

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Mary Elizabeth Phillips, of Missouri, to be United States District Court Judge for the Western District of Missouri.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Nevada (Mr. HELLER).

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

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 26 Ex.]

#### YEAS—95

Akaka	Gillibrand	Murkowski
Alexander	Graham	Murray
Ayotte	Grassley	Nelson (NE)
Barrasso	Hagan	Nelson (FL)
Baucus	Harkin	Paul
Bennet	Hatch	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Casey	Kyl	Shelby
Chambliss	Landrieu	Snowe
Coats	Lautenberg	Stabenow
Coburn	Leahy	Tester
Cochran	Levin	Thune
Collins	Lieberman	Toomey
Conrad	Lugar	Udall (CO)
Coons	Manchin	Udall (NM)
Corker	McCain	Vitter
Cornyn	McCaskill	Warner
Crapo	McConnell	Webb
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Feinstein	Mikulski	Wyden
Franken	Moran	

#### NAYS—2

DeMint Lee

#### NOT VOTING—3

Begich Heller Kirk

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on the Rice nomination.

The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise to support the nomination of Thomas Rice to the U.S. District Court for the Eastern District of Washington. He is one of our State's rising legal stars and has left his mark defending the community in which he was born. For nearly 25 years he served in the U.S. Attorney's Office in eastern Washington, and in that time he success-

fully prosecuted a variety of criminal cases to protect our eastern Washington communities. He has wide support from his peers and numerous accolades.

I hope my colleagues will support his nomination, making Gonzaga University, his alma mater, Spokane, and the State of Washington proud of his nomination.

The PRESIDING OFFICER. Is there further debate? If not, the question is, Will the Senate advise and consent to the nomination of Thomas Owen Rice, of Washington, to be United States District Judge for the Eastern District of Washington?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Nevada (Mr. HELLER).

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

The result was announced—yeas 93, nays 4, as follows:

[Rollcall Vote No. 27 Ex.]

#### YEAS—93

Akaka	Gillibrand	Murkowski
Alexander	Graham	Murray
Ayotte	Grassley	Nelson (NE)
Barrasso	Hagan	Nelson (FL)
Baucus	Harkin	Paul
Bennet	Hatch	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Johanns	Roberts
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Johnson (WI)	Rubio
Burr	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Sessions
Carper	Kyl	Shaheen
Casey	Landrieu	Shelby
Coats	Lautenberg	Snowe
Coburn	Leahy	Stabenow
Cochran	Levin	Tester
Collins	Lieberman	Thune
Conrad	Lugar	Toomey
Coons	Manchin	Udall (CO)
Corker	McCain	Udall (NM)
Cornyn	McCaskill	Vitter
Crapo	McConnell	Warner
Durbin	Menendez	Webb
Enzi	Merkley	Whitehouse
Feinstein	Mikulski	Wicker
Franken	Moran	Wyden

#### NAYS—4

Chambliss Isakson  
DeMint Lee

#### NOT VOTING—3

Begich Heller Kirk

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table. The President will immediately be notified of the Senate's action, and the Senate will resume legislative session.

The Senator from New Jersey.

#### MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY—Continued

The PRESIDING OFFICER. The Senator from New Jersey.

#### REMEMBERING CONGRESSMAN DONALD PAYNE

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to a long-time friend from New Jersey. It is a sad day for all of us from New Jersey who knew Congressman DONALD PAYNE from north New Jersey, and I pay tribute to my colleague who died this morning after a battle with colon cancer.

Congressman PAYNE was the first African American from New Jersey to be elected to Congress. He was a trail-blazer and a fine leader, one of the finest our State has ever known. For more than two decades, Congressman PAYNE served New Jersey with distinction, but the whole world benefitted from his leadership. He was a proud son of Newark and became an expert on foreign relations and led efforts to restore democracy and human rights around the world, including places as far away from one another as northern Ireland and Sudan. President Clinton chose Congressman PAYNE to accompany him on his historic tour of Africa in 1998.

