

deposition concerning his knowledge of the confidential document were the same as his responses to written questions from Senator KYL following his hearing nearly a year ago, and the same as his responses to Senator LEE in written questions this February. At no time has there been a suggestion of wrongdoing by Mr. McConnell in this lawsuit.

Far from establishing that Mr. McConnell was untruthful with the committee, the deposition transcript obtained by the Committee after it was unsealed by the Court only further validates Mr. McConnell's account of his knowledge of this document. To believe that Mr. McConnell was untruthful with the committee, some Senators would have to disbelieve not just his answers to written questions from committee members, but also Mr. McConnell's sworn testimony as a witness being deposed in a lawsuit. Some Senators may feel strongly that Mr. McConnell and his firm were wrong to sue lead paint companies, but there is simply no basis believing that Mr. McConnell was untruthful with the committee. I reject those conclusions.

These Republican filibusters of district court nominations are unprecedented. The consequences for the American people and their access to justice in our Federal courts are real. I urge the Senate to reject these efforts and reject this filibuster.

Mr. President, I appreciate the courtesy of my colleagues in giving me the extra time, the distinguished senior Senator from Delaware and the distinguished Senator from Connecticut.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I am always happy to yield a little more time to the chairman of the Judiciary Committee.

COMMENDING THE NAVY SEALS

Mr. CARPER. Mr. President, I want to start off today—I did not plan on saying this; I am here to talk about small businesses and how to incentivize job creation and job preservation—but before I do that, I want to take a moment of personal privilege to talk about the Navy SEALs.

I am a retired Navy captain. I spent about 23 years of my life as a naval flight officer. Before that, I was a midshipman, a Navy ROTC midshipman out of Ohio State. We would do our summer tours as midshipmen being trained to be junior naval officers. One of our tours was down at Little Creek, where we learned a little bit about storming the beaches of Virginia and we learned how to become marines, or pretended we were. We also, later on, I guess as a lieutenant JG at Coronado, before we went over to Southeast Asia, had a chance to see—in both places, both the Little Creek Naval Station and over at the Coronado, North Island Naval Station—the Navy SEALs train.

I remember talking with some of my compadres who were going through training with us, saying: We would not want to mess with those guys—and for good reason.

They have made us proud. They have taken on an incredibly difficult task and I think handled themselves splendidly, and I want to start off today saying how proud we are of them.

JOB CREATION

Mr. CARPER. I am not quite as proud, however, when it comes to one of our responsibilities; that is, the responsibility to provide and nurture a climate for job creation and job preservation. I talk a lot with small business folks, and I talk in my work with people who run pretty big businesses. One of the things I have heard again and again—not just this year but last year and the year before—large businesses are making a fair amount of money these days and a lot of them are sitting on a pile of cash. When you ask them, why are you sitting on a pile of cash and not hiring people, what we hear from a lot of them—particularly large businesses—is businesses like certainty and predictability. In too many areas—areas we actually have something to do with—there is not the kind of predictability and certainty those businesses need.

For example, are we going to get serious about reducing our deficit? I hope so. I think the Deficit Commission, led by Erskine Bowles and Alan Simpson, gives us a pretty good roadmap to take \$4 trillion out of the deficit over the next 10 years. I hope in the end we will use that as a roadmap, not to use it with precision but to use it as a roadmap. But that is a big uncertainty.

The Tax Code. What about our Tax Code? We are running sort of a 2-year extension of the previous Tax Code, but that will end at the end of next year. What are we going to do about it? There is a lot of uncertainty there.

We have worked long and hard to try to pass health care legislation that is designed not just to extend coverage to people who do not have it but also designed to get us to better health care outcomes, to achieve better health care outcomes for less money, or at least better health care outcomes for the same amount of money.

We have the prospect of the Federal courts, with a number of litigations that are underway around the country, either at the circuit court of appeals level or maybe someday at the Supreme Court level, taking apart pieces of the health care bill. We need some certainty there, and we need the courts to act on it. I am not a lawyer, but some of my friends are, and some of them, who are a lot smarter than I am on these things, suggest that as far as they are concerned, this meets constitutional muster. We need an answer and we need to get on with it. To the extent we need to change the health care legislation to fix it and make it

better, let's do that. But there is a lot in the legislation that enables us to get better health care results for less money. We need to do more of what works.

