

"a series of conversations about a wide range of options," as President Obama put it yesterday, but NATO Secretary-General Anders Fogh Rasmussen emerged from a meeting of defense ministers in Brussels on Thursday saying that "We considered . . . initial options regarding a possible no-fly zone in case NATO were to receive a clear U.N. mandate" (our emphasis). The latter isn't likely because both China and Russia object, but no doubt NATO will keep conversing about the "range of options" next week.

Even as opposition leaders were asking for help, U.S. Director of National Intelligence James Clapper told the world on Thursday that Gadhafi is likely to win in the long-term. The Administration scrambled to say this was merely a factual judgment about the balance of military power, but the message couldn't be clearer to any of Gadhafi's generals who might consider defecting: Do so at your peril because you will join the losing side.

We could go on, but you get the idea. When the U.S. fails to lead, the world reverts to its default mode as a diplomatic Tower of Babel. Everyone discusses "options" and "contingencies" but no one has the will to act, while the predators march.

This was true in Bosnia and Kosovo in the 1990s until the U.S. shamed Europe and NATO into using force with or without a U.N. resolution. And it has been true in every case in which the world finally resisted tyrants or terrorists, from the Gulf War to Afghanistan to Iraq. When the U.S. chooses to act like everyone else, the result is Rwanda, Darfur and now Libya.

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One difference in Libya is that the damage from a Gadhafi victory would not merely be humanitarian, though that would be awful enough. The only way Gadhafi can subdue Benghazi and the east now is with a door-to-door purge and systematic murder. The flow of refugees heading for Southern Europe would also not be small.

If Gadhafi survives after Mr. Obama has told him to go, the blow to U.S. prestige and world order would be enormous. Dictators will learn that the way to keep America from acting is to keep its diplomats and citizens around, while mowing down your opponents as the world debates contingencies. By the time the Babelers make a decision, it will be too late. This is a dangerous message to send at any time, but especially with a Middle East in the throes of revolution.

There is still time for Mr. Obama to salvage his Libya policy, though the costs of doing so are rising every day. Libya today is what a world without U.S. leadership looks like.

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REBEL LEADER: GIVE US A CHANCE

With the Libyan resistance in retreat, opposition leader Mustafa Abdul Jalil tells The Daily Beast's Fadel Lamen that his side needs a no-fly zone and a naval blockade to create a fair fight.

Muammar Gaddafi gave an official face to his diffused opposition on Thursday by placing a \$400,000 bounty on the head of Mustafa Abdul Jalil, Gaddafi's former justice minister who has now emerged as leader of Libyan National Transitional Council. And ever since, the dictator's forces have seemingly been trying to collect, overtaking city after city in the past few days, putting the rebels in full retreat.

The resistance's only hope seems to be some kind of intervention—most critically a no-fly zone, which the Arab League endorsed Saturday. That issue is expected to be taken up at the United Nations imminently, and Hillary Clinton is also flying east this week to meet with Jalil and other rebel leaders.

With that as a backdrop, The Daily Beast secured an exclusive interview with Jalil this weekend. He thanked the Arab League for their vote, terming it "a first and important step and a basis for an international decision." Regarding Gaddafi's issuance of the \$400,000 bounty against him (in doing so, the dictator labeled him an agent of the Italians, the British, and Libya's deposed royal family), Jalil refused to return the favor, saying only that "he has no place in Libya anymore, if he leaves now we will not pursue him . . . the council and the Libyan people have no choice but to fight Gaddafi till the end."

Jalil also touched base on the battlefield map, the makeup of the opposition, and the role of al Qaeda:

We have heard conflicting messages about international intervention, and whether the Libyan rebels want outside help or not. What is it that you want from the rest of the world?

We want a no-fly zone, and a naval blockade. Gaddafi has been using his air force and navy to destroy the country and all the cities. All we want is to have the international community level the playing field. We don't want boots on the ground. We can fight to liberate our own country with our own blood and that will be our honor.

