earlier, I simply cannot list the number of things or the number of people on my staff who have helped me with legislation. We have accomplished a lot. I wish I could do it in just one speech, but it is not possible. I could speak at length about my fight for lower taxes and individual freedoms, protection of constitutional rights, the dignity of our service men and women, education reform, and so much more, but there is not enough time. I hope my voting record and legislative record in the Senate will continue to speak for me long after I have left this Chamber. I would like to speak, though, about a few observations I have made through the course of my time here.

When I first ran for office back in 1994, I was rather naive. I was also very idealistic. I simply wanted to make a difference in this great country. Throughout the years, I may have lost my naivete, but I never lost my idealism. I still strongly believe the United States is the greatest country in the history of the world, and it is worth fighting for and worth protecting.

I will leave this place knowing there are some really outstanding people here who are just as idealistic or maybe more so than I ever was, and they are willing to take the tough political votes that are necessary to save this country from total bankruptcy. My prayer is that more people will join them in that courage. Our children and our grandchildren deserve to have the same country we enjoyed, and it is up to the House, the Senate, and the White House to stand together with the American people to save the future of the United States from self-destruction.

When I first arrived in the Senate, I observed several people who were so caught up in their own self-importance and busyness that arrogance literally dripped from them. Unfortunately, they were blind to it, and everyone could see it but them. When one takes a position of leadership, there is a very real danger of getting caught up in the hype surrounding that status. Oftentimes, the more power and prestige a person achieves, the more arrogant a person can become.

As easy as it was for me to view this in other people, unfortunately, I was blind to how arrogant and self-centered I had become. I did not recognize that I thought mostly of myself. The worst part about this is that I even tried not to become caught up in my own self-importance. Unfortunately, the urge to believe in it was stronger than the power to fight it. This is how dangerous the feeling of power and adulation can be.

My caution to all of my colleagues is to surround yourselves with people who will be honest with you about how you really are and what you are becoming, and then make them promise to not

hold back no matter how much you may try to prevent them from telling you the truth. I wish I had done this sooner, but this is one of the hardest lessons I have had to learn. I believe that if I had learned this lesson earlier, I would have prevented myself from judging two of my colleagues when I had no place to do so.

When I was chairman of the National Republican Senatorial Committee, I was confronted with the personal issues facing Senator Larry Craig and Senator Ted Stevens. Following Larry's admission and Ted's guilty verdict, I too believed in the power of my leadership position, and I called on both of them to resign. I sincerely struggled with those decisions afterward, so much so that I went to each of them a few weeks afterward and admitted what I did was wrong, and I asked both of them for forgiveness. Each of these men was gracious enough to forgive me even though publicly I did not show them the same grace. I am very grateful to both of these men. When I announced my personal failure 2 years ago, Larry Craig was one of the first to call and to express his support. I truly cannot tell you what that meant then and what it means to me today.

The purpose of me speaking about this is to humbly show that in life a person understands mercy a lot more when they need it and when it is shown to them. Again, this is a hard lesson I have had to learn, but I hope I can now show mercy to people who come into my life who truly need it.

As I conclude, I have a few others I want to thank.

My colleague from the State of Nevada, Senator REID. I ran against Senator REID in 1998. He beat me by a little over 400 votes. Afterward, 2 years later, when I was fortunate enough to win the election, Senator REID and I sat down and we kind of made a pact between us that we were going to get along even though we were of different parties, we were going to put the past behind us, and we were going to work together for the people of the State of Nevada. A funny thing happened along the way over these last 10-plus years: Senator REID and I developed a friendship—two people with opposite voting records, opposite views on major national issues, but we worked together on a lot of issues that affected our State. A friendship formed between our staffs, and a true friendship formed between Senator REID and myself. And for that, I want to thank him.

To my Senate colleagues, I would like to take a moment to apologize for what you have had to go through as a result of my actions. I know many of you were put in difficult situations because of me, and for that I sincerely apologize.

My wife Darlene, who has been through so much with me and has fought through so many struggles, is owed more than I could ever repay. I do not deserve a woman like her, but I love her, and I am so grateful the Lord has put her in my life.

Our children, Trevor, Siena, and Michael, have never known anything other than their dad leaving each week to come back to Washington, DC, for my work. All three of them are incredible, and it has been a blessing and a privilege just to be their dad.

I have also been very blessed with a great set of parents who have stood by me through thick and thin, and also the rest of my extended family. I also have wonderful friends who have been there with me and my family through the highs and the lows.

Lastly, most importantly, I want to thank God for allowing me to be here. I have been encouraged by some not to mention God because it looks hypocritical because of my own personal failings, but I would argue that I have not mentioned him enough. I am glad the Lord not only forgives, but he actually likes it when we give Him thanks. So, Lord, thank you for all you have done in my life. I hope I can do better in the future. I hope I can learn to love You with all my heart, soul, and to love others as myself.

My colleagues, I bid you farewell. Know that you will all be in my prayers.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

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

#### ILLINOIS FLOODING

Mr. DURBIN. Mr. President, we have heard some terrible stories about severe weather and the damage it is causing across the United States. My heart goes out to the people of Tuscaloosa, AL, and all the communities in the South that were ravaged by tornadoes of record force and velocity.

In the Midwest, our problems are more subtle but also devastating in terms of the impact of floodwaters. It is nothing new in our part of the world. We have the confluence of the Mississippi and Ohio Rivers at the southern tip of our State, further north on the Mississippi, the Illinois River and the Missouri River. Whenever there is heavy rainfall in one area or more, it ends up raising the levels of those rivers to perilous heights, which can inundate communities.

I can't tell my colleagues how proud I am of the people who come forward in the midst of this type of challenge every single year. Thank goodness it seems as though there is never a lack of volunteers. People are always willing to step up, starting with the Na-

tional Guard. They always do the best job possible, and I thank them over and over for what they do. Then, local law enforcement works overtime—the firefighters, the police, and all the rest. Then there is the extra work that is going on in hospitals and clinics and nurses and doctors working overtime.

In my part of the world too, State and Federal employees have pitched in at every level, starting with the Army Corps of Engineers, the Department of Natural Resources of the State of Illinois, the Illinois Emergency Management Agency, and the Federal Emergency Management Agency. It is an amazing outpouring of support.

Last Friday, I boarded a plane in Chicago and flew down to Marion, IL, and took a helicopter into Cairo. Cairo, of course, is at the southern tip of our State, as I mentioned earlier, at the confluence of the Ohio and the Mississippi Rivers. I saw there some things going on in the town of Cairo, IL, which were truly frightening and disturbing.

This is a town which in its heyday was one of the major port cities in Middle America. Cairo, as the Ohio and Mississippi Rivers came together and then coursed on down to the Gulf of Mexico, was a major city with major economic activity. Over the years, as river traffic changed and the economy changed, Cairo changed too. Now it has a population of a little less than 3,000 people. Many of them are very poor. They have an African-American mayor, Mayor Childs. I believe he is their first, if not their second, African-American mayor. They have had issues of racial strife over the last 50 years. They struggle to keep businesses in place. Their schools are always challenged, and now, on top of that, comes a flood.

If you went along the Ohio River leading up to Cairo, you would see an amazing levee. It is the kind of wall of protection, concrete wall of protection, which every river community would love to have—on the Mississippi side, not so much. But the interesting thing I found when I went down there is even that side of the river, the Ohio River, with this huge concrete levee, has serious problems. It turns out that the water table is so high in Cairo, IL, that the pressure of the rising Ohio River is forcing the water into what are known as sand boils. So out of nowhere, in the midst of a lot or a street, up pops a geyser of river water. You think, what is going on here? It is 10, 15, 20-50 feet away from the levee. That is because the entire ground is so saturated and the river is working its way underneath, eating up the underlayment.

I walked along there with a National Guardsman who was taking pictures of the scene. We went to one street that had been closed with two major openings where water was bubbling, and as the National Guardsman was taking my photograph, the street collapsed under him and he fell 2 or 3 feet down because all of this water has eaten out all of the substrata under this street.

That is why this has become so serious that the mayor, Mayor Childs, started with the voluntary evacuation and then last Saturday night said: Let's everybody leave this town. We don't know what is going to happen next. That is the reality not only of Cairo but of several other communities.

The 2,800 people of Cairo, IL, were evacuated Saturday when the Ohio River reached its highest level since 1937. It rose above the 15½-foot level this weekend and is expected to go higher. Five other Illinois communities are now under a voluntary evacuation order. The people of Old Shawneetown, Junction, Brookport, and Golconda are being asked to clear out for their own safety.

The biggest threat of major damage is still at Cairo. I was in Cairo just a few days ago, and I can tell you the water levels there were continuing to rise.

I show you a picture of a home in Cairo, IL. The water level is already so high that the home is uninhabitable. I saw many homes like this, but I also saw some superhuman efforts which are hard to even describe, where people decided, even with a home that close to the river, they were going to build a wall of sandbags around their home and save it. It sounds impossible, but they are doing it. The sandbags are up to 5 feet high, holding back the water which, if they were not there, would have inundated the home. The pumps are pumping water out from the home into the surrounding areas, and people are up night and day, 24 hours a day, in rowboats, going back and forth trying to preserve the one thing on Earth that means so much to them—their home. That is the kind of battle that is taking place in homes all around Alexander County and Cairo. The sustained high water level has put an unprecedented amount of pressure on the levees.

As I mentioned earlier, these giant sand boils are forming, and they are working all night to try to contain them. Local volunteers and National Guardsmen are doing all they can, but the Ohio River is expected to stay at or above flood stage for the foreseeable future, and the levee may not withstand that pressure. If Cairo's levee bursts, the Army Corps estimates the town will be inundated with as much as 15 feet of water.

The entire State of Illinois is operating under a state of emergency; 320 National Guardsmen are on hand to help evacuate people and monitor water levels. The State has issued and helped fill more than 1 million sandbags, working with the Guard, the Army Corps of Engineers, and local responders to put in generators and supplies where they are needed.

My thoughts are with the people and families affected by the floodwaters in southern Illinois, especially those who had to leave their homes. I am grateful for all the people, military and civilian alike, who are working around the clock to control the Ohio River.

General Walsh is in charge of the Army Corps of Engineers' operations in this area. I talked to him several times over the weekend. He has a very, very difficult decision to make. I have seen it made in the past. It is never easy. The decision he has to make is, if a city is threatened, like Cairo, IL, he has to determine whether it is the right thing to do to open a levee to relieve the water pressure of the rivers by flooding adjoining farmland. So people who are now perhaps only minor victims of flooding would see their farmlands inundated. That is in Missouri, and they do not like the idea. Who would? They resisted it in court, and at two levels now the court has said it is an Army Corps of Engineers' decision.

I spoke to General Walsh all through the weekend, and he walked me through this decision. What I said to him I will repeat on the floor. I said: This is a difficult, hard decision you have to make. You will get no pressure from me. I believe that Cairo, IL, is right now teetering on the edge and could be inundated with floodwater and 2,800 people could lose their homes. That is my side of the equation, along with these other communities. But I know you have to make the calculation on rainfall, the level of the rivers, and trying to make some calculation about critical infrastructure in both instances. And I said: Just use your best engineering and scientific judgment. I will back you up, whatever you decide.

Well, he has put in place the explosives to blow the levee downriver on the Missouri side to relieve the pressure not only in Illinois but in Kentucky and I think parts of Tennessee as well. I think that may be a decision to be made within the next few minutes. Whatever his decision, whatever the Army Corps decides, I will stand by it because I know it is a good-faith effort to do the right thing. And this I will say: If they end up flooding some farmland in Missouri, I will stand by my colleagues in that State, as well as all others in the Midwest, to make sure that those people are made whole, that they have some recovery through our government for losses in farm profits and the like. It is the least we can do. If they end up saving a city, then the cost to the government will be dramatically less than it might otherwise have been. It is a hard, hard decision. Having seen it firsthand, my sympathy goes to the Army Corps of Engineers and all the professionals who are fighting this battle every single day.

#### DEATH OF OSAMA BIN LADEN

Mr. DURBIN. Mr. President, last night at about 9 o'clock, I received a call at my home in Springfield, IL, from Vice President BIDEN. It was kind of a surprising call on a Sunday night, and I was even more surprised when he said Osama bin Laden had been captured and killed and President Obama would be making a statement very

shortly. I waited up to hear that statement. I was catching a plane early this morning, but I wanted to hear it firsthand.

I guess every single one of us can remember where we were on 9/11. I know where I was. I was just a few feet away from here. We were in an office, a room just off the Capitol floor here—the Senate floor—in a meeting with Senator Daschle when we heard about a plane crashing into the Trade Center in New York and then another one. And then we realized this was not an accident. We watched, as America watched, and we wondered would we be next, this building, this big target of a building, the U.S. Capitol. Thank goodness the courage of passengers on a plane that was brought down in Pennsylvania probably saved many lives, maybe my own.

But we came to know that behind it all was a man named Osama bin Laden who declared war on the United States of America and was prepared to kill thousands of innocent people to push his terrible extremist agenda. For 10 years, we have been engaged in the largest global manhunt in history to find this man. President Bush, I am sure, used every resource of the government to do that job, and I commend him for that effort even though he was not successful. But last night, because of the courage of Navy SEALs and our military, who stepped up, Osama bin Laden was captured and killed.

I know, having spoken to people in the White House, that the President stuck his neck out on this because there was a question as to whether he was actually there. They believed there was enough evidence, and the President said: Go forward. We did it without any loss of life on the American side or any loss of innocent life of civilians.

But it appears now that we have taken away the leader of al-Qaida. That is a good development for all of us. I do not know if it means there will be a more peaceful world. We probably should assume the opposite for at least the time being, that these terrorist organizations will now strike at the United States to establish they are still credible. Well, we have to be vigilant. We have to stop them before it happens. And we have to pursue every single one of them for whatever it takes to bring them to justice.

Perhaps, though, it will go in another direction. Perhaps we will find that once al-Qaida, the head of the snake, has been chopped off, perhaps al-Qaida will start to wither, and I hope it does. If it does, maybe some other organizations will have second thoughts about the terrorism business. That would be the best outcome, even better if we could start bringing our troops home from Afghanistan.

I commend the men and women in uniform, those yesterday who showed such courage, those in the intelligence community who have worked night and day for almost 10 years trying to find this man. I commend the President for

showing the kind of leadership we needed to bring to justice the most dangerous terrorist criminal on the face of the Earth. It is something that I think speaks well for our government and for our people.

There is one other point I would like to make, and the President made it last night in his statement. He repeated what had been said by President George W. Bush after 9/11. I had my differences with President Bush, but there were moments when I could not have agreed with him more and particularly the moment when he made it clear that our war against terrorism was not a war against Islam. It was not a war against Muslims or Muslim Americans. I was so glad he did it because we have seen ample evidence of discrimination against people of that religion who have had nothing to do with terrorism but, unfortunately, have been discriminated against. Last night, the President repeated what we all believe: Islam is not the enemy. Extremism and terrorism are the enemies. We will work with Muslim Americans and Muslims around the world to protect their religion, their honored religion, and will work with them to reduce terrorism.

The President also reminded everyone listening last night that when it came to the victims of Osama bin Laden's terrorism, Muslim people were the victims time and time again. He was no friend of the Muslim community himself. His life, unfortunately, of killing and violence took its toll in many communities, including Muslim communities around the world.

I commend those who continue to work night and day, at every single level—Federal, State, and local—to deal with the threat of terrorism. This eradication of Osama bin Laden is an important step, but there is still much more to be done in terms of fighting this battle. I take pride in the work that has been done, a pride that is shared, I am certain, by every resident of Illinois and people all across the United States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. 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. COONS. Mr. President, I ask unanimous consent to proceed in morning business.

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

Mr. COONS. Mr. President, every one of us knows where we were at the moment we heard the tragic news of the attacks on this Nation on September 11. And I trust that all of us will long treasure the moment we first heard the great news last night that Osama bin Laden, after a decade of determined

and diligent work by our Armed Forces and by the men and women of the American intelligence community, had at long last been captured and killed. The successful operation by the Navy SEALs team yesterday was the capstone of 10 years of distinguished and honorable service by our brave men and women in uniform.

In Afghanistan, in Iraq, and around the world, literally tens of thousands of Americans over this past decade have faced battle resolutely, carried out their mission with valor, and made all of us proud. When I visited our troops in Afghanistan in February, I saw firsthand their determination, their level of professionalism, and their commitment to this important and long task.

I hope, as we face the days ahead and the uncertainty of what will be the path forward in our continuing conflict with al-Qaida and all who would do us harm, there is no doubt about the determination of the American people about our resolve to pursue, capture, and kill all who would plan attacks on the United States and on innocent civilians around the world.

I wanted to pause today and simply reflect on all who have sacrificed so much. There are hundreds of Delawareans currently serving in Afghanistan, some on active duty, some with the Reserves, some with the National Guard. My wife and I and our family pray every night, as so many do in our Nation, for those who serve us overseas, including personal friends of ours, Brooke James, Troy Baucus, and Jeff Steinberg, who are folks who are on repeat deployment, whose families we know, along with hundreds of others. They have made the sacrifice of deployment. There are many others—17 in the case of Delaware—who have made the ultimate sacrifice in this decade of conflict in Iraq and Afghanistan, including SGT Sean Moudy, who grew up next door to me, and SrA Liz Loncki, the first Delaware woman lost in combat, and many others who are mourned by their families and communities.

