

to improve the diversity of the programs geographically and otherwise so more States and individuals could participate. We also wanted to maintain a fair playing field so true small businesses could continue to compete for this very small but important percentage of overall R&D. We wanted to encourage exploration of high-risk, cutting-edge research.

As Dr. Charles Wessner said—the lead assessment adviser on this program—if every program you give money to is working, or every business you are awarding grants to works, you are not running your program correctly, Senators. Because this is high-risk early funding, where it is the most difficult funding for these businesses to receive. Obviously, once they show promise, there are any number of investors and capital out there looking right now for good investments, particularly right here in the United States. So at a certain point, at a certain level, with certain proven technologies, there is enough venture capital out there to take these programs to the next level. But what is not there right now is that first dollar, that early \$150,000 grant that says: We think you have something of promise. Go ahead and try it. They try it for a year or two, they come back, and they can get another \$150,000, up to \$1.5 million.

Eventually, it may collapse because it wasn't what people thought, and that money is lost. But the great news is that collectively, cumulatively, this program makes money for the taxpayer—it does not lose money—although not every grant is successful. We wouldn't want that. This is a fairly high-risk, early form of capital, but it is a smart use of taxpayer dollars, and that is why Senator SNOWE and I enthusiastically recommend it.

This program has been supported by every President. President Reagan was supportive, President Bush was supportive, President Clinton has been supportive, and now President Obama has signaled his support as well. So we are very proud to be able to present this.

Mr. President, I ask unanimous consent to have printed in the RECORD another report regarding the state of small business—not the entire report but some parts of it that are central to this debate, sponsored by Network Solutions, the University of Maryland, Robert H. Smith School of Business.

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

INTRODUCTION

The competitive health of America's small businesses is as low as it has been since the Small Business Success Survey began tracking at the onset of the recession. There continues to be a struggle to provide capital and find new customers, while there is an unprecedented lack of confidence in competing with big business. Yet, small businesses are starting to grow and return to the black. After reaching a low point in the summer, technology investment is on the rise and social media adoption continues to grow. Despite

poor competitive health now, owners are becoming increasingly optimistic about the economy and their future business success. Over a quarter plan to add staff in 2011, and if they carry out their plans, will create 3.8 million jobs.

Ms. LANDRIEU. Mr. President, this portion of the report says, interestingly enough:

After having reached a low point in the summer, technology investment is on the rise and social media adoption continues to grow. Despite poor competitive health now, owners are becoming increasingly optimistic about the economy and their future business success.

They have been taking this survey of small businesses since the recession started, and the report continues:

Over a quarter plan to add staff in 2011, and if they carry out their plans, will create 3.8 million jobs.

Again, it is the magic of small business. We have 27 million small businesses in America. If every one of them, obviously, created one additional job, that would be 27 million more jobs. And we could use it. That is not going to happen, but if even a portion of them added one job to their bottom line, we know they could have an impact. It is important for programs such as this and getting capital at their local bank, being able to access credit from credit cards, that have reasonable charges and transparent charges—which I am proud to have been a part of helping on—and it is getting access for new technologies to find a friend at the Federal Government who will step up and help them grow their business. We strongly recommend this program.

I am going to yield the floor at this time, but we do have several amendments that are pending, and we will have to organize those votes sometime this week. We have over 89 amendments that have been filed, but we are hoping some of the Members, if they do not feel they have to offer those amendments, will withdraw them. Some of them are not germane to this bill and we wish to keep this bill very focused on small business.

I do want to join Senator SNOWE in support of the repeal of 1099, which is represented by the JOHANNIS amendment, and Senator MENENDEZ may have a perfecting amendment to that, I understand, and I look forward to working with Senators JOHANNIS and MENENDEZ to get that regulatory burden lifted off the back of small business. It doesn't go into effect until 2012, but small businesses around the country are quietly alarmed, as they should be, in my view, regarding that additional paperwork that would be required. There is a fair amount of across-the-board support on both sides of the aisle for that repeal, and I hope we can get that done sometime this week as well, either specifically attached to this bill or parallel to this effort, because it is a very important effort for small businesses to get that new 1099 requirement repealed, as well as getting this bill passed.