We need the international community to recognize our council as the sole representative of the Libyan people. No Libyan so far disputed the legitimacy of the council except Gaddafi and whatever is left of this regime.

We need humanitarian help, like food and medicine. The lack of international decisiveness is sending Gaddafi and his gang the wrong message, it emboldened him and makes him feel free to commit more war crimes against the Libyan people.

We expect tough and hard days as the world saw what Gaddafi did in Zawiya and how he bombed the oil installations in Ras Lanuf. Gaddafi will use anything to stay in power and the Libyan people made the decision that he must go and genocide will be committed if the world community doesn't get its act together and help us.

Gaddafi's forces are clearly on the offensive, with the rebels in retreat. How do you evaluate the military situation right now?

What we see is not a war between two armies, but revolutionaries trying to free their country. They started peacefully but were attacked with violence and bullets, anti-aircraft machine-guns, and rockets and of course mercenaries. They are defending themselves and trying to free the rest of the country that is held hostage under Gaddafi.

The balance of power in the battlefield is not equal, but the sheer will of the Libyan people to rid the country of Gaddafi's regime, which like a cancer, requires sacrifice and blood like any other major surgery. We will prevail.

What about al Qaeda in Libya? Gaddafi blames the uprising on al Qaeda and there were several reports mentioning some kind of al Qaeda presence in Libya.

There is no al Qaeda in Libya. Gaddafi is using this as a scare tactic to create fear and distrust between us the international community, but the world learned a long time ago not to trust or believe Gaddafi. There is no place for al Qaeda in Libya, now or in the future. The Libyan people are moderate Muslims and do not subscribe to these extremist ideologies. Libya is and will be a moderate Muslim country where democracy and rule of law will be supreme.

The Libyan people suffered so much for over 41 years from Gaddafi's extremist ideology and will not replace it with anything but democracy and the rule of law. Libya is part of the Mediterranean basin and has a rich history and will always be a source of

moderation and stability. We will respect all international laws and cooperate with the world community and bring the respect and trust that Libya enjoyed with the rest of the world before Gaddafi's 41 years of darkness.

There have been many reports in the Western press about the lack of a central opposition. How did you come up with the council and does it represent the Libyan people?

The council derives its legitimacy from the local councils that were organized by the local revolutionaries in every village and city, political councils organized to administer the local people's affairs like providing services, food, law and order.

Each locality nominated representatives to be members in the National Transitional Council, according to their population ratio of the total Libyan population. The main role of the council is to represent the interest of the Libyan people locally and internationally. Members of the council were chosen with no regard to the political views or leaning.

How long will this council last?

The role will end with the end of Gaddafi's regime. A transitional government will be formed around the members of the crisis team, of whom we named only two of its members: Ambassador Ali Issawi and Omar al-Hariri, head of the military affairs. The council withheld names of members in other cities like Zawiya, Nalot, Musrata, Zentan, Zawara, Tripoli, Jado.

Given the unwieldy nature of such an organization, what's your decision-making mechanism?

We use wide consultations within and outside the council, we debate and discuss and try to reach consciences as we keep our goals. We don't suffer from any real disagreements or conflict within the council. We have developed several committees and teams to deal with legal, political, social, humanitarian, defense, oil, economy that we hope to become the seeds for the transitional government.

Should you prevail, what's your vision of the new Libya?

We are striving for a new democratic, civil Libya, led by democratic and civil government that focuses on economic development, building civil society and civil institutions and a multi-party system. A Libya that respects all international agreements, is good to its neighbors, stands against terrorism, with respect for all religions and ethnicities.

How would you the transition to a democratic Libya?

We will be seeking a smooth peaceful transition, with a drafting of a new constitution that will lead the country to a free and fair legislative and parliamentary elections as well as presidential election. No member of the transitional council will have the right to run for any of these elections. There will be peaceful conference of governance according to elections, under the observation of the international organizations.

TRAGEDY IN JAPAN

Mr. LIEBERMAN. Mr. President, I want to take a minute to say what came to my mind over the weekend about Japan. Prime Minister Kan of Japan described this earthquake and tsunami as the worst thing to happen to Japan since World War II.

