

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

of Americans having lost their homes or in danger of foreclosure, it is especially important for the Bankruptcy Code to operate as efficiently and effectively as possible.

I thank all Senators for their support of this legislation.

NORTH FORK PROTECTION

Mr. BAUCUS. Mr. President, I rise today to speak about one of the things that I love most about Montana—the North Fork of the Flathead River. Everyone who experiences the Flathead Valley in northwestern Montana is awed by its pristine waters, larger than life landscapes, and raw wilderness. With its headwaters in British Columbia, the North Fork of the Flathead River forms the western boundary of Glacier-Waterton International Peace Park. It is one of the last untouched places on our continent. For decades, the North Fork has been threatened by oil and gas and mining proposals in British Columbia. For the last 35 years, I have battled these proposals, one by one, each time victorious. After 35 years, we are beginning a new chapter of international cooperation in the North Fork.

In February of this year, British Columbia and Montana signed a memorandum of understanding, agreeing to prevent mining, oil and gas, and coalbed methane development in the watershed. Senator TESTER and I have negotiated the retirement of the primary interest in about 200,000 acres on the U.S. side of the border—about 80 percent of the leased acreage—without cost to the American taxpayer. In June of this year, we asked President Obama to work with Canadian Prime Minister Harper to put in place measures to establish permanent protections for the North Fork. On June 28, the two met in Canada, and pledged cooperative efforts to protect this one of a kind ecosystem. Work is continuing behind the scenes on this effort, and we are very optimistic that it will be successful.

Mr. TESTER. One of the most important pieces of this puzzle is getting measures in place to achieve permanent, sustainable protections. Without that, Montanans will never be certain that we are not just an election away from a change in the conservation status of these lands north of the U.S. border. But, we are on the verge of a breakthrough, and I know that the committee is very supportive of these efforts.

To that end, we would like to confirm that if an international agreement is reached that includes measures to achieve permanent, sustainable protections for the North Fork of the Flathead River and the adjacent area of Glacier-Waterton International Peace Park then the Secretary may use funds available to the National Park Service from the recreation enhancement fee program, to implement conservation measures, to include wildlife management and habitat restoration, where

such activities have a direct benefit to Glacier-Waterton International Peace Park consistent with park purposes.

Mr. INOUE. Mr. President, I understand the importance of this matter to the Senators from Montana, and indeed all Americans. As long as the Secretary complies with the authorizing statutes, then I concur that conservation measures at Glacier-Waterton International Peace Park are a suitable use for the funding collected through the recreation enhancement fee program.

Mr. TESTER. I thank the Senator. The North Fork of the Flathead is a true gem of Montana, and this clarification will help us cooperate with Canada to build upon the historic agreement between British Columbia and Montana, and establish permanent protections.

Mr. BAUCUS. I thank the Senator. In 1975, I introduced the bill to designate the Flathead River as a Wild and Scenic River. It was designated as such a year later. For me, that began a lifelong effort to protect the North Fork. At that time I said:

A hundred years from now, and perhaps much sooner, those who follow us will survey what we have left behind . . . let us leave the Flathead as we found it. Let us prove that we care about those who will come after us.

Today, this small step demonstrates that with cooperation between our two nations, between the Province and the State, we can ensure that every Montanan, every American, and every Canadian who follows us will survey the North Fork of the Flathead River and share our feeling of awestruck wonder that such a place still exists.

AIRLINE WORKER ROLLOVER

Ms. CANTWELL. Mr. President, I would like that thank Chairman BAUCUS for his continuing work in helping me address an issue important to airline workers whose employers went bankrupt after September 11, 2001.

I first started working on this issue in 2007 when I introduced legislation to allow employees of bankrupt commercial airlines to roll their bankruptcy payments into individual retirement accounts to provide for a retirement savings option to those airline workers whose defined benefit plans were terminated or frozen in bankruptcy proceedings.

My legislation attracted bipartisan support from my colleagues, and in 2008, The Worker, Retiree, and Employer Recovery Act, WRERA, was enacted into law, and we worked together to include a provision to allow airline workers to rollover bankruptcy payments into a Roth IRA only. While this was an important step, it is also important to take the next step and allow workers the additional option to rollover bankruptcy payments into a traditional IRA—an option typically available for everyone when deciding which retirement vehicle is right for them.

With the assistance of the distinguished chairman, we began the process of taking that next step during the 111th Congress. In May 2010, Chairmen BAUCUS and LEVIN included the Airline Worker Relief provision with H.R. 4213, the 2010 Jobs Act legislation which extended several expiring tax provisions and provided for technical corrections to pension funding legislation, and the House of Representatives passed the Jobs Act on May 28, 2010.

On June 16 of this year, Chairman BAUCUS also included the airline worker rollover provision when he introduced his substitute amendment to H.R. 4213. However, on June 18, the pension funding relief section of H.R. 4213, absent the airline worker rollover provision, was included in H.R. 3962, the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010. The airline worker rollover provision was not included because unlike the other pension funding relief items that raised revenue, the rollover provision has a modest budgetary cost. Regrettably, the Senate has not since had the opportunity to consider the Rollover provision.

Today Chairman BAUCUS is proposing a substitute amendment to make corrections to the pension funding relief provisions that were enacted as part of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010. These items are scored to have no revenue effect; so once again, the airline worker rollover provision will not be included. I will not object to this amendment, but at the same time, it is important for the record to clarify our intent to move the airline worker rollover provision on the next available and appropriate legislative vehicle.

Mr. BAUCUS. Mr. President, I thank Senator CANTWELL for her work on this important provision to help airline workers, and I want to make it clear for the record that I will work to include this airline worker rollover provision in the next appropriate legislative vehicle.

REMEMBERING RICHARD HOLBROOKE

Mr. LEVIN. Mr. President, the greatness of our Nation depends not just on our economic or military might or the drive of our people. We are great in part because we seek not just our own prosperity and security but peace and security for all peoples, and because we understand the relationship between their security and our own. And few Americans in our time have done more to advance those goals around the world than Ambassador Richard Holbrooke. His sudden passing this week is a great loss to this Nation, and to anyone anywhere who values peace and freedom.

Richard Holbrooke saw opportunities for peace where others saw only impenetrable thickets of competing interest and implacable enmity. Surely that