

GEORGE has been a remarkable public servant, and he has served at many different levels of government throughout his career. I know he would be the first to say he wouldn't have been able to do all that without the person he calls the greatest blessing he has received in life by his side. That person is his wife Janet, who has been his greatest source of support and guidance for 48 years. Together they have made a difference wherever they have been.

In the years to come, I will always remember and admire all you did as Governor of Ohio with such a perfect First Lady by your side. I have a hunch you were such a great vote-getter because you had an advantage—a lot of people voted for you because they were also voting for her.

Looking back, we both served as mayors in our home States. When we did we had to find a way to pay for everything. That is why I always had an appreciation for the way you examined every detail of each issue through the lens of your background and how the people back home would feel about it.

Diana joins in sending our best wishes to you both and our thanks and appreciation for all you have done for Ohio and the Nation during your many years of public service. Good luck in all your future endeavors. Keep in touch. You'll be missed. It just won't be the same around here without you.

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#### CHRIS DODD

At the end of each session of Congress it has long been a tradition in the Senate to take a moment to express our appreciation and say goodbye to those who will not be returning in January for the beginning of the next Congress. One of those I know I will miss who will be stepping down to spend more time with his family is CHRIS DODD of Connecticut.

If I could sum up CHRIS's career in the Senate and the way he lives his life every day with one word, I think that word would be "passion." Simply put, CHRIS is the most passionate Senator I have ever known or had the opportunity to work with and observe.

Coming from a well known political family, CHRIS must have learned at an early age the difference that it can make. I have always believed it is the key ingredient to any effort and it often means the difference between success and failure. Looking back, the enthusiasm and spirited focus that CHRIS so clearly brings to every discussion or debate on the Senate floor and in committee has helped him to create alliances and forge agreements that have led to the passage of legislation that might not have crossed the finish line and made it into law if not for him.

CHRIS has now served for 30 years in the Senate and he has a great deal to show for his efforts. His style of leadership, the relationships he has developed with his colleagues, and his pursuit of his legislative priorities have enabled

him to make a difference in many, many ways and have an impact not only in Connecticut but all across the Nation.

One of the greatest achievements of his career has to be the Family and Medical Leave Act that CHRIS authored and helped to shepherd through the Senate into law. Thanks to him, whenever it is needed, employees are now able to take some time off to care for their children or ensure that an elderly family member receives some attention and support.

One more moment that is familiar to us all, was CHRIS's willingness to step in for our good friend, Senator Ted Kennedy, when Ted was in poor health, to help direct the disposition of the health care bill. I am sure it meant a great deal to Ted to know that the effort he was such a vital part of was in such good and capable hands.

Looking ahead, CHRIS isn't really going into retirement. He is taking on another challenge full time—raising his family. He started a family later than some, but the passion he has brought to everything in life has clearly been brought to bear on the care and nurturing of his two daughters. As every father knows, it is always the little ladies who have their dads wrapped around their fingers. As they grow up, each new day is another chapter of their lives that is waiting to be written as Mom and Dad share in the wonder and magic their children experience as they discover the world around them.

Looking back, ever since the day when CHRIS first arrived in the Senate, he has always loved being around good friends, enjoying a good joke, and sharing a good word or two. That is why it came as no surprise when, during a recent interview he said, "I don't know of a single colleague that I have served with in thirty years that I couldn't work with."

That is why CHRIS has been such an effective Senator over the years and why, when the day comes when he casts his last vote and heads home to be with his family, we will all miss him.

CHRIS, I hope you will keep in touch with us. You and your wife Jackie have a great future in store and I am sure you will enjoy every day together. As I have learned with the birth of each child and grandchild—with another just born—each day you spend with your children is more proof of the wisdom of the old Irish saying—bricks and mortar may make a house but it is the laughter of our children that makes it a home.

Good luck. God bless.

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#### JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, last night, as snow fell in Washington, DC, the Senate freeze on confirming judges began to thaw a bit. I thank the leaders for clearing 4 of the 38 judicial nominations awaiting final action by the Senate. These nominations will fill

a few of the historically high number of Federal judicial vacancies around the country, including in the Eastern District of California, one of the districts with the highest workloads in the country. All the nominations confirmed last night were reported by the Judiciary Committee without objection way back in May and early June. I hope this is an indication that the other 34 judicial nominees pending in the Senate will receive consideration and a vote by the Senate before the Senate adjourns.

Senate consideration of the four nominations we confirmed last night was long overdue. In fact, these are the first judicial confirmations the Senate has considered since September 13, more than 3 months ago. For months, these nominations and many others have languished before the Senate, without explanation and for no reason. As a result of these needless delays, of the 80 judicial nominations reported favorably by the Judiciary Committee, only 45 have been considered by the Senate. Even with yesterday's confirmations, that remains a historically low number and percentage. Meanwhile, 34 judicial nominees with well-established qualifications and the support of their home State Senators from both parties are still waiting for Senate consideration. Some were sent to the Senate for final action as long ago as last January after being reported unanimously by all Republicans and Democrats on the Judiciary Committee.

