

SAM BROWNBACK

Mr. CONRAD. Mr. President, I rise today to honor my colleague, Senator SAM BROWNBACK, who will be leaving the Senate at the end of this term. Senator BROWNBACK has served the people of Kansas for 16 years in the Congress, serving one term in the House of Representatives before being elected to the Senate in 1996. SAM is leaving the Senate to serve the people of Kansas as their Governor.

As rural, Midwestern States, Kansas and North Dakota have a lot in common, sharing many of the same challenges and opportunities. Agriculture is a key component of both States' economies. In fact, North Dakota and Kansas often vie for the position of top wheat producer. Senator BROWNBACK knows agriculture well, having been raised on a farm near Parker, KS, and serving as a State leader of Future Farmers of America in high school. Early in his career, SAM served as Kansas Secretary of Agriculture. These experiences prepared him for his work in the Senate, where he championed producing more energy from biofuels and opening overseas markets to American beef—two issues that are just as important to farmers and ranchers in North Dakota as they are to those in Kansas.

I worked closely with SAM on a program that helps ensure that individuals who live in rural areas have access to doctors. The Conrad State 30 program allows foreign doctors educated in the United States on J-1 visas to obtain a waiver of the requirement to return to their home country for 2 years if they agree to practice for 3 years in a medically underserved area of the country. This program has been vital for individuals in rural States like Kansas and North Dakota. Without it, residents of rural areas would have to travel long distances to visit physicians. I am proud to have Senator BROWNBACK's support of legislation to expand this program and make it permanent.

Senator BROWNBACK's concern for his fellowman does not stop at America's borders. Although he does not serve on the Senate Foreign Relations Committee, SAM has been very involved in international affairs, and has dedicated himself to causes that protect the most vulnerable. He was instrumental in passing the Trafficking Victims Protection Act, worked to bring peace to Darfur, and, most recently, fought to end the trade in conflict minerals from the Congo.

SAM is one of the most genuine Members of the Senate. He is willing to listen to opposing views and engage in respectful debate. This great body will miss Senator BROWNBACK's collegiality.

I thank Senator BROWNBACK for his service in the Senate and wish him the best as he continues to represent the people of Kansas as their Governor.

GEORGE VOINOVICH

Mrs. BOXER. Mr. President, I would like to ask my colleagues to join me today in recognizing the service of a

fellow Senator, and friend, Senator GEORGE VOINOVICH. He has spent over four decades as a public servant and has been a tireless advocate for the State of Ohio.

Senator VOINOVICH started his career in public service in 1967 when he served as a Member of the Ohio House of Representatives. He then went on to serve as a county commissioner, the mayor of Cleveland, and as the Governor of Ohio. In 1998, he was elected to the U.S. Senate.

Having worked extensively in local government, Senator VOINOVICH understood first-hand the importance of Federal investment in infrastructure before he ever arrived in Washington.

Senator VOINOVICH has served with me on the Environment and Public Works Committee since the 106th Congress, 1999. Throughout his career, he has been a great advocate for transportation. As the ranking member of the Transportation and Infrastructure Subcommittee during the 111th Congress, he helped us ensure ongoing investment in Federal highway, transit and highway safety programs and the jobs that those investments create.

In hearings, Senator VOINOVICH has frequently highlighted the importance of investing in infrastructure at all levels of government and often called on his colleagues to support passage of a new long-term surface transportation authorization at increased funding levels.

He and his staff have contributed to the efforts of our committee to draft a new surface transportation authorization. Senator VOINOVICH's passion for these issues was influential among his colleagues on the Environment and Public Works Committee, and will help guide us as we move forward on new transportation legislation.

During his service on the Environment and Public Works Committee, Senator VOINOVICH has also been an advocate for investing in America's water resources and protecting water quality. I was also pleased to join him as a co-sponsor of the Clean Coastal Health and Public Health Act, which helps to ensure our Nation's beaches are safe for swimming and recreation.

I am also grateful for his partnership in supporting investment in America's ports, which are important economic drivers in both Ohio and California, and are vital to the national economy.

Senator VOINOVICH's service on the Environment and Public Works Committee will have a lasting impact both in the State of Ohio, and across the Nation. I want to extend my best wishes to Senator VOINOVICH and his family in his retirement, and express my gratitude for his many years of hard work and dedication to public service.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS JAMES E. THODE

Mr. HATCH. Mr. President, I rise today to recognize and pay tribute to SFC James E. Thode, who gave the ul-

timate sacrifice for his country. On December 2, 2010, he died of wounds suffered after an improvised explosive device detonated on a roadside in Sabari District, Khowst Province, Afghanistan. He was 45 years old.

