

the ramparts against white-hot Congressional committee investigations that often seemed to be excoriating the intelligence community rather than helping to fix it. He responded to partisanship with collegiality and to bluster with thought. Joyce and I regret that we cannot be with Bob's family and his many friends to mourn, to remember, and to most of all, to celebrate a life lived to its fullest. Our thoughts and prayers are with Eleanor, Ann and William. May God bless Bob Ellsworth, his loving family, and the country he served so ably.

STATEMENT BY FORMER SENATORS BOB AND ELIZABETH DOLE

Dear Friends of Bob Ellsworth, Longstanding commitments in Kansas prevent us from being physically present as you celebrate Bob Ellsworth's life and legacy. But we are very much with you in spirit and in our prayers. We share not only the grief felt by Bob's family and friends—but also their gratitude for all he accomplished in 84 remarkable years. Along the way Bob earned many titles of distinction. Yet no resume, however impressive, can do justice to the character of this man. Exactly fifty years have passed since the two Bobs—Ellsworth and Dole—first arrived in Washington. We came from opposite ends of Kansas, and not just geographically. But from the start we were kindred spirits. Bob loved his country second only to his family. He made politics a noble calling. His example of personal civility and respect for his colleagues has much to teach today's public servants as they strive to be patriots ahead of partisans. Nor will either of us ever forget the day in December, 1975, when Bob served as best man at our wedding. The title might well have been coined for him, and not in a ceremonial capacity alone. For the odds were great that, whatever setting Bob graced by his presence, he was the best man there.

It is customary to address public officials, and particularly members of Congress, as "Honorable." No man we know did more to deserve that label than Bob Ellsworth. Much as we will miss him, we will be forever thankful that our lives were so entwined with, and enriched by, the life we celebrate today.

STATEMENT FROM THE CENTER FOR THE NATIONAL INTEREST

The Center for the National Interest and The National Interest lost a leader and a dear friend with the death of Bob Ellsworth on Monday, May 9.

Center Honorary Chairman and former Secretary of State Henry Kissinger, a close colleague for many years, described Ellsworth as "a great public servant and a valued friend." Bob was a key member of the Center's board from its inception and had been Vice Chairman since 2008. He was also President of The National Interest, Inc. and a long-time member of the magazine Advisory Council.

Bob was among the small group who advised Richard Nixon on the creation of the Center in the early 1990s. Nixon relied heavily on Bob's advice over the years, both in and out of government—he knew, as he put it, that Bob was one of the rare individuals in Washington who would tell him what he needed to hear, not what he wanted to hear.

As a true gentleman, Bob Ellsworth always delivered his candid views with grace and tact, to Nixon and to others. Though very independent-minded—demonstrated in his opposition to the wars in Vietnam and Iraq, and his endorsement of Barack Obama after a lifelong career as a leading Republican—Bob's personal charm and openness ensured that he was widely respected and admired,

even by those with different perspectives. Bob was rare for one of his stature and accomplishment in being able to take bold positions on important issues while always remaining civil and ensuring that differences were substantive rather than personal.

During his long and varied career, Bob was a soldier, a politician, a diplomat, an official, a scholar, and, most recently, an investor. This included service in World War II and the Korean War, in the United States Congress, as Ambassador to NATO and later Assistant Secretary and Deputy Secretary of Defense. In addition to his leadership at our Center and its magazine, Bob served for many years as Chairman of the Council of the International Institute for Strategic Studies (London). He was also a member of the Council on Foreign Relations, the Atlantic Council, the American Council on Germany, and many other internationally focused organizations.

Bob was also a great patriot. He worked and fought throughout his life to advance American leadership, American security, and American principles. He believed strongly in America's exceptionalism—but was convinced that our country should also be exceptional in its tolerance and humility in dealing with others. Bob was also a profoundly religious man, married to an Episcopal priest. Yet as in the case of his patriotism, his piety was personal rather than public.

Robert Ellsworth was a genuine role model—a man of uncommon strength, determination, wisdom, and warmth whom all should emulate. He will be greatly missed. We offer our deepest condolences to his wife, Rev. Eleanor Ellsworth, and his family.