Mr. President, with that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF MAE A. D'AGOSTINO TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK

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 Mae A. D'Agostino, of New York, to be United States District Judge for the Northern District of New York.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate equally divided in the usual form.

Mr. LEAHY. Mr. President, I thank the majority leader for scheduling this confirmation vote today. Mae D'Agostino has the distinction of being the first newly considered judicial nominee this year. Every judicial confirmation thus far this year was of a nominee who had been unanimously reported by the Judiciary Committee last year. Each of those nominations could, and in my view should, have been considered and confirmed last year before the Senate adjourned in December. Ms. D'Agostino appeared at a hearing in February, and her nomination to fill a judicial emergency vacancy on the Northern District of New York was reported unanimously earlier this month. Now she is being considered by the Senate. This is an example of what we can do. It should not take weeks and months for the Senate to consider nominees reported by the Judiciary Committee, particularly those who are consensus nominees.

Ms. D'Agostino is a native of Albany, New York, and has spent her career in private practice in the Albany area. In addition to her legal practice, Ms. D'Agostino has taught at Albany Law School and the Junior College of Albany. Once confirmed, Ms. D'Agostino will be the only woman currently serving, and only the second woman ever to serve, on the Northern District of New York Federal bench. I thank Senator SCHUMER and Senator GILLIBRAND for working with the President on this nomination. They have worked hard throughout the process. In addition to Ms. D'Agostino, there remain nine other judicial nominees awaiting final Senate consideration after having been

reviewed by the Judiciary Committee. Two of those nominations have twice been considered by the Judiciary Committee and twice reported with strong bipartisan support, first last year and again in February. They are Susan Carney of Connecticut to fill a vacancy on the U.S. Court of Appeals for the Second Circuit and Michael Simon to fill a vacancy on the district court in Oregon. Another has been reported favorably four times Judge Edward Chen of the Northern District of California. So in addition to the D'Agostino nomination to fill a judicial emergency vacancy in New York, there are nominees ready to be confirmed to fill two judicial emergency vacancies in California, another judicial emergency vacancy in New York, a judicial emergency vacancy on the Second Circuit, vacancies on the Federal and DC Circuit, a vacancy in Oregon, and two vacancies in Virginia. I expect the Judiciary Committee will consider and report additional judicial nominations this week, adding to the number of judicial nominees ready for final Senate action.

Recently the Judicial Conference of the United States reaffirmed its recommendation that two additional judgeships be added to the U.S. Court of Appeals for the Second Circuit given its workload. That is in addition to the two existing vacancies. Regrettably, the unnecessary delays in considering Susan Carney's nomination to fill one of those vacancies has left that court and the people it serves without much-needed resources. It has also given right-wing pressure groups the chance to launch unfounded attacks on Ms. Carney full of false accusations and innuendo. This is a nominee who had the support of a majority of the Republicans on the committee, and who should have been considered and confirmed last year. The Senate should take up her nomination, debate it and vote on it rather than allowing her record to be smeared. That would be the fair thing to do and the right thing to do. I hope we will do so soon.

Federal judicial vacancies around the country still number too many, and they have persisted for too long. Nearly one out of every nine Federal judgeships remains vacant. This puts at serious risk the ability of all Americans to have a fair hearing in court. The real price being paid for these unnecessary delays in filling vacancies is that the judges that remain are overburdened and the American people who depend on them are being denied hearings and justice in a timely fashion.

Regrettably, rather than reduce vacancies dramatically as we did during the Bush administration, the Senate has reversed course in the first 26 months of the Obama administration, with the slow pace of confirmations keeping judicial vacancies at crisis levels. Over the 8 years of the Bush administration, from 2001 to 2009, we reduced judicial vacancies from 110 to a low of 34. That has now been reversed, with vacancies first topping 90 in Au-

gust 2009 and staying above that level since. The vacancy rate we reduced from 10 percent at the end of President Clinton's term to less than 4 percent in 2008 has now risen back to over 10 percent.