The Congressman also worked hard. He secured more than \$100 million to treat victims of malaria, tuberculosis, HIV and AIDS, and stopped the spread of these diseases in Africa's poorest nations.

Three years ago, against the State Department's advice, Congressman PAYNE went to Somalia to see the turmoil there for himself, narrowly escaping with his life when insurgents launched a mortar attack near his airplane when he was leaving.

The Congressman also helped with passage of a resolution declaring the killings in Darfur as genocide and raising global awareness of these travesties.

At home Congressman PAYNE was a tireless advocate for his constituents. He brought significant economic development to counties in New Jersey, including Essex, Hudson, and Union. He was a former schoolteacher and was a leader on education. He worked hard to close the achievement gap, with making college more affordable and bringing more equity to school funding. Congressman DONALD PAYNE was a man of conscience and conviction.

I knew him for many years, and I was always struck by his soft-spoken demeanor, and that kind of made him a rarity in politics. But Congressman PAYNE knew he didn't need to raise his voice; his ideas were powerful enough. The Congressman put it best when he said: "There is a lot of dignity in being able to achieve things without having to create rapture."

As I mentioned, DONALD PAYNE was a teacher in the Newark public schools, and Newark was a poverty-stricken city. His mission was to inspire young people to use education in their lives to



achieve opportunity. The people of New Jersey sent him to Washington for the first time in 1988, and they continued sending him back by overwhelming margins for the next 22 years. He became an inspiration to many, including members of his family who followed him into careers in public service.

But most of all, DONALD PAYNE was an inspiration to the people he served. He gave them hope. He gave them some ideas of what they could make of their lives. His voice sounded important and deliberate enough to convince people to try harder, and he did succeed many times.

In 1988, during his first campaign for the House, Congressman PAYNE told a reporter: "I want to be a role model for the kids I talk to on the street corners." He used to see a lot of them. He worked hard within his congressional district. He said: "I want to see there are no barriers to achievement."

DONALD PAYNE achieved this goal. An entire generation of New Jerseyans has come of age knowing and respecting Congressman DONALD PAYNE. He has undoubtedly inspired many young New Jerseyans to enter public service, and I expect we will one day see some of them walking the Halls of Congress and following in DONALD PAYNE's footsteps, but today these Halls feel empty without his presence.

I am going to miss DON PAYNE. We will mourn his absence from our lives, but we will also take comfort in the knowledge that his legacy will endure for a long time to come, way beyond his life. We thank him at this time for all of the good he did and that he brought to our people and our State.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

#### INDIANA TORNADO DAMAGE

Mr. COATS. Mr. President, I wish to speak as in morning business on a matter that affects a lot of Hoosiers. I do so with a great sense of heartfelt condolence to all who have suffered from the tragic storm and tornadoes that swept across the southern part of our State this past Friday, gratitude for all of those who responded in such a wonderful way to address this situation, and deep pride for the people of Indiana for how they have come together to help one another. Mother Nature's unforgiving force Friday afternoon, changed the lives of many Hoosiers. Imagine, if you would, a stretch of land extending for nearly 50 miles, between a quarter of a mile and a half mile wide, with everything in its path destroyed by tornadoes that touched down and moved with such unimaginable force.

Most of us from the Midwest are used to tornadoes that usually jump around and take out a shed here, a barn there, maybe a home, in perhaps a short stretch of space, but I have never seen—and most have never seen—a tornado that touches down and stays down for miles and miles with 175 mile-per-

hour winds crushing everything in its path. On Sunday, I flew over the path of the tornadoes and walked on the ground and saw a site of total destruction. Every home and every business in that path destroyed. Every open field was strewn with debris. Some debris carried for miles before it was deposited. Every tree was stripped bare and flattened, every car or truck within that path damaged with either softball-sized hail or turned upside down by 175 mile-per-hour winds. A house miraculously still intact was picked up off its foundation and moved 100 yards east.

