

Not so long ago, Republicans Senators contended that a nominee's judicial philosophy was irrelevant. All that should matter, they claimed, was that the nominee was qualified, had gone to elite schools, and had good character. Well, Solicitor General Kagan excelled at Princeton, Oxford, and Harvard Law School. As I have mentioned, she was the first woman to serve as Dean of Harvard Law School in its 193-year history, and was respected and admired for her inclusiveness. She is the first woman to serve as Solicitor General of the United States in that office's 140-year history. Throughout her career, no one has questioned her character or her integrity. She obviously meets and exceeds the qualifications standard previously espoused by the Senate Republicans.

Now they apparently want to examine something else, which they will call her "judicial philosophy" or "independence". But it is not her philosophy, judgment, or her independence that matters to them. What they really want is assurance that she will rule the way they want so that they will get the end results they want in cases before the Supreme Court. Lack of such assurances was why they and the conservative right wing vetoed President Bush's nomination of Harriet Miers, the third woman to be nominated to the Supreme Court in our history and the only one not to be confirmed. They forced Ms. Miers to withdraw even while Democrats were preparing to proceed with her hearing. They do not want an independent judiciary. They demand Justices who guarantee the results they want, and that is their ideological litmus test.

I reject the ideological litmus test that Senate Republicans would apply to Supreme Court nominees. Unlike those on the right who drove President Bush to withdraw the nomination of Harriet Miers, and those who opposed Justice Sotomayor, I do not require a Supreme Court nominee to swear fealty to the judicial approach and outcomes ordained by adhering to the narrow views of Justice Scalia and Justice Thomas. I expect judges and Justices to faithfully interpret the Constitution and apply the law, and also to look to the legislative intent of our laws and to consider the consequences of their decisions. Based on the review I have made of Solicitor General Kagan's career, I say frankly that I expect she and I will not always agree. I do not agree with every decision Justice Stevens has written, but I have such enormous respect for his judgment, this giant in the law.

I do not always agree with Justice O'Connor, nor with Justice Souter. I have my disagreements with some of Justice Kennedy's decisions. But I have never regretted my vote in favor of their confirmation, because I respect their independence.

I said only half facetiously when President Obama asked me: Why did some come out against Elena Kagan

within minutes of her nomination, before they knew anything about her? I said: You have to understand, if you would have nominated Moses, the law-giver, some of those same people would oppose.

The former First Lady Laura Bush was asked recently about President Obama's nomination of Elena Kagan and she said: I think it's great. I'm really glad that there will be three [women serving on the Supreme Court] if she is confirmed.

When Justice O'Connor was asked about the nomination she said that she was "pleased" that Solicitor General Kagan seemed "very well qualified academically" and should be confirmed and that "it's fine, just fine" that she is without prior judicial experience. Over the weekend Justice O'Connor elaborated saying: "There is no reason you should have served on the Federal court bench" before becoming a Justice. She had not. Justice Scalia went even farther on that score, saying recently that he was "happy to see that this latest nominee is not a Federal judge—and not a judge at all".

The American people elected the first African-American President, and he is a leader who is committed to the Constitution and rule of law. With his initial selection to the Supreme Court, he named Justice Sonia Sotomayor, the first Hispanic to serve on the High Court. She was confirmed last year and has been a welcome addition to the Supreme Court. Now he has nominated only the fifth woman in the Nation's history to the Court, a nominee who can bring the number of women serving on the Court to an historic high-water mark of three from the time just a little over a year ago when it was just down to one.

This month Justice Stevens will be leaving the Court after nearly 35 years of dedicated public service. The Nation owes him a great debt. When I visited with him earlier this year, Justice Stevens shared with me the note from President Ford in which he recounted that he was prepared to allow history's judgment of his presidency to rest on his nomination of John Paul Stevens to the Supreme Court. I hope that President Obama can look at his Supreme Court appointments, long after his presidency has ended, and feel the same way about his nominees that President Ford felt about Justice Stevens.

#### RECOGNIZING NORTHEASTERN NEVADA HISTORICAL SOCIETY MUSEUM

Mr. REID. Madam President, I rise today to congratulate the Northeastern Nevada Historical Society Museum on their acceptance to the American Association of Museums' Museum Assessment Program. The Northeastern Nevada Historical Society has been serving Nevada for 54 years, preserving its history and educating communities. Through participation in the

Museum Assessment Program, MAP, the museum will undertake extensive improvement projects for the benefit of the entire community.

