

when the power of Wall Street can overwhelm and overcome the determination of the American people to reform it, to get that cop back on the beat on Wall Street.

We will know tomorrow morning or tomorrow afternoon very early as to whether Wall Street's effort to thwart this Chamber's majority view that the Merkley-Levin reform be voted on—and a majority that would clearly adopt it—whether Wall Street succeeds or not we will know, at least short term, by about noon or 1 o'clock tomorrow afternoon.

I yield the floor.

#### TRIBUTE TO RICHARD MOE

Mr. REID. Mr. President, today I wish to recognize Mr. Richard Moe on the occasion of his retirement for the outstanding contributions he has made during his half-century career in American politics and the preservation of our Nation's rich heritage. On May 31st, he will retire as the National Trust for Historic Preservation's seventh president after 17 years of distinguished work and achievement. He will have been the longest serving president since Congress chartered that organization back in 1949 to protect some of the country's most important historic places.

His legacy, however, is not just limited to a litany of successes in the preservation of our most treasured historic and cultural resources. That stewardship alone is an accomplishment beyond measure because of the priceless value these places and objects provide us and subsequent generations of Americans into posterity. In honoring Richard Moe's decades of work, though, I would be remiss if I did not call attention to his great devotion to public service as well. Some of those years were spent right here in the Halls of the Senate when he worked for our esteemed former colleague, Walter Mondale. It would be difficult to understand his deep commitment to the Nation and its heritage, a hallmark of his presidency at the National Trust, without mentioning his dedication to serving the American people through those whom our voters have elected.

A native of Duluth, MN, Richard Moe graduated with a bachelor of arts degree in political science from Williams College in Massachusetts. He began his career in politics as administrative assistant to Minneapolis Mayor Arthur Naftalin in 1961 and then as administrative assistant to Minnesota Lieutenant Governor A. M. Keith until 1966. He studied law at the University of Minnesota and passed the Minnesota State bar in 1967. That same year, he became financial director of the Minnesota Democratic-Farmer-Labor Party, eventually rising to chairman, the second youngest in DFL's history. He held that post until 1972, when he joined the Washington office of Senator Mondale and served as his administrative assistant. In 1977, Richard Moe became Vice

President Mondale's chief of staff and a member of President Carter's senior staff where he undertook a number of special assignments on behalf of that administration. Following those years at the White House, he joined the Washington office of the New York law firm Davis, Polk & Wardwell and became a partner.

In 1993, he was selected president of the National Trust and forever changed the face of that important organization. Richard Moe's leadership there has taken the organization and the historic preservation movement into the 21st century. His first goal was to make it financially independent and strong. A major portion of the National Trust's funding used to come from the Federal Government. This is no longer the case. The National Trust now adheres to his more entrepreneurial focus on building relationships with private funders. As a result, and through two capital campaigns, the organization's endowment increased by \$200 million during his Presidency.

He has broadened the National Trust's original congressional mandate far beyond the red velvet cords of house museums and brought historic preservation into the full and diverse spectrum of the national public policy arena. When in 1993 the Manassas National Battlefield Park and the surrounding countryside were threatened by an incompatible theme park and commercial development, he rallied such opposition to sprawl, poor planning, and the loss of our country's open spaces that the proposal was defeated.

He has focused his organization's attention beyond the importance of just protecting the historic America we know that was built after Jamestown, and called attention to the earlier cultural and historic treasures of the first Americans on our great public lands. And as our national consciousness has turned increasingly toward protecting our environment and conserving precious resources, Richard Moe has led his organization's role in fostering a more sustainable country under the simple but powerful message that preserving and reusing historic buildings is the greatest form of recycling.

His passionate interest in history and especially the events of the Civil War led to a deep and personal commitment to the restoration of President Lincoln's Cottage just 3 miles north of this Chamber. Now, solely as a result of Richard Moe's vision, this once forgotten "Camp David" of President Lincoln, where one of our most respected and celebrated Presidents lived and worked, is open to the public for the first time.

In the midst of all these accomplishments, Richard Moe wrote a Civil War history in 1993, "The Last Full Measure: The Life and Death of the First Minnesota Volunteers," and coauthored "Changing Places: Rebuilding Community in the Age of Sprawl" in 1997.

In 2007, he was awarded the National Building Museum's Vincent Scully

Prize, which recognized his leadership in moving historic preservation into the mainstream of public policy and expanding the public's awareness of our heritage's stewardship. That same year he also received the American Historical Association's Theodore Roosevelt-Woodrow Wilson Award for Public Service. Let me add to the many acknowledgements such as these my gratitude to Richard Moe and that of the entire Senate for his indelible contributions to our American political life and for his unceasing care for our national heritage. I know that even in retirement, he will continue to serve the people of the United States and I wish him well.