Sergeant First Class Thode served with the Utah National Guard, 118th Engineer (Sapper) Company, 1457th Engineer Battalion, 204th Maneuver Enhancement Brigade, in Salt Lake City. His unit's mission was vitally important, as it provided route-clearance support to coalition forces. Identifying and clearing IEDs was part of their dangerous job.

Sergeant First Class Thode called Farmington, NM, his home and grew up in Tucson, AZ. However, boundaries are blurred in the Four Corners area and soldiers are drawn from the neighboring states. I am proud, and, indeed, Utah is proud to call Sergeant Thode one of our own. He was one of our finest.

This was to be Sergeant First Class Thode's third deployment overseas. In 1991, he served during the first gulf war, although he did not see combat. He never shied away from duty.

Like so many of the fine men and women serving in the Armed Forces today, Thode felt it was his duty to serve. He exemplified this attitude by not only serving his country abroad, but by serving on the Farmington Police Department for the last 14 years. In that time he worked as a training officer, a member of the SWAT team. He was well-respected. He was a great friend. He was a great leader. He had the qualities we would want in a police officer and protector of a community.

His decision to serve our country came at an early age. He was inspired by his uncle who served in the military. As a young boy, he learned how to shoot a BB gun and later his father took him to the shooting range and taught him how to handle a rifle. He joined the military in 1984 and had served long enough to retire from military service by the time he went on his third deployment, this time to Afghanistan. His father told him he could have retired, but he insisted that the young men and women he served with needed someone to take them to war and help keep things together.

He was a father figure to many of his fellow soldiers. He was the glue that held people together. A warrior that led by example.

My thoughts and prayers go to his loving family. He leaves behind his devoted wife Carlotta; their 18-year-old daughter Ashley; their 8-year-old son Tommy; his mother Evelyn; father Ernest; and other family and friends. With his ultimate sacrifice, they are sacrificing, too. God bless them.

Mr. UDALL of New Mexico. Mr. President, in the more than 9 years that our military has been fighting in Afghanistan, thousands of brave men and women have volunteered their service to our country. They have sacrificed time with their families, travelled to foreign lands, and put their

lives in jeopardy, all in the defense of the ideals we hold dear.

This month, New Mexico lost one of those brave soldiers. His name was James Thode. He was a 45-year-old married father of two who had served for 14 years as a police sergeant for the city of Farmington. He was in Afghanistan as a member of the Utah National Guard as a sergeant first class in the 118th Sapper Company.

Sergeant Thode was killed by a roadside bomb on December 2 when insurgents attacked his unit in Afghanistan's Khost province.

Too often, when we are faced with the loss of one of our brave men or women in uniform, the first thing that is talked about is how they died. A roadside bomb. A firefight with the enemy. Protecting a fellow soldier from harm.

That is important. But it is equally important that we remember how they lived.

That is what I would like to do today. I want to remember how Sergeant James Thode lived.

Those who served with Sergeant Thode saw him as a father figure to the younger soldiers. "The glue that held people together," said one.

He was "a humble person, soft spoken and had a way of connecting with everybody he met," said another.

A third soldier recalled that Thode had an opportunity for a command position with a different unit—but he, quote, "chose to stay with his men, knowing the risk."

When he deployed to Afghanistan in July, Sergeant Thode left behind his wife Carlotta and their two children, 18-year-old daughter Ashley and 8-year-old son Tommy. It was his second deployment. His first was to Iraq in 2003.

Back at home, Thode had served as a member of the Farmington Police Department since 1996 as a field training officer, member of the SWAT Team, and eventually a member of the detective unit.

Sergeant Thode was well-known and well-respected within the close-knit Farmington community. As Farmington Police Chief Kyle Westall said upon learning of Thode's death, "The community lost a truly great man who will be missed by many."

Sergeant Thode lived a life to which we all should aspire—a life of service to family, community and country.

To Sergeant Thode's wife, children, parents, sister, and extended family and friends, my wife Jill and I offer our deepest sympathies for your loss, and our deepest thanks for your loved one's service to our country. You are forever in our hearts, and we are forever in your debt.