Several rural towns—small rural towns in southern Indiana—were totally destroyed by the force of nature. A high school of more than 1,100 students now lies in complete shambles. Buses stationed at the schools and cars were hurled into the buildings across the street. An entire family—mom, dad, and children—were killed just because the storm hit seconds before they were able to reach the steps leading down to the basement.

Yet, through all of these devastating images, I saw and heard firsthand stories of heroism, generosity and resolve that I will always remember:

Two schoolbus drivers who made a split-second decision to turn around and get the kids off the bus and into a shelter—both of those buses were totally destroyed just moments later. The first responders, local police, fire, and rescue teams who searched for victims, helped the injured and did everything they could to offer support in light of this tragedy; neighbors who rushed in to help the injured, citizens from nearby towns and counties who poured into the area offering food and drink and shelter; people saying: Do you have a place to stay? Do you have something to eat? What can we do to help? Former strangers became immediate friends.

On Sunday morning, as I walked through what was the town of Henryville, I witnessed a remarkable scene: displaced homeowners picking through the rubble of their homes trying to recover lost memories and precious keepsakes; one man planting an American flag on the rubble of his former home. I was deeply moved by the indomitability of the American spirit, a spirit still so alive and well in a time of tragedy.

Soon the first responders will be returning home, if they haven't already, from a job well done, to wait for the next call to action while the State and Federal assessment teams begin the process of restoration. Piece by piece, day by day, the people of Indiana will rebuild their homes, their churches, their schools, and their communities destroyed by these tornadoes. One woman captured the feeling of Hoosiers' best when she turned to me while standing on the remains of what used to be her home and said: We will go on. We will recover. We will make it right again.

I am asking all Americans to keep Hoosiers, Kentuckians, and all of the

victims of these tragic storms which raced through the Midwest in their thoughts and prayers. I ask all Americans to remember how quickly life can change, but also to remember the American spirit which compels us to reach out and help a neighbor in trouble.

I am going to continue to work with Indiana Governor Daniels, his homeland security team, the administration, and FEMA to make sure Hoosiers and the communities impacted are receiving the help they need.

We will never be able to replace the lives of those lost from Mother Nature's destruction, but Hoosiers will come together to rebuild one day at a time. It is the Hoosier way, and thank goodness it is still the American way.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the order now?

The PRESIDING OFFICER. The Senate is considering the Transportation bill.

Mr. KERRY. Thank you, Mr. President.

#### TALK HAS CONSEQUENCES

Mr. President, several of us in the Senate have run for the office of President of the United States. Two of us have been our party's nominees, and dozens of others have played major roles in tough campaigns. So none of us in the Senate are strangers to the rough and tumble of American politics. I think we all understand on a personal level what the humorist said at the turn of the century when he wrote: "Politics ain't beanbag." One has to have a thick skin and a strong backbone to survive in this business. One has to be able to take a punch and deliver one, and we all understand that.

So it is not as an innocent that I come to the floor today to say that I was troubled—deeply troubled—to read an op-ed in this morning's Washington Post by the likely Republican nominee for President Mitt Romney. It was an attack on the administration's Iran policy, and it was as inaccurate as it was aggressive.

Every candidate for the Oval Office has the right to criticize the President. But, particularly this week, while Prime Minister Netanyahu is in Washington meeting with the administration to determine the road forward that might mean the difference between war or a diplomatic solution—particularly at that moment when so much is on the line, we all ought to remember that the nuclear issue with Iran is deadly serious business, and it ought to invite sobriety and serious-minded solutions, not sloganeering and fiction and sound bites.