There is a lot of uncertainty with respect to transportation policy, on the series of extensions of the transportation programs for this country.

The way it works, if you will, Mr. President: Looking at my podium here, we will say right here is the transportation trust fund, and right here in the middle is the general fund for our country, our Treasury, and over here on the other side is sources of capital from the rest of the world. We do not have enough money in our transportation trust fund over here to build transportation projects. We end up borrowing from the general fund right here, moving funds over to the transportation trust fund. Unfortunately, we do not have enough money in the trust fund to run the general government, so we go overseas and borrow money from everybody we can to replenish the general fund, in order to put money in the transportation trust fund. It is crazy, and it is one of the reasons why we have a big budget deficit. We have uncertainty. The transportation system in this country has been awarded a grade "D" as in "dealt," actually a grade "D" as in "decaying" because that is what is going on in our transportation system. I think things worth having are worth paying for. We need to get on with it. That is a source of uncertainty.

The last one is energy policy. As we see runups in energy prices—the price of fuel at the pump—people are wondering, What are we going to do about it? Part of what we tried to do is say, we want more energy efficient cars, trucks, and vans to be built in this country. We changed the CAFE legislation to raise the fuel efficiency standards for cars, trucks, and vans. So now, by 2016, the overall average has to be 36 miles per gallon—a huge increase from where it has been since 1975.

That is being ramped up, and that will help. But beyond that, we do not have, really, the kind of energy policy we need. That is another uncertainty.

So those are five reasons why large businesses, especially, sit on a pile of cash and are not hiring. One of our obligations is to address those uncertainties. My hope is we will do it. We actually got off to a pretty good start this year in a couple ways. No. 1, we passed the FAA reauthorization, the Federal Aviation Administration reauthorization. In doing so, we agreed on a revenue package—agreed to by the industry—to be able to modernize the air traffic control system—that is great—to be able to put some extra money toward airport construction—that is good as well—as part of our infrastructure system.

We passed in the Senate patent reform legislation. If the Presiding Officer from Montana were—and he is a very clever fellow, but if he invents or

thinks he has invented a product or technology, and he goes, under current law, to the patent office and files for a patent, I can come along, even if I had nothing to do with that technology or that product, and say I had that idea first and draw him into a lawsuit and maybe make it difficult for him to actually get his patent.

We changed that in this patent reform legislation. If he is the first one to file, then he is the first one to file, and a patent troll like me would not be able to get in the way and create mischief and simply maybe ultimately get bought out. So the idea of changing that is very encouraging.

We have a deficit reduction agreement for this fiscal year, which took about \$40 billion or so out of our spending, and that is encouraging.

We have actually another piece of encouraging legislation that I think passed by unanimous consent in the last Congress on small businesses and how to help small businesses do more innovative research and how to help them ease their ability to do technology transfer. I think it passed by unanimous consent last year.

And now, so far this year, we have been working on this legislation off and on since March, since the early part of March, and we have a whole lot of amendments that have been offered to the bill. One of them is from myself and Senator VITTER, Senator COBURN, and Senator MCCASKILL, Senator BEGICH, and a bunch of other people. It is not related to small business but it is certainly related to the deficit. What it does is—as the President mentioned in his State of the Union Address, we have thousands, maybe tens of thousands of pieces of surplus property the Federal Government owns that we are not using. We pay money to keep them secure. We pay money for their utilities, for their upkeep. We are not using them. We ought to sell them. We cannot give them away to State and local governments, homeless groups. We ought to sell them, at least get them off our books. That is going to be offered as an amendment to this small business bill. My hope is my colleagues will support it. Senator LANDRIEU, who chairs the Small Business Committee, and Senator SNOWE, who is the ranking Republican member—previously the chair—have worked on the underlying bill for something like 6 years—6 years. It passed, again I will say, I am pretty sure, last year, by unanimous consent. We need to get it done. My hope is that those of us who have amendments, especially those that are not controversial, will have an opportunity to offer our amendments to this bill, and then we need to move on.

