court in the question of Ross's competence . . . might cause an unconstitutional execution. It is clear the judge's concern was to repair what he perceived as a breakdown in the adversarial process, resulting from an attorney's insistence on adhering to his client's expressed desire to waive judicial review and consent to his execution, in spite of indications that the client might be without competence to make such a waiver. The judge's perception of the need for remedial action in his communications with the attorney was reasonable. While his words were strong, when properly understood they were not unreasonable.

Further, who among us in public life during debates on contentious issues has never said anything that we would perhaps not repeat? The next business day after this episode, Judge Chatigny sought out the defense lawyer and apologized for his actions. He recognized that his words were ''excessive'' and at the first chance available sought to apologize for them. I think this shows exactly the sort of humble and self-examining personality that we need more of on the court.

But perhaps most importantly, Mr. President, one verbal exchange between a judge and counsel, in the middle of a highly contentious and emotional court case does not shed light on the entire arc of a judge's career. As demonstrated from the record and the support he has received in Connecticut, this episode is an aberration and one not likely to be repeated. We should not unduly punish someone with an outstanding record such as Judge Chatigny because of one heated exchange. What type of judicial standard would we be asking of those who aspire to the bench?

The critics have also said that the complete exoneration of Judge Chatigny on the misconduct complaint has little, if any, bearing on whether he should be confirmed for the court of appeals. Yet they persist in claiming that the Judge did something improper when the claim of improper conduct was totally rejected.

On this last point, I believe it is also worth reiterating that one of the judges who served on that panel, Michael Mukasey, also served as U.S. attorney general during the waning years of the Bush administration.

But Michael Mukasey has done more than simply reject a misconduct complaint. Once the nomination of Judge Chatigny was made, Michael Mukasey let it be known that he supported the confirmation of Judge Chatigny for a seat on the court of appeals. Can anyone seriously believe that a former U.S. attorney general would support a nominee to the Federal bench who was not unquestionably deserving of confirmation?

And Michael Mukasey's support of Judge Chatigny's nomination does not stand alone. As I mentioned earlier, three former U.S. attorneys appointed by Republican Presidents, the prosecutors most familiar with Judge Chatigny's record, have publicly informed the Senate Judiciary Committee that they strongly support his confirmation for the court of appeals, as have 17 former assistant U.S. attorneys.

One other criticism of Judge Chatigny also must be addressed. Individuals have attacked Judge Chatigny because in some instances, he imposed a sentence below the sentencing guidelines in certain cases.

What his detractors ignore is that Judge Chatigny has also imposed sentences at or above the top of the guidelines' range and that, according to Sentencing Commission statistics, Judge Chatigny's sentences are well within the mainstream of sentences of all the judges in his district.

Indeed, the best commentary on Judge Chatigny's sentences in criminal cases is the fact that in the 16 years he has been a district judge, Federal prosecutors have not sought to appeal even one of these decisions. Let me repeat that: in 16 years as a Federal judge, prosecutors have never appealed one of Judge Chatigny's sentences.

I have served in this body for nearly 30 years. I am extremely proud of this institution and believe that it plays a critical role in our republic. One of the most important functions we have is to vote on nominees to the executive and judicial branches of our government.

It saddens me to note that this body has let partisan politics and delaying tactics interfere with our constitutional responsibility to provide advice and consent on the President's nominees. Unfortunately, Judge Chatigny is not the only eminently qualified judicial nominee to face this challenge.

As of November 29, the Senate had only confirmed 41 of President Obama's Federal circuit and district court nominees so far this Congress. By contrast, during the first Congress of the George W. Bush administration, the Senate, which at that time was controlled by Democrats, confirmed 100 of that President Bush's nominees to the Federal bench.

In addition, there have been repeated roadblocks to the consideration of numerous well-qualified nominees to critically important posts within the executive branch. The Federal Government has an immense amount of work to do, and obstructionist tactics have only made that harder.

I am convinced that this Judge deserves to be confirmed. He has outstanding qualifications and an outstanding record. No one, even his critics, doubts either his qualifications or his record. I believe he is being opposed because he acted with great courage to live up to his oath of office and uphold constitutional standards in one widely publicized case involving a despicable murderer.

