

they were in the Senate majority, 1990, 1994, 2002, or in the Senate minority, 1982. Senate Republicans, by contrast, have shown an unwillingness to consider judicial nominees of Democratic Presidents, 1996, 2009, 2010.

Over the last recess, I sent a letter to Senator MCCONNELL and to the majority leader concerning these matters. In that letter, I urged, as I have since last December, the Senate to schedule votes on these nominations without further obstruction or delay. I called on the Republican leadership to work with the majority leader to schedule immediate votes on consensus nominations—many, like that finally being considered today, I expect will be confirmed unanimously—and consent to time agreements on those on which debate is requested. As I said in the letter, if there are judicial nominations that Republicans truly wish to filibuster—after arguing during the Bush administration that such action would be unconstitutional and wrong—then they should so indicate to allow the majority leader to seek cloture to end the filibuster. It is outrageous that the majority leader will be forced to file cloture petitions to get votes on the North Carolina, Tennessee and other nominees.

After this confirmation, there will still be 22 judicial nominees favorably reported by the Judiciary Committee being stalled from Senate consideration by the Republican leadership.

The PRESIDING OFFICER (Mr. KAUFMAN). Under the previous order, the question is, Will the Senate advise and consent to the nomination of Gary Scott Feinerman, of Illinois, to be U.S. District Judge for the Northern District of Illinois?

Mr. LEAHY. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mrs. GILLIBRAND), the Senator from South Dakota (Mr. JOHNSON), the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. SANDERS), the Senator from Michigan (Ms. STABENOW), and the Senator from Oregon (Mr. WYDEN), are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from New Hampshire (Mr.

GREGG), the Senator from Florida (Mr. LEMIEUX), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alabama (Mr. SHELBY), the Senator from Louisiana (Mr. VITTER), and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 0, as follows:

[Rollcall Vote No. 201 Ex.]

YEAS—80

Akaka	Durbin	Lugar
Alexander	Ensign	McCain
Barrasso	Enzi	McCaskill
Baucus	Feingold	McConnell
Bayh	Feinstein	Menendez
Begich	Franken	Nelson (NE)
Bennet	Graham	Nelson (FL)
Bingaman	Grassley	Pryor
Boxer	Hagan	Reed
Brown (MA)	Harkin	Reid
Brown (OH)	Hatch	Risch
Bunning	Hutchison	Roberts
Burr	Inhofe	Rockefeller
Cardin	Inouye	Schumer
Carper	Isakson	Sessions
Casey	Johanns	Shaheen
Chambliss	Kaufman	Snowe
Coburn	Kerry	Specter
Cochran	Klobuchar	Tester
Collins	Kohl	Thune
Conrad	Kyl	Udall (CO)
Corker	Landrieu	Udall (NM)
Cornyn	Lautenberg	Warner
Crapo	Leahy	Webb
DeMint	Levin	Whitehouse
Dodd	Lieberman	Wicker
Dorgan	Lincoln	

NOT VOTING—19

Bennett	Johnson	Shelby
Bond	LeMieux	Stabenow
Brownback	Merkley	Vitter
Burr	Mikulski	Voinovich
Cantwell	Murkowski	Wyden
Gillibrand	Murray	
Gregg	Sanders	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Hawaii.

Mr. AKAKA. Madam President, I ask unanimous consent to speak as in morning business.

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

REMEMBERING SENATOR ROBERT C. BYRD

Mr. AKAKA. Madam President, I rise to pay tribute to Senator ROBERT C. BYRD, my mentor, supporter, and good friend.

Senator BYRD was the dean of the Senate, our foremost constitutional scholar. No one in the history of our country served longer in Congress.

For more than a half century, ROBERT C. BYRD kept the Senate in line. He always kept a copy of the Constitution in his jacket pocket, close to his heart. He was meticulous, a master of the rules of this historic institution.

Through hard work and dedication, Senator BYRD became an institution himself.

When I joined the Senate 20 years ago, to my great fortune, Senator BYRD took me under his wing. He guided me through procedural rules and taught me how to preside over the floor. I still have the notes he gave me when I was a freshman Senator. He was adamant that the Presiding Officer should always be respectful of the speakers, while maintaining strict adherence to the rules of the Senate.