I suppose what struck me and struck probably a lot of other Americans was, of course, Japan and the United States were at war with each other in World War II. Today, the U.S.-Japanese relationship is extremely close. I believe

we don't have a better, more steadfast ally in Asia than the Japanese people. It is part of why I hope the people of Japan understand that the people of the United States are with them at this moment in which they suffer so from this natural disaster, and we will do everything we can to help them.

They are a proud people, but now they can't handle this all alone. We want to help them. We are a proud people. I want to share with my colleagues a conversation I had with the gentleman who was serving in the American Embassy in Tokyo at the time of Hurricane Katrina. He told me yesterday the Japanese people lined up outside our embassy in Tokyo after they heard about, watched films of Hurricane Katrina, to offer help, whatever they could offer. One private citizen of Japan, unannounced, arrived at the embassy and wrote out a private check for \$1 million for Hurricane Katrina relief. This is the closeness of the relationship.

I hope and I am confident we will be as supportive of the Japanese people as they respond to this earthquake and tsunami and rebuild as they were to the people of the gulf coast in America in the aftermath of Hurricane Katrina.

I yield the floor.

THE PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, as the Senator from Arizona and the Senator from Connecticut have done eloquently in their ways, I wish to express on behalf of the people of Tennessee to the people of Japan our sympathy for the devastation they have experienced.

I applaud the administration and the American people for their immediate response to offer assistance, charitable aid, and search and rescue teams to find survivors. There is no more important two-country alliance than that of Japan and the United States. The former Ambassador Mike Mansfield used to teach that to all of us younger Governors during the eighties and nineties. We will stand with the people of Japan until they recover from this disaster.

There is a special relationship between the Japanese and Tennesseans because of the location of so many Japanese industries in our State over the last 30 years. As a result, Tennesseans have been reaching out to our friends and their families in Japan.

We should also commend the Japanese for their courage they have shown in dealing with the devastation and in particular with their level-headed response to the damage at their nuclear reactors at Fukushima Daiichi. In this age when instant communication can sometimes create misinformation and even panic, the Japanese leadership and nuclear scientists are working with organizations from around the world in responding to the danger and keeping the rest of the world informed.

This is the largest earthquake in Japan's recorded history—30 times more

forceful than the San Francisco earthquake of 1906 and 700 times stronger than the 2010 earthquake in Haiti. While the risk is by no means over and the events in Japan continue to evolve, the reactor safety systems so far appear to have done their job in withstanding the earthquake, tsunami, power loss, and explosions, and no other reactor containment structures seem to have been breached in these worst-case situations. The lessons that America can take away from this tragedy are this: Learn all we can from the Japanese experience to make the operation of American reactors as safe as possible.

Since the 1950s, the U.S. Navy has safely traveled more than 136 million miles on nuclear power. Today, 104 civilian reactors produce 20 percent of America's electricity and 70 percent of our clean electricity. That is without sulfur, without nitrogen, without mercury, or without carbon. No one has ever died from a nuclear accident at any of our commercial or Navy reactors.

Let me say that again. No one has ever died from a reactor accident at one of our Navy or commercial reactors.

Without nuclear power, it is hard to imagine how the United States could produce enough cheap, reliable, clean electricity to keep our economy moving and keep our jobs from going overseas.

Here is what we know about what has happened in Japan. We have all seen the video of the explosion of the building at Daiichi unit 1, now unit 3. I am sure many of us have thought those were reactors exploding. Fortunately, that is not what happened. A buildup of hydrogen gas in the secondary containment structures led to explosions which destroyed the buildings themselves but the primary containment structures inside appear not to have been compromised. To reduce the resulting increase in containment pressure, a relatively small amount of radioactive vapor has been dispersed into the atmosphere.

