

NOT VOTING—1

Johnson

The nomination was confirmed.

NOMINATION OF JOSEPH S. VAN BOKKELEN TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA

The PRESIDING OFFICER. The clerk will report the next nomination.

The assistant legislative clerk read the nomination of Joseph S. Van Bokkelen, of Indiana, to be United States District Judge for the northern district of Indiana.

Mr. LUGAR. Mr. President, I appreciate this opportunity to support the President's nomination of Joseph S. Van Bokkelen to serve as a U.S. district judge for the Northern District of Indiana.

I would first like to thank Senate Judiciary chairman, PAT LEAHY; ranking member, ARLEN SPECTER; and the respective leaders for their important work to facilitate timely consideration of this nomination.

In July of last year, Judge Rudy Lozano informed me of his decision to assume senior status after a distinguished career of public service. He was a remarkable leader on the Federal bench, and I applaud his leadership to Indiana and to the legal community.

Given this upcoming vacancy and the need for strong leadership, I was pleased to commend to President Bush Joe Van Bokkelen to serve on the Federal court in the Northern District of Indiana.

I have known Joe for many years, and I have always been impressed with his high energy, resolute integrity, and remarkable dedication to public service.

Joe Van Bokkelen attended Indiana University where he received both his undergraduate and law degrees. He then served in the Indiana Attorney General's Office followed by his first experience in the United States Attorney's Office in the Northern District.

After many years of private practice, Joe assumed his current position of United States Attorney for the Northern District of Indiana on September 21, 2001. His performance in this position has been nothing short of remarkable. He has undertaken the most aggressive public corruption initiative in the history of the office. Since 2002, over 30 public officials have been indicted and convicted. Joe has also used his office to target the use and possession of illegal firearms, combat gang activity, implement drug demand reduction programs, and cultivate community partnerships.

Likewise, Joe has demonstrated leadership in the Justice Department where he serves on several of the Attorney General's advisory committees, including Violent and Organized Crime, White Collar Crime, Sentencing Guidelines, and the Regional Information Sharing Working Group.

Newspapers across northern Indiana contain articles and editorials applauding his determination to bring about effective law enforcement. The Northwest Indiana Times recently commented that Joe Van Bokkelen "has an excellent track record for the five years he has led the U.S. Attorney's office in Northern Indiana."

Joe has received a number of high performance ratings, including the A.V. rating from Martindale-Hubbell and the highest judicial rating from the American Bar Association.

Outside of his public service, Joe is involved with a number of community activities and civic organizations.

I would again like to thank Chairman LEAHY and Ranking Member SPECTER for their leadership in facilitating consideration of Joe Van Bokkelen's nomination to serve as a Federal judge. I believe that he will demonstrate remarkable leadership to northern Indiana and will appropriately uphold and defend our laws under the Constitution.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Joseph S. Van Bokkelen, of Indiana, to be United States District Judge for the Northern District of Indiana.

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, motions to reconsider these votes are laid on the table. The President shall be notified of the Senate's actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate returns to legislative session.

The minority leader is recognized.

Mr. McCONNELL. Mr. President, I ask I be allowed to proceed as in morning business.

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

IMMIGRATION

Mr. McCONNELL. Mr. President, today is a day of victory and defeat. So many people have poured so much of themselves into this bill over the last weeks and months, and every one of them deserves our thanks and our respect.

This bill tested the will, and the goodwill, of many people. But it tested some more than others. So first I want to thank those whose position did not prevail.

Senator SPECTER's knowledge of this issue is matched only by his stamina. As the ranking member, he has our admiration and he deserves our thanks.

Senator KYL inspired all of us, flying into his State and facing a lot of angry constituents, and the cameras week after week with optimism, patience and good cheer.

Senator GRAHAM was one of the generals in this effort. He always does what he thinks is right, and Americans admire him for it.

Senator MARTINEZ was another general. He brought intelligence and tenacity to this debate, and a story that never fails to inspire us.

Senator LOTT's a great whip, and a good friend. He has been in this building more than 3 decades, but he has the energy of a freshman. He has been a leader and friend: I thank him for it.

Senator SALAZAR gave a lot of himself to this debate, a lot of time and no little criticism. Thank you.