TRIBUTE TO JUDGE WILLIAM F. DOWNES

Mr. BARRASSO. Mr. President. On July 24, 2011, Chief U.S. District Judge William F. Downes will retire after 17 years on the Federal bench in Wyoming.

Judge Downes has long recognized that for our democracy to survive, a strong judicial branch is necessary. As he acknowledged during his Senate Judiciary nomination hearing in 1994, the strength of the judiciary is not determined by activist judges and changing the law to achieve a desired outcome. Rather, a strong judiciary consists of judges who uphold the Constitution, are thorough in their decisions, have not formulated an opinion prior to a case being heard, and treat people with respect and decency. This was the standard that Judge Downes set for himself in 1994. By all accounts he achieved that standard in his courtroom.

Judge Downes, the grandson of Irish immigrants, has enjoyed the opportunity to welcome new citizens to our nation by performing Naturalization ceremonies. Cited as one of the highlights of his career, he has always said a Naturalization ceremony is one of the few times people come to the courthouse happy and leave even happier.

He began his public service early in life when he served in the U.S. Marine Corps from 1968 to 1971. Though he did not make military service his career, his career in the law has been profoundly affected by his military service.

In an article that appeared in the 2007 June edition of the Wyoming Lawyer, Judge Downes discusses the important role played by the citizen jury system in our government. He quotes from a letter sent by Thomas Jefferson to Thomas Paine:

I consider trial by jury as the only anchor yet devised by man by which the government can be held to the principles of the Constitution.

In the same article, he describes two photos he keeps under the glass top of his desk. One photo is of his family on Easter Sunday in 1985. The other photo, from the spring of 2003, is of a 6-year-old boy named Tony, clutching a teddy bear, walking out of a church, wiping tears from his eyes. He had just attended the funeral of his father, MAJ Kevin G. Nave, USMC, who died on March 26, 2003, in the early stages of the Iraq war.

Judge Downes writes:

Kevin Nave died so that we might have the opportunity to live under a Constitution which guarantees us the opportunity of life, liberty and the pursuit of happiness.

He ends his article with the following:

Thomas Jefferson and the other founding fathers of this Nation expected that we citizens would participate in the governance of our nation and, by our efforts, make it a more perfect union. If we judges and lawyers do our utmost to uphold the constitutional right to trial by jury, we will achieve the highest aspiration of our profession. For Tony's sake, and for all our children, we can do no less.

Judge Downes achieved the highest aspiration of his profession. He has contributed to the governance of our Nation with distinction.

Mr. President, I ask my colleagues to join me in thanking Judge Downes, a true American Patriot, for his service to Wyoming and to our Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. GENSHITSU SEN

• Mr. AKAKA. Mr. President, I wish to honor the work of Dr. Genshitsu Sen, renowned Japanese tea master and humanitarian, who has promoted peace and appreciation of the Japanese culture through chado, the Japanese Way of Tea. Dr. Sen is the 15th grand tea master of the Urasenke School of Tea, which for nearly 500 years has served to perpetuate the ancient rite. On March 3, 1951, just 6 years after the end of World War II, during which he served in the Japanese Imperial Navy, Dr. Sen performed a tea ceremony in Honolulu, HI, the first such performance outside of Japan. This auspicious occasion launched Dr. Sen's dream of promoting "peacefulness through a bowl of tea." In the years that followed, Urasenke chado centers were established in cities worldwide, including Washington, DC, New York, London, Paris, Rome, São Paulo, Dusseldorf, Mexico City, Beijing, and Honolulu.

Today, in my home State of Hawaii, we celebrate the 60th anniversary of Dr. Sen's vision and work to promote

peace and understanding, with a special tea ceremony performed on a sacred American site, the Arizona Memorial. The Memorial is positioned above the sunken battleship USS *Arizona*, the final resting place of hundreds of servicemembers killed in the attack on Pearl Harbor. The ceremony is a strong statement supporting the potential for peace despite a tragic history.