I don't think we should allow Iran to become another party's applause line on the Presidential stump. Talk has consequences, particularly when it is talk about war, and talk of war only helps Iran and others at this moment, by increasing the price of Iranian crude



oil that pays for its nuclear program. To create false differences with the President just to score political points does nothing to move Iran off a dangerous nuclear course. Worst of all, Governor Romney's op-ed does not even do readers the courtesy of describing how a President Romney would, in fact, do anything different from what President Obama and this administration has already done. So if we are going to disagree, let's at least disagree responsibly—and honestly.

So examine the op-ed I am talking about. From the very opening paragraphs, Mr. Romney garbles history. Going back to the Iranian revolution, he calls President Carter "feckless," saying he did nothing for over a year while Iranian revolutionaries held Americans captive. In fact, it was the months of President Carter's negotiations, leading up to an all-night session of negotiation—the very night before the inauguration of President Reagan on January 20—that actually freed the hostages.

I bring up the hostage crisis for another reason, because when those helicopters went down in the desert during the failed rescue attempt in 1980, the United States not only lost the opportunity to get our people back sooner but President Carter fundamentally lost any chance he had at reelection. Notwithstanding that reality, notwithstanding the lesson of Desert One and those helicopters that crashed and the failed mission—notwithstanding that—President Obama, whom Governor Romney calls "the most feckless President since Carter," threw that lesson out the window, knowing if he attempted to go into Pakistan and failed he would probably lose his chance at reelection—notwithstanding that, he authorized the gutsy and dangerous raid in Pakistan that finally killed Osama bin Laden.

Despite everything that could have gone wrong with that raid, the mission was ordered with confidence, executed with courage, and the man who plotted the September 11 attacks was finally held accountable for the murder of thousands of Americans. George W. Bush may have said, "Wanted: Dead or Alive," but it was President Obama who delivered.

I don't know if Governor Romney has checked the definition of the word "feckless" lately, but that raid ain't it.

The rest of Romney's argument doesn't get any better. In fact, he goes on to propose action after action that President Obama has already taken. Just look at the analysis. Let me read the first sentences from an article in today's New York Times:

To rein in Tehran's nuclear ambitions, Mitt Romney says he would conduct naval exercises in the Persian Gulf. . . . He would try to ratchet up Security Council sanctions on Iran, targeting its Revolutionary Guards, and the country's central bank and other financial institutions. And if Russia and China do not go along, he says, the United States should team up with other willing governments to put such punitive measures in place. As it turns out—

And this is part of the quote—

As it turns out, that amounts to what President Obama is doing.

Ambassador Nick Burns, President Bush's lead negotiator on Iran, said:

The attacks on Obama basically say, "He's weak and we're strong." But when you look at the specifics, you don't see any difference.

That is a quote.

So let's go point by point through the Romney plan. He writes he would proceed with missile defenses to protect Iran. He ignores the fact that one of the very first things the Obama administration did was to issue its plans for the phased adaptive approach—so that we would be able to sooner protect our friends and allies against the Iranian missile threat and to provide increasing levels of capability as the technology advances. During the debate over the New START treaty, the Senate heard in great detail—including from the Commander of the Strategic Command and the Director of the Missile Defense Agency—how that particular system was going to work and how the administration planned to proceed with it. In fact, the President sent the Senate a letter affirming his commitment to missile defense, and over the past year he has stuck by that promise.

So then Romney goes on to say that President Obama doesn't understand the seriousness of the threat from nuclear terrorism. Again, just look at the record: For the first time, the President set as a national goal securing all vulnerable nuclear material around the world within 4 years. He won international endorsement of that effort at the 2010 Nuclear Security Summit.

Last year alone, the Department of Energy removed or eliminated over 250 kilograms of highly enriched uranium from places such as Ukraine, Belarus, Serbia, and Kazakhstan. In the budget request before Congress, the administration plans to eliminate highly enriched uranium from nine countries, including Vietnam, Ukraine, and Mexico.

That is clearly an administration and leader who understands the danger of nuclear material, far more than any effort previously.

Then Romney lays out the single greatest willful avoidance of facts in his article. He calls for ever-tightening sanctions on Iran.