In contrast to the sharp reduction in vacancies we made during President Bush's first 2 years, when the Democratically controlled Senate confirmed 100 of his judicial nominations, only 60 of President Obama's judicial nominations were allowed to be considered and confirmed during his first 2 years. Whereas the Democratic majority in the Senate reduced vacancies from 110 to 60 in President Bush's first 2 years, today judicial vacancies still number 96. By now, judicial vacancies should have been cut in half, but they have not been. We have not even kept up with the rate of attrition, putting at risk the ability of Americans to have a fair hearing in court.

The Senate must do better. The Nation cannot afford further delays by the Senate in taking action on the nominations pending before it. Judicial vacancies on courts throughout the country hinder the Federal judiciary's ability to fulfill its constitutional role. They create a backlog of cases that prevent people from having their day in court. This is unacceptable. That is why Chief Justice Roberts, Attorney General Holder, White House Counsel Bob Bauer and many others—including the President of the United States—have spoken out and urged the Senate to act.

We can consider and confirm this President's nominations to the Federal bench in a timely manner as the nomination before us today demonstrates. President Obama has worked with the New York home State Senators to identify this nominee, just as he has worked with Senators from both sides of the aisle to identify superbly qualified nominees in districts with vacancies. All the nominations on the Executive Calendar have the support of their home State Senators, Republicans and Democrats. All have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution.

During President Bush's first term, we proceeded to confirm 205 of his judicial nominations. We confirmed 100 of those during the 17 months I was chairman during President Bush's first 2 years in office and by this date in President Bush's third year had confirmed 112. So far in President Obama's third year in office, the Senate has only been allowed to consider 74 of his Federal circuit and district court nominees. We remain well short of the benchmark we set during the Bush administration. When we approach it we can reduce vacancies from the historically high levels at which they have remained throughout these first 3 years of the Obama administration to the historically low level we reached toward the end of the Bush administration.

I have thanked the ranking Republican on the Judiciary Committee, Senator GRASSLEY, for his cooperation this year. I see him taking credit for what he called "our rapid pace." I am encouraged by his commitment to "continue to move consensus nominees through the confirmation process." I am glad to see him echo my call to turn the page and end the days of tit for tat on judicial nominations. That is what I did from the first days of the Bush administration in spite of how President Clinton's nominees had been treated.

The committee's ranking Republican often points to the vacancies for which there are not nominees. Of course, some of that is attributable to a lack of cooperation with the White House by some home State Senators. Nonetheless, I agree with the Senator from Iowa that we can do little about confirming nominations we do not have before us. What we can do is proceed expeditiously with the qualified nominations the President has sent to the Senate.

I hope that it is a sign of progress that we are today proceeding to confirm a judicial nominee considered this year and reported earlier this month and hope that we can continue to work to restore regular order in considering judicial nominations. However, I would observe that it is nearly April and every judge confirmed so far this year could and should have been confirmed last year. Every one of them was unanimously reported last year and would have been confirmed had Republicans not objected and created a new rule of obstruction after midterm elections. We have long had the "Thurmond rule" to describe how Senator Thurmond shut down the confirmation process in advance of the 1980 Presidential election. Last year's shutdown was something new. I cannot remember a time when so many consensus nominees were left without Senate action at the midterm point of a Presidency. That new level of obstruction has contributed to our being so far behind and judicial vacancies having been perpetuated at so high a level for too long. I hope we can join together to make real progress.

I congratulate Mae D'Agostino and her family on her confirmation today.

Mr. GRASSLEY. Mr. President, I rise to speak on another of President Obama's judicial nominees. Tonight's vote to confirm Ms. Mae D'Agostino will be the 14th judicial nominee confirmed this Congress. It is the 10th judicial emergency filled this year.

Even though I gave an update to my colleagues just 11 days ago, when we had our last judicial nomination vote, I will give a short report on the status of judicial nominations. To date, we have taken positive action on 33 of the 60 judicial nominees submitted this Congress, or 55 percent. We continue to have nominations hearings every 2 weeks, and have favorably reported nominees out of committee at every weekly markup session.