Tomorrow, the Senate Foreign Relations Committee begins a series of six hearings on our path forward in Afghanistan and a review of our relationship with Pakistan, our alliances in the region, and the incredible investments that we need to continue to make to sustain our effort to take the fight to those around the world who would do us harm.

I wanted to come to the floor today and, for a brief moment, pause and think about what this historic moment means to the American people.

It was just a decade ago in the attacks of 9/11 that a group of determined and hardened terrorists, led by Osama bin Laden, believed they had struck a blow, believed they had hit their target when four aircraft that had been commandeered were turned into missiles and aimed at principal targets that they thought were the centerpieces of

America. Two of them succeeded in striking the Twin Towers—knocking down columns of steel and glass. One of them succeeded in striking the Pentagon and setting ablaze the center of our military might. One more, were it not for the intervention of incredibly brave American citizens, might well have struck this very building we meet in today or the White House.

They did succeed in tragically taking thousands of innocent lives. They did succeed in striking a tough blow to our economy. They did succeed in surprising us with an unexpectedly vicious attack on thousands of innocent civilians. But they utterly failed to strike at our spirit. They failed to knock down our resolve. I know that around the world many marveled while thousands of folks flooded out of the Pentagon and the Twin Towers, as hundreds of determined volunteers and public servants flooded in, risking their lives and, in many cases, sacrificing their own lives to try to save some of their fellow countrymen. Most important, in the months afterward, millions of Americans took up the cause of volunteering to rebuild and restore our communities, and thousands volunteered to serve in our Armed Forces.

It is their resolve, their commitment, their professionalism, the great leadership of our Armed Forces, and the decisions made by President Obama and Vice President BIDEN in leading our Nation today that have brought us to this moment.

I want to close by saying that ultimately those who struck us on 9/11 missed their target. They misunderstood our spirit and our resolve as a nation. Last night, on the other side of the world, justice was served. The tragedy of those who were lost and the sacrifice of those who chose to serve have never been forgotten. But last night, on the other side of the world, justice was served.

Let there be no doubt among anyone around the world who would wish us harm, who would today plot to carry forward the terrible terrorist dreams of this now-dead man, Osama bin Laden: Our spirit is not broken. Our resolve is unbending. Justice will be served.

Mr. BAUCUS. Mr. President, John D. Rockefeller once said, “I do not think there is any other quality so essential to success of any kind as the quality of perseverance. It overcomes almost everything, even nature.”

The hunt for bin Laden seemed to battle against the force of nature itself. And the perseverance of those that hunted bin Laden—our brave troops, our intelligence officers, and countless other Americans—was essential to their success.

The brave Americans that hunted bin Laden battled a vast expanse of ungoverned territory across Afghanistan and Pakistan, central Asia’s frigid mountains, endless villages in the most remote part of the globe. Their mission at times seemed impossible.

But the perseverance of America’s bin Laden hunters helped them conquer

these challenges: perseverance; hard work; quiet dedication to duty. So many Americans worked so hard for so long to make this possible. I am so grateful to all those that serve, these quiet professionals have made all Americans very, very proud.

Today, we must pause to reflect on what this means. We remember the suffering of the families who lost loved ones on 9/11. We remember the sacrifice by our troops serving in harm’s way to keep us safe.

It is fitting that bin Laden lived long enough to witness the utter failure of the strategy he masterminded. From his hideout, he saw a peaceful revolution in Tunisia. He watched as millions of young Egyptians peacefully and proudly demanded change. He learned of peaceful protesters embracing democracy, refusing violent extremism in every corner of the Middle East—without bombs, without violence, using their intellect, their courage, and their pride, these young protesters took a path bin Laden had failed to imagine—a path of peaceful, democratic change. The future of the Arab world is now in their hands.

The success of these young democrats stands in stark contrast to the ideology of hate and violence that bin Laden dedicated his life to. How fitting it is that he saw this Arab spring with his own eyes; that he could witness such a thorough defeat to violent extremism.

We must work hard in the coming years to see that the young demonstrators in Tahrir square and across the Middle East succeed. Their success will erase the narrative that radical Islam seeks to write. These peaceful demonstrations must lead to change and violent extremism must continue to fail.

Looking forward, we face great challenges across the Middle East and Central Asia. Osama bin Laden’s hideout location raises serious questions about our relationship with Pakistan.

Since 2002, the United States has provided over \$18 billion in foreign assistance to Pakistan. In 2009, Congress authorized up to \$1.5 billion a year for civilian assistance to Pakistan from 2010 through 2014. U.S. economic and military assistance to Pakistan was the highest of any other country in 2009 except Iraq and Afghanistan.

In spite of these massive investments, the U.S.-Pakistan relationship continues to fray. We seem to be near a breaking point. The Pew Research Center found that in 2010 the “favorable rating” of U.S. among Pakistanis hit 17 percent, the lowest opinion of the U.S. among any population on earth.

During a visit to Pakistan last year, I made it clear to President Zardari and General Kayani that Pakistan must do more to eliminate safe havens within their own borders. We cannot accept excuses. We need results.

Without progress in Pakistan, we cannot succeed in Afghanistan. American troops continue to serve bravely



under the most difficult conditions every day, without weekends or holidays, carrying heavy loads over mountain passes, hunting down the Taliban and protecting villages.

This July, the U.S. will begin to hand over security responsibilities to the Army and police force of Afghanistan. I urge the President to make this transition robust, orderly, and persistent until all of our troops come home. It is time for the Afghan government to step up and take responsibility for this mission. American troops should not be doing the work that Afghans should be doing for themselves.

Beyond Afghanistan and Pakistan, our world is rapidly changing. Popular movements are transforming the Middle East. Breathtaking Chinese growth rates are reshaping East Asia. New technology is bringing citizens across the globe closer together: to cooperate, and to compete.

Amid these these changes we are facing enormous challenges at home—massive deficits, bitter partisanship, rising health care costs, high unemployment. We need to work together to make sure the 21st Century is the American century. We need to focus on improving education, rebuilding roads and bridges, and making the American economy the best place to do business in the world.

The death of Osama bin Laden marks a turning point in history. Today is indeed a great day for America. I salute the brave men and women who made this day possible. My thoughts are with the hundreds of Montanans serving our country overseas. May God Bless America and may He keep our brave troops safe.

Mr. LEAHY. Mr. President, today is a memorable day in our Nation's history. Osama bin Laden, the man responsible for the deaths of thousands of innocent victims, including so many Americans who were lost on September 11, 2001, has been killed.

I commend President Obama and his national security team for the careful planning of this operation, as well as the members of our intelligence agencies who have spent years collecting information that made it possible.

As many of us know, when the President nominated Leon Panetta to be the Director of the CIA, he told him that his first directive must be to find Osama bin Laden. I have known Director Panetta for nearly 30 years. I know this is a man who, when he takes on a task, takes it very seriously. I commend him and all those men and women who have worked with him on this. I know he gave singular attention to this issue.

I join Americans across the country in praising the brave team that stormed the compound where bin Laden appears to have been hiding for years. They completed their mission without loss of American lives, while taking care to avoid civilian casualties.

I have had the privilege of watching the special forces train. I have seen the

tremendous level of training the SEALs and the Joint Special Operational Command undergo to prepare for dangerous missions like the one conducted yesterday. They are remarkable people. Every member of that team had to go into the compound yesterday knowing that they may not return.

We remember today the victims of all of the attacks perpetrated by the man who more than any other represents the face of international terrorism. The September 11 attacks are at the forefront of our minds. Nearly 3,000 lives were lost, including those victims of the World Trade Center, in the Pentagon, and on the four airplanes. I remember that day as vividly as though it were yesterday.

We remember with gratitude the first responders who rushed in to save lives, even knowing they were risking their own. Many died while trying to save others in amazing acts of heroism. And we remember the passengers on Flight 93, who put the lives of Americans on the ground ahead of their own.

We also remember the 6 victims of the 1993 World Trade Center bombing, and the victims of the embassy bombings in Kenya and Tanzania in 1998, which left 224 dead, including 12 Americans. We remember the lives of the 17 sailors killed in the bombing of the USS *Cole* in October of 2000. The death of Osama bin Laden will not bring them back to us, but we all hope it may help bring closure to family members and friends who still grieve their loss.

Today we remember the lives of the brave American servicemembers who have served in the wars in Afghanistan and Iraq, and the sacrifices made by their families, who mourn their loss, or help them recover from their injuries.

Vermonters have answered the call to serve—some for multiple deployments with the Vermont National Guard and many most recently with the 86th Infantry Brigade, which returned last December. Of course, we thank the brave men and women who have worked tirelessly to protect American soil from additional attacks.

Osama bin Laden cloaked his attacks in anti-American rhetoric, but his murderous and criminal path took the lives of innocents around the world, including many of his own faith. He proved himself to be a cold-blooded murderer whose indiscriminate attacks led to the deaths or maiming of Muslims and people of other faiths all around the world. Regrettably, he leaves behind followers who are committed to the same message of hate and destruction. They have no regard for the values that unite the rest of humanity in common cause.

President Obama pledged that we would bring bin Laden to justice. Last night, we learned that bin Laden has suffered the consequences of his atrocities. Justice has been served. Now I hope that Americans will claim this moment to stand side by side, as we did

in the weeks and months following the September 11 attacks. We must transcend our differences and stand in unity, unified in our support for the victims of bin Laden's crimes and in our resolve to keep our great Nation safe. We should also stand united in our commitment to the rights and principles that define us as a democratic nation that respects the rule of law. That respect is what distinguishes us from those who seek to harm us. It is what will ultimately enable us to succeed against them, and it is what people around the world expect of America.

Regrettably, the September 11 attacks, and other acts of international terrorism, have often been used to justify policies which strayed dangerously from those rights and principles. This has damaged our global reputation, hurt our credibility, and made it more difficult to build the broadest alliances against terrorism.

We must also remember, as so many military leaders have told us, that military force, while at times necessary, as it was in the operation against bin Laden, is not in and of itself a counterterrorism strategy.

We have seen how, nearly 10 years after 9/11, and after spending hundreds of billions of dollars to combat terrorism, the recruitment of terrorists among disaffected youth continues apace around the world, including in our own country.

We have also seen how much more we have to do to counter the misperceptions and misinformation fomented by extremists about the United States and our intentions. Addressing these challenges should be a priority as we go forward.

I urge all Americans to support our President in this continuing effort, and I urge all of us in Congress to join together for the good of the country and all Americans.

It is remarkable what this country accomplishes, and how strong and brave we are, when we stand together. Now is the time to stand together. We have done it before. We can do it now. And we are a better country when we do it.

Mr. President, I see the very distinguished Senator from California on the floor. I yield to her.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator LEAHY for his eloquent statement he made about the capture and killing of Osama bin Laden and the impact and the need for us to come together as one Nation.

Mr. President, almost 10 years ago after the horrific attacks of 9/11, I voted to go after Osama bin Laden, as all of us did in the Senate at that time, to make sure justice would prevail. Now we know and the world knows that Osama bin Laden has paid the ultimate price for what he did.

His death does not lessen the tragic loss of all those killed by al-Qaida or



the pain of their loved ones, but it closes a chapter on his unspeakable acts, and there were more than one. They go back to October 2000. They go back to 1998 when their operatives attacked our people on the USS *Cole* and the U.S. Embassy in Nairobi, Kenya, and there are other attacks that occurred as well.

What I want to do in a few minutes today is go back to some of the things I said on September 12, 2001, from a different seat, because I did not have much seniority. I was somewhere over on the front row. The reason I want to restate and read from the RECORD as to what I said on that day is because I think it is important for me, for myself, to get the type of closure I wanted to get when I cast that vote to go after Osama bin Laden, to go to war and get him. It reminds me of that thirst for justice we all had on that day and that we still have.

This is what I said on September 12, 2001:

Today I rise with pain in my heart and great emotion to offer my prayers and my condolences for the people in this country who have been directly hit by an act of war, people in the State of my birth, New York, looking at that skyline, the people who work at the Pentagon every day who have chosen to work to protect our Nation, and the people of California, my State, who were on those planes that were hijacked and, of course, to every other individual who was directly affected and to all of us who have been affected.

I went on to say this:

One of our colleagues said we remember where we were when tragedy hit this country. I remember too many things—not as many perhaps as Senators who are older, but I certainly remember where I was when I saw John Kennedy go down and Martin Luther King go down, the Challenger disaster, and yesterday the image of those planes, commercial and American planes, four of them going down, crashing into buildings, being used as lethal weapons against our people—an image that has shaken us but has not shaken our resolve.

I went on to say:

I am going to make a very strong statement. When we look back into history and what happened in Bosnia, people suffered genocide because of their nationality, and to the Holocaust, people suffered annihilation because of their nationality. People were killed yesterday because they were Americans. People were killed not because they were bad people—they were good people—they were killed because they were Americans.

That is what I said on the day after 9/11/2001. Then I said:

It is time for us to say we will fight and stand up for them and their memories. We will take a stand against inhumanity that occurred on our own soil. We are resolved to honor those who died. We are resolved to make our Nation as safe as it can be from those acts. We are resolved to hold those who planned these attacks and who harbor these people absolutely 100 percent accountable. We will hold them accountable.

That is what I said on September 12, 2001.

They must pay because this is the test of a civilized nation. We lead the civilized nations of the world. We will not back down.

I stand proudly with my colleagues on both sides of the aisle and with our President. We will be resolved to do everything—and do it well and do it right—to bring justice in the world.

Later that day, to the press I said:

I've never been at ground zero in a war, but, after this, war is not an overstatement. The people who perpetrated this are the scum of the Earth, and their views, their philosophy, their version of civilization, if you can call it that, will not stand.

I am going to conclude my remarks by saying that in my heart, the flames of justice are burning bright today. I thank our President for his resolve, for ordering this attack—a successful attack—on bin Laden's compound. To the bravest of the brave, I understand they were Navy Seals who went in there, not thinking 1 second about their own lives. The fact that the President ordered this, that he kept it quiet while he had to be distracted from things that, let us say, he should not have been distracted with—but he did it. He kept his focus.

It is an important moment in our history. The message is going out to anyone who would hurt us: They will be held accountable. They can run, but they are never going to hide from us and from justice.

We know we cannot let down our guard. We know that. But we also know we are not going to cower in a corner because we are fearful that somebody may try to hurt us. We are prepared. We are going to do everything we can to be prepared. But this is quite a moment.

I will never forget seeing the Pentagon on fire, flames shooting out. I was in an office right near here and looked out the window. We were told to evacuate the Capitol. That is seared in my memory.

Anyone who cares about justice, anyone who cares about the truth, anybody who cares about fairness and responsibility has to say that yesterday was a day when justice was done.

I am going to close by reading the names of the Californians who lost their lives because I told their families I will honor each one in every way I can. I think that ending my statement by paying tribute to them is important: David Angell of Pasadena; Lynn Angell of Pasadena; Seima Aoyama of Los Angeles; Barbara Aresteguis of Los Angeles; Melissa Barnes of Redlands; Alan Beaven of Emeryville; Berry Berenson of Los Angeles; Carolyn Beug of Los Angeles; Yeneneh Betru of Burbank; Mark Bingham of San Francisco; Deora Bodley of Santa Clara; Touri Bolourchi of Beverly Hills; Daniel Brandhourst of Hollywood Hills; David Brandhourst of Hollywood Hills; Thomas Burnett of San Ramon; Suzanne Calley of San Martin; Jefferey Collman of Novato; Dorothy Dearaujo of Long Beach; Darlene Flagg of Corona; Dee Flagg of Corona; Wilson Flagg of Corona; Lisa Frost of Rancho Santa Margarita; Ronald Gamboa of Los Angeles; Andrew Garcia of Portola Valley; Edmund Glazer of Chatsworth; Lauren

Grandcolas of San Rafael; Andrew Curry Green of Los Angeles; Richard Guadagno of Humboldt County; Stanley Hall of Rancho Palos Verdes; Gerald Hardacre of Carlsbad; John Hofer of Bellflower; Stephen Hyland of Claremont; Barbara Keating of Palm Springs; Chandler Keller of El Segundo; Jude Larson of Los Angeles; Natalie Larson of Los Angeles; Daniel John Lee of Van Nuys; Maclovio Lopez of Norwalk; Dora Menchaca of Santa Monica; Nicole Miller of San Jose; Laurie A. Neira of Los Angeles; Ruben Ornedo of Los Angeles; Jerrold Paskins of Anaheim Hills; Thomas Pecorelli of Los Angeles; Robert Penniger of Poway; Mari-Rae Sopper of Santa Barbara; Alicia Titus of San Francisco; Otis Tolbert of Lemoore; Pendyala Vamsikrishna of Los Angeles; Timothy Ward of San Diego; and John Wenckus of Torrance.

I said then on September 12, in the name of these Californians and in the name of the other innocent victims, it is time for the terrorism to stop.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington State.

Mrs. MURRAY. Mr. President, I come to the floor today to talk about the tremendous news our country received last night from President Obama.

Almost 10 years ago on September 11, 2001, I too remember looking out a window in the Nation's Capitol and seeing the black smoke billowing in the air over the Pentagon. On that day, America was brutally attacked by terrorists who took aim at the financial, military, and political centers of our country. And although these evil men killed thousands of Americans and caused great devastation, they were unable to do what they wanted to do most: break our country's spirit.