It is interesting, if you look at small businesses, an inordinate number of scientists actually work for small businesses. Something like, I want to say, 40 percent of America's scientists and engineers actually are employed by small businesses. We have some studies that show the small business innova-

tion and research programs actually are responsible for something like 25 percent of our Nation's crucial innovations over the past decade and account for, again, something like 40 percent of America's patents.

For us to be successful in the 21st century, we need to, as the President likes to say, outeducate, outinnovate, and outcompete the rest of the world. Part of what we need to do is make sure we are creating a world class workforce, we are producing a world class infrastructure, and, finally, we are making sure we are making research and development investments that will lead to products that can be commercialized, ideas that can be commercialized, turned into products we can be making here in this country and selling around the world.

I think if we can somehow figure out how to resolve our differences so the people who want to offer amendments to this bill, especially noncontroversial ones, maybe they can be successful, and let's save the controversial stuff for another day. We may disagree on 20 percent. That is Senator ENZI's 80 percent/20 percent rule. Let's agree to the 80 percent and put it in the bill. The 20 percent that we don't agree on, let's work on that and save it and have additional hearings and deal with that later.

In the meantime, why don't we pass this bill. Why don't we make it easier for small businesses to get R&D money, to be able to do technology transfers. In some cases where that is noncontroversial, why don't we make that happen. If we do that, we can show the American people we can work together and get stuff done, and we will actually help small businesses get stuff done. We will help them make money and hire more people and, in the end, some of those people and businesses will pay more taxes, which will bring down the deficit. That is a pretty good outcome. It is worth pursuing.

I commend Senator LANDRIEU and Senator SNOWE for working on this legislation for 6 years. We need to put that good work to the vote and move on.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Mr. President, I thank the Senator from Delaware for those very important and insightful comments both on the Navy SEALs and on the small business legislation that is pending before this body.

Mr. President, as my colleague, the distinguished Senator from Delaware, has mentioned, over the last 36 or so hours, our Nation and its allies around the globe have rightly celebrated an extraordinary military triumph, a turning point, perhaps, toward peace: Osama bin Laden, the heinous mastermind of the 9/11 attacks, who murdered thousands of Americans, has been finally brought to justice.

We are rightly celebrating the extraordinary service, bravery, and skill

of the Navy SEALs who were the tip of the spear—an American military that has brought to justice one of the worst war criminals of our time.

We celebrate not only, of course, the Navy SEALs, but all of the men and women who have given their lives and their service over the past years, and their families. We celebrate also the intelligence community's support of this effort, which was so crucial.

Yet even as the celebration has been conducted, on one small beach in Connecticut this news was greeted with solace and somber remembrance. It is the beach at Sherwood Island, in Connecticut, which is home to the living memorial for the Connecticut victims of 9/11, a memorial to 152 victims of this tragedy, this murderous attack by the man who has now been brought to justice. It is a beautiful place—exquisitely and heartbreakingly beautiful. The skyline of New York is visible from this point, jutting out from Westport. The skyline of New York could be seen in flames on the day of 9/11. This place provided a staging area for many of the relief efforts that happened on that day and succeeding days. Now it is a place where the community of Westport, the State of Connecticut, and the world can remember that tragedy and the people who lost their lives. It is also the place where every year Connecticut gathers to honor their memories and their families.

Many come—as some did yesterday—with very mixed feelings. The recent news, while welcome indeed, brings forth anew the agony of their loss. I know there are mixed feelings because I talked, a short while ago, with Lee Hanson, who is the father of Peter Hanson. Peter, his wife Sue Kim and their daughter Christine Lee Hanson all lost their lives on that day. Christine was only two and a half years old. People came to that place yesterday and on many other days to pay their respects and reflect on the tragedy of 9/11. They have felt ambivalence, mixed feelings, and their grief is renewed. For them there is no celebration because the legacy of their loss remains.

At the memorial, on a granite marker in Westport, there reads the following:

The citizens of Connecticut dedicate this living memorial to the thousands of innocent lives lost on September 11, 2001, and to the families that loved them.

Today, while there are many voices who celebrate this victory—and rightly so—there are voices that are harder to hear, perhaps unheard: the victims and their families whose memory I wish to honor today. I wanted to take a moment of our time to recognize those that cannot speak, but in whose memory justice was served.