Senator ROBERT C. BYRD was a patriot who cared for and loved this country, the United States of America. He worked hard for the people of West Virginia, who showed their support for him election after election.

Senator ROBERT C. BYRD was a spiritual man. Each week a number of Senators got together for a morning prayer breakfast. Senator BYRD was a regular participant when he was well. His favorite hymn was "Old Rugged Cross." I enjoyed singing it with him many times.

We shared a love for music and the arts. His fiddle playing was legendary.

He loved his family. He loved his children and grandchildren. He loved his dogs. Closest always was his wife Erma who was always by his side until her death in 2006. They spent many wonderful years together, and now they are together again.

My thoughts and prayers are with the Byrd family.

Senator BYRD, we love you and we miss you.

Thank you very much, Madam President.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I ask unanimous consent to speak as in morning business.

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

USE OF IEDS IN AFGHANISTAN

Mr. CASEY. Madam President, I rise tonight to speak about the war in Afghanistan, but on a particular subject. In particular, I wish to speak about the terribly destructive force of improvised explosive devices. These improvised explosive devices, known by the acronym IEDs, represent the single greatest threat to the United States and coalition forces in Afghanistan. The impact of this deadly tool of war has been felt in my home State of Pennsylvania, and I know so many of our colleagues have had not only loved ones in some cases but constituents who have lost their lives because of IEDs. In Pennsylvania, we have lost marines, soldiers, and National Guard troops to this insidious threat.

In the first 4 months of 2010, incidents of IEDs in Afghanistan increased 94 percent over a comparable period in the previous year according to the United Nations.

In 2009, more than 6,000 IEDs were discovered, the vast majority of which

used ammonium nitrate as their main explosive ingredient. This is the No. 1 killer of United States and coalition forces. In 2009 alone, 275 American troops were killed by IEDs. In addition to the lethality of IEDs, they have a tremendously demoralizing effect on our troops. Just the threat of IEDs forces troops to move at a slower pace and take away their focus from the mission at hand.

Ammonium nitrate bombs, often crude wood and graphite pressure-plate devices buried in dirt lanes or heaps of trash, are very difficult to detect.

Americans remember, unfortunately, the deadly power of ammonium nitrate from its use by Timothy McVeigh in the 1995 Oklahoma City bombing which killed 168 Americans. It can be used, as we know, as a fertilizer as well as an explosive in the mining and construction industry. Its use in the United States is tightly restricted. President Karzai of Afghanistan has rightly recognized the threat and has banned its use as a fertilizer. Afghan troops and police, supported by ISAF forces, have begun a concerted effort to crack down on its proliferation, distribution, and sale. On Wednesday, ISAF reported that 11 tons of ammonium nitrate were seized by Afghan forces supported by NATO troops. These 11 tons would have been enough to build more than 500 IEDs—IEDs that could have been used to kill NATO forces, Afghan troops, and civilians.

The Afghan Government appears committed to this fight and has enacted the appropriate legal measures and enforcement efforts. But ammonium nitrate is still ubiquitous in Afghanistan due to smuggling along supply routes from its neighbors, particularly along Pakistan's tribal belt where smuggling is a way of life. The Los Angeles Times newspaper reported last month that as much as 85 tons of ammonium nitrate is smuggled into Afghanistan from Pakistan in a single night, a shipment that could yield more than 2,500 bombs. Even as we heard recently that 11 tons were intercepted, this published report says that 85 tons can be smuggled in a single night.

Along with seven of my colleagues—Senators LEVIN, REED, SNOWE, WEBB, KYL, MCCASKILL, and KAUFMAN—I have submitted a resolution calling for continued support for and increased efforts and focus by the Governments of Pakistan, Afghanistan, and the central Asian countries in that region to effectively monitor and regulate the manufacture, sale, transport, and use of ammonium nitrate fertilizer in order to prevent criminal groups, insurgents, and terrorist organizations from transporting ammonium nitrate into Afghanistan where it is used in these improvised explosive devices.

I am committed to highlighting this threat and supporting United States and international efforts to crack down on the proliferation of precursor chemicals such as ammonium nitrate.