We came together as a community. We mourned, we rallied around the families of those who were lost, and we struck back against those who did us harm.

Last night's tremendous news is the close of a major chapter in the war on terror. It is a great day for justice and for all Americans to remember the strength and resolve of our Nation. I applaud the superb work of our intelligence communities and the work of this administration that brought the mastermind of the worst attack in our Nation's history to justice.

But today I want to pay special tribute to the men and women in uniform who have answered the call to serve after that fateful day 10 years ago. Since the attacks on New York and Washington, DC, more than 2 million American servicemembers have stepped forward to serve our Nation. Nearly half of these servicemembers have done more than one tour of duty abroad. Many who have served have come from the ranks of our National Guard and Reserves and have turned a part-time commitment into a full-time job protecting our Nation. These men and women who chose to join our all-

volunteer force come from all walks of life and from every corner of our Nation. In my home State, thousands have come forward to serve while thousands more have come to Washington State to train and make their home at our major military installations. These servicemembers have done everything we have asked of them and more.

While it appears that yesterday's raid came without American casualties, that, of course, has not been the case for so many missions in our fight against terrorism. Since 9/11, nearly 6,000 servicemembers have made the ultimate sacrifice for our country, and more than 40,000 have been wounded. For many of our servicemembers, the scars of their service are visible and for others they are invisible. Many have lost those closest to them on the battlefield and have come home with a burden that few others know. Others will need a lifetime of care from the Department of Defense and the VA. All have left families behind, who love and miss them, to protect our country. We cannot forget these families and the fact they have sacrificed right by our servicemembers' side. Moving from base to base, giving up jobs, putting their loved ones and their country before their own needs is a gift we must repay.

As the chairman of the Senate Committee on Veterans' Affairs, it is my job to ensure that the lifetime of care that these servicemembers and their caregivers need will be delivered.

So, today, as we appropriately take pride in the most significant victory yet in our fight against al-Qaida and terrorism, we should also take pause to honor all of the veterans and Active-Duty servicemembers who have paved the way to this day. We must also remember that this tremendous victory has come with a tremendous cost, a cost that we must bear as a nation for many years to come as our servicemembers return home.

Mr. President, this is, of course, also a particularly meaningful day for the thousands of Americans who lost a family member or a friend or a loved one on September 11. We know this news can't bring back their loved ones, but our hope is that it can help ease the pain they live with each day.

Like many Americans, my first thought last night after this news was of the victims and their families, and my thoughts and prayers remain with them during this time.

Going forward we must remain vigilant and focused on the protection of the American people from terrorism wherever it may be, and we must continue to work in the interest of peace and security for all Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I would like to congratulate the men and women of our military for a courageous mission, and our intelligence community for accurate and important intelligence.

I would like to congratulate the President for his persistence in bringing a mass murderer to justice, and I would especially like to salute the men and women of our military services who, for the last 10 years, have fought the indispensable consequences of the actions of terrorism.

All of us, as has been said by many Senators today, especially have in our hearts and minds the families of the victims of 9/11 and hope that somehow, in some small way, this event helps bring some closure to what has happened to their lives.

#### EASTERN TENNESSEE DISASTERS

Mr. ALEXANDER. Mr. President, I have just returned from visiting east Tennessee where there were devastating tornadoes last week. The President, at the request of our entire congressional delegation, has declared four of our counties—Washington, Greene, Hamilton, and Bradley—as disaster areas, and we thank him for his prompt attention to that.

I visited today northern Hamilton County, just north of Chattanooga, north of where the new Volkswagen plant will be located. In Tennessee last week 36 men and women lost their lives as a result of these storms. The area I visited is one of the two areas most affected, the other being Washington and Greene Counties, where our Governor was today.

Someone asked me following my visit if anything about it shocked me. I said: It always shocks me when I see the consequences of a devastating flood or especially a massive tornado. This one had winds of nearly 200 miles an hour. Wherever you stand, you try to put yourself in the shoes of someone who might have been there when the tornado came through and try to imagine what it would be like. You see this funnel coming and know it will only interfere with your life for about 20 or 30 seconds; but after that, it will all be devastation. There is no way you cannot be shocked by it, and there is no way I can put myself in the shoes of those who were there.

I saw one man who was there, Arthur Bates, 70 years old, and I saw his house which was completely demolished. His upright piano was upside-down. He told me he had killed a calf and left to take some meat to the preacher. He had been gone for about 5 minutes when the tornado hit his house.

Not so lucky was another family not very far away. All of the members of that family were killed except for an 8-year-old boy who was found in a tree and survived.

Not far away, several families had signs that said: The Lord was with us. Surely, it had to seem to them providential that there could be such devastation almost in their front yards and yet their homes would be safe.

Ironically, today, as I went from Nashville to Chattanooga, I was reading about a commemoration of the

floods that hit Tennessee almost exactly 1 year ago—on May 2, 2010. These were floods that affected counties from Nashville to Memphis. In Nashville alone there was \$2 billion worth of damage. People are still recovering from that flood a year later. Businesses have closed in some cases, but most have opened. The Grand Ole Opry was shut, but it was opened again. The Opryland Hotel is open again.

Nashville is thriving again, and people are coming back to Nashville. But the commemoration today was for the large number of families in Tennessee who are hurting and some who are still in recovery.

Then, if that weren't enough, in the western part of our State, along the Mississippi River, we have reports that the water is rising and will rise to levels that will be higher than at any time since the flood of 1937. People are already preparing shelters. Tributaries of the Mississippi are already rising.

On Friday I will be going to Memphis to meet with the Army Corps of Engineers and local officials to make sure we are doing all we can. None of us in the Federal Government believe we can make anyone whole after a disaster like this, but we can help. As I said to those I saw today in Chattanooga, north of Chattanooga, there is a telephone number to call—2-1-1—which is a local number for help. There is a FEMA number to call—1-800-621-FEMA (3362). We found in the flooding of a year ago from Nashville to Memphis that was a big help to many Tennesseans. I hope the same will be true in east Tennessee and across our State today.

A year ago Tennesseans distinguished themselves by not looting and complaining, but by cleaning up and helping one another. I saw that again today in Hamilton County. The sheriff told me within a few hours after the devastation there were 500 or so men with chainsaws out clearing debris and trees from the roads and from the yards helping one another.

So, Mr. President, I speak today on behalf of all Members of the Senate in expressing to those in Tennessee our concern and our willingness to continue to do all we can to help.

Mr. President, I ask unanimous consent to have printed in the RECORD following these remarks a summary of the actions that we are taking in the events that are happening in Tennessee, as well as a letter from the congressional delegation to the President requesting disaster relief, which he granted promptly, and another to the general who was president of the Mississippi River Commission urging him to take every action possible to help the communities along the Mississippi River as water rises there.

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

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

CONGRESS OF THE UNITED STATES,  
Washington, DC, April 30, 2011.

THE PRESIDENT,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the State of Tennessee, we respectfully request that you declare a federal disaster in Bradley, Greene, Hamilton, and Washington counties as a result of the severe storms, flash flooding and tornadoes that struck the state beginning on April 25, 2011.

Governor Bill Haslam has requested federal disaster assistance to respond to the devastation caused throughout Tennessee due to this historic tornado outbreak, and we expect a separate request will be forthcoming to respond to the flooding along the Mississippi River and its tributaries. Flooding in many of our communities will only get worse in the coming days, and the unprecedented river stages are threatening the entire levee system.

State and local officials are only beginning to be able to assess the level of damage to infrastructure, private property and our economy. Many of the communities affected by these storms and rising flood waters are the same areas devastated by the May 2010 floods. In addition to all of the homes and businesses destroyed by the tornadoes, the flooding along the Mississippi River is forecast to exceed the great flood of 1937 in some areas, and reach the third highest level on record in Memphis by May 10.

Federal assistance is critical to help our state and local governments initiate recovery efforts and to start repairing infrastructure. Like so many areas throughout the Southeast ravaged by these storms, our communities are overwhelmed by the destruction and need federal assistance. Public and Individual Assistance in Bradley, Greene, Hamilton, and Washington counties will help communities with debris removal and make victims eligible for a number of vital disaster assistance programs. The Tennessee delegation and state and local officials stand ready to work together with federal officials to make sure that Tennesseans receive the help they need to get back on their feet.

Thank you for your expedited consideration of our State's request, and we will provide you with more information about our State's needs as information is available.

Sincerely,

LAMAR ALEXANDER,  
U.S. Senator.  
BOB CORKER,  
U.S. Senator.  
STEVE COHEN,  
Congressman.  
MARSHA BLACKBURN,  
Congressman.  
JIM COOPER,  
Congressman.  
CHUCK FLEISCHMANN,  
Congressman.  
STEPHEN L. FINCHER,  
Congressman.  
DIANE BLACK,  
Congressman.  
SCOTT DESJARLAIS,  
Congressman.  
JOHN J. DUNCAN, Jr.,  
Congressman.  
PHIL ROE,  
Congressman.

CONGRESS OF THE UNITED STATES,  
Washington, DC, April 27, 2011.

Maj. Gen. MICHAEL J. WALSH,  
President, Mississippi River Commission, Vicksburg, MS.

DEAR MAJOR GENERAL WALSH: We urgently request you take every action possible to protect communities in Tennessee and throughout the Mississippi River Valley

from rising floodwaters. The State of Tennessee has already declared a State of Emergency, and if necessary, we implore you to take preventative action rather than wait until it is too late to act.

The rising flood waters in the Mississippi River are historical in context, threatening approximately 110 miles of Tennessee riverbank. If the Mississippi River overtops or breaches the levees along Tennessee's river banks, thousands of people and acres of farmland are at tremendous risk of flooding.

We understand the Governor of Missouri, Jay Nixon, is seeking a temporary restraining order in the U.S. District Court to prevent the U.S. Army Corps of Engineers from artificially crevassing the levee at Birds Point and using the Birds Point-New Madrid Floodway.

While we understand that you are facing an extremely difficult decision, we are concerned about the potential devastation that could be felt by nearly 160,000 Tennesseans. It is our understanding that the 8th Circuit Court of Appeals in the case of *Story v. Marsh*, 732 F.2d 1375, 1383 (8th Cir. 1984), regarding the operation of the Birds Point-New Madrid floodway, stated that the operation of the floodway is within the discretion of the U.S. Army Corps of Engineers. We hope that the U.S. Army Corps of Engineers will move forward with crevassing the levee, if such a decision becomes necessary.

It is our sincere hope that there will not be a need to artificially crevasse the Birds Point levee, but we urge you not to delay and to take appropriate actions to protect the people and property of Tennesseans that live along the Mississippi River, as well as those throughout the Mississippi Valley.

Sincerely,

SENATOR LAMAR  
ALEXANDER.  
SENATOR BOB CORKER.  
CONGRESSMAN STEPHEN L.  
FINCHER.

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF ROY BALE DALTON, JR., TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA

#### NOMINATION OF KEVIN HUNTER SHARP TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF TENNESSEE

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

The legislative clerk read the nominations of Roy Bale Dalton, Jr., of Florida, to be U.S. District Judge for the Middle District of Florida, and Kevin Hunter Sharp, of Tennessee, to be United States District Judge for the Middle District of Tennessee.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate, equally divided and controlled between the two leaders or their designees.

The Senator from Vermont.

Mr. LEAHY. Mr. President, as we return from Easter recess, judicial vacancies around the country remain at historically alarming levels, as they have for the last 3 years. With 1 out of every 9 Federal judgeships still vacant, and judicial vacancies around the country remaining at 95, we have serious work to do.

I thank the majority leader for scheduling votes on two more nominations to fill judicial emergency vacancies. Roy Bale Dalton, Jr., has been nominated to fill a judgeship in the Middle District of Florida and Kevin Hunter Sharp has been nominated to fill a judgeship in the Middle District of Tennessee. Each nomination was reported unanimously by the Judiciary Committee more than a month ago. They both could be confirmed unanimously.

With cooperation from both sides of the aisle, the Senate could consider the additional 13 judicial nominees ready for final Senate action. I had hoped that the Senate would have considered a number of them before taking its Easter recess 2 weeks ago. Among those nominees are another five to fill additional judicial emergency vacancies, three of them reported by the Judiciary Committee with bipartisan support, including one which was reported unanimously but remains stalled on the calendar awaiting final action.

We should certainly have proceeded with the judicial nominees for whom there is no opposition and no reason for delay. That would have allowed us to confirm another seven nominees. They have all been thoroughly reviewed by the members of the Judiciary Committee in a hearing and have all been recommended to the Senate unanimously. They are Arenda L. Wright Allen to fill a vacancy in the Eastern District of Virginia; Michael Francis Urbanski, to fill a vacancy in the Western District of Virginia; Clair C. Cecchi to fill a vacancy in New Jersey; Esther Salas to fill another vacancy in New Jersey; Paul Oetken and Paul Engelmayer to fill vacancies in the Southern District of New York; and Ramona Manglona to fill a vacancy in the Mariana Islands. The Virginia nominees have been waiting for final consideration longer than those nominees who are being allowed to be considered today.

Two of the nominees currently awaiting a Senate vote have twice been considered by the Judiciary Committee and have twice been reported with

strong bipartisan support, first last year and again in February. They are Susan Carney of Connecticut to fill a judicial emergency vacancy on the United States Court of Appeals for the Second Circuit, and Michael Simon to fill a judicial emergency vacancy on the District Court in Oregon. Two of the nominations have been reported favorably by the Committee three times—that of Goodwin Liu to fill a judicial emergency vacancy on the Ninth Circuit and that of Jack McConnell, reported with bipartisan support to fill a vacancy for the District of Rhode Island. Another currently pending nomination has been reported favorably four times, that of Judge Edward Chen to a judicial emergency vacancy on the Northern District of California. All of these nominations have long been ready for a Senate vote. So is the nomination of Caitlin Halligan to fill a judicial vacancy on the DC Circuit.

All 15 of the pending nominees have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. All should have an up-or-down vote after being considered by the Judiciary Committee, and without weeks and months of needless delay.

If we join together, we can make real progress by considering all of the judicial nominations now on the Senate's Executive Calendar. If the Senate were to take favorable action on the 15 judicial nominations currently pending and awaiting final Senate consideration, we could reduce vacancies to below 90. In fact, we would be able to reduce them to 80 for the first time since July 2009.

Federal judicial vacancies around the country still number too many, and they have persisted for too long. Whereas the Democratic majority in the Senate reduced vacancies from 110 to 60 in President Bush's first 2 years, judicial vacancies still number 95 more than 26 months into President Obama's term. By now, judicial vacancies should have been cut in half, but we have barely kept up with attrition.

Regrettably, the Senate has not reduced vacancies dramatically as we did during the Bush administration. In fact, the Senate has reversed course during the Obama administration, with the slow pace of confirmations keeping judicial vacancies at crisis levels. Over the 8 years of the Bush administration, from 2001 to 2009, we reduced judicial vacancies from 110 to a low of 34. That has now been reversed, with vacancies staying above 90 since August 2009. The vacancy rate—which we reduced from 10 percent at the end of President Clinton's term to 6 percent by this date in President Bush's third year, and ultimately to less than 4 percent in 2008—has now swelled to nearly 11 percent.

The two nominations we consider today demonstrate that there is no reason the Senate cannot consider and confirm the President's nominations to the Federal bench in a timely manner. Both nominees show President Obama's commitment to working with home State Senators of both parties to

identify superbly qualified nominees in districts with vacancies. I thank Senators NELSON, RUBIO, ALEXANDER and CORKER for working with President Obama on these nominations and congratulate them along with the nominees and their families.

I have thanked the Ranking Republican on the Judiciary Committee, Senator GRASSLEY, for his cooperation this year. I am glad to see him echo my call to turn the page and end the days of tit for tat on judicial nominations. That is what I did from the first days of the Bush administration in spite of how President Clinton's nominees had been treated.

My friend from Iowa often speaks about the positive action we are taking on nominations. In order to make these statements meaningful, the Senate needs to consider and confirm the 15 judicial nominations that are awaiting final consideration and action by the Senate. That the Senate Judiciary Committee is doing its work is good, but to send judicial nominations to the Senate is not enough. It means nothing if they are not considered by the Senate. More than a dozen continue to languish without positive action by the Senate. Some have been stalled since last year and one from two years ago. They all are waiting for what I would call "positive action."

I ask unanimous consent that a column by Ashley Belleau, the National President of the Federal Bar Association be printed in the RECORD at the end of my statement, which, in part, says:

The business of America is business, and when business can't figure out if their patents are good, their contracts are good, they can't figure out what to do about their tax situation, things bog down. Businesses need a strong rule of law and prompt rulings by judges. Vacancies desperately need to be filled; new judges desperately need to be added. We owe that to our citizens. We owe that to our Constitution. We owe that to the rule of law. And we owe it to the cause of justice.

Prompt and thoughtful justice, not endless delay, is what the American people expect from their legal system. It is what we deserve. It is what due process requires. And it is the most cost-efficient approach to the resolution of lawsuits in our nation's courts.

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

(See exhibit 1.)

Mr. LEAHY. I also ask unanimous consent that an editorial from the Arizona Range News entitled "Lack of Federal Judges a Serious Issue" be printed in the RECORD at the end of my statement. It mentions a resolution by the Phoenix Chapter of the Federal Bar Association urging Arizona's congressional representatives to work to fill the vacancies plaguing the Arizona courts.

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

(See exhibit 2.)