Last night, we unanimously confirmed Catherine Eagles to the Middle District of North Carolina, Kimberly Mueller to the Eastern District of California, John Gibney to the Eastern District of Virginia, and James Bredar to the District of Maryland. Judge Eagles and Judge Mueller were reported unanimously by the Judiciary Committee on May 6; Mr. Gibney's nomination was reported unanimously on May 27; and Judge Bredar's nomination was reported unanimously on June 10. Judge Mueller's confirmation is particularly welcome news for the Eastern District of California, which maintains the highest weighted caseload among all Federal judicial districts across the country. There is no reason and still no explanation for these delays.

Since last year, I have been urging all Senators, Democrats and Republicans, to join together to take action to end the crisis of skyrocketing judicial vacancies. That has not happened. I have asked that we return to the longstanding practices that the Senate used to follow when considering nominations from Presidents of both parties. This has not happened. As a result, 34 judicial nominations that have been favorably reported by the Judiciary Committee continue to be stalled on the Senate's Executive Calendar awaiting final consideration and their confirmation.

I hope that our action yesterday in considering a handful of nominations

signals a new effort to address the vacancies that have doubled over the last 2 years. Vacancies are now at the historically high level of 108. Fifty of these vacancies are deemed judicial emergency vacancies by the non-partisan Administrative Office of the U.S. Courts. The Senate has received letters from courts around the country calling for help to address their crushing caseloads, including letters from the Chief Judges of the Ninth Circuit Court of Appeals and the U.S. District Courts in California, Colorado, Illinois and the District of Columbia. They have pleaded with us to end the blockade and confirm judges to fill vacancies in their courts.

The Senate should vote on all of the judicial nominations awaiting final action by the Senate. We should do as we did during President Bush's first 2 years in office, and consider every judicial nomination favorably reported by the Judiciary Committee. During those 2 years, the Judiciary Committee favorably reported 100 judicial nominations and the Senate confirmed every one of them, including controversial circuit court nominations reported during the lame duck session in 2002. In contrast, during this first Congress of President Obama's administration, the Senate has considered just 45 of the 80 nominations reported by the Judiciary Committee.

I hope we can build on the belated progress made last night. Agreements to debate and consider nominations have been sought repeatedly. Of the 34 judicial nominations currently stalled on the Executive Calendar, 25 of them were reported unanimously by the 19 Republican and Democratic members of the committee. Another three were reported with strong bipartisan support and only a small number of no votes. Of these 28 bipartisan, consensus nominees, 15 of them were nominated to fill judicial emergency vacancies. They all should have been confirmed within days of being reported. It will be a travesty if they are not all confirmed before the 111th Congress adjourns.

These consensus nominees yet to be considered include six unanimously reported circuit court nominees, and another circuit court nominee supported by 17 of the 19 Senators on the Judiciary Committee. The nomination of a respected and experienced jurist, Judge Albert Diaz of North Carolina, for a judicial emergency vacancy on the Fourth Circuit has been stalled for 11 months, since last January, despite the support of both his home state Senators, a Democrat and a Republican. Four of the other consensus circuit court nominations would also fill judicial emergency vacancies, and three of them came through the committee with the strong support of two home State Republican Senators. All seven circuit court nominees are superbly qualified and I predict if considered would be confirmed with strong bipartisan support.

Last night we confirmed four district court nominations, but 26 are still

being blocked from consideration. Some were reported as long ago as February. Senate inaction on these nominations is a dramatic departure from the traditional practice of considering them expeditiously and with deference to the home State Senators. These 26 district court nominations include 19 nominations reported unanimously by the Judiciary Committee. Thirteen of these nominations are for seats designated as judicial emergencies. All 26 nominees have well-established qualifications and are at the top of the legal community in their home States. All have put their lives and practices on hold in an attempt to serve their country and their community. There is no cause for continuing to block the Senate from considering their nominations and no precedent for extending these delays further.

For the last 17 years, Catherine Eagles has served North Carolina as a superior court judge. Before that, she spent nearly a decade as an attorney in private practice. Her nomination has had the support of both of her home State Senators, Senator BURR, a Republican, and Senator HAGAN, a Democrat—as does the nomination of Alberto Diaz to the Fourth Circuit from North Carolina that remains stalled without final action. The American Bar Association, ABA, Standing Committee on the Federal Judiciary unanimously rated Judge Eagles well-qualified—its highest possible rating—to serve as a District Court Judge. With her confirmation, Judge Eagles will become the first woman to serve on the Middle District of North Carolina, and only the second in the State.