Furthermore, nominees in committee continue to be processed much faster than those nominated by President Bush. On average, President Obama's district court nominees have only had to wait 66 days from nomination to their hearing. For President Bush's nominees, the wait time was nearly double, at 120 days. President Bush's circuit court nominees waited, on average, 247 days for a hearing. President Obama's nominees are receiving their hearing, on average, within 72 days.

Even with our rapid pace, the Federal courts still hold a vacancy rate of almost 11 percent. Yet 54 percent of the vacancies do not have nominees. While we are processing consensus nominees in a fair and thorough manner, we cannot lower the vacancy rate if no nominee exists.

The seat to which Ms. D'Agostino has been nominated, vacant since March of 2006, is categorized as a judicial emergency. This vacancy should never have been deemed an emergency. President Bush nominated not one, but two nominees to this vacancy during the 109th and 110th Congresses. First, Mary Donohue, who had served as New York State's Lieutenant Governor, was nominated in June 2006, 3 months after the vacancy occurred. Ms. Donohue's nomination languished in committee without a hearing or a committee vote for 435 days. Her nomination was withdrawn in September 2007. President Bush then nominated Thomas Marcelle to the seat. He waited 155 days in the Judiciary Committee and never received a hearing. The nomination was returned at the end of the 110th Congress. In sum, the seat had a nominee for 590 days, with no action. This is justice delayed. I would note that both candidates had a rating from the ABA of "Well Qualified."

It took President Obama over 20 months to finally nominate an individual to this vacancy. While I am disappointed this seat has been needlessly vacant for so long, I am pleased to support the nominee before us today.

Mae Avila D'Agostino received her B.A., magna cum laude, from Siena College and her J.D. in 1980 from Syracuse University College of Law. Ms. D'Agostino began her legal career in 1981 as an associate attorney at Maynard, O'Connor & Smith. In 1985, she was made a partner. In 1997, Ms. D'Agostino left Maynard, O'Connor & Smith to start her own firm D'Agostino, Krackeler, Maguire & Cardona, P.C., where she currently practices. Throughout her career, Ms. D'Agostino has primarily practiced in the area of defense litigation with a concentration on medical malpractice.

In addition to her legal practice, Ms. D'Agostino has also taught legal courses at the Junior College of Albany and Albany Law School. The ABA Standing Committee on the Federal Judiciary gave Ms. D'Agostino a unanimous "Well-Qualified" rating. Her nomination was reported by the Judiciary Committee by voice vote just 25 days ago.

I congratulate the nominee and wish her well in her public service as a U.S. district judge.

Mr. LEAHY. Mr. President, I congratulate Senator SCHUMER and Senator GILLIBRAND for their work.

The distinguished senior Senator from New York is on the floor. I am delighted to see him, and I would ask, when he is finished, if he asks for a quorum call, if he might ask to have it charged against both sides equally.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the chairman, and thank you, Mr. President.

First, I express my gratitude and thanks to the chairman of our Judiciary Committee, Senator LEAHY. Senator LEAHY has conducted his chairmanship, as head of the Judiciary Committee, with fairness and strength and honor, and he has tried to bend over backwards to get our colleagues on the other side of the aisle fair hearings and equality in a certain sense.

I regret that too many of our colleagues on the other side of the aisle are blocking judges. It is not fair and it is not right. I hope they would heed Senator LEAHY's call to avoid tit for tat and bring more judges to the bench.

(Mr. LEAHY assumed the chair.)

Mr. SCHUMER. As I said, I have not seen a chairman—now he is the Presiding Officer of the Senate for the moment—I have not seen a chairman try to be fairer and with more patience and more honor as chair of the Judiciary Committee than Senator LEAHY. I hope my colleagues will heed his call because he is trying to be as fair and down the middle as possible at a time when we have a record number of vacancies in too many of our circuits.

I rise today to express my full support for Mae D'Agostino, the nominee for the United States District Court for the Northern District of New York. I am very hopeful we will confirm her with overwhelming support tonight, and I agree wholeheartedly with Chairman LEAHY that we should proceed quickly to confirm the other nominees for the many long vacant seats across the country.

Mae D'Agostino's entire career is a tribute to her skill, her intelligence, and her pioneering spirit. When she is confirmed today, she will be the only woman sitting on the Federal bench in upstate New York, and only the second in the history of the region.