Mr. LEAHY. The Senate must do better. We must work together to ensure that the Federal judiciary has the judges it needs to provide justice to

Americans in courts throughout the country. Judicial vacancies throughout the country hinder the Federal judiciary's ability to fulfill its constitutional role. They create a backlog of cases that prevents people from having their day in court in a timely fashion. This is unacceptable. That is why Chief Justice Roberts, Attorney General Holder, and the President of the United States have spoken out and urged the Senate to act.

Just before the Senate adjourned for its two-week Easter recess, the White House Counsel spoke to the American Bar Association about the need for a sense of greater urgency in filling these judicial vacancies. I hope that we will follow this advice and make real progress to ensure that the Federal courts are able to function for all Americans.

We have a long way to go to do as well as we did during President Bush's first term, when we confirmed 205 of his judicial nominations, bringing the vacancy rate down from 10 percent to 4 percent. We confirmed 100 of those judicial nominations during the 17 months I was Chairman during President Bush's first 2 years in office. So far, well into President Obama's third year in office, the Senate has only been allowed to consider 79 of President Obama's Federal circuit and district court nominees. We remain well short of the benchmarks we set during the Bush administration; 79 is well short of 205.

#### EXHIBIT 1

[From the Atlanta Journal-Constitution, Apr. 27, 2011]

#### BUSINESS, DEFENDANTS HARMED IN COST-CUTTING AT FEDERAL COURTS

(By Ashley L. Belleau)

Just as budgets matter, so does justice. The two are connected. Making sure we have enough judges in our federal courts will save dollars, not waste them.

The insufficient number of judges in our federal courts is costing our country in dollars and protracted litigation. Manpower and money are foolishly wasted. Record case-loads in many federal judicial districts cause trials to be delayed, especially civil cases. This is not good for the state of justice in our nation.

The fact that we don't have enough judges to decide promptly the federal civil and criminal lawsuits in our country owes itself to the Congress and the president. Both have failed to create enough judgeships in high-caseload areas of the country, like California and the border courts in Texas. Both have failed to keep the process moving by timely providing capable, qualified individuals to fill judgeships as they open up due to retirement, death or resignations.

As a result our federal court system is bursting at the seams. With 12 percent of judgeships vacant, temporary judgeships expiring, and more courts in emergency mode than ever, there is an unprecedented crisis in our third branch of government. The phrase "justice delayed is justice denied" describes the dire situation in many federal court-houses. Judicial vacancies plainly undermine the capacity of our courts to render justice within a reasonable period of time.

Sadly, few Americans understand the impact these judicial vacancies have on their lives. Those of us who try federal cases know

its impact in the continuance of cases for months, even years, without decision. Vacancies and delay add greater costs to already high litigation expenses. For business clients, these costs get passed on to customers. And when the United States is a party to the case, it means that the public is paying that higher tab.

For criminal defendants awaiting trial, it can mean more detention time, adding even more costs to the taxpayer. Just last year, the federal cost of pretrial detention alone was \$1.4 billion, according to the Department of Justice.

At a recent forum sponsored by the Federal Bar Association and the Brookings Institution, Federal District Judge Royal Furgeson commented on the enormous impact that vacancies on the federal bench have on the pace of litigation and ultimately the American economy: The business of America is business, and when businesses can't figure out if their patents are good, their contracts are good, they can't figure out what to do about their tax situation, things bog down. Businesses need a strong rule of law and prompt rulings by judges. Vacancies desperately need to be filled; new judges desperately need to be added. We owe that to our citizens. We owe that to our Constitution. We owe that to the rule of law. And we owe it to the cause of justice.

Prompt and thoughtful justice, not endless delay, is what the American people expect from their legal system. It is what we deserve. It is what due process requires. And it is the most cost-efficient approach to the resolution of lawsuits in our nation's courts.

#### EXHIBIT 2

[From the Arizona Range News, Apr. 27, 2011]  
LACK OF FEDERAL JUDGES A SERIOUS ISSUE

At the beginning of the year, Judge John Roll, the presiding federal judge in Arizona, was seeking permission to delay bringing felons to trial from the usual 70-day requirement to up to 180 days. That's the same Judge Roll who was gunned down just days later in Tucson by a deranged assassin.

Roll termed the problem a "judicial emergency" prompted by the number of cases flooding the judicial docket in Arizona and the federal court's inability to handle them all in a speedy fashion.

The problem is and remains a lack of judges and court staff to handle the caseload.

According to news reports, based on its caseload, the judicial district of Arizona is eligible for five more judgeships. The state is authorized for 13, but has three vacancies, two in the Tucson division.

As a direct result of illegal immigration prosecutions, two years ago there were 3,023 felony cases filed in federal court in Arizona. That increased to 4,311 the next year and 5,219 last year. In just Tucson, felony filings went from 1,564 two years ago to 3,289 last year.

The power to appoint more judges lies with Congress, but our representatives and senators, while reportedly supportive, have not been proactive.

The problem prompted the Phoenix Chapter of the Federal Bar Association to issue last month a resolution to congressional members to get the vacancies filled and to add to the court staff and its facilities.

In fact, judicial vacancies are a problem across the nation. According to a CNN report, there are 99 vacancies in the 857 federal district and appeals court judgeships, amounting to about 12 percent of the judicial seats. Just 46 names have been put forth by President Obama to fill those openings. The Administrative Office of the U.S. courts predicts at least 15 more vacancies this year.

We urge you to contact your congressional members to champion a solution to the very

real needs of the judge and staff shortages facing the federal courts in Arizona.

And we would ask you to ask them to act not only for our state's sake, but in memory of Judge Roll who served his state and country well.

Mr. ALEXANDER. Mr. President, I rise today to support the nomination of Kevin Sharp to fill a judicial vacancy on the U.S. District Court for the Middle District of Tennessee. The Senate will be voting on the President's nomination within a few minutes. Kevin is an outstanding individual. I am pleased to be able to support his nomination today.

As a Governor, I appointed about 50 judges. I tried to determine in doing that if he or she had the character and the intelligence and the temperament to be a judge, whether that person would treat people before the bench with courtesy, and most important whether they were determined to be impartial to litigants before the court. I believe Kevin Sharp meets these qualifications, and I am pleased that he will bring that character and skill to his service on the bench. I congratulate the President for nominating him.

Kevin is a native of Tennessee. He is a founding partner of the national law firm of Drescher and Sharp where he has been an expert in employee law, employee benefits, and commercial disputes. He is a graduate of two Tennessee institutions of higher education. He earned his bachelor of science degree from Christian Brothers College, graduating summa cum laude. He earned his juris doctorate from Vanderbilt, where he was a Weldon B. White Scholar, an Associate Problem Editor on the Moot Court Board, a recipient of the Appellate Advocacy Award, and a research assistant on issues of constitutional law and habeas corpus.

As a lawyer, Kevin Sharp has repeatedly earned recognition from his peers, being named one of the Nashville Business Journal's best of the bar in 2003, and each year from 2005 to 2009.

Prior to becoming a lawyer, Kevin served in the U.S. Navy as a flight crew member on the P-3 *Orion* operating in patrol/reconnaissance, and the antisubmarine warfare capacities as part of the U.S. Pacific fleet.

Kevin has broad support in Tennessee. Both the White House and my office and Senator CORKER's office have received numerous letters from Republicans, Democrats, and those who didn't indicate any sort of partisan leaning, which is the way it ought to be.

Although the President nominated Kevin on November 17 of last year for the first time, the seat that he has been nominated to fill is designated as a judicial emergency. It has been vacant for 4 years, since March 1, 2007. This is the third longest vacancy on the list of judicial emergencies, and the people of Tennessee deserve to have this vacancy filled.

I thank the President for the nomination and the Judiciary Committee's

prompt consideration of that nomination. I am grateful for the opportunity to join in support of the nomination of Kevin Sharp, and I encourage my colleagues to join me in supporting the nomination today.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today, the Senate will confirm two more of President Obama's judicial nominees. I continue to work with the chairman of the committee to ensure nominees are afforded a fair but thorough process and in a timely manner.

Today's vote marks the 19th nominee to be confirmed in just 42 days the Senate has been in session this Congress. The Judiciary Committee is holding a nominations hearing on Wednesday. On Thursday we will report additional judicial and executive nominees to the floor. Thus far we have taken positive action on 43 of 63 nominees submitted this Congress, or 68 percent of all nominees.

Let me repeat that, because I am going to say something that makes it very disgusting to me, some things that are coming out of the White House. Thus far we have taken positive action on 43 of 63 nominees submitted to this Congress, or 68 percent of the nominees. With this progress, I was then surprised at the recent remarks of the White House Counsel before the American Bar Association members this past April 14.

This counsel addressed the group and complained about the pace of judicial appointments. He encouraged the group to escalate the general sense of urgency regarding judicial appointments. Press reports indicate that he asked them to play a larger role to "bring home the impact or the effects of gridlock."

So, Mr. President, not only do I think these remarks are unjustified, given the pace of confirmations this year—and that is the 68 percent I have referred to—but they also reflect a failure on the part of the White House Counsel to acknowledge where the problem begins. It begins with the President of the United States and his staff—the White House Counsel particularly.

This brings me to the point: If we are acting so slowly, why has the President failed to send to the Senate a nomination for 55 percent of the current judicial vacancies? This statistic certainly does not indicate any sense of urgency on the part of the White House, and it brings further attention to the intellectual dishonesty of the White House in its speech to the ABA members that we are not acting fast enough on the Hill.

Well, having said that, I want to say a few words about the two nominees we are going to be voting on today. Roy Dalton, Jr. is nominated to be U.S. District Court judge for the Middle District of Florida. Mr. Dalton received

his BA with high honors and his JD from the University of Florida.

Following law school, he joined the firm of Dean, Ringers, Morgan & Lawton as an associate where he later became a principal of the firm.

In 1982, the nominee founded his first law firm, Roy B. Dalton, Jr., P.A. He would later form other practices where he would serve as a principal. In 1999 he began working as "of counsel" for the firm Gray, Harris & Robinson, where his practice area grew to include civil litigation, government relations, appellate practice, and business practice for individuals. As a former Senate staffer, Mr. Dalton spent most of 2005 serving as counsel to his former legal partner and U.S. Senator, Mel Martinez. Mr. Dalton has also practiced in appellate matters as "of counsel" for the Carlyle appellate law firm, a post he has held since 2004. The ABA Standing Committee on the Federal Judiciary gave him the rating of: substantial majority "Well Qualified"; minority "Qualified." I am pleased to support Mr. Dalton today.

I also rise in support of Kevin Sharp to be U.S. District Court Judge for the Middle District of Tennessee. Mr. Sharp enlisted in the U.S. Navy following high school and received an honorable discharge in 1986. The nominee received his B.S. from Christian Brothers College and a J.D. from Vanderbilt University School of Law. He began his legal career as an associate with the firm of Stokes & Bartholomew. After a yearlong stint working as an attorney for the U.S. Congressional Office of Compliance, Mr. Sharp returned to Stokes, Bartholomew, Evans & Petree, eventually making partner. Since 2003, he has been a shareholder and partner at Drescher & Sharp, where he has focused his legal practice on employment, labor, and disability law. The ABA Standing Committee on the Federal Judiciary has rated him "Qualified" and I urge my colleagues to support this nominee.

I note that the vacancy Mr. Sharp will fill was created by the retirement of Judge Echols in March of 2007. A few months later, on June 13, 2007, President Bush nominated Gus Puryear to fill the vacancy. Mr. Puryear waited 8 months before he had a hearing. That was the last action the committee took on the nomination. His nomination languished in committee for another 10 months before being returned to the President in January 2009, at the end of President Bush's term. It is both unfortunate and unnecessary that this seat has remained vacant for so long.

I congratulate each of these men for their achievements and commend them for the public service they have given and that they will provide to the people of this country, and particularly to their respective States in the future.

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.

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

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

Mrs. BOXER. I yield back all remaining time.

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

Under the previous order, the Dalton nomination is confirmed.

The question now occurs on the Sharp nomination.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Kevin Hunter Sharp, of Tennessee, to be United States District Judge for the Middle District of Tennessee?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ), the Senator from Florida (Mr. NELSON), the Senator from Vermont (Mr. SANDERS), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. MORAN), the Senator from Florida (Mr. RUBIO), the Senator from Louisiana (Mr. VITTER), the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. ISAKSON), and the Senator from Nevada (Mr. ENSIGN).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

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

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 62 Ex.]

YEAS—89

|            |              |             |
|------------|--------------|-------------|
| Akaka      | Durbin       | McConnell   |
| Alexander  | Enzi         | Merkley     |
| Ayotte     | Feinstein    | Mikulski    |
| Barrasso   | Franken      | Murkowski   |
| Baucus     | Gillibrand   | Murray      |
| Begich     | Graham       | Nelson (NE) |
| Bennet     | Grassley     | Paul        |
| Bingaman   | Hagan        | Portman     |
| Blumenthal | Harkin       | Pryor       |
| Blunt      | Hoeven       | Reed        |
| Boozman    | Hutchison    | Reid        |
| Boxer      | Inhofe       | Risch       |
| Brown (MA) | Inouye       | Roberts     |
| Brown (OH) | Johanns      | Rockefeller |
| Burr       | Johnson (SD) | Schumer     |
| Cantwell   | Johnson (WI) | Sessions    |
| Cardin     | Kerry        | Shaheen     |
| Carper     | Klobuchar    | Shelby      |
| Casey      | Kohl         | Snowe       |
| Chambliss  | Kyl          | Stabenow    |
| Coats      | Landrieu     | Tester      |
| Coburn     | Lautenberg   | Thune       |
| Cochran    | Leahy        | Toomey      |
| Collins    | Lee          | Udall (NM)  |
| Conrad     | Levin        | Warner      |
| Coons      | Lieberman    | Webb        |
| Corker     | Lugar        | Whitehouse  |
| Cornyn     | Manchin      | Wicker      |
| Crapo      | McCain       | Wyden       |
| DeMint     | McCaskill    |             |

NOT VOTING—11

|         |             |            |
|---------|-------------|------------|
| Ensign  | Menendez    | Sanders    |
| Hatch   | Moran       | Udall (CO) |
| Isakson | Nelson (FL) | Vitter     |
| Kirk    | Rubio       |            |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table. The President will be immediately notified of the Senate's action, and the Senate will resume legislative session.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### SBIR/STTR REAUTHORIZATION ACT OF 2011

Mr. REID. Mr. President, what is the pending business?

The PRESIDING OFFICER. S. 493, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 493) to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Pending:

Vitter amendment No. 178, to require the Federal Government to sell off unused Federal real property.

Cornyn amendment No. 186, to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending.

Paul amendment No. 199, to cut \$200,000,000,000 in spending in fiscal year 2011.

Sanders modified amendment No. 207, to express the sense of the Senate that Social Security benefits for current and future beneficiaries should not be cut and that the Social Security program should not be privatized as part of any legislation to reduce the Federal deficit.

Hutchison amendment No. 197, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Pryor amendment No. 229, to establish the Patriot Express Loan Program under which the Small Business Administration may make loans to members of the military community wanting to start or expand small business concerns.

Landrieu (for Cardin) amendment No. 240, to reinstate the increase in the surety bond guarantee limits for the Small Business Administration.

Landrieu (for Snowe) amendment No. 253, to prevent fraud in small business contracting.

The PRESIDING OFFICER. The majority leader.

#### CLOTURE MOTION

Mr. REID. Mr. President, at the beginning of this Congress, we entered into an agreement with the minority. One of the things we wanted to do was to make sure there was a process for allowing amendments to bills. We have had the small business jobs bill on the calendar for weeks. I believe this is the fifth week this bill has been around. We have had votes on a lot of amendments. But each time we think we can see the way to closure, my friends on the other



side of the aisle come forward with other amendments, making it impossible for us to move forward on this bill that creates jobs. It is a jobs bill.

I do not know how much more good faith we can show than what we have shown. Before the recess, we had, I think, nine amendments. We said: OK, let's vote on these. Senator SNOWE from Maine objected because she wanted to have a vote on a bill on which the chairman of the Small Business Committee said there had not even been a hearing.

We spent days working on an agreement to have votes on amendments to the small business bill to get us closer to passage. Included in this agreement was a Cornyn amendment having absolutely nothing—no relevance—nothing being germane to this bill. We had one from Senator HUTCHISON—same thing—dealing with health care. It has nothing to do with this legislation that is before the Senate.

We had all kinds of amendments. Very few had anything to do with the subject matter of the legislation. During the course of many weeks of debating the bill, we made efforts to accommodate Senator SNOWE and the rest of the Republicans on amendments, but there has been no way of ending this, so we are going to file cloture tonight.

We had a vote on another amendment offered by Senator SNOWE. She has already had one vote on this amendment, as well as multiple Republican amendments, nearly all of which, I repeat, have nothing to do with this underlying bill.

In light of the accommodation of extraneous amendments, it is difficult for me to understand why we cannot finish debate on this bill. But, obviously, the Republicans feel differently. We have been more than fair. We should be able to reach agreement on considering the remaining amendments and voting on final passage, but that is not what the Republican leader said is going to happen. I am sure he will tell his Senators we need more amendments and will vote to not allow cloture to take place.

There is only a limited amount of time we can spend on this legislation. We believe jobs is the key to what we do in the Senate. That is why I worked hard to get the FAA bill done and a bill dealing with patents, to get that bill done, because they create about 750,000, 800,000 jobs. This bill would create thousands of jobs. But I guess my friends on the other side of the aisle are more interested in messages than they are trying to get something done that will be good for the American people. So I have to file cloture on this bill.