#### HONORING OUR ARMED FORCES

LANCE CORPORAL JOSHUA M. DAVIS

Mr. GRASSLEY. Mr. President, I rise to recognize the sacrifice of a brave young Iowan, LCpl Joshua M. Davis, who died from wounds he received while supporting combat operations in Helmand Province, Afghanistan. He was 19 years old. Josh's loss will be felt very deeply in his hometown of Perry, IA, where his drive and leadership skills were recognized early on as a member of the football and wrestling teams and SkillsUSA. He was determined to serve his country and joined the Marine Corps right after high school, even graduating a trimester early to start basic training. Accounts describe Lance Corporal Davis as humble, but his sense of patriotism and service humbles me and makes me proud to be an Iowan. Learning about the life of this remarkable young man makes the knowledge of his tremendous sacrifice all the more poignant. My thoughts and prayers will be with his family at this time, including his father Dave, his mother Beverly, and all those touched by his loss. I cannot adequately express the debt of gratitude we owe, but I ask all Senators to reflect on, and pay tribute to, the life of a great American, LCpl Joshua Davis.

#### IN SUPPORT OF JUDGE EDWARD CHEN

Mr. INOUE. Mr. President, I rise to speak in support of Edward Chen, nominee for Federal judgeship in the United States District Court for the Northern District of California. Judge Chen has been a respected Federal magistrate judge for over 8 years. He is held in high regard by his judicial colleagues and by the attorneys, litigants, and witnesses who have appeared before him, including non partisan prosecutors and law enforcement officials. Judge Chen has issued hundreds of rulings in accordance with the rule of law, and without bias or unfairness. He has facilitated the fair settlement of hundreds of cases, ranging from complex business disputes to civil rights claims. For these reasons, Judge Chen received

the highest possible rating of “well qualified” from the American Bar Association.

Given his wide support from the legal community, and his record of fairness, what could prevent the U.S. Senate from confirming this outstanding jurist’s appointment to the District Court of the Northern District of California?

I am in the opinion that nothing should prevent it. But elements of the extremist media have launched cynical attacks against Judge Chen. Unarmed by facts, accusers resort to tired smears that Judge Chen is a “radical leftist,” someone “who doesn’t appear to love America.”

But these charges are completely without basis. Those interested in the true picture of Judge Chen’s work and outlook need only look at his actual 8-year record on the Federal bench. I believe that this record is exactly where discussions of his nomination should focus in our Senate Chambers, where good judgment should prevail. Judge Chen has written over 300 published opinions, and what those opinions show is a judge who is committed to the rule of law. He follows case precedent. He checks any personal views at the courthouse door, and rules impartially in each and every case. His decisions reveal a belief in fairness to all.

Judge Chen, like so many others, values diversity in the Federal judiciary. Judges from different backgrounds bring varied life experiences to the court, and this diversity of background and experience helps foster balanced and accurate decisionmaking according to the rule of law.

Judge Chen’s belief in the value of diversity is joined also by Supreme Court Justice Samuel Alito. During his 2006 confirmation hearing, Justice Alito stated, “When I get a case about discrimination, I have to think about people in my own family who suffered discrimination because of their ethnic background or because of religion or because of gender. And I do take that into account” in reaching balanced and accurate decisions. Justice Clarence Thomas underscored this very point in his statement about the importance of broad representation in the judiciary: “My goal is to have a court that is fair, and I think it’s fair when we are fair in selecting people from all parts of the country, from all walks of life.”

I believe Judge Chen brings valuable experience and a solid record of judicial fairness to the Federal court. He is faithful to the rule of law. He is committed to impartiality and equality for all. I believe that upon fair and honest consideration by my Senate colleagues, Judge Chen and his judicial record will earn approval. Judge Chen has my full support and deserves to be confirmed by the Senate without delay.

#### REQUEST FOR CONSULTATION

Mr. COBURN. Mr. President, I ask unanimous consent that my letter to

Senator MCCONNELL dated May 18, 2010, be printed in the RECORD.

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

U.S. SENATE,  
MAY 18, 2010.

Hon. MITCH MCCONNELL,  
*Senate Minority Leader, U.S. Senate, Washington, DC.*

DEAR SENATOR MCCONNELL: I am requesting that I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding H.R. 1741, the Witness Security and Protection Grant Program Act of 2009. In short, although I support the goals of this legislation and believe that witness security and protection is essential to the effective administration of justice, I do not believe that the federal government bears responsibility for witnesses in state and local courts. My concerns about H.R. 1741 include, but are not necessarily limited to, those outlined in this letter.