Would that all judges display that kind of courage when put to a similar test.

Let me conclude with one further point. I recognize that some of my colleagues believe that Judge Chatigny's handling of the Ross case merits criticism. I believe, on the contrary, that his handling of the case was a courageous defense of constitutional requirements, as do many others, including experienced Federal prosecutors from both political parties.

But let us assume, for a moment, that the criticism is valid. What I would then ask this body to consider is this: is the criticism of the handling of one case out of the thousands over which Judge Chatigny has presided in 16 years as an outstanding U.S. district judge a sufficient reason to oppose his confirmation for the court of appeals?

Have we, as Senators, permitted the President's selection of a well qualified judge with 16 years of outstanding judicial service to be thwarted because in the hours before a scheduled execution, the first in Connecticut in 40 years, this judge thought it was his duty to make sure that constitutional standards, as he understood them, required him to act, not to overturn a conviction, not to overturn a death sentence, but simply to make sure that new evidence bearing on the defendant's mental competence was fairly considered?

It goes without saying that I am very disappointed the Senate will not be voting on this nomination before the end of the 111th Congress. Judge Chatigny is superbly qualified for a seat on the Second Circuit, and I believe the Senate has made a serious mistake by not confirming him.

FLOODING IN COLOMBIA

Mr. LEAHY. Madam President, I want to take a minute to call attention to a humanitarian disaster that has received only passing mention in the international press and which many Senators may be unaware of.

On December 7, Colombia's President Juan Manuel Santos declared a state of ''economic, social and ecologic emergency'' as a result of massive flooding which he called a ''public calamity.''

Heavy rains over a period of months have caused landslides that have swept away homes and rivers to overflow their banks, and now large areas of the country are inundated with water. According to a December 17 report by the U.N. Office for the Coordination of Humanitarian Affairs which is assisting the Colombian government, so far 2.1 million people have been affected by the flooding, 270 have died, 62 are missing, and more than 300,000 houses have been damaged or destroyed. Thousands of miles of roads have been obstructed, damaged or destroyed.

Twenty-eight of the country's 32 departments, which comprise 61 percent of the country, have been affected. President Santos said the number of homeless from the flooding could reach 2 million, and that ''the tragedy the country is going through has no precedents in our history.'' What's worse, the rains are expected to continue through next June.

I do not have to remind anyone here of our close relationship with Colombia. I also know Colombia has emergency response capabilities which may not exist in remote areas of other countries similarly affected by severe flooding or other natural disasters, such as Pakistan. I was pleased to learn that the U.S. Army Corps of Engineers has people in Colombia because the devastation is on a scale more massive than any developing country could deal with alone. There may also be other ways we can provide assistance.

I also use this opportunity to note what appears to be the growing number and intensity of natural disasters around the world that are straining the international community's emergency response capabilities. While no single weather event can be definitively attributed to climate change, scientists have long predicted an increase in the frequency and severity of extreme weather events as a result of global warming. They also predict that as many as 200 million people could be displaced by natural disasters and climate change by 2050. That would cause incalculable havoc for many countries.

President Santos, who to his credit has been out in the countryside with people who have lost family members, homes and, in many cases, everything they own, said he canceled his trip to the U.N. Climate Change Conference in Cancun so he could deal with the devastation that climate change is causing in his own country. Pakistani government officials likewise blamed climate change for the massive floods there that have affected more than 20 million people over the past several months.

Whatever the cause, and there isn't time today to discuss my views about the role that deforestation and the burning of fossil fuels play in global warming, the world's climate is unquestionably changing. And a disproportionate number of recent climate related disasters has occurred in the world's poorest countries where most people's lives depend on agriculture. They have seen their homes destroyed, crops drowned in water and buried in mud, and what few possessions they have swept away. Other countries have suffered years of drought, and water sources that have sustained life for centuries have dried up. In as little as 25 years, glaciers that millions of people and their livestock depend on for drinking water have shrunk to a fraction of their size.

These issues are going to occupy our time and severely tax our resources for the foreseeable future, and we and other countries urgently need to develop plans to try to prevent and adapt to climate change and to respond when disaster strikes.

I am encouraged that there is a new field of research specifically focused on better understanding, preventing and responding to large scale displacement of people as a result of climate change and natural disasters. Nongovernmental and international organizations are working to develop strategies to protect the world's most vulnerable people from this growing threat. We need to support this and work together.

I commend President Santos who has not only helped to alert the world to a catastrophe that had previously gone largely unnoticed outside his country, but who has taken other important steps in his first months of office that have won the respect and support of the Colombian people. His efforts to diffuse tensions with Colombia's neighbors, to begin tackling head on the daunting economic, social and judicial challenges facing Colombia, and to appoint several top officials who have the necessary qualifications and integrity, are admirable.

After a decade of Plan Colombia, U.S.-Colombia relations are entering a new phase. While there will likely continue to be issues about which we disagree, I look forward to working with President Santos and his government on a wide range of issues of mutual interest and concern.

TRIBUTE TO LULU DAVIS

Mr. LEAHY. Madam President, as we approach the end of this Congress we are saying goodbye to people with whom we have been privileged to serve over the past years. We often talk about Senators who have completed their terms. In that regard, a number of my friends will be leaving the Senate and I am making statements about them.

Today, I want to talk about a woman who has served the Senate and the American people for three decades, and whose career sets a high standard of professionalism and public service that inspires countless others. She was not elected to serve as a Senator, but she has been essential to the work of the Senate for a number of years.

Lula Johnson Davis began her Senate career as a legislative correspondent for Senator Russell Long of Louisiana. She later worked for the Democratic Policy Committee. In 1993, she became a key member of our Democratic floor staff The floor staff is critical to the proper functioning of the Senate.

They advise Senators on floor procedure and help keep the Senate operating within the formal Senate Rules and the informal Senate practices that honor our traditions of courtesy and civility. When Senators are not bollixing up the proceedings, the floor staff facilitates the business of the Senate.

They are the unseen and unrecognized teachers for new Senators. They help guide all of us through Senate consideration and voting on every measure that comes before this body.

She leaves the Senate having started as a legislative correspondent and having risen to become the Secretary of the Majority of the U.S. Senate.

Through the decade of the 1990s and this first decade of the new century, as the assistant secretary and now secretary, it has been this woman from Louisiana who has helped guide the Senate. We each, Senators on both sides of the aisle, owe her our gratitude. She is a professional who helps set the right tone for all of us—Senators, staff, and pages.

The young people, high school students from around the country, who continue their studies while serving as Senate pages for a semester or a summer are another group of beneficiaries of Lula' s tutelage. She is a tough but fair taskmaster. Democratic pages learn that every job, no matter how small, needs to be done right.

They learn lessons that will serve them throughout their lives. She has been a mentor, friend and role model to hundreds of youngsters from around the country over the years. At the end of their tour of duty, they appreciate what she has given them and, I hope, share her respect for the Senate.

She has never failed to fulfill her duties as she has steadfastly served with a succession of Democratic leaders. In truth, she has served not just the Democratic Senate caucus but the Senate and the country.

I will miss Lula Davis and wanted to say how much I appreciate all she has done for each of us.

AMERICA COMPETES REAUTHORIZATION ACT

Mr. BINGAMAN. Madam President, last Friday the Senate in an act of bipartisanship reauthorized the America COMPETES Act, which was first signed into law August 9, 2007. It did so this time under unanimous consent; the last time it took 3 days of debate. I would like to note that this reauthorization continues the strong tradition of bipartisanship which augurs well for the ability of our Nation to conduct cutting edge research while innovating and competing in our global economy. In a time of concern about our budget deficit, the passing of this act by unanimous consent is an acknowledgment by the Senate as a whole that tax dollars spent on these topics is money well spent.

But behind that simple act of unanimous consent laid almost 2 years of hard work at the staff and Member level in the Senate.

First and foremost, I would like to acknowledge the leadership of Senator LAMAR ALEXANDER. Senator ALEXANDER worked with members of his Republican caucus to ensure their views were incorporated into this bill. He has kept his unwavering belief that the strength of our Nation, its ability to proposer and create good paying jobs, rests on the investment we make in educating our children in science and education, conducting research at universities and laboratories and using a well educated workforce to promote innovation in our global economy.

The America COMPETES Act involved the work of three Senate committees: the Senate Commerce, Science and Transportation Committee; the