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

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 17, S. 493, the SBIR and STTR Reauthorization Act of 2011.

Harry Reid, Mary L. Landrieu, John F. Kerry, Robert P. Casey, Jr., Michael F. Bennet, Al Franken, Jon Tester, Patrick J. Leahy, Carl Levin, Tom Harkin, Charles E. Schumer, Jack Reed, Maria Cantwell, Kirsten E. Gillibrand, Benjamin L. Cardin, Bill Nelson, Sheldon Whitehouse, Ron Wyden.

#### EXECUTIVE SESSION

#### NOMINATION OF JOHN J. MCCONNELL, JR., TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF RHODE ISLAND

Mr. REID. Mr. President, I now ask unanimous consent to proceed to executive session and the nomination of John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island.

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

The clerk will report the nomination. The assistant legislative clerk read the nomination of John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island.

#### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk dealing with John McConnell.

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

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island.

Harry Reid, Patrick J. Leahy, John F. Kerry, Dianne Feinstein, Frank R. Lautenberg, Jack Reed, Sheldon Whitehouse, Robert Menendez, Amy Klobuchar, Barbara Boxer, Daniel K. Inouye, Mark Begich, Mark R. Warner, Kent Conrad, John D. Rockefeller IV, Richard J. Durbin, Ron Wyden.

Mr. REID. Mr. President, I ask unanimous consent that it be in order at this time to waive the mandatory quorums under rule XXII with respect to both cloture motions.

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

#### LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

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

#### JUDICIAL NOMINATION

Mr. REID. Mr. President, I hope, as I mentioned this morning, we are not in

a situation where we have to file cloture on district court judges. That is a little much. I filed cloture on this because I couldn't get agreement not to do it, but I hope we don't have to have cloture on all the district court judges whom somebody has some concern about.

This is a very good man. Morally his record is impeccable. As a lawyer, he is certainly one of the two or three best lawyers in the State of Rhode Island, and I would hope we could get this done on Wednesday when this cloture motion ripens.

#### TRIBUTE TO LAWRENCE ELSWICK

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Mr. Lawrence Elswick for his service to the United States. Mr. Elswick serves as a prime example of a man who truly puts others before himself.

Having spent the majority of his life in the small town of Big Creek, KY, Mr. Elswick has touched the lives of several Kentuckians. Whether he is fixing the plumbing in a neighbor's bathroom or giving away free vegetables from his garden, Lawrence never hesitates when offering a helping hand.

Although Lawrence came from a humble background, he allowed his upbringing to inspire him rather than hold him back. Having grown up as the oldest in a family with 8 children, Lawrence was molded into the leader that he still is today. Furthermore, Lawrence knows what it means to be truly dedicated. He has dedicated his life to serving his church, the people of the Commonwealth, and his country.

Because Lawrence has always selflessly given to others, it came as no surprise when he joined the Army during World War II and willingly risked his life to defend our country. He was among the heroes who bravely fought on Normandy Beach in 1944. At one point in time, Lawrence went missing in action and remained behind enemy lines for a week. It is because of his immense courage and great service to this Nation that I stand here today honoring his achievements. Lawrence has been awarded numerous medals because of his service in the U.S. Army. His collection of medals include the Purple Heart, the Bronze Star, the Combat Infantry Badge, the Good Conduct Medal, the European Theater of Operations Ribbon with four major stars, the Honorable Service Lapel Button, and the Presidential Citation Ribbon. Several of these medals are among the greatest honors that are bestowed upon our men and women in the service.

It is because of Lawrence's strong character, his dedication to his family and friends, and his giving spirit that the Commonwealth of Kentucky is so proud to call him one of our own.

The Appalachian News Express recently published an article commemorating Mr. Lawrence Elswick's service to the Commonwealth of Kentucky and



to the Nation, and 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 Appalachian News Express, Mar. 2, 2011]

#### ELSWICK SAYS HE IS BLESSED

(By Nancy M. Goss)

"I've been here all my life, on this creek," says 88-year-old Lawrence Elswick. "My dad bought this place back in 1943 when I was in the service. All my kids were born here but my youngest."

Lawrence was born Sept. 30, 1922, the oldest of eight children. He and two brothers, Bill Elswick of Elyria, Ohio, and Sonny Elswick of London, are the only ones still living.

He attended a one-room school on Meathouse Fork. His dad taught school for two years and was a deputy clerk for Bessie Arnold Riddle. He was killed in a mining accident just a few days after Lawrence returned from the service.

Lawrence Elswick and Rachel Fuller were married Feb. 21, 1942. They had five children: Lawrence Jr. of Meathouse Fork of Big Creek, Judith Gail Baker (deceased), Connie Sue Chapman of Meathouse Fork of Big Creek and Patsy Blackburn and Madonna Kaye Williamson, both of Stratton Fork of Canada. They have 12 grandchildren and 16 great-grandchildren. Rachel died Aug. 15, 2007.

"Mom was known countywide for her biscuits," Patsy said. "And she would cook for anybody who would show up."

Lawrence's nickname is Curly. He has naturally curly hair, but admits to getting perms. "I was black headed," he says. "They used to call me Dean Martin."

Lawrence is a World War II veteran.

In the beginning of his Army career, he was stationed in Mississippi.

"I was put in the 99th Division, then after my training, I came to Camp Shanks, New York, and caught a ship—The George Washington. I was 14 days getting over there, to France." He was then in the 4th Infantry Division. Later, he was also part of the military police at Fort Campbell.

His medals include The Purple Heart, The Bronze Star, Combat Infantry Badge, the American Campaign, Good Conduct, ETO, Ruptured Duck, Presidential Citation Ribbon, four major battle stars on ETO ribbon, World War II, and Expert Rifleman.

"I had a rough life in the service," he says. "I went in on Normandy Beach. I was missing in action . . . cut off behind enemy lines for a week."

"I got out on Oct. 3, 1945," Lawrence says. "I was supposed to get out on my birthday, up at Camp Breckinridge. But they held me in the hospital for three days because I was a diabetic—the sugar showed up on me, you know."

"Dad worked in the mines for a while when he first came out of the service," Patsy said. "And he's put plumbing and bathrooms in every house all up and down Meathouse."

"I'm one of the best blessed men on Big Creek," Lawrence says. "I never drew an unemployment check and I never was cut off from a job in my life. I worked 38 years for the gas company. I was the maintenance man and worked in four counties. I was a compressor engineer, is what they called it. I'd take care of these pump stations."

Lawrence did plumbing on the side in the evenings while working for the gas company. He said Al Reed helped him plumb every house.

"I'd get him to help me. He was a real nice friend of mine. Another good friend was

Sonny Hall of Pikeville. He was like a son to me," Lawrence said. "And I can't not mention Willie B. Thacker and Bethel Thacker. They were just like a daddy and mother to me."

Lawrence says he's always been involved in politics.

"I've been a politician all my life and voted Democrat all my life. Paul Patton came to my house and sat right down there in that chair when he started to run for county judge the first time. And Rick Bartley sat on my porch when he was running . . . and Ira Branham, and Keith Hall, and Eddy Coleman and his wife . . ."

"Dad's friends with all of them," Patsy said. I had an anniversary party for him and mom on their 50th wedding anniversary and we had over 300 people show up! I was afraid I would run out of food."

Many years ago, Lawrence also had about 50 game cocks, roosters, on strings at one time.

"That was back before Daddy ever belonged to church . . . he'd referee. He had a colorful life!" Patsy said.

"That was over in McDowell in Floyd County. I was the head referee over there," Lawrence said. "Now, I'm against it the worst in the world . . . and I used to do it all the time."

Lawrence is a Kentucky Colonel. He's also an ordained deacon in the Big Creek Primitive Baptist Church. He and Rachel were baptized in 1996, but attended church long before that.

"I love my church," Lawrence says. "There ain't but one church and one God and he controls all of it. That's the way I see it. You've got different denominations, but God controls it all."

Today, Lawrence lives alone, but Patsy comes everyday to check on him. She and her husband, Thomas, a Vietnam veteran, have four children: Jenny Rebecca Hatfield of Stratton Fork, Thomas Patrick of Columbus, Ohio, Zachary Slade and Rebecca Cheyenne Webb, both of the home. They have five grandchildren.

Although he had a stroke in 2002, Lawrence appears to be in excellent health. He has a wonderful sense of humor, good eyesight, still drives, still goes out and "gins" and does favors for neighbors and friends. He works on everything from lawn mower motors to car engines.

"I just gin all the time," he said. "And I raise a garden every year and I give it all away . . . to anybody that wants it."

Patsy says people just come and take the vegetables right out of the garden.

"And when he gets a lot, he'll take it to the service station and give it away!" she says with a laugh.

To echo what Lawrence said earlier, he's "one of the best blessed men on Big Creek!"

#### TRIBUTE TO ETHEL MARTIN

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a Kentuckian who has led a remarkable and inspirational life, Ms. Ethel Richardson Martin. In 1911 in Kenton County, KY, Ethel Martin was born—meaning that this March, she celebrated her 100th birthday. And she has much to be proud of, looking back at a century of a life well lived.

Ms. Martin came from a large family; her parents Eugene and Frances had 11 children. Ethel and her sisters liked to sing, and I am told they once sang at Renfro Valley, site of many great Kentucky music performances. Ms. Martin

graduated from Western Kentucky State Teachers College—now Western Kentucky University—and served as a missionary in Georgia, mostly in the area of Macon. In 1943, with America at war with the Axis Powers, she enlisted in the Women's Army Corps, the branch of our country's Armed Forces that GEN Douglas MacArthur once called "my best soldiers."

Ms. Martin began her WAC training in Des Moines, IA. She served her country with distinction and rose to the rank of captain. When the war ended, she participated in the prosecution of the Germany's war criminals. She was one of the first Americans to see the inside of Adolf Hitler's mountain retreat called the Eagle's Nest, and she served as an adjunct to an attorney who worked on the Nuremberg Trials.

In 1947, Ms. Martin was discharged from Army service. She returned to America, and she earned her master's degree and her doctorate from the University of Cincinnati. She also met and married the love of her life, Ansel C. Martin. Ansel was a music teacher, and he has been missed by all who knew him since his passing in 1991.

Ethel found a career in education, and she and Ansel lived in North Carolina for a time. She was a leader in the efforts of her church, the First United Methodist Church located in Hendersonville, NC, to sponsor Cambodian refugees to the United States in the 1970s and 1980s. In 2001, she returned to her native Kentucky. We are lucky to have her back in the Bluegrass State and happy to help celebrate her 100th birthday. Her long life of service to her country and her community are an inspiration to us all.

#### FALL CASES BEFORE THE SUPREME COURT

Mr. WHITEHOUSE. Mr. President, I wish to alert my colleagues to an important set of cases that will be heard by the Supreme Court this fall. The cases—consolidated under the caption *Maxwell-Jolly v. Independent Living Center*—concern the ability of Americans to assert their constitutional rights in court. The issue before the Court is important not just to the parties involved but to the effective functioning of our constitutional system.

The cases come to the Court out of California. In 2008, the State announced a plan to sharply reduce the reimbursements paid to medical providers under Medi-Cal, the State's Medicaid program. A broad range of parties—including pharmacies, medical clinics, hospitals, doctors, health care providers, senior citizens' groups, and Medicaid beneficiaries—brought suit asking for an injunction to stop the change from going into effect. They are not looking for money, just an order requiring California to follow Federal law.

They argued that the California plan violated—and was preempted by—the Federal Medicaid statute. In particular, they contended that the plan

failed to “assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available . . . at least to the extent that such care and services are available to the general population,” as required by 42 U.S.C. § 1396a(a)(30)(A). In other words, they took California to court to make the State obey Federal law and ensure patients have access to the Medicaid benefits required by Congress.

The court of appeals agreed with the plaintiffs’ claims that the California plan was preempted by Federal law. But that wasn’t the end of it. The Supreme Court decided to review the case. Denying review on the underlying issue of whether California’s action is, in fact, preempted by Federal law, the Court has taken up the question whether the parties should be allowed to assert that California’s plan is unconstitutional. The California attorney general has argued that they should not, claiming that private parties cannot have a day in court to raise a preemption claim, regardless whether the State’s action is illegal under Federal law.

This case will be significant for our country, and Constitution, for years to come.

As my colleagues know, it is foundational to our system of government that States must comply with duly enacted laws of this Congress. The supremacy clause, in article VI of the Constitution, makes clear that the Constitution and “the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”

Our carefully balanced Federal system, designed by the Framers, would fall apart without the supremacy clause. As James Madison wrote in Federalist No. 44, without that clause we would be left “a system of government founded on an inversion of the fundamental principles of all government; it would have seen the authority of the whole society every where subordinate to the authority of the parts; it would have seen a monster, in which the head was under the direction of the members.” For this reason, the Supreme Court has enforced the supremacy clause since 1796, striking down State measures incompatible with Federal law.

It has previously been widely accepted in the courts of appeals, legal treatises, and filings by the United States—that the American people can go to court to protect themselves from preempted State law.

The Supreme Court has repeatedly allowed big corporations to argue in court that State actions are preempted by Federal laws and regulations. To take one example, in *Chamber of Commerce of the United States v. Brown*,

2008, business interests sued to enjoin enforcement of a California law that prohibited employers in that State from spending State funds to deter union organizing. The Supreme Court held that the National Labor Relations Act, NLRA, preempted the California law. It didn’t tell the corporation that it could not assert this argument in the first place. So too, in *Rowe v. New Hampshire Motor Transport Association*, 2008, a group of transport carrier associations brought suit to argue that a Maine statute regulating tobacco delivery in order to protect minors was preempted by Federal law. Again, the Supreme Court found that the State law was preempted, striking it down without prohibiting the corporate interests from making their argument in court. And in *Watters v. Wachovia Bank*, 2007, the Court allowed a big national bank to argue that Federal law preempted Michigan’s State banking regulations, once again without denying the corporate interest the chance to raise such an argument in court.

Now is not the time to inhibit the supremacy clause and preclude regular Americans from having their Federal rights enforced in court, particularly when that privilege has been respected for corporations.

If the Court does take that step, it will create a legal loophole that invites states to ignore Federal law, and weaken the supremacy clause. It will put Americans at risk, weakening hard-won statutory protections. Most important, it will warp the carefully balanced Federal system that has served us so well through the centuries.

#### HONORING OUR ARMED FORCES

SPECIALIST DONALD L. NICHOLS

Mr. GRASSLEY. Mr. President, it is with deep regret that I must inform the Senate about the passing of a soldier from my home State, specialist Donald L. Nichols of Shell Rock, IA. He was 21 years old. Specialist Nichols enlisted in the Iowa National Guard in March of 2008 and was assigned to the Iowa Army National Guard’s Headquarters and Headquarters Company, 1st Battalion, 133rd Infantry, 2nd Brigade Combat team, 34th Infantry Division, based in Waterloo, IA. Specialist Nichols was killed by an improvised explosive device that struck the armored vehicle while he was patrolling in the Mehtar Lam District, Laghman Province, Afghanistan.

Specialist Nichols is survived by his mother Becky Poock; his father Jeff Nichols; his fiancée Chelsey Bliss; two brothers, and many other family and friends.

The family and friends of Specialist Nichols remember him as a dedicated soldier who truly loved serving his country. His fellow soldiers remember him as a “studious soldier who took his duty with zeal.” Donald had decided that he wanted to join the Armed Forces even before he graduated high school. He showed a dedication to serv-

ice that is typical of all of the men and women fighting for our Nation but one that is so rare in the common man. The memory of his sense of humor and his love for family, friends, and country will remain constantly with his loved ones.

SPC Donald L. Nichols will be missed by all that were privileged to know him and my thoughts and prayers go out to his loved ones in this incredibly difficult time.

#### ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, since 1978 we have set aside the month of May to honor Americans who are of Asian and Pacific Islander descent. Today I am pleased to join the celebration of Asian Pacific American Heritage Month and the many accomplishments and contributions of such an inspiring, spirited, and industrious group of people.

Efforts to establish an Asian Pacific American Heritage Month first took shape in 1977 when U.S. Representatives Frank Horton and Norman Y. Mineta introduced a resolution calling on the President to declare a weeklong commemoration. Senators DANIEL INOUE and Spark Matsunaga followed suit in the Senate. Both resolutions were ultimately passed, and President Carter in 1978 officially designated a weeklong celebration to honor the first Japanese immigrants to the United States and the Chinese laborers who completed the Transcontinental Railroad.

In 1990, President George H.W. Bush extended the event to a month-long celebration, and in 1992 the designation of May as Asian Pacific American Heritage Month was signed into law.

More than 17 million Asian Pacific Americans live in the United States today, with more than 5 million living in California. Together, these Americans represent more than 30 countries and ethnic groups and enhance the diversity that is a hallmark of our Nation. Asian Pacific Americans enrich California through their famous and iconic communities including Chinatown in San Francisco, Filipino Town and Little Tokyo in Los Angeles, Little Cambodia in Long Beach, and Little Saigon in Westminster.

Asian Pacific Americans have also left a large imprint on the economy of the United States, although in this time of economic challenge, it is important that we offer as much support as possible to keep those businesses thriving. This is why I support the White House Initiative on Asian Americans and Pacific Islanders, which is focused on increasing Asian Pacific American participation in areas such as commerce, labor and employment, and economic and community development. I am also a cosponsor of legislation that will help create small businesses and improve small business owners’ access to capital.