The nomination of Kimberly Jo Mueller to fill a judicial emergency vacancy on the Eastern District of California, one of the busiest courts in the country, was held on the Executive Calendar for more than 7 months. Judge Mueller has served the Eastern District as a Magistrate Judge since 2003. Prior to becoming an attorney, she was a 6-year term as a Sacramento city councilmember before earning her J.D. from Stanford Law School. Her nomination has the strong support of both of her home State Senators and she was unanimously rated well qualified by the ABA Standing Committee on the Federal Judiciary, its highest possible rating. Judge Mueller will be the only female judge in the Eastern District of California.

John A. Gibney, Jr. was nominated more than eight months ago to fill a judicial emergency vacancy. That Mr. Gibney has the strong support of both Virginia Senators is no surprise since he has a long and distinguished career, practicing law in Richmond, VA, for more than 30 years. Mr. Gibney has represented a wide variety of clients, from business to local governments to private individuals. Currently, he is a partner and a civil litigator in the Richmond, VA, firm ThompsonMcMullan. Mr. Gibney earned his B.A., Phi Beta Kappa, from

the College of William & Mary and his J.D. from the University of Virginia. After graduation, he clerked for Justice Harry L. Carrico of the Supreme Court of Virginia.

Judge James Bredar has served for 12 years as a Federal Magistrate Judge on the District Court to which he is now nominated. As a lawyer, Judge Bredar saw the justice system from both sides, first as a Federal prosecutor in Colorado and then as a Federal public defender in Maryland. Judge Bredar will be the first Federal defender to serve as a Federal judge in Maryland. His nomination has the support of both of his home State Senators and received the highest possible rating from the ABA Standing Committee on the Federal Judiciary.

The 34 judicial nominations remaining on the calendar should be accorded the same up-or-down vote as the four considered last night. They should have the same up-or-down vote given to all 100 of President Bush's judicial nominations reported by the committee in his first 2 years. Even if Republican Senators will not follow our example and treat President Obama's nominees as we treated President Bush's, they should at least listen to their own statements from just a few years ago. They said that every judicial nomination reported by the Senate Judiciary Committee was entitled to an up-or-down vote. They spoke then about the constitutional duty of the Senate to consider every judicial nomination. The Constitution has not changed; it has not been amended. The change from the days in which they made those statements is that the American people elected a new President and he is making the nominations.

The Senate should also debate and a vote on those few nominees that Republican Senators opposed in committee. These nominees include Benita Pearson of Ohio, William Martinez of Colorado, Louis Butler of Wisconsin, Edward Chen of California, John McConnell of Rhode Island, and Goodwin Liu of California. As I have said before, I have reviewed their records and considered their character, background and qualifications. I have heard the criticisms of the Republican Senators on the Judiciary Committee as they have voted against this handful of nominees. I disagree, and believe the Senate would vote on their confirmation. Each of these nominees have been reported favorably by the Judiciary Committee, several of them two or three times, and each deserves an up-or-down vote. That they will not be conservative activist judges should not disqualify them from consideration by the Senate or serving on the bench.

President Obama has reached out and worked with Senators from both sides of the aisle in selecting well-qualified judicial nominees. As chairman of the Judiciary Committee, I have made sure that we have not proceeded on any judicial nominees without the support of

both home State Senators. There has been consultation and a thorough and fair process for evaluating nominations. There has been more than enough time for Senators to decide how they want to vote. Now it is time to return to the Senate's longstanding traditions and reject the obstruction that has blocked us month after month from considering judicial nominations. Now is the time to act to address the needs of the Federal courts and the American people who depend on them for justice.

#### FORENSICS REFORM

Mr. LEAHY. Mr. President, for nearly 2 years, the Senate Judiciary Committee has been examining serious issues in forensic science that go to the heart of our criminal justice system. The committee has studied the problem exhaustively, and we reached out to a wide array of experts and stakeholders. While the days of the 111th Congress are drawing to a close, it is my intention to introduce legislation early next year that represents the culmination of this process. That legislation will strengthen our confidence in the criminal justice system and the evidence it relies upon by ensuring that forensic evidence and testimony is accurate, credible, and scientifically grounded.

In February of 2009, the National Academy of Science, NAS, published a report asserting that the field of forensic science has significant problems that must be urgently addressed. The report suggested that basic research establishing the scientific validity of many forensic science disciplines has never been done in a comprehensive way. It also suggested that the forensic sciences lack uniform and unassailable standards governing the accreditation of laboratories, the certification of forensic practitioners, and the testing and analysis of evidence. Indeed, I was disturbed to learn about still more cases in which innocent people may have been convicted, perhaps even executed, in part due to faulty forensic evidence.