I ask unanimous consent to have printed in the RECORD the names of those 152 men and women from Connecticut who died on September 11, 2001, as they are recorded on the memorial that honors their legacy at Sherwood Island.

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

CONNECTICUT VICTIMS ON SEPTEMBER 11TH,
2001

FIRST ROW OF STONES (SOUTH OR LEFT LOOKING
TOWARD MONUMENT)

Richard M. Keane; Peter R. Kellerman; Stacey Leigh Sanders; Joshua Piver; Lawrence Getzfred; Jonathan J. Uman; Scott Thomas Coleman; Keith Eugene Coleman; Richard S. Gabrielle; Thomas M. Brennan; Ronald Gilligan; Jeffrey D. Bittner; John Fiorito; William J. Meehan, Jr.; Eskedar Melaku; Glenn Davis Kirwin; Joel Miller; Adam J. Lewis; Michael M. Miller; Steven Lawrence Glick; Eamon McEneaney; Craig William Staub; James Thomas Waters, Jr.; Frederick Varacchi; James Andrew O'Grady; Edward "Teddy" F. Maloney; Charles A. Zion; Michael J. Lyons; Amy King; Michael C. Farrou; Heather L. Smith; Raymond Joseph Metz, III; Jason E. Sabbag; Candace Lee Williams; Maurice Patrick Kelly; Peter Alan Gay; Stephen Lamantia; Thomas E. Galvin.

SECOND ROW OF STONES (SOUTH OR LEFT
LOOKING TOWARD MONUMENT)

Francis Henry (Frank) Brennan; Thomas Anthony Palazzo; James A. Greenleaf, Jr.; Mike A. Pelletier; Michael C. Rothberg; David H. Winton; Allen V. Upton; Peter C. Fry; Kevin P. Connors; Christopher William White Murphy; Madeline Sweeney; Cheryl Ann Monyak; Francis McGuinn; Ada Maason; Robert A. Lawrence, Jr.; Martin Phillips Wohlforth; Joseph A. Lenihan; Jesus Sanchez; Amy E. Toyen; Jeffrey David Wiener; Cesar A. Murillo; Gary E. Lasko; Margaret Quinn Orloske; Derek J. Statkevicius; Randy Scott; Lindsay S. Morehouse; Dianne Bullis Snyder; Sean P. Rooney; George E. Spencer, III; Christopher Orgielewicz; Garry W. Lozier; Gregory T. Spagnoletti; Jude Moussa; James Matthew Patrick; Sean Schielke; Tyler Ugolyn; Ulf Ramm Ericson; Juan Ceballos.

THIRD ROW OF STONES (2ND FROM RIGHT
LOOKING TOWARD MONUMENT)

Edwin J. Graf, III; Timothy John Hargrave; Christopher W. Wodenshek; Dolores Costa; Geoffrey W. Cloud; Edward T. Fergus, Jr.; Michael Egan; Bradley Fetched; Andrew Stergiopoulos; James D. Halvorson; John Bruce Eagleson; Edward Calderon; Margaret Connor; Peter Gelinias; Paul M. Fiori; Robert Higley, II; Robert W. Noonan; Michael Grady Jacobs; Patrick Danahy; Christopher Samuel Gardner; Robert Gerlich; John Works; Laurence Abel; John P. Williamson; Michael John Simon; Kiran Kumar Reddy Gopu; John Henwood; Judith Florence Hofmiller; Bradley H. Vadas; Bryan C. Bennett; Timothy M. O'Brien; Kevin Michael McCarthy; Thomas Edward Hynes; John F. Iskyan; H. Joseph Heller; Stephen P. Cherry; Edward Raymond Vanacore; Eric B. Evans.