This year's theme, "Leadership to Meet the Challenge of a Changing World," is especially fitting given the many challenges we face today. The leadership of many Asian Pacific Americans who have dedicated their lives to public service is especially notable. These trailblazers have been a strong voice for the community and have empowered Asian Pacific Americans to break barriers and pursue the American dream.

Among these respected Americans are my esteemed colleagues in Congress, Senators DANIEL INOUE and DANIEL AKAKA, and nine Members of the U.S. House of Representatives, including California Representatives JUDY CHU, DORIS MATSUI, and MIKE HONDA. In the executive branch, we are lucky to have the services of Energy Secretary Steven Chu, Commerce Secretary Gary Locke, and Veterans Affairs Secretary Eric Shinseki.

In particular, I would like to recognize Representative CHU on her new position as chairman of the Congressional Asian Pacific American Caucus. I would also like to congratulate Secretary Locke on his recent nomination by President Obama to serve as the next U.S. Ambassador to the People's Republic of China. These individuals are all leaders in the Asian Pacific American community, and their service inspires future generations to follow in their footsteps.

In addition to their cultures, entrepreneurial skills and dedication to public service, Asian Pacific Americans have also made great sacrifices to ensure our nation remains strong and secure. There are thousands of Asian Pacific Americans serving overseas in our Armed Forces and here at home in our law enforcement agencies. These admirable citizens risk their lives every day to protect their communities. They deserve our thanks.

I also want to praise the leadership and hard work of the Asian Pacific American legal community. Since the beginning of 2009, we have made significant progress in our work to diversify Federal courts. Six new Asian Pacific American judges have been confirmed to the Federal bench. These include U.S. District Judges Jacqueline Nguyen and Dolly Gee in Los Angeles and U.S. District Judge Lucy Koh in San Jose. Two highly qualified nominees still await votes—Professor Goodwin Liu, nominated for the U.S. Court of Appeals for the Ninth Circuit, and U.S. Magistrate Judge Edward Chen, nominated for the U.S. District Court in San Francisco. I will continue to do what I can to further diversify the judiciary and ensure that qualified Asian Pacific American judges are nominated and confirmed to the Federal bench.

Unfortunately, this month also brings with it the reminder that my good friend and political strategist Mr. Kam Kuwata is no longer with us. Kam was well known and well respected by those in California politics and journalism. He tirelessly pursued civil

rights and achieved remarkable success in campaigns and State initiatives. He carried with him many of the difficulties Asian Pacific Americans have faced, as his mother's family was interned during World War II. But he also embodied the many accomplishments that Asian Pacific Americans have achieved. Kam was truly one of the most intelligent and sharp people I have ever met. I would like to extend my heartfelt and deepest condolences to his family and friends. He will be dearly missed by all of us whose lives he touched.

Today, it is my honor to acknowledge the remarkable strength, character, and accomplishments of Asian Pacific Americans during Asian Pacific American Heritage Month.

#### BICENTENNIAL CELEBRATION OF THE NATIONAL ROAD

Mr. CARDIN. Mr. President, I rise today to recognize the importance of investment in our national infrastructure on the occasion of the bicentennial anniversary of the National Road.

On May 7, 2011, Americans will gather in Cumberland, MD, to celebrate the bicentennial of the groundbreaking for the construction of this first federally financed road. Congress approved The National Road in 1806 and construction was completed in 1818, connecting Cumberland, MD, with Wheeling, WV, located on the Ohio River. This road would connect East to West, allowing for economic growth and opportunity as a young nation sought to unite a diverse country and facilitate the flow of people, goods, services, information, and Federal authority in new territory.

The National Road's completion created a flow of goods and people to and from the Port of Baltimore, along privately developed turnpikes to Cumberland, and across the mountains to the Ohio River Valley. The road was extended to Vandalia, IL, in the early 1840s. For more than a century, The National Road was this Nation's only federally funded interstate highway, making its importance to commercial and political enterprise unparalleled.

By the 1850s, the lure of trade and migration to the West led to the development of the "horseless carriage," running parallel to the road, connecting the Port of Baltimore to the West right through Cumberland, MD, over the mountains and westward. While The National Road remained important, trains began to transport the bulk of goods and people travelling West. In the 1900s, it was the invention of the automobile that brought The National Road back to popularity as travelers and tourists explored America and the natural beauty of western Maryland and truckers transported goods along with the trains.

I would encourage my colleagues and their constituents to take a journey on The National Road. The National Road has been designated a Maryland Scenic Byway and is marked by signs and his-

torical markers, connecting heritage areas, arts and entertainment districts, and historic landscapes and structures. A National Register of Historic Places Travel Itinerary can be found at [www.crnp.gov/nr](http://www.crnp.gov/nr).

I ask my colleagues to join me in celebrating this national achievement, which reminds us of the importance of supporting infrastructure investments that promote trade and commerce, and in thanking the people of Cumberland, MD, for celebrating this national achievement.

#### TRIBUTE TO PETER FISCHER

Mr. CRAPO. Mr. President, I rise today to recognize and honor Peter Fischer, who is retiring from Senate service. Peter has been an essential member of my staff for more than a decade, and he currently serves as chief of staff for my Washington, DC, office. I cannot thank him enough for his dedicated counsel and friendship. Time and time again, he has provided helpful insight and contagious optimism that have been instrumental in overcoming even the most difficult challenges.

I have been extremely blessed to have Peter as part of my team through multiple, valuable roles. He joined my 1998 Senate campaign as campaign finance director following his service as an economic development specialist with Idaho's department of commerce and industry. Then, in January of 1999, I was fortunate to have Peter join my congressional staff as State director for economic development. He utilized his economic development experience and profound understanding of the needs of Idaho communities to help communities navigate the Federal bureaucracy and identify partnership opportunities. He continued this outstanding advocacy after he moved to Washington, DC, nearly 2 years later, to become legislative director prior to becoming my Washington, DC, chief of staff.

Peter has a remarkable "can-do" spirit and resourcefulness, and he has contributed greatly to advancing countless legislative and policy priorities for Idaho. For example, his commitment to the Owyhee Initiative played a major role in the successful passage of the authorizing legislation and continued implementation efforts. As a hunter, fisher and sportsman, Peter also provided valuable perspective in enactment of electronic duck stamp legislation. He has also been very active in representing me in countless ways on Capitol Hill. For example, he is a senior Stennis fellow, serves on the Steering Committee for the Bipartisan Chiefs of Staff organization, is the Republican chair of the bipartisan Foreign Policy Study Group, has attended numerous chiefs of staff retreats and manages my Washington campaign activities during his free time.

A 1971 graduate of the University of California—Santa Barbara with a degree in history, Peter has a fascinating

personal and professional life that has taken him across the country and around the world. His myriad of experiences in the private sector and across the globe has made him such an innovative economic development expert and a valued contributor to me. Peter is kind and courteous to a fault. We would be hard pressed to find anyone who has met him who doesn't like him. He has a great capacity to put people at ease, and people just generally like to be around him, as evidenced by his multitude of friends and acquaintances. It is probably because the best friendship qualities run deep in Peter: He is loyal and can be tough when needs be, but he is also a cheerful encourager.

Peter has been a great asset to me, my staff and the Senate throughout his service to Idaho and the Nation, and I will miss him greatly. However, I wish my friend and his wife Kris great happiness throughout his retirement. I am hopeful that retirement will provide them more time to spend with their family, including their two children Katy and Paul, son-in-law, daughter-in-law, and three grandchildren. Peter's retirement is a well-deserved respite for his years of hard work for Idahoans and our country. Thank you, Peter, for your great service and extraordinary friendship.

#### ADDITIONAL STATEMENTS

##### 100TH ANNIVERSARY OF THE BRICKLAYERS AND ALLIED CRAFT WORKERS LOCAL 04

• Mr. JOHNSON of South Dakota. Mr. President, today I recognize the 100th anniversary of the Bricklayers and Allied Craft Workers, BAC, Local 04 of South Dakota Local 04 has served the western region of South Dakota with a sterling dedication to the rights of its members. The Bricklayers and Allied Craft Workers is nationally recognized as the oldest continuous union serving both the United States and Canada. The Local 04 unites trowel trades craftworkers throughout West River South Dakota.

Throughout their existence, Local 04 has served the West River region of South Dakota with a steadfast commitment to its trade. Its membership has always been modest in size, today consisting of 72 members, yet the BAC is dedicated to protecting the working rights of its members. To date, Local 04 has negotiated fair wages, safe working conditions and retirement benefits.

I applaud Local 04 for its dedication to ensuring its members' rights and working towards a higher quality of life. I am honored to recognize this historic milestone of 100 years.●

##### TRIBUTE TO COLONEL JEFFREY TALIAFERRO

• Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize

the work and military service of COL Jeffrey Taliaferro, who is concluding a 2-year stint as commander of the 28th Bomb Wing, Ellsworth Air Force Base. During the past 2 years, Colonel Taliaferro has commanded the largest B-1 combat wing in the U.S. Air Force and will now move on to the Pentagon as Chief, Combat Forces Division at Headquarters, USAF-A8PC.

Colonel Taliaferro's command tenure at Ellsworth Air Force Base is the latest in a long line of impressive assignments. He received his commission from the U.S. Air Force Academy in 1989 and has served in a variety of flying and staff positions. His staff experience includes positions with U.S. Air Force headquarters, Office of the Secretary of Defense, and U.S. Central Command. He is a command pilot with over 2,400 flight hours in the B-1 and T-38.

During his 2 years at Ellsworth Air Force Base, a large number of base personnel have been deployed to support Operation Iraqi Freedom, Operation Enduring Freedom and Operation Odyssey Dawn, as well as numerous other missions. During my years in Congress, I have always been impressed with the high degree of patriotism, expertise, commitment and dedication of the Ellsworth personnel and the base's leadership command. Those qualities have been continued in the great leadership of Colonel Taliaferro.

I have appreciated Colonel Taliaferro's work on a number of issues impacting Ellsworth Air Force Base and the Air Force in general. He has promoted and developed great relationships with the South Dakota congressional delegation and their staffs, with South Dakota State officials, Black Hills mayors and local officials, as well as the media and local citizens. He has worked to communicate the intricacies and details of a number of issues to officials and the general public, including the proposed expansion of the Powder River Training Complex, privatization of base housing to the local community, the status and effectiveness of the B-1 Lancer fleet, the status of the new MQ-9 mission at Ellsworth, and efforts to support deployed personnel and their families.

Colonel Taliaferro has provided oversight on a number of infrastructure changes at Ellsworth during his command and has continued to enhance the great relationship between Ellsworth Air Force Base and the local communities. Few bases enjoy such a friendly working relationship with local businesses and the general public as Ellsworth does with the Black Hills communities, and I commend Colonel Taliaferro for his ability to promote this relationship.

I have appreciated the insight and input from Colonel Taliaferro and his staff over the past 2 years. I have had the opportunity to visit the base on a number of occasions during Colonel Taliaferro's time at Ellsworth, and I appreciated his candor. He is a true pa-

triot and a tremendous asset to the U.S. Air Force. I commend Colonel Taliaferro for his service to Ellsworth Air Force Base and wish him, Ellie, and their family all the best in future endeavors.●

##### REMEMBERING BETTY HOLLANDER

• Mr. LIEBERMAN. Mr. President, on April 7, a pall passed over my hometown of Stamford, CT, when the news began to spread that Mrs. Betty Ruth Hollander, one of its leading citizens and a good friend of mine and my family, had passed away peacefully. A pioneer, entrepreneur, philanthropist, inventor, and a devoted wife, mother, and grandmother, Mrs. Hollander lived a truly remarkable life that touched and inspired almost everyone she met. Her passing is a great loss not just for those of us who were lucky enough to know her personally, but for the entire Stamford community and well beyond.

In 1962, while raising four young children, Betty Hollander founded Omega Engineering out of her kitchen in Stamford. At a time when women faced pervasive discrimination in many industries, Betty utilized her steady work ethic and sharp business acumen to grow Omega from a firm focused on manufacturing a single line of thermocouples to a globally recognized business that produces over 100,000 state-of-the-art products for measurement and control.

Omega's record of success gave Betty the opportunity to serve on a number of corporate boards, including Target Corporation—then Dayton Hudson Corporation—Peoples United Bank and Southern New England Telephone. She was also deeply involved with many charities, and served on the boards of Yale New Haven Hospital, St. Joseph's Hospital and St. Vincent Hospital, Bridgeport, CT, among many other corporations and nonprofit organizations.

Alongside all her success and busy schedule, Betty remained deeply committed to her family. Even when serving as corporate executive officer of Omega, when asked her occupation Mrs. Hollander would reply that she was "a wife and mother." Later, she was able to add "grandmother" to the title. These, she insisted, were the most important roles she ever played. In 1952, she married Milton Bernard Hollander, her best friend since high school, beginning a strong 58-year marriage characterized by extraordinary mutual devotion. Together, they had four children, Eva Lynn, Steven, Aaron, and Joel, and nine grandchildren.

To get a sense of the truly exemplary person that Betty Hollander was, all you need to do is look over an online forum set up to honor her memory. Already, over 100 individuals from all walks of life have taken the time to express their condolences and share their favorite memories of Betty. One longtime employee in Omega's shipping department remembers that, no matter

how busy she was as CEO, Betty would always take the time out to get to know all of her employees personally. Others fondly recalled how she was never too busy to mentor younger employees and helped inspire them to pursue their dreams and demonstrate their fullest potential. In addition, there are testimonials from those who worked with her on her charitable endeavors, those who were friends, and even those who had never met her, but who were inspired by her success in business and her service to the community. On a personal level, Betty Hollander and my mother were great friends—two great Jewish mothers—and I have always treasured having had the opportunity to know her.

If we are to be judged in life by the effect we have on others, than Betty Hollander's life was a sterling success!

We honor Betty Hollander's memory and cherish her decency and friendship. I extend my deepest sympathies to Betty's beloved "Miltie" Hollander and all of Betty's friends and family on their irreplaceable loss. They will be in my thoughts and prayers during this difficult period.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

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

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

#### MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

##### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on April 15, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 1473. An act making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. ROCKEFELLER) on April 15, 2011.

##### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on April 18, 2011, during the adjournment of the Senate, received a message from the House of

Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 1308. An act to amend the Ronald Reagan Centennial Commission Act to extend the termination date for the Commission, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. ROCKEFELLER) on April 29, 2011.

#### MESSAGE FROM THE HOUSE

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 agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 34. Concurrent resolution establishing the budget for the United States Government for fiscal year 2012 and setting forth appropriate budgetary levels for fiscal years 2013 through 2021.

The message also announced that pursuant to 22 U.S.C. 276d, clause 10 of rule I, and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the Canada-United States Interparliamentary Group: Mr. MANZULLO of Illinois, Chairman.

The message further announced that pursuant to 14 U.S.C. 194, and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Mr. COBLE of North Carolina and Mr. COURTNEY of Connecticut.

The message also announced that pursuant to 46 U.S.C. 51312(b), and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Merchant Marine Academy: Mr. KING of New York and Mrs. MCCARTHY of New York.

The message further announced that pursuant to 22 U.S.C. 276h, and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. DRIER of California, Chairman, and Mr. MCCAUL of Texas.

The message also announced that pursuant to section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a) and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Migratory Bird Conservation Commission: Mr. WITTMAN of Virginia and Mr. DINGELL of Michigan.

The message further announced that pursuant to 16 U.S.C. 431 note, and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Dwight D. Eisenhower Memorial Commission: Mr. THORNBERRY

of Texas, Mr. SIMPSON of Idaho, and Mr. BOSWELL of Iowa.

The message also announced that pursuant to 36 U.S.C. 2302, and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the United States Holocaust Memorial Council: Mr. GRIMM of New York, Ms. HAYWORTH of New York, Mr. MEEHAN of Pennsylvania, Mr. WAXMAN of California, and Ms. GIFFORDS of Arizona.

The message further announced that pursuant to sections 5580 and 5581 of the Revised Statutes (20 U.S.C. 42-43), and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the Board of Regents of the Smithsonian Institution: Mr. BECERRA of California.

The message also announced that pursuant to section 2 of the Civil Rights Commission Amendments Act of 1994 (42 U.S.C. 1975 note), the order of the House of January 5, 2011, and upon the recommendation of the Minority Leader, Speaker reappoints the following members on the part of the House to the Commission on Civil Rights: Mr. Michael Yaki of San Francisco, California for a term expiring on December 15, 2016, and Mr. Todd Gaziano for a term expiring on December 15, 2013.

#### MEASURES DISCHARGED

The following concurrent resolution was discharged from the Committee on the Budget pursuant to Section 300 of the Congressional Budget Act, and placed on the calendar:

H. Con. Res. 34. Concurrent resolution establishing the budget for the United States Government for fiscal year 2012 and setting forth the appropriate budgetary levels for fiscal years 2013 through 2021.

#### MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 34. Concurrent resolution establishing the budget for the United States Government for fiscal year 2012 and setting forth appropriate budgetary levels for fiscal years 2013 through 2021; to the Committee on the Budget.

#### MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 34. Concurrent resolution establishing the budget for the United States Government for fiscal year 2012 and setting forth appropriate budgetary levels for fiscal years 2013 through 2021.