And finally, it is a marvel of nature to see a man whose calling in life is obvious to anyone who sees him at his job. Senator KENNEDY is such a man. He loves his work, and his passion has inspired us.

Of course, behind all these Senators are a lot of terrific staff members who have worked incredibly hard on this bill. On the Judiciary Committee, there was Michelle Grossman, Lauren Petron, Gavin Young, Lauren Pastarnack, Lynn Feldman, Juria Jones, and most of all Mike O'Neill.

On Senator MCCAIN's staff, Becky Jensen. On Senator GRAHAM's staff there was Matt Rimkus and Jen Olson. On Senator KYL's staff, Elizabeth Maier and Michael Dougherty. On Senator MARTINEZ's staff, Brian Walsh, Clay Deatherage, and Nilda Pedrosa.

Now I want to thank everyone who opposed the bill.

Senators SESSIONS, DEMINT, and VITTER got us all to sit up and listen closely to a lot of people who thought they had been shut out of this debate. They put the rules of this body to work. And I would take any one of them in a firefight.

Senator CORNYN, one of the original architects, deserves our thanks. He has been committed to finding a solution to our Nation's immigration problem for a long time. His contributions on the interior enforcement piece of this bill were a major part of the original compromise. But when he saw it was not a solution he could accept, he told us.

Senator CHAMBLISS told us what the farmers needed, and we listened. We thank him for his important contributions to the bill.

Senator ISAKSON was the author of the trigger concept, which every one now agrees is a good idea.

To everyone involved in the crafting of this bill, I want to thank you. This was a labor of uncommon intensity. It required will, energy, and patience. And while it strained a lot of bonds, it broke none of them. As the majority leader said after the final vote, "We're all still friends here."

As the elected leader of my conference, I stood here in January and opened this session with a pledge. I knew contentious issues always have a better chance of being solved by divided governments, that immigration reform was within our reach, and I said we should put it in our sights.

I also knew it was going to have to be bipartisan if we were going to get a bill at all. So everyone I have mentioned

rolled up their sleeves and got to work. And they put together a bill that represented the best chance we had of getting to our goal.

But it touched a nerve, and the shock of it shot right through the Senate. It lit up the switchboards here for weeks, and ignited a debate that strained our normal alliances here and at home in our States.

I heard from a lot of Kentuckians. Thousands of smart, well-informed people called my offices to talk about this bill. They did not like the idea of someone being rewarded for a crime, or the impact that this would have on a society whose first rule is the rule of law. They did not trust the Government to suddenly get serious about border control after neglecting it for 2 decades. And I do not blame them. I worried about all that too. And to every one of them, I say today: Your voice was heard.

A lot of good people came to my office. They argued for positions as diverse as the country itself. They explained their views patiently and with passion. I want to thank them too for informing my thinking and for helping to shape this extraordinary debate.

My goal from the start has been to move the conference forward, to facilitate debate, to ensure that the minority's voice was heard to the maximum extent possible. I had hoped there would be a way forward. And as the divisions between supporters and opponents widened, the only way forward, to my mind, was to ensure a fair process. This was the only way to be sure we could improve the status quo, which all of us agreed was indefensible. If every voice was heard, we could be confident our votes reflected the best this body could do.

I had hoped for a bipartisan accomplishment, and what we got was a bipartisan defeat. The American people made their voices heard, the Senate worked its will, and in the end it was clear that the bill that was crafted did not have the support of the people of Kentucky, it did not have the support of most Americans, it did not have the support of my conference, and it did not have enough support in the Democratic conference, a third of which opposed it.

This is not a day to celebrate. We do not celebrate when a pressing issue stays unresolved. But we can be confident that we will find a solution to the problems that we have tried to address here. Many people have made great personal sacrifices to work on a solution to our broken immigration system. A lot of them exposed themselves to ridicule and contempt.

And so we can say with pride that the failure of this bill was not a failure of will or hard work or good intentions. Martin Luther King once said that "human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men." And we can be sure that many good people will step forward again to offer

their intelligence, understanding, and their "tireless efforts" when the time comes to face this issue again.

That time was not now. It was not the people's will. And they were heard.