Mae D'Agostino has earned the distinction of being one of the most well respected and revered trial attorneys in the State of New York. When I suggested her name to President Obama, I was amazed—I knew she had a good reputation and, of course, I had interviewed her—I was amazed at the acclaim throughout the entire Northern District that nomination received. Mae D'Agostino's reputation as a fair-minded, honorable, practical lawyer is incredible. I am so glad she is here before us tonight, and I believe, should we

confirm her, she will be an outstanding judge. The capital region and the central New York area, as well as the north country, are sort of exultant. That is the word I use to describe Mae's possible ascension to the bench tonight.

She was born in Albany, NY, and graduated summa cum laude from one of the capital region's great institutions, Siena College, and then from Syracuse University School of Law. I would say to the Orange, we did not get into the Sweet Sixteen, but at least Mae D'Agostino is getting on the bench tonight. Right from the get-go, Mae established herself in private practice as a gifted and hard-working trial lawyer, taking cases ranging from medical malpractice to negligence to labor disputes.

She formed her own firm, D'Agostino, Krackeler, Maguire & Cardona in 1997, and has remained at the pinnacle of our State's legal profession ever since.

Along the way, she was inducted into the prestigious American College of Trial Lawyers, and she has won awards that are too numerous to list in full for her service to her alma maters, the community, and for her position as a role model for other women in the profession.

In 1992, Mae D'Agostino helped to organize an experimental program in which the Albany County court instructed parties in 420 cases to reach a settlement agreement or prepare for trial. The program resulted in 50 negotiators settling over 150 pending cases. This is exactly the kind of dedication and creativity we need from our judges.

I have always said that my three criteria in choosing people to recommend for judgeships are excellence, moderation, and diversity, and Mae fits all three of those to a T.

It is particularly fitting that Mae D'Agostino, a groundbreaking nominee of such impeccable judgment and intelligence, is the first of President Obama's new nominees to receive a confirmation vote this Congress. I hope and expect that as the Judiciary Committee moves through nominees under the leadership of Chairman LEAHY and Ranking Member GRASSLEY, we will be able to approve many more of them quickly.

We have the best and fairest judicial system in the world, but it depends on good judges to populate the bench. Especially when one in nine spots is vacant—let me repeat that: one in nine spots is now vacant—nominees with bipartisan support should not languish on the floor of the Senate.

Mae D'Agostino's confirmation is a big step in the right direction, and we all must work to make sure there are many more to follow.

This is a great day for Mae and her family, for the State of New York, and for our great Nation.

Thank you. Before suggesting the absence of a quorum, I ask unanimous consent that the time be equally divided between both sides of the aisle.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

Mr. SCHUMER. 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.

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

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

Ms. CANTWELL. Mr. President, I yield back all remaining time.

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

The question is, Will the Senate advise and consent to the nomination of Mae A. D'Agostino, of New York, to be United States District Judge for the Northern District of New York?

Ms. CANTWELL. 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 Hawaii (Mr. INOUE), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Nebraska (Mr. NELSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Missouri (Mr. BLUNT), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Illinois (Mr. KIRK), the Senator from Idaho (Mr. RISCH), the Senator from Louisiana (Mr. VITTER), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 46 Ex.]

YEAS—88

| | | |
|------------|------------|--------------|
| Akaka | Collins | Johnson (SD) |
| Alexander | Conrad | Johnson (WI) |
| Ayotte | Coons | Kerry |
| Barrasso | Corker | Klobuchar |
| Baucus | Cornyn | Kohl |
| Begich | Crapo | Kyl |
| Bennet | DeMint | Landrieu |
| Bingaman | Durbin | Lautenberg |
| Blumenthal | Ensign | Leahy |
| Boozman | Enzi | Lee |
| Boxer | Feinstein | Levin |
| Brown (MA) | Franken | Lieberman |
| Brown (OH) | Gillibrand | Lugar |
| Burr | Graham | Manchin |
| Cantwell | Grassley | McCain |
| Cardin | Hagan | McCaskill |
| Carper | Harkin | McConnell |
| Casey | Hutchison | Merkley |
| Chambliss | Inhofe | Mikulski |
| Coats | Isakson | Moran |
| Coburn | Johanns | Murkowski |

| | | |
|-------------|----------|------------|
| Murray | Sanders | Toomey |
| Nelson (FL) | Schumer | Udall (CO) |
| Paul | Sessions | Udall (NM) |
| Portman | Shaheen | Warner |
| Pryor | Shelby | Webb |
| Reed | Snowe | Whitehouse |
| Reid | Stabenow | Wyden |
| Roberts | Tester | |
| Rubio | Thune | |