#### 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-1362. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting three legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Armed Services.

EC-1363. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting three legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Armed Services.

EC-1364. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation of Additional Changes from the Annual Review of the Entity List; Removal of Person Based on Removal Request" (RIN0694-AF13) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1365. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Decatur, IL" (MB Docket No. 10-264; DA 11-572) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1366. A communication from the Assistant Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz" (ET Docket No. 10-142)(FCC 11-57)) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1367. A communication from the Division Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Review of the Emergency Alert System" (FCC 11-12) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1368. A communication from the Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Section 90.617 Frequencies in the 809.750-824/854.750-869 MHz, and 896-901/935-940 MHz Bands Available for Trunked, Conventional or Cellular System Use in Non-border Areas. Section 90.677 Reconfiguration of the 806-824/851-869 MHz Band in Order to Separate Cellular Systems from Non-cellular Systems" (DA 11-315) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1369. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals, Report and Order" (FCC 11-56) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1370. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Structure and Practices of the Video Relay Service Pro-

gram, Report and Order and Further Notice of Prospect Rulemaking" (FCC 11-54) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1371. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions No. 1, No. 2, No. 3, and No. 4" (RIN0648-XA293) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1372. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Closure of the Penaeid Shrimp Fishery Off South Carolina" (RIN0648-XA305) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1373. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648-XA319) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1374. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year 2010 Office of Inspector General Medicaid Integrity Report"; to the Committee on Finance.

EC-1375. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—May 2011" (Rev. Rul. 2011-11) received during adjournment of the Senate in the Office of the President of the Senate on April 27, 2011; to the Committee on Finance.

EC-1376. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and Fiscal Year 2011 Final Wage Indices Implementing the Medicare and Medicaid Extenders Act" (RIN0938-AQ97) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Finance.

EC-1377. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Federal Funding for Medicaid Eligibility Determination and Enrollment Activities" (RIN0938-AQ53) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Finance.

EC-1378. A communication from the Management and Program Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Documents Acceptable for Employment Eligibility Verification" (RIN1615-AB69) received during adjournment of the Senate in the Office of the President of the Senate on April 18, 2011; to the Committee on the Judiciary.

EC-1379. A communication from the Assistant Attorney General, Office of Legislative

Affairs, Department of Justice, transmitting, two legislative proposals: first, a proposal to implement international agreements concerning nuclear terrorism and nuclear materials; and second, a proposal to implement international agreements on maritime terrorism and the maritime transportation of weapons of mass destruction; to the Committee on the Judiciary.

EC-1380. A communication from the Assistant Secretary of Defense, Legislative Affairs, Department of Defense, transmitting three legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on the Judiciary.

EC-1381. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-1382. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-1383. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Criminal Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-1384. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Evidence that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-1385. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended for the six months ending June 30, 2010"; to the Committee on the Judiciary.

EC-1386. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, reports entitled "2010 Annual Report of the Director of the Administrative Office of the U.S. Courts" and "2010 Judicial Business of the United States Courts"; to the Committee on the Judiciary.

EC-1387. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer" (RIN0648-XA301) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1388. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Occupational Radiation Protection" (RIN1992-AA45) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Energy and Natural Resources.

EC-1389. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Decision and Order Granting 180-Day Extension of Compliance Date for Residential Furnaces



and Boilers Test Procedure Amendments; Correction" (RIN1904-AB89) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Energy and Natural Resources.

EC-1390. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Test Procedures for Walk-in Coolers and Walk-in Freezers" (RIN1904-AB85) received during adjournment of the Senate in the Office of the President of the Senate on April 18, 2011; to the Committee on Energy and Natural Resources.

EC-1391. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Kentucky; Approval of Section 110(a)(1) Maintenance Plans for the 1997 8-Hour Ozone Standards for the Edmonson County, KY; Greenup County Portion of the Huntington-Ashland, WV-KY; Lexington-Fayette, KY; and Owensboro, KY" (FRL No. 9295-9) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Environment and Public Works.

EC-1392. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; State of Colorado; Interstate Transport of Pollution Revisions for the 1997 8-hour Ozone and 1997 PM2.5 NAAQS: 'Interference with Visibility' Requirement" (FRL No. 9297-1) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Environment and Public Works.

EC-1393. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Nevada; PM-10; Determinations Regarding Attainment for the Truckee Meadows Non-attainment Area and Applicability of Certain Clean Air Act Requirements" (FRL No. 9296-9) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Environment and Public Works.

EC-1394. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the South Coast Portion of the California State Implementation Plan, CPV Sentinel Energy Project AB 1318 Tracking System" (FRL No. 9293-6) received in the Office of the President of the Senate on April 14, 2011; to the Committee on Environment and Public Works.

EC-1395. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Caloosahatchee River (C-43) West Basin Storage Reservoir project in Hendry County, Florida; to the Committee on Environment and Public Works.

EC-1396. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to coastal storm damage reduction for Surf City and North Topsail Beach; to the Committee on Environment and Public Works.

EC-1397. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed agreement for

the export of defense articles, to include technical data, and defense services to support the design, manufacture, delivery and in-orbit support of the INMARSAT-5 Commercial Communication Satellite Program for the United Kingdom in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-1398. A communication from the Acting 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 France and the United Kingdom for the production of the VT-1 Missile, the related launch pod container, and certain tooling, test equipment, and related hardware in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-1399. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-1400. A communication from the Associate Special Counsel, Office of Special Counsel, transmitting, pursuant to law, the Office of Special Counsel's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

#### PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-10. A resolution adopted by the Senate of the Legislature of the State of West Virginia urging the United States Congress to grant pregnancy care centers assistance for medical equipment and abstinence education in a manner that does not compromise the mission or religious integrity of these organizations; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE RESOLUTION NO. 40

Whereas, the life-affirming impact of pregnancy care centers on the women, men, children, and communities they serve is considerable and growing; and

Whereas, pregnancy care centers serve women in West Virginia and across the United States with integrity and compassion with more than 2,500 centers across the United States providing comprehensive care to women and men facing unplanned pregnancies, including resources to meet their physical, psychological, emotional and spiritual needs; and

Whereas, pregnancy care centers offer women free, confidential and compassionate services, including pregnancy tests, peer counseling, 24-hour hotlines, childbirth and pregnancy classes, and referrals to community, healthcare and other support services; and

Whereas, many pregnancy care centers offer ultrasounds and other medical services, information on adoption and adoption referrals while encouraging women to make positive life choices by equipping them with complete and accurate information regarding their pregnancy options and the development of the unborn; and

Whereas, pregnancy care centers ensure that women are receiving prenatal informa-

tion and services that lead to the birth of healthy infants; and

Whereas, pregnancy care centers provide important support and resources for women and their children; and

Whereas, many pregnancy care centers work to prevent unplanned pregnancies by teaching effective abstinence education in public schools; and

Whereas, pregnancy care centers operate primarily through the designation of public funds for such organizations; therefore, be it

*Resolved by the Senate:* That the Senate hereby recognizes the many contributions of the thousands of volunteers and paid staff at pregnancy care centers in West Virginia and across the United States; and, be it, further

*Resolved,* That the Senate extends its sincere appreciation to these committed volunteers and staff who unselfishly work to educate, assist and contribute to the many women, men, children, families and babies that are in their need across West Virginia and the entire United States; and, be it further

*Resolved,* That the Senate strongly encourages the United States Congress and other federal and state governmental agencies to grant pregnancy care centers assistance for medical equipment and abstinence education in a manner that does not compromise the mission or religious integrity of these organizations; and, be it further

*Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to each pregnancy care center in West Virginia, to the President of the United States, and to the President of the United States Senate and Speaker of the United States House of Representatives.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 680. 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. 112-14).

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

S. 782. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes (Rept. No. 112-15).

#### 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 Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. NELSON of Florida):

S. 864. A bill to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself and Mr. COCHRAN):

S. 865. A bill to provide grants to promote financial literacy; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself, Mr. GRAHAM, Mr. LEAHY, Ms. SNOWE, Mr. BLUMENTHAL, Mr. WICKER, Mr. BEGICH, and Mr. CHAMBLISS):



S. 866. A bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service; to the Committee on Armed Services.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. LANDRIEU (for herself, Mr. ALEXANDER, Mr. BURR, Mr. CARPER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KIRK, Mr. LIEBERMAN, and Mr. VITTER):

S. Res. 158. A resolution congratulating the students, parents, teachers, and administrators of charter schools across the United States for ongoing contributions to education, and supporting the ideals and goals of the 12th annual National Charter Schools Week; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR:

S. Con. Res. 14. A concurrent resolution calling for an independent international investigation of the April 10, 2010, plane crash that killed President of Poland Lech Kaczynski and 95 other individuals; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 44

At the request of Ms. KLOBUCHAR, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 44, a bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries.

S. 146

At the request of Mr. BAUCUS, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 146, *supra*.

S. 186

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 186, a bill to provide for the safe and responsible redeployment of United States combat forces from Afghanistan.

S. 214

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 214, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 215

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S.

215, a bill to amend the Internal Revenue Code of 1986 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 245

At the request of Mr. CORKER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 245, a bill to reduce Federal spending in a responsible manner.

S. 277

At the request of Mr. BURR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 277, a bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, and for other purposes.

S. 328

At the request of Mr. BROWN of Ohio, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 328, a bill to amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to fundamentally undervalued currency of any foreign country.

S. 344

At the request of Mr. REID, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 350

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 350, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 382

At the request of Mr. UDALL of Colorado, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 382, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other permits.

S. 383

At the request of Mr. UDALL of Colorado, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 383, a bill to promote the domestic production of critical minerals and materials, and for other purposes.

S. 384

At the request of Mrs. HUTCHISON, the name of the Senator from Massachu-

setts (Mr. BROWN) was added as a cosponsor of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

At the request of Mrs. FEINSTEIN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from Wyoming (Mr. ENZI), the Senator from Missouri (Mr. BLUNT), the Senator from Montana (Mr. BAUCUS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Florida (Mr. NELSON), the Senator from Indiana (Mr. LUGAR), the Senator from Michigan (Ms. STABENOW), the Senator from West Virginia (Mr. MANCHIN), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 384, *supra*.

S. 412

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

S. 431

At the request of Mr. PRYOR, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Washington (Mrs. MURRAY) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 434

At the request of Mr. COCHRAN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 435

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 435, a bill to amend the Internal Revenue Code of 1986 to increase the exclusion for employer-provided dependent care assistance.

S. 481

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 481, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 486

At the request of Mr. WHITEHOUSE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added

as a cosponsor of S. 486, a bill to amend the Servicemembers Civil Relief Act to enhance protections for members of the uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes.

S. 506

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 507

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 507, a bill to provide for increased Federal oversight of prescription opioid treatment and assistance to States in reducing opioid abuse, diversion, and deaths.

S. 534

At the request of Mr. KERRY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 534, 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. 536

At the request of Mr. WEBB, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 536, a bill to amend title 38, United States Code, to provide that utilization of survivors' and dependents' educational assistance shall not be subject to the 48-month limitation on the aggregate amount of assistance utilizable under multiple veterans and related educational assistance programs.

S. 557

At the request of Mr. SCHUMER, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Nebraska (Mr. JOHANNIS) were added as cosponsors of S. 557, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 567

At the request of Mr. CONRAD, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 567, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 657

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 657, a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

S. 668

At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 668, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 671

At the request of Mr. SESSIONS, the name of the Senator from Idaho (Mr. RISH) was added as a cosponsor of S. 671, a bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders.

S. 685

At the request of Mr. LUGAR, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 685, a bill to repeal the Federal sugar program.

S. 687

At the request of Mr. CONRAD, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 696

At the request of Mr. TESTER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 696, a bill to amend title 38, United States Code, to treat Vet Centers as Department of Veterans Affairs facilities for purposes of payments or allowances for beneficiary travel to Department facilities, and for other purposes.

S. 699

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 699, a bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes.

S. 700

At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 701

At the request of Mr. BENNET, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 701, a bill to amend section 1120A(c) of the Elementary and Secondary Education Act of 1965 to assure comparability of opportunity for educationally disadvantaged students.

S. 702

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 702, a bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes.

S. 720

At the request of Mr. THUNE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 720, a bill to repeal the CLASS program.

S. 726

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 726, a bill to rescind \$45 billion of unobligated discretionary appropriations, and for other purposes.

S. 731

At the request of Mr. BEGICH, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 731, a bill to amend title 37, United States Code, to provide travel and transportation allowances for members of the reserve components for long distance and certain other travel to inactive duty training.

S. 752

At the request of Mrs. FEINSTEIN, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 775

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 775, a bill to direct the Secretary of Health and Human Services to encourage research and carry out an educational campaign with respect to pulmonary hypertension, and for other purposes.

S. 778

At the request of Mr. MORAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 778, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 780

At the request of Mr. TESTER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 780, a bill to amend title 38, United States Code, to exempt reimbursements of expenses related to accident, theft, loss, or casualty loss from determinations of annual income with respect to pensions for veterans and surviving spouses and children of veterans, and for other purposes.

S. 797

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 797, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 815

At the request of Ms. AYOTTE, her name was added as a cosponsor of S. 815, a bill to guarantee that military funerals are conducted with dignity and respect.

At the request of Ms. SNOWE, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 815, *supra*.

S. 821

At the request of Mr. LEAHY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 821, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 829

At the request of Mr. CARDIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 829, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 863

At the request of Ms. SNOWE, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. JOHANNES), the Senator from South Dakota (Mr. JOHNSON) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 863, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. RES. 80

At the request of Mr. KIRK, the names of the Senator from Maine (Ms. COLLINS), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 87

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. Res. 87, a resolution designating the year of 2012 as the "International Year of Cooperatives".

S. RES. 132

At the request of Mr. NELSON of Nebraska, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. Res. 132, a resolution recognizing and honoring the zoos and aquariums of the United States.

S. RES. 133

At the request of Mr. FRANKEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 133, a resolution to require that new war funding be offset.

S. RES. 148

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. Res. 148, a resolution calling on the President to submit to Congress a detailed description of United States policy objectives in Libya, both during and after Muammar Qaddafi's rule, and a plan to achieve them, and to seek congressional authorization for the use of military force against Libya.

S. RES. 152

At the request of Mr. MENENDEZ, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 152, a resolution designating April 30, 2011, as "Dia de los Ninos: Celebrating Young Americans".

AMENDMENT NO. 293

At the request of Mr. BLUNT, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 293 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 299

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 299 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

At the request of Ms. SNOWE, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Illinois (Mr. KIRK) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of amendment No. 299 intended to be proposed to S. 493, *supra*.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 158—CONGRATULATING THE STUDENTS, PARENTS, TEACHERS, AND ADMINISTRATORS OF CHARTER SCHOOLS ACROSS THE UNITED STATES FOR ONGOING CONTRIBUTIONS TO EDUCATION, AND SUPPORTING THE IDEALS AND GOALS OF THE 12TH ANNUAL NATIONAL CHARTER SCHOOLS WEEK

Ms. LANDRIEU (for herself, Mr. ALXANDER, Mr. BURR, Mr. CARPER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KIRK, Mr. LIEBERMAN, and Mr. VITTER) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 158

Whereas charter schools deliver high-quality public education and challenge all students to reach their potential;

Whereas charter schools promote innovation and excellence in public education;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that—

(1) respond to the needs of communities, families, and students in the United States; and

(2) promote the principles of quality, accountability, choice, and innovation;

Whereas in exchange for flexibility and autonomy, charter schools are held accountable by their sponsors for improving student achievement and for the financial and other operations of the charter schools;

Whereas 40 States, the District of Columbia, and Guam have passed laws authorizing charter schools;

Whereas in 2011, close to 5,000 charter schools are serving more than 1,600,000 children;

Whereas in the past 17 fiscal years, Congress has provided a total of more than \$2,600,000,000 in financial assistance to the charter school movement through grants for planning, program design, initial implementation, replication, expansion, dissemination, evaluation, and facilities;

Whereas numerous charter schools improve the achievements of students and stimulate improvement in traditional public schools;

Whereas charter schools are required to meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) in the same manner as traditional public schools;

Whereas charter schools often set higher and additional individual goals than the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to ensure that charter schools are of high quality and truly accountable to the public;

Whereas charter schools—

(1) give parents the freedom to choose public schools;

(2) routinely measure parental satisfaction levels; and

(3) must prove their ongoing success to parents, policymakers, and the communities served by the charter schools;

Whereas more than 50 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill more than 1,100 average-sized charter schools;

Whereas the President has called for doubling the Federal support for charter schools, including replicating and expanding the highest performing charter models to meet the dramatic demand created by the more than 420,000 children on charter school waiting lists; and

Whereas the 12th annual National Charter Schools Week is scheduled to be held May 1, through May 7, 2011: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the students, parents, teachers, and administrators of charter schools across the United States for—

(A) ongoing contributions to education;

(B) the impressive strides made in closing the persistent academic achievement gap in the United States; and

(C) improving and strengthening the public school system in the United States;

(2) supports the ideals and goals of the 12th annual National Charter Schools Week, a week-long celebration to be held May 1

through May 7, 2011, in communities throughout the United States; and

(3) encourages the people of the United States to hold appropriate programs, ceremonies, and activities during National Charter Schools Week to demonstrate support for charter schools.