I don't know what he thinks has been going on around here for the last few years, but when President Obama took office Iran was in the ascendancy. As the Vice President used to say when he chaired the Senate Foreign Relations Committee: Freedom wasn't on the march; Iran was on the march. Its reach through proxies such as Hezbollah threatened the United States, its allies, and the region, and particularly, obviously, Israel.

The international community was divided; diplomacy—both multilateral and bilateral—was stalled. But in June 2010, with a decisive push from President Obama, the United Nations put in

place the most comprehensive and biting international sanctions the Iranian Government has ever faced—imposing restrictions on Iran's nuclear activities, ballistic missile program, conventional military exports to Iran, Iranian banks and financial transactions, and the Islamic Revolutionary Guard Corps.

What is more, in coordination with allies such as the European Union, Japan, South Korea, Australia, Canada, and others, the Obama administration put in place additional measures, ratcheting up pressure on the country's petrochemical industry, oil and gas industry, and financial sector. Recently, Europe announced the ban of oil imports from Iran, which will further pressure Iran's economy, and that has come with significant leadership effort and diplomacy by Secretary Clinton and by the administration and Secretary Geithner.

That is just on the multilateral front. President Obama also worked closely with Congress to pass the Comprehensive Iran Sanctions, Accountability, and Investment Act, which strengthened existing U.S. sanctions. He made it harder for the Iranian Government to buy refined petroleum and to modernize its oil and gas sector. Recently, we imposed tough new sanctions on the Central Bank of Iran. So one doesn't have to take my word for it.

Let me quote Iran's President Ahmadinejad, who is the one feeling the pressure. Here is what he said last fall: "Our banks cannot make international transactions anymore."

Today, all of these sanctions are beginning to bite. Iran is now virtually cut off from large parts of the international financial system.

Almost \$60 billion in energy-related projects in Iran have been put on hold or discontinued. Iran is starting to lose oil sales to key customers in Europe and Asia. All you have to do is look at the front page of today's newspapers and read the stories of Iran hastily running around and looking for additional people to buy their oil. In fact, they have lost customers in Asia. Those losses could reach up to 40 percent of its daily sales, according to the International Energy Agency.

Banking sanctions have prevented several of Iran's customers from paying for its petroleum products, leaving the Central Bank short of hard currency and driving down the unofficial foreign exchange rate by 40 percent in a single month.

Mr. Romney needs to understand what is going on if he wants to run for President. Just yesterday the deputy chief of the Iranian Revolutionary Guard Corps was quoted as saying, "The regime is at the height of isolation." This is the Revolutionary Guard speaking:

The regime is at the height of isolation and in the midst of a technological, scientific and economic siege. We are not in a situation of imaginary threats and sanctions. Threats and sanctions against us are effectively being pursued.



Iran is also divided internally and isolated diplomatically like never before. Iran's most important ally, Syria, is facing regime collapse, which a former director of Israel's Mossad recently said could be a bigger strategic setback for Iran than a military strike against them. That came from the former director of Israel's Mossad.

To talk about Israel for a second, we all ought to remember that President Obama has provided record amounts of security funding to help Israel maintain its qualitative military edge. Prime Minister Netanyahu has spoken of President Obama's ironclad commitment to Israel's security. He said, "Our security cooperation is unprecedented, and President Obama has backed those words with deeds."

So when you add it all up, Mitt Romney evidently is trying to ignore, twist, and distort the administration's policy. For what purpose? For his own gain—simply to try to drive a wedge in American politics. It seems to be that the strategy of his campaign is to just say anything. It does not matter what it is based on—just say it. Put it out there whether or not it is true.

I might say that I think that is exactly what the American people are tired of and fed up with, what has turned them off of all of our politics, and what threatens the quality of our democracy in this great country of ours.