FOURTH ROW OF STONES (RIGHT MOST ROW
WHEN LOOKING TOWARD MONUMENT)

Paul Curioli; Scott J. O'Brien; William Christopher Hunt; Alexander Braginski; Paul R. Hughes; Donald F. Greene; Pedry Grehan; Edward P. York; James J. Hobin; Ruth McCourt; Juliana McCourt; Osseni Mama Garba; William Hill Kelly, Jr.; Brian Thomas Cummins; Eric (Rick) R. Thorpe; Sandra Campbell; John B. Schwartz; Bennett Lawson Fisher; Mark Steven Jardim; Joseph John Coppo; Richard Peter Gabriel, Sr.; Allen Patrick Boyle; Christopher J. Blackwell, FDNY; Roger Mark Rasweiler; Evan Hunter Gillette; Peter Burton Hanson; Sue Kim Hanson; Christine Lee Hanson; Jean Destrehan Roger; Sean S. Hanley; Wilder A. Gomez; Robert Thomas Jordan; Wendy R.

Faulkner; Michael G. McGinty; Michele Heidenberger; Daniel Robert Nolan; James A. Gadiel; Thomas F. Theurkauf, Jr.

Mr. BLUMENTHAL. Mr. President, we should be ever mindful of the people whose lives have been changed forever. The families of the victims and survivors need our help. Their children may have grown. Some may have children of their own. Their lives have moved on. Some have come to peace. But their lives, like the lives of the emergency responders who ran into the buildings—the firefighters, the police—have been changed forever. Whether by maintaining a memorial in your community, helping to meet the needs of their children, or just listening to their voices, it is an honor to help those who have already given so much.

Many questions will arise in the days ahead over what will be the course of action for our Nation, but today let us give pause and reflect on how America's military has kept focused on justice for the victims of terror for almost 10 years. We have lost many servicemen and women in the line of duty and many more have been injured in this war. The lives of our veterans who have fought and served and sacrificed in the war on terror have been changed forever. We owe it to them to never forget as we celebrate this victory. We owe it to our veterans who have served and sacrificed to honor that service, not just in rhetoric but in deed. Our veterans have fought for a Nation that keeps faith with them.

We must make sure to leave no veteran behind in education, jobs, and health care—to provide for them what we have obligated and promised to provide. While we hope for peace from this day forward, we must do everything we can to support the brave American men and women in uniform and those of our allies whose relentless service and sacrifice have helped us to win this victory. So too do we support the brave first responders who are always poised, always ready, to respond when their city, State or the Nation calls. They should know they each have the thanks of a grateful Nation.

My hope is that the memory of the victims of 9/11 will bring us together in a time of unity and purpose just as that heinous act did on that day almost 10 years ago. The brutal murderers of September 11, 2001, hit the World Trade Center and hit the Pentagon, but they missed America, as was remarked at the time. They missed what makes America great. They brought us together in a time that we can remember with pride because it was a time of resolve and unity.

I hope the memory of those victims—the 152 from Connecticut and thousands more from around the country—as well as their families can bring us together now in a renewed sense of unity and purpose to face the challenges that lie ahead.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT
AGREEMENT—S. RES. 159

Mr. REID. Mr. President, I ask unanimous consent that at 2:15 p.m. today, the Senate proceed to consideration of S. Res. 159, which is at the desk; that there be up to 75 minutes of debate on the resolution equally divided between the two leaders or their designees prior to a vote on adoption of the resolution, with the final 10 minutes reserved for the two leaders, with the Republican leader controlling 5 minutes and the majority leader controlling the final 5 minutes; further, that upon disposition of the resolution, the preamble be agreed to; that there be no amendments in order to either the resolution or the preamble; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate, and that the Senate then proceed to a period for the transaction of morning business for debate only until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

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

Mr. REID. Mr. President, with this agreement, the vote on adoption of the resolution will occur at 3:30 p.m. today. I encourage Senators to vote from their desks. Senator MCCONNELL and I have talked about this important resolution. We ask everyone to be in their seats 10 minutes before 3:30 so we can vote at 3:30 in a dignified manner on this most important resolution.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

The PRESIDING OFFICER. The Senator from Maryland.

DEATH OF OSAMA BIN LADEN

Mr. CARDIN. Mr. President, late on Sunday evening, the world was told of news we had been waiting to hear for almost 10 years. Osama bin Laden was a murderer who devoted his life to the destruction of freedom, democracy, and our way of life. His death is an important milestone in the fight against global extremist violence and a relief to the millions of Americans and others around the world who have felt his murderous destruction.

I, first and foremost, wish to thank the military and the intelligence professionals who carried out this daring