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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

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

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

Ms. CANTWELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Nebraska (Mr. NELSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

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

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

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

[Rollcall Vote No. 46 Ex.]

YEAS—88

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

NOT VOTING—12

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

The nomination was confirmed.

The PRESIDING OFFICER (Mr. MANCHIN). Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO LEE RHYANT

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

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

I am sure, Mr. President, you have been to Iraq. I have been to Iraq, Afghanistan. We have flown in the C–130s. I flew out of Baghdad 2 years ago on one C–130 that was built in 1969 in the Marietta, GA, plant. It is still flying today, a great airplane built by great men and women.

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

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

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

I yield the floor.

ADDITIONAL STATEMENTS

RECOGNIZING THE 188TH FIGHTER WING

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

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

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

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

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

its Warthogs for an Air Expeditionary Forces rotation to Kandahar in 2010. The 188th never missed a mission tasking while in Kandahar.

The AFOUA recognizes the extent of the challenges the men and women of the 188th overcame in the past few years. The 188th Fighter Wing truly is a Phoenix that rose from the ashes.

Authorized by Department of the Air Force General Order 1, January 6, 1954, the AFOURA is awarded by the Secretary of the Air Force to numbered units that have distinguished themselves by exceptionally meritorious service or outstanding achievement that clearly sets the unit above and apart from similar units.

Mr. President, the 188th not only met the criteria for the AFOUA but eclipsed it. As a Senator, and a Fort Smith-native, words cannot say how proud I am of the members of the 188th for their accomplishments. Nor are words enough to express how grateful I am, as an American, for their service. We thank them, and all our servicemen and women, for their sacrifice and efforts on our behalf.●

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–985. A communication from the Administrator of the National Organic Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Organic Program; Amendment to the National List of Allowed and Prohibited Substances (Livestock)'' ((RIN0581–AD04) (Docket No. AMS–NOP–10–0051; NOP–10–04FR)) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–986. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Decreased Assessment Rate'' (Docket No. AMS–FV–10–0115; FV11–932–1 IR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–987. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Walnuts Grown in California; Decreased Assessment Rate'' (Docket No. AMS–FV–10–0060; FV10–984–1 FIR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–988. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2010–2011 Crop Year for Tart Cherries'' (Docket No. AMS–FV–10–0081; FV10–930–4 FR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–989. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States; Section 610 Review'' (Docket No. AMS–FV–10–0030; FV10–996–610 Review) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–990. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Avocados Grown in South Florida; Increased Assessment Rate'' (Docket No. AMS–FV–10–0067; FV10–915–1 FIR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–991. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Blueberry Promotion, Research, and Information Order; Section 610 Review'' (Docket No. AMS–FV–10–0006) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–992. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2010–2011 Marketing Year'' (Docket No. AMS–FV–09–0082; FV10–985–1A IR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–993. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Country of Origin Labeling of Packed Honey'' ((RIN0581–AC89) (Docket No. AMS–FV–08–0075)) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–994. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Kiwifruit Grown in California; Order Amending Marketing Order No. 920; Correction'' (Docket No. AMS–FV–10–0115; FV11–932–1 IR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–995. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pears Grown in Oregon and Washington; Amendment to Allow Additional Exemptions'' (Docket No. AMS–FV–10–0072; FV10–927–1 IR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–996. 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 ''Flubendiamide; Pesticide Tolerances'' (FRL No. 8863–8) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–997. 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 ''Aspergillus flavus AF36: Exemption from the Requirement of a Tolerance'' (FRL No. 8868–7) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–998. A communication from the President of the United States to the President Pro Tempore of the United States Senate, transmitting, consistent with the War Powers Resolution, a report relative to U.S. military operations to assist an international effort authorized by the United Nations Security Council relative to Libya; to the Committee on Foreign Relations.

EC–999. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, to include technical data, and defense services to support the development and production of the Evolved SeaSparrow Missile in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–1000. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to Executive Order 12163, as amended by Executive Order 13346, a report relative to a waiver of the restrictions contained in Section 907 of the FREEDOM Support Act of 1992; to the Committee on Foreign Relations.

EC–1001. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to outstanding expropriation cases by country along with details about each case; to the Committee on Foreign Relations.

EC–1002. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Navy and was assigned case number 10–03; to the Committee on Appropriations.

EC–1003. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Multiyear Contract Authority for Electricity from Renewable Energy Sources'' ((RIN0750–AG48) (DFARS Case 2008–D006)) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Armed Services.

EC–1004. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Repeal of Restriction on Ballistic Missile Defense Research, Development,