PORTEOUS IMPEACHMENT

Mr. LEVIN. Mr. President, today we are involved in one of the most important functions of the U.S. Senate, and one of the most rare. Only 11 impeachment trials have been completed over the 221-year history of the Senate.

Article II of the U.S. Constitution gives the "sole Power to try all Impeachments" to the Senate, and we take this role very seriously. Judges may be impeached and, if convicted, removed for "Treason, Bribery, or other high Crimes and Misdemeanors." Neither the Constitution nor statute define "other high Crimes and Misdemeanors." So it is up to each one of us to determine what actions reach the level of impeachable offenses egregious enough to remove a Federal officer such as a district court judge.

It is important that the judges that we confirm to lifetime appointments have the utmost integrity. Anything less would undermine public confidence in the judicial system which has such a major impact on the lives of Americans. These votes are among the most important and difficult that we cast.

Today I will vote to convict Judge Porteous on the basis of articles I through III. Those articles allege that Judge Porteous engaged in corrupt behavior with a law firm, had significant financial ties to that firm, but failed to recuse himself in a case where that same law firm represented one of the parties, improperly and unethically solicited and received a financial gift from a lawyer while he had that lawyer's case under advisement, and solicited favors from a bail bondsman and the bail bondsman's sister while using the power and prestige of his office to provide assistance to them and their business and made material false statements in conjunction with his personal bankruptcy filing.

I believe that Judge Porteous is guilty of the actions outlined in those three articles which prove and that he is unfit to serve as a U.S. district court judge.

I cannot, however, vote to convict Judge Porteous on the basis of article IV. Unlike the previous three articles that allege objective behavior to prove impeachable offenses, article IV is subjective: It requires us to determine Judge Porteous' state of mind—what he was thinking and how he felt about his past behavior. Article IV alleges that Judge Porteous "knowingly made material false statements about his past to both the United States Senate and to the Federal Bureau of Investigation in order to obtain the office of United States District Court Judge."

Specifically, article IV states that Judge Porteous was asked if there was anything in his personal life that could be used by someone to coerce or blackmail him, or if there was anything in his life that could cause an embarrassment to Judge Porteous or the President if publicly known. Judge Porteous answered "no" to those questions. During his background check, Judge Porteous told the Federal Bureau of Investigation on two separate occasions that he was not concealing any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on his character,

reputation, judgment, or discretion. Finally, Judge Porteous was asked whether any unfavorable information existed that could affect his nomination. Judge Porteous answered "no," to the best of his knowledge.

Did Judge Porteous believe those answers were true when he made them? I do not believe that we should impeach and convict a person based on his or her beliefs or his or her state of mind. If we did, we would be removing someone from office without evidence he was intentionally lying, not about an objective fact but about what he believed at the time of his statement. Beyond that, it is a statement about a subjective issue. Judge Porteous may have believed that none of his conduct, if known, would be embarrassing to the President, or that nothing in his past could be used to improperly influence him, even if the Senate disagrees with that belief. We should remove someone from office based on his conduct or on his objectively false material statements of fact, not on subjective statements about subjective judgments.

Assume that a candidate for the Federal bench in an answer to a question of the Judiciary Committee or Department of Justice said that nothing in his past would embarrass the President if known. After he is confirmed as a judge, he is involved in a messy divorce and it is discovered that the judge had had a series of extramarital affairs in the few years before he answered the questionnaire that he knew of nothing in his past that would embarrass the President. Assume further that in the judgment of the House, that behavior does embarrass the President. Under the theory of article IV, the judge's answer would constitute an impeachable offense. Article IV creates a precedent that is too potentially dangerous for me to support.

To quote from page 60 of the Report of the Impeachment Trial Committee, "Professor Mackenzie also testified that while the compromise-or-coercion question is asked 'routinely' of 'virtually everybody who is interviewed,' he could not recall any candidate who had ever responded affirmatively to this question. Nor was he aware of any individual who has ever responded affirmatively to a question that asks the candidate to 'advise the Committee of any unfavorable information that may affect your nomination' or any nominee who had ever been prosecuted or removed from office for falsely answering such a question."

It is our solemn responsibility to protect the integrity of the Federal judiciary and the public trust in our judicial system. Today we will fulfill that role.

Mr. BINGAMAN. Mr. President, the Senate has found G. Thomas Porteous, Jr. guilty of the charges contained in four articles of impeachment and removed him from office as a Federal district judge. In addition, it has adopted a motion disqualifying Mr. Porteous from ever holding any office of honor, trust, or profit under the United