The Tokyo Electric Power Company has told us that the highest level of radiation detected onsite to date is 155.7 millirem per hour, and that has since been reduced to 4.4 millirem per hour. But what does that mean in regard to human exposure risk? To help put that in perspective, here are a couple of facts. The average American receives about 300 millirem of radiation exposure each year from naturally occurring sources, such as the Sun, and another 300 millirem of radiation exposure from medical applications, such as CT scans and x rays.

What did happen after the earthquake is that the ensuing tsunami crippled the backup electrical generators and batteries needed to keep cooling water circulating in the plants after they had been safely shut down. This ultimately led to use of the last line of defense emergency core cooling sys-

tem—flooding the entire containment vessel with seawater. While this pretty much assures that the reactors will not ever be used again, as long as the seawater continues to be pumped in, the possibilities of further damage ought to be halted.

People have been evacuated and authorities are taking every precaution, and that, of course, is what we wish to see. Despite one of the largest earthquakes in the world's history, with accompanying tsunamis, fires, and aftershocks—multiple disasters compounded one on top of the other—the primary containment at reactors near the epicenter appears not to have been breached and the radioactive venting appears to have been controlled and minimal.

This experience has brought back memories of the 1979 accident at Three Mile Island in Pennsylvania. Although we remember Three Mile Island as the worst nuclear accident in U.S. history, it is also important to remember that no one was hurt at Three Mile Island. As I said before, there has never been a death resulting from a commercial nuclear accident in American history. What happened at Three Mile Island was basically an operator failure. A valve failed, and when the automatic safety mechanism kicked in, the operators overrode it because they became confused by the number of alarms.

Three Mile Island completely changed the American nuclear industry. The Kemeny Commission, appointed by President Carter, analyzed the problems and made many recommendations, almost all of which have been put into practice. The valve that started the whole thing had failed nine times, but the manufacturer tried to keep it a secret. People in the nuclear industry then did not talk to each other. Now safety is a top priority of the nuclear industry. The Institute of Nuclear Power Operations collectively shares best practices to achieve the highest levels of safety, as well as reliability. Nuclear operators train for 5 years before they can take over in the control room. They spend 1 week out of every 5 to 6 weeks in a simulator honing their skills. The nuclear companies have special emergency teams that can be dispatched anywhere in the country at a moment's notice. A Nuclear Regulatory Commission inspector practically lives onsite. What is more, every reactor in the country is on the hook for \$112 million if something goes wrong at another reactor. As one can imagine, they watch each other very carefully.

I have talked with any number of Navy veterans who had experience with nuclear commands. One reason I am confident there have not been any nuclear reactor accidents in the nuclear Navy that killed anyone over the last half century is because the responsibility for the safety of that reactor goes right up to the captain of the vessel.

It was not the same at Chernobyl, the infamous 1986 Soviet accident.

Chernobyl involved 60 immediate deaths and radiation exposures that, according to the World Health Organization, may eventually result in 4,000 cancers. But Chernobyl was a completely different kind of accident and the result of different technology.

More than that, the Soviets had not built a containment structure at Chernobyl. The containment structures at these Japanese reactors—40 to 80 inches thick concrete and steel—appear, as we speak this afternoon, to have withstood an 8.9 magnitude earthquake, tsunami, power failure, and explosion.

There are gas and oil fires raging in Japan. Water and sewer systems are damaged. The possibility of disease and starvation is imminent. There are a great many things to worry about in addition to the problems with the Japanese reactors. There are tens of thousands of people still unaccounted for. Right now, the effort needs to be helping those who need help, containing further damage and risk, and getting Japan back up and running again. Then we can take the lessons learned from this earthquake and tsunami and apply them to make our nuclear plants as safe as possible and help the world do the same.

America's 104 nuclear reactors provide, as I mentioned earlier, 20 percent of our electricity, 70 percent of our clean electricity. Japan has 54 reactors and gets 30 percent of its electricity from nuclear. France gets 80 percent of its electricity from nuclear power. The United States invented nuclear power, but the Nuclear Regulatory Commission has not issued a construction license for a new reactor in more than 30 years. There are 65 reactors under construction around the world. However, only one of those 65 is in the United States, and that is the construction of a previously halted project by the Tennessee Valley Authority.