The Northeastern Nevada Historical Society Museum, located in Elko, is the only museum in Elko County and the largest museum in northeastern Nevada. The museum houses two history galleries, three art galleries, archives, a theatre, a gift shop, and an extensive library collection. The exhibits range from "Murray" the mastodon, a set of 2-million-year-old mastodon bones discovered in northern Nevada, to modern abstract paintings. Every year 18,000 people from all parts of the country visit the museum. Children from five counties make field trips here to learn about Nevada, wildlife, and history. The museum also runs educational programming and hosts community events, making it one of northern Nevada's most treasured establishments.

Last year, the Northeastern Nevada Historical Society was accepted into the prestigious Museum Assessment Program, which is an intense yearlong improvement process with three phases. In the first phase museums receive guidance from the American Association of Museums, AAM, in the form of written documents to help them assess their own effectiveness and areas for improvement. In the second phase, the museum is peer-reviewed through a visit by a surveyor. Together, the museum staff and surveyor design an improvement plan for the museum, which is implemented in the third phase of the program.

The dedicated staff at the historical society worked tirelessly throughout the first few months of this year to complete the self-assessment portion of the MAP program. Recently, they received a visit from a surveyor, with whom they developed a thorough museum improvement plan. Throughout this process, the historical society has shown the utmost dedication to meeting the highest standards in museum excellence.

I am very thankful to the Northeastern Nevada Historical Society Museum for its work preserving Nevada's history. I have lived in Nevada all of my life and have been deeply influenced by our unique culture and history. The historical society aims to capture this culture and history and share them in a way that is engaging and educational. I am pleased to see that the American Association of Museums has recognized this goal and will be supporting the Northeastern Nevada Historical Society Museum in furthering it. The museum's commitment to the communities it serves is evidenced by its choice to participate in such a rigorous improvement program. I commend the Northeastern Nevada Historical Society for its dedication and look forward to its contribution to Nevada's communities for many years to come.

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

to the Senate minority leader regarding the Global Food Security Act, S. 384, printed in the CONGRESSIONAL RECORD.

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

U.S. SENATE,  
May 27, 2010.

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

DEAR SENATOR MCCONNELL: I recently objected to a unanimous consent request to pass S. 384, the Global Food Security Act.

As you will recall, I sent a letter to the entire Senate at the beginning of this Congress in which I outlined four basic principles that would give me cause to object to any legislation that violated them. Among them are the principles that any new spending commitment authorized must be paid for by reducing spending in other areas of the federal budget and that any new programs or initiatives should not duplicate existing ones.

Along these lines I have two primary concerns with S. 384. First, according to the Congressional Budget Office, this bill will cost taxpayers \$6.5 billion; yet, the legislation provides no offset to avoid increasing our national debt, which recently reached \$13 trillion.

Second, it appears several components of S. 384 may overlap with existing federal programs and authority relating to agricultural assistance and research. For example, S. 384 creates the Higher Education Collaboration for Technology, Agriculture, Research and Extension program (HECTARE), which authorizes research and teaching activities for academic exchanges for students, faculty, extension educators, and school administrators. However, according to the Congressional Research Service, this section overlaps with several programs at the Department of Agriculture (USDA). Specifically, USDA already has research, extension and teaching activities authorized in Section 1458 of the 2008 farm bill. Other farm bill programs, such as the Competitive Grants for International Science and Education Programs (Sec. 1459A), the Borlaug International Agricultural Science and Technology Fellowship Program (Sec. 1473G), and the Cochran Agricultural Fellowship Program for Middle Income Countries, Emerging Democracies and Emerging Markets (Sec. 1543) also authorize USDA to carry out the kinds of activities that would be funded by the HECTARE program.

Additionally, this bill adds new provisions and authority for conservation farming and other sustainable agriculture techniques. At the same time, USAID already operates the Sustainable Agriculture and Natural Resource Management Collaborative Research Support Program, which American universities carry out to support sustainable agriculture research and natural resource management internationally. USAID also operates the Consultative Group on Program, which American universities carry out to support sustainable agriculture research and natural resource management internationally. USAID also operates the Consultative Group on International Agricultural Research (CGIAR), which is an alliance of international agricultural centers that mobilizes science to benefit the poor by promoting conservation and sustainability of natural resources and biodiversity. Further, the USDA's Natural Resources Conservation Service conducts an International Technical Assistance program. Through this program, the U.S. provides technical assistance internationally to enhance conservation and management of natural resources. Finally, one

component of USDA's Foreign Agricultural Service's mission is to provide food aid and technical assistance in foreign countries.