The Joint Improvised Explosive Device Defeat Organization—JIEDDO—which includes coalition partners from the United Kingdom, Canada, and Australia, has led an impressive effort to combat IEDs at every step in the process. The U.S. Immigration and Customs Enforcement Agency will soon commence Project Global Shield, which is an unprecedented multilateral law enforcement operation aimed at countering the illicit diversion and trafficking of precursor chemicals, such as ammonium nitrate.

Pakistan has made efforts to contend with ammonium nitrate in large part because the threat has begun to impact the security of its country as well. Recent coordination between Pakistani civilian and military entities on the IED issue has been positive. The Government of Pakistan has formed an interagency national coalition IED forum. We are also beginning to see efforts at the local level, such as small-scale bans and regulations in the community of Malakand. I hope Pakistan expeditiously approves its draft legislation to better control explosive materials in the country and make a concerted effort at enforcement.

We must exercise extraordinary vigilance in stemming the unregulated flow of ammonium nitrate in this region because of its importance to U.S. national security interests, as well as, of course, to the lives of our troops.

The United States, together with our allies, must do everything we can to make it more difficult for our enemies to make IEDs. I am committed to this task for the long term. I also understand terrorists will resort to different strategies and different ingredients after we are better able to restrict the flow of ammonium nitrate. Implementing more robust and interdiction measures is important, but we also must do more to disrupt and dismantle terrorist and criminal organizations in making IEDs. This will involve multilateral engagement, regulatory measures, training, and technological efforts, building border control capacity, and other means as well.

There are a host of other ingredients terrorists can and probably will utilize in IEDs. But ammonium nitrate is what they are using today to kill scores of U.S. troops. We must do all that is in our power to ensure the job of making these bombs is made more difficult. When they shift tactics and use other ingredients, we will go after those too. Restricting the flow of ammonium nitrate is, in fact, a very difficult challenge. But we must do all we can to protect our troops on the ground across the world, but especially our troops in Afghanistan. There is no more important task at hand.

REMEMBERING SENATOR ROBERT C. BYRD

Mr. CASEY. Mr. President, I wish to offer a few words in remembrance of Senator BYRD. I will offer a longer

statement for the RECORD, but I wish to give a few thoughts now.

We do mourn his passing. We see at his desk today a reminder of his passing. To say that ROBERT BYRD was a towering figure in the history of the Senate does not begin to describe his impact, his influence and, indeed, the memory he leaves behind, the legacy he leaves behind for those of us in the Senate, for his home State of West Virginia, and I know for millions of Americans.

He was a strong advocate for not just his point of view but, more importantly, for the people of West Virginia. He arrived in the Senate in 1958—before I was born. I was pleased to have the opportunity and honor, the chance to serve with him a couple of years.

He was a strong advocate. He was also a remarkable orator. Even in the last couple years of his life when some thought he might have been slowing down a little, when he got the microphone, he could deliver a speech like no other. He was a tremendous orator who believed in what he was saying, believed in the traditions of the Senate but mostly, and most importantly, believed in fighting for the working men and women and the families of West Virginia.

We also knew him as a scholar—a scholar of not just this institution, maybe the leading scholar of all time when it comes to the institution of the Senate, but also as well as a constitutional scholar.

His was a life of commitment, of real fidelity, first and foremost I believe to his family. He spoke often of his wife Erma. In the portrait that is just outside the door, there are three items in his area of control in the picture. He has his hand on the Bible, the Scriptures, he has a copy of the Constitution, and a picture of his beloved wife Erma, about whom he spoke so often.

He was committed and had a life of commitment to his family and his faith. But he was also committed to the people of West Virginia for so many years, so many battles on their behalf and especially the families of West Virginia.

Of course, he also led a life of commitment and fidelity to the Constitution and knew it better than anyone I have ever met and certainly better than some of our more renowned constitutional scholars.

Of course, we know of his commitment to this institution, to the Senate. He loved this institution and wrote volume after volume about the Senate. We know that the multivolume work he did, the one volume in and of itself—hundreds of pages on the history of the Senate—is a compilation of speeches he gave on the floor of the Senate, some of them written out, but some of them he could give by memory.

We know of his capacity to extemporaneously talk about so many topics, whether it was history or poetry or Scripture or the history of the Senate.

We will miss his scholarship, we will miss his service, and we will miss his