

same kind of health insurance that people in this Chamber have—Senators, staff people, all of us.

This is a great moment, a historic moment, as we move forward in the history of our great country.

#### DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

Mr. INOUE. Mr. President, pursuant to Senate rules, I submit a report, and I ask unanimous consent that it be printed in the RECORD.

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

##### DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the committee report which accompanies S. 1298 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending amendment to H.R. 2892.

#### VOTE EXPLANATION

Mr. ISAKSON. Mr. President, I was unavoidably detained during rollcall vote No. 215, an amendment to strike the earmark for the Durham Museum in Omaha, NE, from H.R. 2918, the Legislative Branch Appropriations Act of 2010; rollcall vote No. 216 on a point of order with respect to amendment No. 1365; and rollcall vote No. 217 on passage of H.R. 2918, the Legislative Branch Appropriations Act of 2010.

Had I been present I would have voted yea for rollcall vote No. 215; nay for rollcall vote No. 216; and nay for rollcall vote No. 217 and ask that the RECORD reflect that.

#### OBSTRUCTIONISM OF NOMINATIONS

Mr. LEAHY. Mr. President, I am sorry to see Republican obstructionism in the Senate return with such a vengeance. Just last November, the American people voted for change. They sent a new President to the White House to lead our government and sent a strong message that they expected Washington to put aside pettiness and work on their behalf on the serious problems facing them and the country. After only 6 months, it seems Republicans in the Senate have already forgotten that message.

The Senate majority leader has spoken about the difficulties he is having getting any semblance of reasonable cooperation from across the aisle. The Republicans' obstruction of Presidential nominees is a stark example. Just a few years ago, they were intent on employing the "nuclear option" and risking destruction of longstanding Senate rules and practices in order to ensure that every one of President Bush's nominees was confirmed. This

year, with President Obama making the nominations, they have reverted to the anonymous holds that characterized their actions during the Clinton years. It is impossible to find a principle that justifies this obstruction. It is likewise difficult to see what "extraordinary circumstances" exist to justify filibusters and unwillingness to proceed to consider these nominations.

The Senate's last week in session before the July 4th recess witnessed a Republican filibuster of the President's nominee to serve as the Legal Advisor at the State Department. The target was Harold Koh, the distinguished dean of the Yale Law School, a former high-ranking official in the State Department as well as a former official at the Office of Legal Counsel at the Justice Department. That filibuster was unsuccessful, although 31 Republican Senators supported it. That was not the first attempt by Senate Republicans to filibuster executive branch nominees. Earlier this year, the Senate was forced to file for cloture to avert a Republican filibuster against the nomination of David Ogden to serve as the Deputy Attorney General.

The destructive strategy culminated on June 25 when Republicans objected to confirming nine executive branch nominees reported by the Judiciary Committee for action by the Senate. They included five U.S. attorneys, 3 Assistant Attorneys General and the Chairman of the U.S. Sentencing Commission. In addition, the Judiciary Committee has reported 3 judicial nominees to begin filling the 74 vacancies in our Federal courts around the country. Republicans are turning the clock back to 10 years ago, when their obstructionism led to more than 100 judicial vacancies and earned rebukes from Chief Justice Rehnquist.

In an editorial entitled "Call It Obstructionism," the New York Times on June 28 noted that the Senate adjourned for the July 4th recess with "21 nominees for important posts awaiting confirmation." Thirteen had been reported by the Senate Judiciary Committee but remained stalled before the Senate by Republican objections. I hope this work period sees the cooperation from Senate Republicans that the American people have demanded.

#### REMEMBERING TERRY BARNICH AND MAGED HUSSEIN

Mr. KERRY. Mr. President, I would like to say a few words about two brave Americans who were tragically killed in Iraq earlier this year. On May 25, 2009, Terrance Barnich of Illinois and Maged Hussein of Florida died when an improvised explosive device detonated near a construction site outside of Fallujah.

Terry Barnich was the deputy director of the Iraq Transition Assistance Office in Baghdad. He had signed on for multiple tours in Iraq and was the senior American expert responsible for expanding the generation of electricity

across Iraq. Dr. Maged Hussein was the senior adviser for water resources in the Iraq Transition Assistance Office and a civilian member of the Army Corps of Engineers. He, too, volunteered for multiple tours in Iraq.

These two men represent the very best America has to offer. Both gave up the comforts of home to live in trailers in Baghdad in an effort to help provide a better future for Iraq. Countless thousands of Iraqi civilians have access to electricity and potable water as a result of Terry's and Maged's efforts. Along with the personal tragedy, their loss represents a serious setback for American reconstruction efforts in Iraq. We mourn their passing and offer our deepest condolences to their families.

#### ADDITIONAL STATEMENTS

##### COMMENDING LIEUTENANT GENERAL SCOTT C. BLACK

• Mr. GRAHAM. Mr. President, today I wish to recognize and pay tribute to LTG Scott C. Black for his many years of loyal and exceptionally meritorious service to our Nation culminating in his steadfast devotion, stewardship, and leadership of the Army Judge Advocate General's Corps as the 37th and first 3-Star Judge Advocate General. Lieutenant General Black will retire from the Army on 1 October 2009 having completed a distinguished military career of over 35 years. We owe him a debt of gratitude for his many contributions to our Nation and the legal profession, particularly during operations in support of the global war on terror.