We should be crystal clear. Yes, we have to prevent Iran from acquiring a nuclear weapon. That is not a question of containment and never has been; it is a question of prevention, outright denial of this ability. That is why President Obama again made that clear in his public comments yesterday, even as he builds pressure for a diplomatic solution.

I think it is appropriate to have a President who first seeks a diplomatic solution. I am one of those here in the Senate who, together with a few others of our generation, served in Vietnam—very few—and with one or two, I think, who served in World War II: Senator INOUE, Senator LAUTENBERG, maybe Senator COCHRAN. I don't recall if there are still more here. But the fact is that I think anybody who has served in a war first wants leaders who try to find if there is a way to make that war inevitable, if it has to happen, and at least turns over every stone possible to find out if diplomacy can find a solution to a problem.

President Obama has reiterated that all of the options are on the table. In its long history, Iran has had many amazing moments and has provided great accomplishments, culturally and in other ways, to its history and to all of us. This regime, many people believe, is something different and some hope might even become something different at some point in time, although it has a long way to go to evidence that. But President Obama has emphasized—in his approach, he has said, "I don't bluff." I am convinced, as I think

all of us are, that the President means exactly what he says, that Iran cannot have this weapon. I think you can ask Osama bin Laden what President Obama means when he says that he means what he says.

I know we are going to have tough debates going forward. That is appropriate. And we are going to have a bruising election season. That is OK if it is on the up-and-up, if it is really about real differences and real issues. And we ought to have those tough fights. That has proven to be how we decide the big issues in the United States. We always have. But let's have an honest debate, not a contrived one, not a phony set of propositions that have nothing to do with the reality of the situation. The American people deserve more than that.

Governor Romney can debate the man in the White House instead of inventing straw men on the op-ed pages of our newspapers. He ought to be armed with facts instead of empty rhetoric.

If we are going to succeed, as the American people want us to do in order to avoid a war in Iran, then at some point all of us have to act like statesmen, not candidates. We need to be clear-eyed about what we have accomplished and what we have yet to do. That is precisely what Americans expect from their Commander in Chief, and that is exactly what Americans deserve—no less.

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. MENENDEZ. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

REMEMBERING CONGRESSMAN DON PAYNE

Mr. MENENDEZ. Madam President, I rise to mourn the passing of a great man, a great leader, a proud New Jerseyan, and my friend, Congressman DONALD PAYNE. I am saddened beyond words by his death. Personally, I have lost a close friend and the people of New Jersey have lost a tireless voice, a true advocate who spent a lifetime fighting for fairness, for justice, and for the little guy.

Wherever there was injustice, intolerance or suffering, wherever someone was downtrodden by the more powerful and didn't have a fair chance, DONALD PAYNE was there intervening. From his earliest days in Congress, he focused on New Jersey, but his influence was profoundly felt around the world. As a senior member of the House Committee on Foreign Affairs and the ranking member of the Subcommittee on Africa, Global Health, and Human Rights, DONALD PAYNE followed his passion to restore democracy and human rights in places where the suffering was greatest.

If we asked him what his greatest accomplishment was—and there were

many—he would tell us it was working on global health issues, cofounding the Malaria Caucus that he launched with First Lady Laura Bush, securing \$50 million to fight drug-resistant tuberculosis, and \$50 billion for HIV/AIDS, TB, and malaria that literally—and I have heard these stories—literally saved whole villages in Sub-Saharan Africa, because that is the kind of man he was.

He built a reputation as chairman of the Africa and Global Health Subcommittee for his integrated approach to Africa, combining health, development, economic growth, and improvements for a better quality of life. He once said:

Malaria, TB and HIV/AIDS are diseases that are caused, as well, by poverty, and until we really start dealing with poverty elimination, we are going to continue to have these diseases that follow poverty. We cannot be serious about development [assistance or engagement] without effectively dealing with these three major diseases.

He did everything he could to live up to those words.