Japan is one of America's strongest and most trusted allies and I thank Dr. Sen for his work to promote good relations between our two countries. I also recognize Soshitsu Sen, the 16th and current grand tea master of the Urasenke School. Finally, my thanks to Mrs. Jean Ariyoshi, former First Lady of Hawaii, who was instrumental in arranging today's historic event at the *Arizona* Memorial.●

#### MESSAGE FROM THE HOUSE

At 11:39 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 33. An act to amend the Securities Act of 1933 to specify when certain securities issued in connection with church plans are treated as exempted securities for purposes of that Act.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 33. An act to amend the Securities Act of 1933 to specify when certain securities issued in connection with church plans are treated as exempted securities for purposes of that Act; to the Committee on Banking, Housing, and Urban Affairs.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2502. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on July 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-2503. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Australia; to the Committee on Banking, Housing, and Urban Affairs.

EC-2504. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments" (RIN0648-BB21) received in the Office of the President of the Senate on July 14,

2011; to the Committee on Commerce, Science, and Transportation.

EC-2505. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder; Scup, and Black Sea Bass Fisheries; 2011 Scup Specifications; Fishing Year 2011" (RIN0648-BA92) received in the Office of the President of the Senate on July 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2506. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Western Pacific; Mechanism for Specifying Annual Catch Limits and Accountability Measures" (RIN0648-AY93) received in the Office of the President of the Senate on July 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2507. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Western Pacific Pelagic Fisheries; Prohibiting Longline Fishing Within 30 Nautical Miles of the Northern Mariana Islands" (RIN0648-AW67) received in the Office of the President of the Senate on July 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2508. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Interim Enforcement Policy for Certain Fire Protection Issues" (RIN3150-AG48) received in the Office of the President of the Senate on July 14, 2011; to the Committee on Environment and Public Works.

EC-2509. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revisions" (FRL No. 9440-7) received in the Office of the President of the Senate on July 14, 2011; to the Committee on Environment and Public Works.

EC-2510. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Regional Haze State Implementation Plan" (FRL No. 9440-1) received in the Office of the President of the Senate on July 14, 2011; to the Committee on Environment and Public Works.

EC-2511. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Alabama; Disapproval of Interstate Transport Submission for the 2006 24-hour PM2.5 Standards" (FRL No. 9438-1) received in the Office of the President of the Senate on July 14, 2011; to the Committee on Environment and Public Works.

EC-2512. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the

report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Georgia; Disapproval of Interstate Transport Submission for the 2006 24-hour PM2.5 Standards" (FRL No. 9438-2) received in the Office of the President of the Senate on July 14, 2011; to the Committee on Environment and Public Works.

EC-2513. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plan; Kentucky; Disapproval of Interstate Transport Submission for the 2006 24-hour PM2.5 Standards" (FRL No. 9437-9) received in the Office of the President of the Senate on July 14, 2011; to the Committee on Environment and Public Works.

EC-2514. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Section 110(a)(2) Infrastructure Requirements for 1997 8-hour Ozone and Fine Particulate Matter National Ambient Air Quality Standards; New Mexico Ambient Quality Standards; Approval of New Mexico's PSD Program; CFR Codification Technical Corrections" (FRL No. 9438-7) received in the Office of the President of the Senate on July 14, 2011; to the Committee on Environment and Public Works.

EC-2515. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plan; North Carolina; Disapproval of Interstate Transport Submission for the 2006 24-hour PM2.5 Standards" (FRL No. 9438-3) received in the Office of the President of the Senate on July 14, 2011; to the Committee on Environment and Public Works.

EC-2516. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Control of Nitrogen Oxides Emissions from Portland Cement Kilns" (FRL No. 9439-8) received in the Office of the President of the Senate on July 14, 2011; to the Committee on Environment and Public Works.

EC-2517. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Vermont; Reasonably Available Control Technology (RACT) for the 1997 8-hour Ozone Standard" (FRL No. 9439-5) received in the Office of the President of the Senate on July 14, 2011; to the Committee on Environment and Public Works.

EC-2518. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Missouri" (FRL No. 9440-9) received in the Office of the President of the Senate on July 14, 2011; to the Committee on Environment and Public Works.

EC-2519. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental