

went to the Pennsylvania College for Women in Pittsburgh, which later became Chatham College, and completed her M.A. in zoology at Johns Hopkins University. She began her career as a biologist with what was then the U.S. Bureau of Fisheries.

Her seminal work in 1962, *Silent Spring*, brought to the forefront the dangers of DDT and other pesticides. DDT was a major cause of decline in the population of birds of prey, including the peregrine falcon. Because of the efforts of Ms. Carson and others, DDT was eventually banned from use in the United States in 1972. Today, peregrine falcons have returned to much of their former range, including a pair of falcons that have been nesting on the Pennsylvania Department of Environmental Protection office tower in Harrisburg, which fittingly, is named the Rachel Carson Building.

Ms. Carson's call to action on the environment was also a driving force behind a 1972 amendment to the Pennsylvania Constitution clearly articulates the right of Pennsylvania's citizens to clean air, pure water, and the preservation of the natural, scenic, historic and esthetic values of the environment, and ensuring these rights to generations yet to come.

The first Earth Day was also a major impetus for our Nation to move forward with a myriad of Federal legislation—including the Clean Water Act, Clean Air Act, Surface Mining Control and Reclamation Act, and the Endangered Species Act—that provided the regulatory framework for America to be a world leader in environmental stewardship.

Just as importantly, we have seen since the first Earth Day that environmental protection can go hand-in-hand with economic growth. According to US EPA, since 1980, total emissions of six principal air pollutants—carbon monoxide, lead, nitrogen oxides, volatile organic compounds, particulate matter, and sulfur dioxide—decreased by 54 percent.

And during this same period, gross domestic product, GDP, increased by more than 126 percent while the U.S. population grew by 34 percent, clearly demonstrating that we can maintain a strong, robust economy while at the same time protecting and promoting a safe and healthy environment for all Americans.

Today, as a nation, we need to applaud the accomplishments we have made since the first Earth Day in improving the quality of our air, water, and land. But we also need to acknowledge that the task of protecting our environment is far from complete.

The remaining challenges are many. Nutrient pollution is still a concern for the Chesapeake Bay and other waterways. Mercury from large stationary sources still threatens the health of our Nation's vulnerable population of infants and pregnant woman. And many of our urban areas still exceed national standards for air quality.

But the most daunting environmental challenge today is climate change. The scientific evidence about the threat of climate change cannot be disputed. We must move forward with climate and energy legislation that will put us on a path that ends our unsustainable reliance on foreign energy. A path that will create new, clean energy jobs and that will regain our competitive edge over countries like China, which is out-investing us and out-innovating us when it comes to new energy technologies. A path that regains control of our environment, our economy, and our national security.

Let me close with a quote from Rachel Carson. It goes, "Those who contemplate the beauty of the earth find reserves of strength that will endure as long as life lasts." So, as we celebrate Earth Day today, let us all take a moment to consider the beauty and wonder of the natural world around us.

And let us use the strength we take away from these moments to continue to preserve and protect our Nation's rich natural history and environment for our children and grandchildren. So that future generations will always have a clean environment, a robust economy, and a secure Nation.

Mr. CASEY. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to; that a Coburn substitute amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 255) was agreed to.

The amendment (No. 3729) was agreed to, as follows:

Strike the preamble and insert the following:

Whereas Gaylord Nelson, former United States Senator from Wisconsin, is recognized as one of the leading environmentalists of the 20th Century who helped launch an international era of environmental awareness and activism;

Whereas Gaylord Nelson grew up in Clear Lake, Wisconsin, and rose to national prominence while exemplifying the progressive values instilled in him;

Whereas Gaylord Nelson served with distinction in the Wisconsin State Senate from 1949 to 1959, as Governor of the State of Wisconsin from 1959 to 1963, and in the United States Senate from 1963 to 1981;

Whereas Gaylord Nelson founded Earth Day, which was first celebrated on April 22, 1970, by 20 million people across the United States, making the celebration the largest environmental grassroots event in history at that time;

Whereas Gaylord Nelson called on Americans to hold their elected officials accountable for protecting their health and the natural environment on that first Earth Day, an action which launched the Environmental Decade, an unparalleled period of legislative and grassroots activity that resulted in passage of 28 major pieces of environmental legislation from 1970 to 1980, including the

Clean Air Act, the Clean Water Act, and the National Environmental Education Act;

Whereas Gaylord Nelson was responsible for legislation that created the Apostle Islands National Lakeshore and the St. Croix Wild and Scenic Riverway and protected other important Wisconsin and national treasures;

Whereas Gaylord Nelson sponsored legislation to ban phosphates in household detergents and he worked tirelessly to ensure clean water and clean air for all Americans;

Whereas in addition to his environmental leadership, Gaylord Nelson fought for civil rights;

Whereas Gaylord Nelson was a patriot, who as a young soldier honorably served 46 months in the Armed Forces during World War II, and then, as Senator, worked to ban the use of the toxic defoliant Agent Orange;

Whereas, in 1995, Gaylord Nelson was awarded the highest honor accorded civilians in the United States, the Presidential Medal of Freedom;

Whereas Gaylord Nelson's legacy includes generations of Americans who have grown up with an environmental ethic and an appreciation and understanding of their roles as stewards of the environment and the planet; and

Whereas Gaylord Nelson was an extraordinary statesman, public servant, environmentalist, husband, father, and friend, and who never let disagreement on the issues become personal or partisan:

The preamble, as amended, was agreed to.

#### SUPPORTING GOALS AND IDEALS OF WORLD MALARIA DAY

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 499, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 499) supporting the goals and ideals of World Malaria Day, and reaffirming United States leadership and support for efforts to combat malaria as a critical component of the President's Global Health Initiative.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 499) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 499

Whereas April 25th of each year is recognized internationally as World Malaria Day;

Whereas malaria is a leading cause of death and disease in many developing countries, despite being completely preventable and treatable;

Whereas, according to the World Health Organization, 35 countries, the majority of

them in sub-Saharan Africa, account for 98 percent of global malaria deaths;

Whereas young children and pregnant women are particularly vulnerable and disproportionately affected by malaria;

Whereas malaria greatly affects child health, with estimates that children under the age of 5 account for 85 percent of malaria deaths each year;

Whereas malaria poses great risks to maternal health, causing complications during delivery, anemia, and low birth weights, with estimates that malaria infection causes 400,000 cases of severe maternal anemia and from 75,000 to 200,000 infant deaths annually in sub-Saharan Africa;

Whereas heightened national, regional, and international efforts to prevent and treat malaria over recent years have made measurable progress and have helped save hundreds of thousands of lives;

Whereas the World Health Organization's World Malaria Report 2009 reports that "[i]n countries that have achieved high coverage of their populations with bed nets and treatment programmes, recorded cases and deaths due to malaria have fallen by 50%";

Whereas the World Health Organization's World Malaria Report 2009 further states that "[t]here is evidence from Sao Tome and Principe, Zanzibar and Zambia that large decreases in malaria cases and deaths have been mirrored by steep declines in all-cause deaths among children less than 5 years of age";

Whereas continued national, regional, and international investment is critical to continue to reduce malaria deaths and to prevent backsliding in those areas where progress has been made;

Whereas the United States Government has played a major leadership role in the recent progress made toward reducing the global burden of malaria, particularly through the President's Malaria Initiative and the United States contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

Whereas President Barack Obama said on World Malaria Day in 2009, "It is time to redouble our efforts to rid the world of a disease that does not have to take lives. Together, we have made great strides in addressing this preventable and treatable disease... Together, we can build on this progress against malaria, and address a broad range of global health threats by investing in health systems, and continuing our work with partners to deliver highly effective prevention and treatment measures";

Whereas, under the new Global Health Initiative (GHI) launched by President Obama, the United States Government is pursuing a comprehensive, whole-of-government approach to global health, focused on helping partner countries to achieve major improvements in overall health outcomes through transformational advances in access to, and the quality of, healthcare services in resource-poor settings; and

Whereas recognizing the burden of malaria on many partner countries, GHI has set the target for 2015 of reducing the burden of malaria by 50 percent for 450,000,000 people, representing 70 percent of the at-risk population in Africa: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of World Malaria Day, including the achievable target of ending malaria deaths by 2015;

(2) calls upon the people of the United States to observe World Malaria Day with appropriate programs, ceremonies, and activities to raise awareness and support to save the lives of those affected by malaria;

(3) recognizes the importance of reducing malaria prevalence and deaths to improve

overall child and maternal health, especially in sub-Saharan Africa;

(4) commends the recent progress made toward reducing global malaria deaths and prevalence, particularly through the efforts of the President's Malaria Initiative and the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

(5) welcomes ongoing public-private partnerships to research and develop more effective and affordable tools for malaria diagnosis, treatment, and vaccination;

(6) reaffirms the goals and commitments to combat malaria in the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (Public Law 110-293);

(7) supports continued leadership and investment by the United States in bilateral and multilateral efforts to combat malaria as a critical part of the President's Global Health Initiative; and

(8) encourages other members of the international community to sustain and scale up their support and financial contributions for efforts worldwide to combat malaria.