He could not ignore the fact, as he pointed out, that:

... more than 29 million people in Sub-Saharan Africa live with HIV/AIDS ... that malaria and HIV together kill more than 4 million people each year ... that 90 percent of them are in Africa ... that, for millions around the world—particularly in Sub-Saharan Africa, where the global malaria burden is heaviest—the disease is a daily reality, an enduring epidemic that kills millions and impedes the progress of entire nations ...

He believed in putting an end to the scourge of these diseases and helped broaden our focus in dealing with poverty, disease, and development as a single issue and always said: "These are global problems that warrant a global collaborative approach ..."

On World Malaria Day in 2010 he said: "This is not an endeavor for which we lack the knowledge, skills or resources to win ..."

DONALD PAYNE was determined to win.

When he put his mind to it, he could do anything. He believed he could change the world one village at a time, and he did because that is the kind of man he was.

I served with DONALD PAYNE in the House. I got to know him. I grew to respect his deep and passionate commitment to the institution and the people he served, his belief in the process as it was intended by our Founders, to bring all of us together, no matter what our politics or persuasion, to make a difference for his district, for New Jersey, for the Nation, and for people around the world.

DONALD considered himself hugely lucky to serve. He saw it as a honor and he made a difference because that too is the kind of man he was. DONALD PAYNE was a Congressman's Congressman. To me he was what public service is all about. He embodied the concept of Congress, the assembly of a few good people committed to the betterment of all of us.



In his passion for these issues, he worked in common cause to bring together people who were often from totally different ends of the political spectrum. Many of us would refer to him as “the great convener” because he had the unique ability to bring together people of disparate beliefs on behalf of these issues he believed in and felt so passionately about.

DON’S career and accomplishments were exemplary. Before he was elected to Congress, he was an educator in the Newark and Passaic Public School Districts. He was the former national president of the YMCA. He became New Jersey’s first African-American Congressman, winning election overwhelmingly in 1988, and was serving, at the time of his death, his 12th consecutive term—this year. He was a senior member of the House Committee on Education and the Workforce, and he was a steadfast vocal advocate for early childhood education. He was instrumental in making K–12 education more successful and for making college more affordable. He worked to cut in half the cost of the Stafford loans and increased the Pell grants. He was a tireless champion of working families, always an advocate of increasing the minimum wage, always enforcing workforce protections, because that is the kind of man DONALD PAYNE was. Through his life and service, he was a man of the people, and the people of New Jersey will never forget what he did for Essex, Hudson, and Union Counties or for the State as a whole.

In the end Congressman PAYNE will be remembered for the dignity and honor he brought to this institution and the Congress and the district he represented, always putting the interests of the community, New Jersey, and humanity first, because that is the kind of man he was. DONALD made New Jersey proud, and he will forever be missed by all of us who were touched by his warmth and compassion. I join my colleagues in mourning the passing of a great man.

I visited Congressman PAYNE on Saturday at the hospital and talked to his brother, who said leaders throughout the world had been calling to inquire as to how he was. Leaders throughout the world mourn his passing. They knew how he touched the lives of their citizens.

Our thoughts and prayers go out to DONALD’S beloved children and his entire family and all of those who were touched by him throughout his life. He will be missed and we certainly hope God will bless this great man who gave back much more than he ever received in life.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

#### MORNING BUSINESS

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

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

#### REMEMBERING JAMES LAWRENCE ROSE

Mr. McCONNELL. Mr. President, I rise today to pay tribute to an individual who worked tirelessly to strengthen Kentucky’s economy through his contributions to the coal and the banking industries. James Lawrence “Jim” Rose of Lexington, KY, passed away on December 19, 2011. He was 73 years old. Although Mr. Lawrence may not be with us today, the legacy he has forged throughout his lifetime will carry on for many years to come.