# SENATE CONCURRENT RESOLUTION 14—CALLING FOR AN INDEPENDENT INTERNATIONAL INVESTIGATION OF THE APRIL 10, 2010, PLANE CRASH THAT KILLED PRESIDENT OF POLAND LECH KACZYNSKI AND 95 OTHER INDIVIDUALS

Mr. BURR submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

## S. CON. RES. 14

Whereas, on April 10, 2010, an airplane carrying President of Poland Lech Kaczynski crashed near Smolensk, Russia, killing everyone onboard;

Whereas the individuals onboard the airplane included President Lech Kaczynski and his wife, Maria Kaczynski, the chief of the Polish General Staff, senior Polish military officers, the Deputy Foreign Minister of Poland, 12 members of the Parliament of Poland, the president of the National Bank of Poland, senior members of the Polish clergy, and relatives of victims of the Katyn massacre;

Whereas President Lech Kaczynski and passengers were traveling to attend a ceremony commemorating the 70th anniversary of the Katyn Massacre to honor the 22,000 Polish officers killed at Katyn by the Soviet Secret Police in 1940 when the plane crashed just six miles from Katyn;

Whereas, on April 10, 2010, President of Russia Dmitry Medvedev ordered the establishment of a State Commission headed by Russian Prime Minister Vladimir Putin to investigate the circumstances of the disaster;

Whereas Prime Minister Vladimir Putin delegated supervision to Tatyana Anodina, Chairwoman of the Interstate Aviation Committee in Russia, to investigate the circumstances of the crash;

Whereas Alexei Morozov was designated as head of the Interstate Aviation Committee's technical commission;

Whereas Edmund Klich, the head of the State Commission for Aircraft Accident Investigations in Poland, was put in charge of the Polish investigative committee;

Whereas, on May 19, 2010, the Russian Interstate Aviation Committee released preliminary reports that the plane did not suffer from any mechanical failures and ruled out a terrorist attack, explosion, or fire;

Whereas Russian investigators in preliminary reports stated that the crash was the fault of the Polish pilots who did not listen to air traffic controllers;

Whereas Polish investigators released preliminary reports concluding that the crash was the fault of the air traffic controllers who gave delayed commands to the pilots;

Whereas only the transcripts of flight recorders have been given to Polish investigators;

Whereas the black boxes have not been handed over to Polish investigators;

Whereas, on January 12, 2011, the Russian Interstate Aviation Committee released its final report concluding that pilot error was the cause of the crash and dignitaries on the plane pressured the pilots to land;

Whereas the Interstate Aviation Committee's final report did not include any infor-

mation regarding actions of Russian air traffic controllers communicating with the plane;

Whereas requests for certain additional information by Polish investigators have been denied;

Whereas, on January 12, 2011, Tatyana Anodina, Chairwoman of the Interstate Aviation Committee, stated that Russia is prepared to provide results of its final report to an international investigation or auditors if necessary;

Whereas, on January 13, 2011, Prime Minister Donald Tusk of Poland called for intervention by international institutions in the event authorities from Poland and Russia cannot produce a report that satisfies both sides;

Whereas, according to the Convention on International Civil Aviation, signed at Chicago December 7, 1944 (also known as the "Chicago Convention"), if one country does not agree with an aviation disaster report drafted by another country, they may meet to reach consensus on the matter; and

Whereas over 300,000 Poles have signed a petition calling for an international investigation: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress calls for an independent international investigation of the April 10, 2010, plane crash near Smolensk, Russia.

## NOTICE OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, May 3, 2011, at 10:00 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the proposal for a Clean Energy Deployment Administration as contained in Title I, Subtitle A of the American Clean Energy Leadership Act of 2009. (S. 1462 of the 111th Congress)

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Abigail\_Campbell@energy.senate.gov.

For further information, please contact Mike Carr or Abigail Campbell.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, May 5, 2011, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on a joint staff Discussion Draft pertaining to cyber security of the bulk-power system and electric infrastructure and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Meagan\_Gins@energy.senate.gov.

For further information, please contact Kevin Huyler or Meagan Gins.

### COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, May 4, 2011, at 10:30 a.m., to conduct an executive business meeting to consider the nomination of William J. Boarman, of Maryland, to be the public printer, followed by a legislative business meeting to consider S. Res. 116, to provide for expedited Senate consideration of certain nominations subject to advice and consent.

For further information regarding this hearing, please contact Lynden Armstrong at the Rules and Administration Committee.

## REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NOS. 112-2 AND 112-3

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on May 2, 2011, by the President of the United States:

Protocols 1, 2, and 3 to the South Pacific Free Zone Treaty, which is document No. 112-2. Protocols I and II, to the African Nuclear-Weapon-Free Zone Treaty, document No. 112-3.

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages in regard to both be printed in the RECORD.

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

The messages of the President are as follows:

### *To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith Protocols I and II to the African Nuclear-Weapon-Free Zone Treaty ("the Treaty"), signed on behalf of the United States at Cairo, Egypt, on April 11, 1996. I also transmit for the information of the Senate the Treaty to which these Protocols relate, a third Protocol to the Treaty, and the Department of State's Overview of the Protocols, which includes a detailed article-by-article analysis of both the Protocols and the Treaty.

I am convinced that it is in the best interest of the United States to ratify Protocols I and II to the Treaty. This

step will strengthen our relations with our African friends and allies, enhance U.S. security by furthering our global nonproliferation and arms control objectives, demonstrate our commitment to the decisions taken at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and contribute significantly to the realization of the African Nuclear-Weapon-Free Zone in all its aspects. As the Department of State's Overview of the Protocols explains, entry into force of Protocols I and II for the United States would require no changes in U.S. law, policy, or practice.

I recommend that the Senate give early and favorable consideration to Protocols I and II to the African Nuclear-Weapon-Free Zone Treaty, and give its advice and consent to their ratification, subject to the statements contained in the Department of State's Overview of the Protocols.

BARACK OBAMA,  
THE WHITE HOUSE, May 2, 2011.

#### *To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith Protocols 1, 2, and 3 to the South Pacific Nuclear Free Zone Treaty ("the Treaty"), signed on behalf of the United States at Suva on March 25, 1996. I also transmit for the information of the Senate the Treaty to which these Protocols relate and the Department of State's Overview of the Protocols, which includes a detailed article-by-article analysis of both the Protocols and the Treaty.

Ratification of Protocols 1, 2, and 3 to the Treaty would fully support U.S. nonproliferation policy and goals, and I am convinced that it is in the best interest of the United States to ratify these Protocols. This step will strengthen our relations with our South Pacific friends and allies and enhance U.S. security by furthering our global nonproliferation and arms control objectives. As the Overview of the Department of State explains, entry into force of Protocols 1, 2, and 3 for the United States would require no changes in U.S. law, policy, or practice.

I recommend that the Senate give favorable consideration to Protocols 1, 2, and 3 to the South Pacific Nuclear Free Zone Treaty and give its advice and consent to their ratification, subject to the statements described in the Overview of the Department of State.

BARACK OBAMA,  
THE WHITE HOUSE, May 2, 2011.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, and after consultation with the majority leader, pursuant to Public Law 106-286, appoints the following Member to serve as Co-Chairman of the Congressional-Executive Commission on the People's Republic of China: the Honorable SHERROD BROWN of Ohio.

#### COMMUNICATION FROM THE HONORABLE JOHN ENSIGN

Mr. REID. I understand, Mr. President, you are going to make a report to the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate a communication regarding the resignation of Senator ENSIGN.

Without objection, the letter will be printed in the RECORD and spread upon the Journal.

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

U.S. SENATE,  
Washington, DC, April 22, 2011.

Vice President JOE BIDEN,  
The White House, Pennsylvania Avenue, NW.,  
Washington, DC.

DEAR MR. VICE PRESIDENT: I am writing to submit my resignation from the United States Senate, effective close of business May 3, 2011. The short time before I leave is necessary to ensure the smooth transition of my office and to assist the dedicated people who work in the office the time to arrange their next positions.

The decision to leave the Senate before my term has expired is the most difficult decision I have had to make in public life. I am immensely proud and honored to have served the people of Nevada for more than 10 years. I do not easily or lightly forego the obligation to fulfill the term to which I was elected. However, as my colleagues, friends, and constituents know, my family, my staff and I have gone through an emotional, personal and professional rollercoaster of inquiries by the Department of Justice, the Federal Election Commission, and the Senate Ethics Committee. These inquiries have been time-consuming and distracting to everyone involved and, not unimportantly to me, have been financially very costly.

I am gratified that, after extended investigations, both the Department of Justice and the Federal Election Commission saw no grounds on which to charge me with improper conduct. I was hopeful that, with the closure of these investigations against me the wear and tear on me and on my family and staff would soon be over. That was not the case.

As is its right, the Senate Ethics Committee is continuing its investigation of issues into which it has been inquiring for the past year and a half. Indeed, the Committee even decided recently to devote more resources to its investigation by hiring an outside special counsel, even though the issues have been viewed and reviewed by so many others.

I firmly believe that I have not violated any law, rule, or standard of conduct of the Senate. But even to prove this publicly I will not subject my family, my staff, my constituents, or the Senate to any further rounds of investigation, depositions, drawn out proceedings, or, especially, potential public hearings. For my family, my staff and me, the continuing personal cost would simply be too great. For my constituents, for the Senate, and for my colleagues and friends in this great institution, they should not have to endure any further distraction from the many, many critical issues on America's agenda. Not another day of effort should be spent on my case when we face the pressing issues of the National debt, tax reform, the next budget, and military conflicts in so many places in the world.

Therefore, with the greatest personal sadness and reluctance, I am taking this step of resignation to allow my family and me fi-

nally to move on and so that the Senate, in the months to come, may attend fully to the crucial business of the Nation. I cannot thank all my colleagues and constituents enough for the honor of serving and of contributing whatever I have been able to contribute to this body and to the people of the State of Nevada and of the United States of America.

Sincerely,

JOHN ENSIGN,  
United States Senator.

#### ORDERS FOR TUESDAY, MAY 3, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, May 3; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, the Senate proceed to a period of morning business until 5 p.m. for debate only, with Senators permitted to speak for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes; and, finally, the Senate recess from 12:30 until 2:15 p.m. for their weekly caucus meetings.

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

#### PROGRAM

Mr. REID. Mr. President, we are working with the Republican leader on a resolution commending the Armed Forces and the intelligence community regarding the death of Osama bin Laden. We may have a rollcall vote on adoption of this resolution tomorrow afternoon.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:47 p.m., adjourned until Tuesday, May 3, 2011, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 188:

*To be lieutenant commander*

MICHAEL J. PLUMLEY

*To be lieutenant*

VICTORIA C. FUTCH  
MARIETTE C. OGG

##### IN THE NAVY

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

*To be rear admiral (lower half)*

CAPT. JOHN G. KING

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

*To be rear admiral (lower half)*

CAPT. REBECCA J. MCCORMICK-BOYLE

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

*To be rear admiral (lower half)*

CAPT. RAQUEL C. BONO

## IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be lieutenant colonel*

MATTHEW J. BRONK

*To be major*PETER S. AIREL  
JOY C. TABER

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be major*

PAUL L. DANDREA

## IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*KEITH W. ALFEIRI  
ROLAND N. AWAH  
GARY S. BLOUNT  
WADE P. DAKIN  
WAYNE A. FOGEL  
KURT A. HENSE  
CHARLES J. KARELS  
MICHAEL V. KINCAID  
AMANDA L. MACWHIRTER  
ALAN R. MANZO  
ALEXANDER J. MUSEL  
RICHARD A. PRIER  
BENJAMIN J. STEICHEN  
DIANA TORRES

## IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be captain*

DAVID T. CARPENTER

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

*To be captain*

BRENT J. KYLER

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

*To be commander*

PETER W. WARD

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

*To be lieutenant commander*

PABLITO V. QUIATCHON

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

*To be captain*

ROBERT H. BUCKINGHAM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

JOSE AYALA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

BRYAN F. BUTLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

MICHAEL B. TANNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

KENNETH S. MITCHELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

GREGORY D. MITCHELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

THERESA H. DEWITT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*THOMAS J. LOPEZ  
GREGORY D. ROWE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*RANDY L. CRYSEL  
SUSAN M. HELLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*KATHERINE A. MCCABE  
JAY M. STANDRING

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*MARK G. BENTON  
THOMAS M. CESEAR  
PETER G. DUNN  
FREDERICK N. HOWARD  
WENDELL B. MANSEL  
SCOTT W. THOMAS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*THOMAS M. ADKINS  
JANET A. DAHLE  
ANASTASIA B. QUANBECK  
CHRISTOPHER T. SCHOLL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*PETER B. BELL  
LISA I. BOARD  
BRIAN W. BOOKER  
SEAN A. BUTCHER  
RUSSELL J. CORTAZZO, JR.  
WILLIAM L. CRUMP III  
DANIEL A. DAGLIO  
JAMES W. FORRESTER, JR.  
STEVEN E. HARTMAN  
KENNETH E. HOBMANN  
DAVID S. HUDSON  
STEVEN L. IRVINE  
JEFFREY L. JUHALA  
KENN M. KNITTEL  
CHRISTOPHER F. LAMOUREAUX  
JEFFREY B. LEHNERTZ  
STEPHEN P. LINDELL  
JOHN R. MADRIL  
STEVEN J. MARINELLO  
CHARLES B. MILLER  
JAMES K. MITCHELL  
ROBERT D. MODDERMAN  
JOHN B. MUSTIN  
BRUCE C. RASCHE  
MARK S. RAWLINS  
CORNELIUS R. REED  
PHILIP G. ROBERTS III  
CRAIG T. SCHORR  
MICHAEL S. SHACKELFORD  
THAD M. SHELTON  
CHRISTOPHER P. SIEGLE  
MARK A. SOUSA  
JEFFREY S. SPIVEY  
NEYLAND T. SPRINGER  
ERIC C. STAATS  
TIMOTHY P. STLAURENT  
LAWRENCE J. STROBEL  
WILLIAM P. SULLIVAN  
BRIAN J. TALAY  
JOSEPH TARDIBONO  
JAMES P. THOMAS  
DAVID A. TUCKER  
GUY O. VILARDI  
STACEY S. WHITEHEAD  
ERIC A. WILLS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

ERRIN P. ARMSTRONG

MARK O. BAILEY  
KEVIN P. BOYLE  
BRETT M. COTTRELL  
EDWARD J. EDER  
JAMES D. FOWLER  
DAVID T. FRITZ  
KYLE R. GATZMEYER  
PAUL GILMARTIN  
PAUL A. LAUBE  
JEFFREY S. MCIRVIN  
GILBERT J. MILLER  
PETER M. RYAN  
TAMARA S. RYLEY  
EDWARD J. SALLEE  
WILLIAM H. SHEEHAN  
LYLE D. STUFFLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*BRIAN M. ACKERMAN  
MICHAEL W. BACHER  
JOHN F. CAREY  
SCOTT D. CARTER  
BRIAN L. COOK  
JOSEPH W. GELHAUS  
ELIZABETH A. GRACIA  
MARTIN W. HUGHES  
RALPH U. LOSCH  
GLENN MACARIO  
MARY J. MUSTELLO  
DOHN J. PISCIONIERE  
ORRIS H. SCRIBNER  
SCOTT E. SHACKLETON  
LAWRENCE C. TRACE  
JAMES L. WORKING  
FRANK J. ZELENKA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*BRADLEY H. BOYER  
CHRISTOPHER S. CREWS  
THERESA J. GEIERRODRIGUEZ  
DAVID C. HAGEN  
ROBERT B. JASKOWIAK  
KURT W. JUENGLING  
EILEEN H. LAUBACHER  
DEBORAH A. LESHINSKI  
RUTH A. NEUGEBAUER  
JOHN J. SHANLEY III  
THOMAS J. VONKOLNITZ

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

*To be lieutenant commander*WILLIAM H. ALBERT  
MATTHEW H. BEACH  
UBIE S. BRANTLEY  
ADAM R. CADOVIVUS  
GREGORY T. CISSELL  
WILLIAM M. COLLINS  
MATTHEW J. DILLON  
WILLIAM J. FIACK  
JOHN GARRETT  
DANA S. GIBSON  
JASON V. JAVORSKY  
RUSSELL W. JONES  
JOHN R. KAJMOWICZ  
BRIAN J. LADIEU  
MICHAEL A. LILLEBERG  
WILLIAM F. MARTIN  
TAMMY S. MCCREARY  
DANIEL P. MORRISON  
BRAD W. MUSKOPF  
PATRICIA A. PALMER  
REGINALD D. RAHMING  
JEREMY J. RANDALL  
WILLIAM ROBERT'S  
CHRISTOPHER D. ROETTGEN  
JOHANNAH G. SCHUMACHER  
JOSHUA SIMS  
RICHARD A. SMITH  
JOE M. TOWLES  
MICHAEL A. WHITE  
NICHOLAS E. WISSEL  
MICHAEL WITHERILL

## IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*MARK J. BERGLUND  
MICHAEL S. FERGUSON  
MICHAEL T. HESTON  
ERICH W. RANDALL  
DAVID R. ROUTHIER  
MICHAEL S. SARVER

*May 2, 2011*

CONGRESSIONAL RECORD—SENATE

**S2587**

CONFIRMATIONS

THE JUDICIARY

KEVIN HUNTER SHARP, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF TENNESSEE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

Executive nominations confirmed by  
the Senate May 02, 2011:

ROY BALE DALTON, JR., OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.