## ARTICLES OF IMPEACHMENT AGAINST JUDGE PORTEOUS

The PRESIDING OFFICER. The Chair submits to the Senate for printing in the Senate Journal and in the CONGRESSIONAL RECORD the amended replication of the House of Representatives to the Answer of Judge G. Thomas Porteous, Jr., to the Articles of Impeachment against Judge Porteous, pursuant to S. Res. 457, 111th Congress, Second Session, which replication was received by the Secretary of the Senate on April 22, 2010.

The amended replication of the House of Representatives is as follows:

CONGRESS OF THE UNITED STATES,  
Washington, DC, Apr. 22, 2010.

Impeachment of G. Thomas Porteous, Jr.,  
United States District Judge for the Eastern District of Louisiana, Amended Replication.

HON. NANCY ERICKSON,  
Secretary of the Senate, U.S. Senate, Washington, DC.

DEAR MS. ERICKSON: Enclosed please find the Amended Replication of the House of Representatives to the Answer of G. Thomas Porteous, Jr., to the Articles of Impeachment.

A copy of this letter and the Amended Replication will be served upon counsel for Judge Porteous today through electronic mail.

Sincerely,

ALAN I. BARON,  
Special Impeachment Counsel.

IN THE SENATE OF THE UNITED STATES  
Sitting as a Court of Impeachment

IN RE: IMPEACHMENT OF G. THOMAS PORTEOUS,  
JR., UNITED STATES DISTRICT JUDGE FOR  
THE EASTERN DISTRICT OF LOUISIANA

## AMENDED

REPLICATION OF THE HOUSE OF REPRESENTATIVES TO THE ANSWER OF G. THOMAS PORTEOUS, JR., TO THE ARTICLES OF IMPEACHMENT

The House of Representatives, through its Managers and counsel, respectfully replies to the Answer to Articles of Impeachment as follows:

## RESPONSE TO THE PREAMBLE

Judge Porteous in his Answer to the Articles of Impeachment, denies certain of the allegations and makes what are primarily technical arguments as to the charging language that do not address the factual substance of the allegations. However, it is in Judge Porteous's Preamble that he sets forth his real defense and, without denying he committed the conduct that is alleged in the Articles of Impeachment, insists that nevertheless he should not be removed from Office.

At several points in his Preamble, Judge Porteous notes that he was not criminally prosecuted by the Department of Justice, the implication being that the House and the Senate should abdicate their Constitutionally assigned roles of deciding whether the conduct of a Federal judge rises to the level of a high crime or misdemeanor and warrants the Judge's removal, and should instead defer to the Department of Justice on this issue. Judge Porteous maintains that impeachment and removal may only proceed upon conduct that resulted in a criminal prosecution, no matter how corrupt the conduct at issue, or what reasons explain the Department's decision not to prosecute. Judge Porteous provides no support for this contention because there is none—that is not what the Constitution provides.

Indeed, the Senate has by its prior actions made it clear that the decision as to whether a Judge's conduct warrants his removal from Office is the Constitutional prerogative of the Senate—not the Department of Justice—and the existence of a successful (or even an unsuccessful) criminal prosecution is irrelevant to the Senate's decision. The Senate has convicted and removed a Federal judge who was acquitted at a criminal trial (Judge Alcee Hastings). The Senate has also convicted a Federal judge for personal financial misconduct (Judge Harry Claiborne) while at the same time acquitting that same Judge of the Article that was based specifically on the fact of his criminal conviction.<sup>1</sup> Thus, Judge Porteous's repeated references to what the Department of Justice did or did not do adds nothing to the Senate's evaluation of the charges or the facts in this case.<sup>2</sup>

Further, according to Judge Porteous, pre-Federal bench conduct cannot be the basis of Impeachment, even if that conduct consisted of egregious corrupt activities that was beyond the reach of criminal prosecution because the statute of limitations had run, and even if Judge Porteous fraudulently concealed that conduct from the Senate and the White House at the time of his nomination and confirmation. There is nothing in the Constitution to support this contention, and it flies in the face of common sense. The Senate is entitled to conclude that Judge Porteous's pre-Federal bench conduct reveals him to have been a corrupt state judge with his hand out under the table to bail bondsmen and lawyers. Such conduct, which, as alleged in Articles I and II, continued into his Federal bench tenure, demonstrates that he is not fit to be a Federal judge.

Finally, the notion that Judge Porteous is entitled to maintain a lifetime position of Federal judge that he obtained by acts that included making materially false statements to the United States Senate is untenable. Judge Porteous would turn the confirmation process into a sporting contest, in which, if he successfully were to conceal his corrupt background prior to the Senate vote and thereby obtain the position of a Federal judge, he is home free and the Senate cannot remove him.

## ARTICLE I

The House of Representatives denies each and every statement in the Answer to Article I that denies the acts, knowledge, intent