Jim Lawrence was born in Clay County, KY, but received his education in the small town of Berea, where he graduated from the Berea Foundation High School and Berea College before completing his education at the University of Kentucky in Lexington. Jim was passionate about education and made it a priority for himself, and he set out to make it one for the youth of the Commonwealth as well. He was in large part responsible for the project to construct Lexington Christian Academy’s 75-acre “Rose Campus” in Lexington, KY.

Although Mr. Rose was involved in all sorts of different business aspects, his most noted business accomplishments were those in the banking and coal industries. Mr. Rose returned to Clay County and started a small coal company in 1959. Over the next three decades, his business would receive numerous national awards for conducting the best mining rescues and operating the safest mines in the United States, and the company would eventually grow to be one of the top three producers of coal in the State of Kentucky upon his retirement in 1993.

Mr. Rose made tremendous strides in the world of banking as well. He formed a bank holding company in his hometown of Manchester, KY; the town served as the site where Jim would also open his first bank in 1978. He went on to open seven more banks throughout central and southern Kentucky. Mr. Rose was an exceptional consultant and manager, and under him the many banks he had acquired flourished.

We are all undoubtedly aware that Mr. Rose made a permanent mark on the economy of Kentucky, but let us not forget today that Jim was first and foremost a devout man of God and a beloved family man. Mr. Rose was a husband and a father who is survived by

his wife of 49 years, Judy Sizemore Rose, and by his son James F. Rose and by his daughter Sonya Rose Hiler. Jim also leaves behind eight grandchildren and three step-grandchildren. He was preceded in death by his son, Dwayne Scott Rose.

The legacy left by Mr. Rose is one that will not be easily forgotten. He was able to give so much to the business world, working tirelessly for the people of Kentucky, and he was also able to pour his heart into building relationships with his employees and his family members. Mr. Rose led a life that one could be nothing but proud of.

I would like to ask my colleagues in the United States Senate to join me in commemorating the life and works of Mr. James Lawrence Rose, an innovative, committed and truly genuine entrepreneur.

There was an article recently printed in the Laurel County-area publication the Sentinel Echo on the accomplished life of Mr. James Lawrence “Jim” Rose. I ask unanimous consent that the article be printed in the RECORD.

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

[From the Sentinel Echo, Dec. 23, 2011]

BANK, COAL COMPANY FOUNDER DIES AT 73

(By Carol Mills)

James “Jim” Rose, 73, died Monday of complications from a heart attack in Lexington.

Rose, who moved to Lexington in 1988, was a former Laurel Countian. He began his career by starting a small coal company in 1959 in Clay County where he was born. He moved his family to Laurel County in 1975.

Over three decades he grew his coal business dramatically, founding Interstate Coal Company, which had several operations in eastern Kentucky, including one in Laurel County on Ky. 192 where College Park is now. The coal stacks are still on the property, which is owned by the city and the county. Rose retired from the coal business in 1993.

While Rose was still in the coal business, he entered the banking business by buying a bank in his hometown of Manchester in 1978. He formed a bank holding company, United Bancorp of Kentucky, and acquired seven additional banks in London (London Bank & Trust, now PNC), Danville, Nicholasville, Richmond, Versailles, Corbin, and Harlan. United Bancorp merged with National City in 1995.

Lawrence Kuhl went to work for Rose at the London Bank & Trust in 1983 as vice-president and two years later as president.

“He was an outstanding person,” Kuhl said. “He was so compassionate for humanity. He loved to help people in need. He hired a number of people throughout southeastern Kentucky to work in his coal mines as well as in his banks, and he was a very, very caring person. He helped a lot of individuals. His whole family is like that. He has given Cardinal Hill millions of dollars to help recuperate people. He was a super fellow, very intelligent, a good businessman.”

Charles Elza worked for Rose as president of London Bank & Trust for seven years from 1978 to 1985 before Kuhl took the helm.

“He was a great guy, a hard worker,” Elza said. “He was a great family man. He loved his kids. He and his wife really had a heart for people who had a hard time. He worked hard. Before he made a lot of money, I heard