HONORING OUR ARMED FORCES

STAFF SERGEANT THOMAS W. CLEMONS

Mr. McCONNELL. Mr. President, I rise today to honor the life of a heroic soldier and a fellow Kentuckian, SSG Thomas W. Clemons. SSG Clemons, born in Leitchfield, KY, proudly served in the Kentucky Army National Guard from August 2000 until December 11, 2006, when he tragically lost his life while on his second tour of duty near Diwaniyah, Iraq. He was 37 years old.

Staff Sergeant Clemons earned numerous awards and medals throughout his military career, including the Bronze Star Medal. A decorated soldier, he will be remembered by those who knew him as a loving son and brother, a caring husband, a devoted father, a loyal friend and an avid University of Kentucky Wildcats fan.

A true family man, Thomas cherished time with his wife, Sheila, his sons Tony and Ryan and his step-daughters Brittany and Amber. He was known for saying that of all the blessings God had bestowed upon him, his family was the greatest.

Like most soldiers, Thomas felt that being away from that family was the hardest part of serving his country. But rather than focus on himself, he sought to alleviate the loneliness of others. As a father to two teenage boys, Staff Sergeant Clemons recognized the difficulty that long periods away from home created for the youngest soldiers in particular.

He "tried to be a daddy to everyone over there, especially the young ones," says Thomas's mother, Patricia Frank. And along with the comfort and nurturing Staff Sergeant Clemons gave to his troops, he provided an equal amount of discipline and professionalism.

Clemons's company commander, CPT Ronald Ballard, said, "Thomas was the type of leader who delivered a one-two punch. First, he gave his guidance and standards, and then he led by example."

Captain Ballard went on to add that Thomas "understood he would not always be here to lead his soldiers—that he had to get them ready to fill his boots."

On one particularly tortuous day in Iraq, Staff Sergeant Clemons phoned his parents in Kentucky. One of his men had just died. Like any mother would, Patricia gently reminded her son that family was what was important, and that his family was alive and well—to which Thomas replied, "Over here, everyone is my family."

Thomas embraced his duties as a Guardsman without hesitation. Before his departure to Iraq, he told several friends and family members, "a few lives for a million—that's worth it."

Staff Sergeant Clemons was assigned to the 2nd Battalion, 123rd Armor Regiment in the Kentucky Guard. After serving his first year-long tour of duty, he volunteered for a second, and was redeployed to Iraq in March 2006.

His friend and fellow soldier SP Joshua White said that when he asked Thomas why he offered to go back to Iraq, Thomas replied sincerely, "I cannot sit back on my couch and watch one of my soldiers' names come across that screen and live with myself."

Thomas's unit provided force protection and ran security missions for the Army. "He was honored to be a soldier," Patricia says. "That's what he wanted, and that's what he was."

Staff Sergeant Clemons's funeral service was held in December 2006 in the small Kentucky town of Caneyville, close to Leitchfield in Grayson County. So many people came to pay their respects to Thomas and his family that the funeral home could not hold them all. Many of Thomas's friends told Patricia after the service that "he helped me by just talking to me."

Staff Sergeant Clemons was a man people wanted to know, and he is mourned and missed by his beloved family and friends who had the honor to know him.

He is loved and remembered by his wife, Sheila, his mother and step-father, Patricia and Jimmie Frank, his sons, Tony and Ryan, his step-daughters, Brittany and Amber, his brothers, Tim Clemons, Chad Clemons and Shannon Frank, his sisters, Julie Johnson, Michelle Mudd and Pamela Bowling, and many others.

Staff Sergeant Clemons was the type of man who, when asked by a local volunteer group if they could send him anything while he was serving abroad, replied, "pencils, for the little kids in Iraq." He was the type to volunteer his free time to serve as a youth basketball and baseball coach back home in Kentucky.

He was the family man who cherished time with his children, the friend with a shoulder to lean on and the soldier who was willing to sacrifice his life "to save a million," even a million people he had never met.

And so although neither I nor my colleagues had the pleasure of meeting him, I stand here today to say this Senate honors and salutes SSG Thomas W. Clemons for his service. We will hold his family in our thoughts and prayers. And the citizens of Kentucky and this grateful nation will always remember his sacrifice.

CHANGE OF VOTE

Mr. LUGAR. Mr. President, on roll-call vote No. 231, I voted "nay." It was my intention to vote "aye."

I ask unanimous consent that I be recorded as an "aye." This would not affect the outcome of the vote.

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