The statutory authorities to implement these initiatives already exist. Congress should conduct better management of programs already authorized rather than create new ones as outlined in S. 384. The past failures of Congress to streamline federal programs where appropriate have resulted in a vast expansion of our government, often to the detriment of taxpayers and in violation of the principles set forth in the U.S. Constitution.

During this time of national economic unrest, Congress must do the hard work of paying for its commitments rather than passing along debt to future generations and risking financial collapse. Additionally, Congress must first evaluate existing programs to eliminate or consolidate overlapping functions before it creates new programs or embarks on new initiatives.

Please do not hesitate to contact me with any questions you may have. Thank you for your service to our country.

Sincerely,

TOM A. COBURN,  
U.S. Senator.

#### RECOGNIZING AMBASSADOR JEAN KENNEDY SMITH AND VSA

Mr. DODD. Madam President, I wish to recognize VSA, the International Organization on Arts and Disability. VSA is an affiliate of the John F. Kennedy Center for the Performing Arts, and was founded in 1974 by Ambassador Jean Kennedy Smith—a pioneering leader in the area of access and inclusion in the arts for children with disabilities. For over three decades, she has blazed the trail for VSA to become the preeminent international organization on arts and disability. As a result of Ambassador Smith's tireless efforts and sustained vision, VSA is changing perceptions all over the world about people with disabilities. Each year, 7 million people of all ages and abilities participate in VSA programs in dance, music, drama and the visual arts.

Ambassador Smith and VSA have created an extraordinary network of educational resources, programs, festivals, and services that bring the arts into the lives of individuals of all ages—with and without disabilities. VSA programs occur in schools, community centers, hospitals, performing arts centers, art galleries, and college and university campuses. They involve teacher and artist training programs, the development and distribution of educational resources, and performance and exhibition opportunities for individuals of all ages. Through the development, implementation, and dissemination of model programs and initiatives, VSA helps acknowledge the importance of the arts in academic and vocational achievement for individuals of all abilities. These programs operate in all 50 states and in 51 countries around the world.

From June 6 to 12, more than 2,000 people will convene in Washington, DC, to celebrate Ambassador Smith's vision and to share their talents and accomplishments with all of us. From the

Kennedy Center, to the Smithsonian Institution, the Shakespeare Theatre Company, Union Station, AFI Silver Theatre and Cultural Center, and many venues in between, performances and exhibitions will showcase the work of these outstanding artists and provide first-rate entertainment to residents of the Washington metropolitan area as well as visitors from around the world.

Among the professional artists who will lend their talents to this extraordinary gathering are world-renowned artists Dale Chihuly, Dame Evelyn Glennie, Patti LaBelle, Salif Keita, Marlee Maitlin and architect Michael Graves.

As part of the festival, hundreds of educators, policymakers, parents, and disability advocates will convene for the International VSA Education Conference, which will feature sessions that provide participants with tools and resources to advance inclusive education in their own communities.

Countless individuals have worked tirelessly for many years to create and expand the diverse programming and rich history of VSA. The leadership that Ambassador Jean Kennedy Smith has provided for more than 35 years has inspired those efforts and made these many accomplishments possible. The 2010 International VSA Festival is a tribute to her and to those individuals who embraced her vision and shared her passionate belief that all people should have the opportunity to participate in the arts. In honoring VSA and the work done by Ambassador Smith, we recognize the magnitude of her mission, and the importance of the arts not only for individuals with disabilities, but in all of our lives.

#### HONORING OUR ARMED FORCES

STAFF SERGEANT EDWIN RIVERA

Mr. DODD. Madam President, today I have a heavy heart to mark the passing and commemorate the life of SSgt Edwin Rivera, a native of Waterford, CT, who lost his life in Afghanistan last week at the age of 28.

Staff Sergeant Rivera, the only son of middle-class Puerto Rican parents who came to Connecticut in the 1970s, graduated from Waterford High School in 2000. And they were proud of young Edwin, who served his first deployment in 2006, even as they missed his presence.

"The center of the family shifts back to my house when Edwin is gone," his mother said.

He was gone for 15 months, not the promised 12. And when he came home, he was changed by what he had seen. But he soon became the lively, committed family man, seeing his two sons, Rolando and Lorenzo, off to school, working at the Millstone nuclear powerplant, starting a new life with his wife Yesenia.

Last summer, however, he told his mother that he still thought about the sad faces of the children he had seen in Afghanistan, the children who couldn't