As you know, I am extremely concerned about the Nation’s fiscal well-being. The national debt is nearly \$13 trillion and rising, which amounts to almost \$42,000 owed by each U.S. citizen. Moreover, Congress recently raised the national debt ceiling by nearly \$2 trillion, and the federal government borrows 41 cents for every dollar that it spends. This dire situation demands that Congress address its spending addiction and adhere strictly to the enumerated powers defined by Article I, Section 8 of the U.S. Constitution.

Providing basic services such as witness security and protection in state courts is the obligation of the states. Budgets everywhere are tight, but state and local governments—like the federal government—must set priorities and eliminate wasteful spending in order to ensure that the highest responsibilities are fulfilled.

Although the Nation’s debt crisis demonstrates that Congress no longer has the luxury of funding anything other than the highest federal priorities, I would note that federal dollars are already available for the same purposes contained in H.R. 1741. Those funding sources are as follows:

Edward Byrne Memorial Grant Programs—One of the seven permissible purposes of Byrne/JAG funds is “crime victim and witness programs” (P.L. 109162). Significant amounts of federal dollars are available through this program. In FY2009, Congress provided more than \$2.5 billion in JAG funding, and in FY2010, Congress provided \$519 million for the same programs. In addition to this JAG funding, which is awarded on a formula basis, Congress provided a total of \$178.5 million in FY2009 and \$185.3 million in FY2010 in Byrne “discretionary” funding. This money, totaling \$363.8 million, was awarded in the form of congressional earmarks. Competitive funding was limited to \$30 million in FY2009 and \$40 million in FY2010. In total, the federal government sent approximately \$3.4 billion to state and local law enforcement through Byrne grant programs in the last two fiscal years alone. To the extent that states need federal funding for witness protection and security, it would seem that there is ample funding available and that they should consider prioritizing such projects in their requests and budgets.

U.S. Marshals—Current law, 18 U.S.C. §3521, authorizes the Attorney General to provide for relocation and other protection of state witnesses, as well as their family members or close associates, in certain circumstances. That law allows the Attorney General to provide relocation and other protection for state witnesses, as well as their family members or close associates, where

there is concern for a witnesses’ safety. It allows for, but does not require, reimbursement by the State (18 U.S.C. 3526(b)(1)).

Community-Based Justice Grants for Prosecutors Program—Existing law, 42 U.S.C. §13862, already authorizes federal grants for state and local governments to “create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.” This authorization, enacted in 2008, has never been appropriated. Although it remains my belief that Congress lacks both the resources and the responsibility for funding such programs, it should be noted that the statutory authority to provide for state witness protection already exists.

I regret that I am unable to support H.R. 1741. Again, I share concerns for the safety of citizens who participate in our justice system. I believe, however, that the Nation’s skyrocketing debt demands that Congress make tough spending choices. Where responsibility lies with state and local governments to provide a service, and especially where federal money is already available, I cannot consent to spending additional taxpayer dollars for the same purpose.

Sincerely,

TOM A. COBURN, M.D.,  
*United States Senator.*

#### NATIONAL HEPATITIS AWARENESS MONTH

Mr. JOHNSON. Mr. President, I rise today in recognition of National Hepatitis Awareness Month to raise awareness of this public health threat and encourage greater prevention, diagnosis and treatment efforts.

Viral hepatitis is a highly infectious disease that directly attacks the liver and, if left untreated, can lead to life-threatening cirrhosis of the liver, liver failure and liver cancer. The Centers for Disease Control and Prevention—CDC—estimate that roughly 5 to 6 million Americans are infected with viral hepatitis. Yet these chronic infections are silent killers, as those who are infected experience no obvious symptoms until advanced liver damage has occurred after years without treatment. Consequently, up to 50 percent of Americans infected with hepatitis B and 75 percent of Americans infected with hepatitis C are unaware of their disease. Without appropriate screening and management of the disease, viral hepatitis carriers can pass on the infection to others before suffering a premature death from liver cancer or liver disease.

Similar to the human immunodeficiency virus—HIV—hepatitis B and C are spread through infected blood and needles. Despite awareness campaign efforts from advocacy groups and the CDC, there continues to be nearly 50,000 new infections each year in the United States, resulting in 15,000 deaths from chronic viral hepatitis-related diseases. While continued education and outreach is vital to discourage risky behaviors that expose individuals, it is only one part of preventing further spread of hepatitis.

Perhaps most disturbing is the incidence of hepatitis B and C transmission