The Japanese and the French have surged into the lead in terms of nuclear power and are now being challenged by Korea and Russia on the international market. China, with 27 nuclear reactors currently under construction, will soon join them all.

Nuclear power today provides about 15 percent of the world's electricity. While there are always risks with every form of energy, it is important that we be clear about the risks each type of energy poses. But it is also important to remember that we do not abandon highway systems because bridges and overpasses collapse during earthquakes. The 1.6 million of us who fly daily would not stop flying after a tragic airplane crash. We cannot stop drilling after a tragic oilspill unless we want to rely more on foreign oil, run up our prices, turn our oil drilling over to a few big oil companies and all our oil hauling over to more leaky tankers. Mr. President, 34,000 people die in motor vehicle accidents every year, but we do not stop driving because we have to get our children to school and our-

selves to work. In all of these cases, when there are accidents, we do our best to examine the tragedies and make our continued operation and our lives as safe as possible. That is what we need to do here.

Our reactors in the United States are built to the highest standards in the world. The Chairman of the Nuclear Regulatory Commission said in a press briefing today:

Right now we believe that the nuclear powerplants in this country operate safely and securely.

The Chairman said:

Nuclear powerplants in the United States are designed to very high standards for earthquake effects. All our plants are designed to withstand significant natural phenomena, like earthquakes, tornadoes, tsunamis. We will take whatever steps are necessary to ensure the safety and security of nuclear powerplants in the country. But right now, we believe we have a very strong program in place.

"As we get more information from Japan," said the Chairman of the U.S. Nuclear Regulatory Commission, "as this immediate crisis ultimately comes to an end, we will look at whatever information we can gain from this event and see if there are any changes we need to make in our system."

The Deputy Secretary of Energy said:

Nuclear power has been a critical component of the United States energy portfolio.

The White House press secretary, on behalf of President Obama, said:

Nuclear power remains a part of the President's overall energy plan.

Despite the fact that there has never been a death as a result of the operation of a commercial American reactor or in our nuclear Navy, which has been using reactors in its ships and submarines since the 1950s, our goal should be to continue every effort to try to make certain the operation of our existing and new nuclear powerplants are as safe as possible.

For example, some have suggested that so-called passive cooling systems that operate on natural convection could prevent the problems that arose in Japan when the backup power to pump water was lost.

Nuclear power is a demanding but manageable technology. As we move forward, let us learn the proper lessons from this Japanese experience to make sure that in the United States and in the world, we are even better prepared for the unexpected events of the future.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF JAMES EMANUEL BOASBERG TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of James Emanuel Boasberg, of the District of Columbia, to be United States District Judge.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate, equally divided and controlled between the two leaders and their designees.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, today the Senate will finally consider a judicial nomination I have been talking about since last year. Judge Boasberg is one of four nominees to the vacancies that have plagued the district court for the District of Columbia, this Nation's Capital for some time. This is another of the nominations that could—and in my view should—have been considered and confirmed last year. Instead, it was unnecessarily returned to the President without final Senate action despite the nominee's qualifications and the needs of the American people to have judges available to hear cases in the Federal courts. The President has had to renominate Judge Boasberg, the Senate Judiciary Committee has had to reconsider him and now, finally, the Senate is being allowed to consider him.

I suspect the Senate will now confirm him unanimously or nearly so. Judge Boasberg has outstanding credentials. He was appointed to be a judge in DC by President George W. Bush in 2002. He has a wealth of experience, having presided over approximately 500 cases. He is a former assistant U.S. attorney, and received the highest peer review rating of well qualified from the Standing Committee on the Federal Judiciary of the American Bar Association.

Yet as we proceed with this nomination, Senate Republicans have objected to proceeding to the nomination of Amy Jackson. Both Judge Boasberg and Ms. Jackson were reported without opposition by the Judiciary Committee last year and, again, earlier this year. I have spoken about the vacancies in the District of Columbia on numerous occasions, including as recently as last week. I noted the criticism from Chief