NOT VOTING—12

| | | |
|---------|-------------|-------------|
| Blunt | Inouye | Risch |
| Cochran | Kirk | Rockefeller |
| Hatch | Menendez | Vitter |
| Hoeven | Nelson (NE) | Wicker |

The nomination was confirmed.

The PRESIDING OFFICER (Mr. MANCHIN). 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.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO LEE RHYANT

Mr. ISAKSON. Mr. President, I rise for a brief moment to pay tribute to a great career in aviation and aviation manufacturing in the State of Georgia and the United States. Tomorrow, Lee Rhyant, of Lockheed Martin in Marietta, GA, will retire at the age of 60, after giving the last 11 years of his life to that plant and overseeing the remarkable C-130J Super Hercules, the best selling transport aircraft in the history of aviation; of overseeing the completion of the first 187 F-22 Raptors, the stealth aircraft of the 21st century, the backbone of our Air Force; and then the development of the FA-35 Joint Strike Fighter, all being built in part or in whole in Marietta, GA.

Lee Rhyant has guided that process through difficult times and he stood up for the Air Force and he stood up for America and he stood up for those airlines, knowing they were the right thing for the American people to have to ensure our defense and our strength nationally.

I am sure, Mr. President, you have been to Iraq. I have been to Iraq, Af-

ghanistan. We have flown in the C-130s. I flew out of Baghdad 2 years ago on one C-130 that was built in 1969 in the Marietta, GA, plant. It is still flying today, a great airplane built by great men and women.

Lee Rhyant has been the leader of that great company at Lockheed Martin in Marietta for the last 11 years. He came there from Rolls Royce and has been a great leader in aviation throughout his 35 years in business—so great that 2 years ago, in 2009, he was selected the National Management Associate of the Year by the National Management Association, a tremendous credit that only 35 people have received in the past.

Lee is my friend; he is my neighbor; he is a great American. He has led a great company and a great community in Georgia. I rise tonight to pay tribute to his dedication, to his commitment, and, most of all, his compassion for the American people and for the defense of our country.

I wish him the best in his retirement, knowing that he has given to his country everything he could have given and earned every day of retirement he is about to receive.

I yield the floor.

ADDITIONAL STATEMENTS

RECOGNIZING THE 188TH FIGHTER WING

• Mr. BOOZMAN. Mr. President, today I honor the men and women of the 188th Fighter Wing for their dedication, perseverance and commitment to excellence.

The 188th—based in Fort Smith, AR—recently received the Air Force Outstanding Unit Award, AFOUA, for their accomplishments over a 2-year period, beginning in October 2008 and concluding in September 2010.

During that time, the 188th logged over 2,700 combat hours while staged in Kandahar, Afghanistan, in support of Operation Enduring Freedom. During the award period, the 188th also deployed 141 members for Expeditionary Combat Support for Operations Enduring Freedom and Iraqi Freedom as well as other contingency operations worldwide. The unit had an exceptional score on their Air Combat Command Unit Compliance Inspection in 2009, acing 534 of 537 inspected areas.

Perhaps the most amazing and inspiring part of this story was that just a few years ago, the 188th was slated to lose its flying mission. The 2005 Defense Base Closure and Realignment Commission, BRAC, recommended that the 188th be stripped of its flying mission and of their F-16 Falcons. The community rallied, and instead of losing its flying mission, the 188th earned a new one—the Flying Razorbacks emblem now emblazons A-10 Thunderbolt II Warthogs.

The unit quickly transitioned to the A-10s, beginning in 2007, before deploying approximately 300 Airmen and 6 of