Since then, the Judiciary Committee has held a pair of hearing on the issue. Committee members, as well as staff, have spent countless hours talking to prosecutors, defense attorneys, law enforcement officers, judges, forensic practitioners, scientists, academic experts, and many, many others to learn as much as we can about what is happening now and what needs to be done. Through the course of this inquiry, we discussed some of the current problems in forensic science that we need to address. But it also became abundantly clear that the men and women who test and analyze forensic evidence do great work that is vital to our criminal justice system. Accordingly, as a former prosecutor, I am committed to strengthening the field of forensics, and the justice system's confidence in it, so that their hard work can be consistently relied upon, as it should be.

While there were varying responses to the findings of the NAS report, one thing was clear: there needed to be a searching review of the state of forensic science work in this country. And it also became clear through this process that there is widespread consensus about the need for change and the kind of change that is needed. Almost everyone I heard from recognized the need for strong and unassailable research to test and establish the validity of the forensic disciplines, as well as the need for consistent and rigorous accreditation and certification standards in the field.

Prosecutors and law enforcement officers want evidence that can be relied upon as definitively as possible to determine guilt and prove it in a court of law. Defense attorneys want strong evidence that can as definitively as possible exclude innocent people. Forensic practitioners want their work to have as much certainty as possible and to be given deserved deference. All scientists and all attorneys who care about these issues want the science that is admitted as evidence in the courtroom to match the science that is proven through rigorous testing and research in the laboratory.

Everyone who cares about forensics also recognizes that there is a dire need for well managed and appropriately directed funding for research, development, training, and technical assistance. It is a good investment, as it will lead to fewer trials and appeals and reduce crime by ensuring that those who commit serious offenses are promptly captured and convicted.

The legislation I intend to introduce next year will address these widely recognized needs. Among other things, it will require that all forensic science laboratories that receive federal funding or federal business be accredited according to rigorous and uniform standards. It will require that all relevant personnel who perform forensic work for any laboratory or agency that gets federal money become certified in their fields, which will mean meeting standards in proficiency, education, and training.

I expect that the proposal will set up a rigorous process to determine the most serious needs for peer-reviewed research in the forensic science disciplines and will set up grant programs to fund that research. The bill will also provide for this research to lead to appropriate standards and best practices in each discipline. It will also fund research into new technologies and techniques that will allow forensic testing to be done more quickly, more efficiently, and more accurately. I believe these are proposals that will be widely supported by those on all sides of this issue.

The bill that I will introduce will seek to balance carefully a number of competing considerations that are so important to getting a review of forensic science right. It will capitalize on existing expertise and structures, rather

than calling for the creation of a costly new agency. And ultimately, improved forensic science will save money, reduce the number of costly appeals, shorten investigations and trials, and help to eliminate wrongful imprisonments.

I understand that sweeping forensic reform and criminal justice reform legislation not only should, but must, be bipartisan. There is no reason for a partisan divide on this issue; fixing this problem does not advance prosecutors or defendants, liberals or conservatives, but justice. I have worked closely with interested Republican Senators on this vital issue. I hope that many Republican Senators will join me in introducing important forensics reform legislation at the beginning of the next Congress, and I will continue to work diligently with Senators on both sides of the aisle to ensure that this becomes the consensus bipartisan legislation that it ought to be.

I want to thank the forensic science practitioners, experts, advocates, law enforcement personnel, judges, and so many others whose input forms the basis for the legislation I will propose. Their passion for this issue and for getting it right gives me confidence that we will work together successfully to make much needed progress.

I hope all Senators will join me next year in advancing important legislation to restore confidence to the forensic sciences and the criminal justice system.

#### BANKRUPTCY TECHNICAL CORRECTIONS ACT

Mr. LEAHY. Mr. President, on November 19, 2010, the Senate passed the Bankruptcy Technical Corrections Act of 2010. This legislation makes many important technical changes to our bankruptcy laws.

Yesterday, on December 16, the House of Representatives passed this legislation again, with an amendment from the Senate. Senator WHITEHOUSE, chairman of the Judiciary Committee's Subcommittee on Administrative Oversight and the Courts, along with Chairman CONYERS and Ranking Member SMITH of the House Judiciary Committee should be commended for their attention to these issues.

This bipartisan legislation makes numerous technical corrections to the Bankruptcy Code. These revisions are needed as the result in part of the major reforms that took place in 2005. Given the breadth of the 2005 reforms, and the highly technical nature of the code, it was not unexpected that some additional congressional action was needed to make some needed adjustments. Although purely technical, these changes will assist practitioners and judges adjudicate cases under the code more efficiently, and with a savings of judicial resources.

At a time in the United States when Americans are struggling under severe economic conditions and with millions