Born on September 1, 1952, in Camp Cook, CA, this great patriot grew up traveling around the world in a military family but always considered California his home and is a resident to this day. He graduated in 1974 from California Polytechnic State University with a bachelor of arts in political science. While attending Cal Poly, Lieutenant General Black was enrolled in the Reserve Officers' Training Corps. Upon graduation, he began his military career as a commissioned armor officer. After completing the armor officer basic course and Airborne and Ranger schools, he returned to California for his first duty assignment and served at Fort Ord from 1974-1977. In 1977, the Army selected him to attend law school through the Funded Legal Education Program. He remained on the west coast and graduated in 1980 with his juris doctor degree from the California Western School of Law.

He then attended the Judge Advocate Officer Basic Course in Charlottesville, VA, before heading to Fort Bliss, TX, where he honed his legal skills serving as the chief of legal assistance; trial counsel; chief, criminal law; and as a contracts attorney. In 1984, he returned to Charlottesville to attend the judge advocate officer graduate course. In

the short time he was a judge advocate before attending the graduate course, Lieutenant General Black quickly distinguished himself from his peers as possessing the legal acumen and interpersonal skills to serve in the Judge Advocate General's Corps' most visible and challenging positions. From 1985–1989 he served in the general law branch, administrative law division, Office of The Judge Advocate General. During this time period, he received the high honor and rare distinction of being selected to serve as an assistant counsel to the President of the United States. After leaving the White House, his stellar performance led to his selection to attend the U.S. Army Command and General Staff College at Fort Leavenworth, KS. In 1990, he returned to Fort Ord, CA, where he served as the deputy staff judge advocate for the 7th Infantry Division, Light, until 1993. After leaving Fort Ord, Lieutenant General Black continued to expertly fill and excel in challenging positions.

In 1993, Lieutenant General Black and his family moved to Europe where he was the chief, military and civil law division, Office of the Judge Advocate, U.S. Army Europe and Seventh Army, Germany. In 1994 he became the staff judge Advocate, 3d Infantry Division, later redesignated 1st Infantry Division, U.S. Army Europe and Seventh Army, Germany. In 1996, he returned to Washington, DC, where he served as the legislative counsel and chief, investigations and legislative division, Office of the Chief of Legislative Liaison, Office of the Secretary of the Army, until 1998. From 1998–1999, Lieutenant General Black attended the Industrial College of the Armed Forces. In 1999 he returned to the Office of The Judge Advocate General to serve as the chief, personnel, plans, and training office. In 2000, Lieutenant General Black returned to Germany as the staff judge advocate, V Corps, U.S. Army Europe and Seventh Army, Germany.

In 2001 Lieutenant General Black was selected for promotion to brigadier general, and so he returned to Washington, DC, to serve as the assistant judge advocate general for military law and operations. In 2003 he was assigned as the first commanding general of the U.S. Army Judge Advocate General's Legal Center and School. In 2005 he became the 37th The judge advocate general of the Army. He was promoted to lieutenant general on 8 December 2008 to become the Army's first 3-star the judge advocate general.

As the judge advocate general of the Army, Lieutenant General Black served as the principal staff officer responsible for the largest legal services corps within the Department of Defense, with over 9,000 uniformed and civilian attorneys, paralegal noncommissioned officers, and civilian support staff across 651 offices in 19 countries. Lieutenant General Black expertly advised the Secretary of the Army and the Army Staff on sensitive issues affecting the Army and the Department

of Defense during a tumultuous and difficult time in our Nation's history. Along with the judge advocate generals of the other services he was the conscious of the nation as he provided counsel on novel legal issues in international law and the ethical values fundamental to the United States.

Under his leadership the Judge Advocate General's Corps transitioned along with the rest of the Army so that judge advocates were more accessible and effective to the commanders who rely on their advice. Lieutenant General Black's awards include the Legion of Merit with Oak Leaf Cluster, Army Meritorious Service Medal with four Oak Leaf Clusters, Army Commendation Medal with Oak Leaf Cluster, and the Army Achievement Medal with Oak Leaf Cluster. He has earned the Ranger Tab and the Parachutist Badge.

Lieutenant General Black and his wonderful wife Kim have been married for 33 years. They have four children and one grandchild.

I know all my colleagues join me in saluting LTG Scott C. Black and his family for their many years of truly outstanding service to the Judge Advocate General's Corps, the U.S. Army, and our great Nation.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 which were referred to the appropriate committees.

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

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2454. An act to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy.

#### 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-2190. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorantranilprole; Pesticide Tolerances" (FRL No. 8413-6) as received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2009; to the

Committee on Agriculture, Nutrition, and Forestry.

EC-2191. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sodium 1, 4-Dialkyl Sulfosuccinates; Exemption from the Requirement of a Tolerance" (FRL No. 8423-2) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2192. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyrimethani; Pesticide Tolerances" (FRL No. 8423-6) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2193. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Polyglyceryl Phthalate Ester of Coconut Oil Fatty Acids; Exemption from the Requirement of a Tolerance" (FRL No. 8423-1) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2194. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "d-Phenothrin; Pesticide Tolerances" (FRL No. 8417-4) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2195. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyazofamid; Pesticide Tolerance" (FRL No. 8423-5) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2196. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Movement of Hass Avocados From Areas Where Mexican Fruit Fly or Sapote Fruit Fly Exist" ((RIN0579-AC67) (Docket No. APHIS-2006-0189)) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2197. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Propenoic acid, 2-methyl-, polymers with Bu acrylate, Et acrylate, Me methacrylate and polyethylene glycol methacrylate C16-18-alkyl ethers; Tolerance Exemption" (FRL No. 8422-3) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2198. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to certification, transmittal number: DDTC 019-09, of the proposed sale or export of defense articles, including technical data, and