

territory of Alaska at the age of 11 in 1939, when her stepfather and mother found work at the Independence Gold Mine outside of Palmer, AK. In 1942 her family moved to Homer, AK. Before graduating from high school in 1948, Diana had already gained attention and praise for her art. In her teens Diana won a juror's choice award for a painting and was paid \$100 a great amount at that time—to paint a mural of Homer in the old Yah Sure Club saloon. She was recognized as a promising artist and began studying art by correspondence, since, at that time, there was no road access to Homer and the lower Kenai Peninsula. As a young woman, Diana left Alaska to study under the prominent artists of the time in New York, London, and Paris.

In 1952, Diana married an Alaskan commercial fisherman and the love of her life, Clem Tillion. Clem proposed to Diana on their first date, and they spent 59 wonderful years together. Clem and Diana built their life together in Halibut Cove, a small scenic community located on the south shore of Kachemak Bay in Prince William Sound—a 6-mile trip by boat from Homer. The Tillions had four children: William, Marian, Martha, and Vincent. When Alaska celebrated statehood in 1958, Clem became active in the State legislature and served in both the House and Senate. Diana was a key supporter in Clem's political career and successfully moved four children back and forth between Halibut Cove and Juneau when the State legislature was in session. She maintained their education as well as her career in the arts throughout this time. Her son Vincent has said that she "supported [Clem] wholeheartedly in a way many wouldn't be able to do". The special friendship between Clem and Diana Tillion was well recognized among political colleagues and friends in Juneau.

In 1958 Diana discovered a new medium, distinguishing herself as the first and only known artist to paint with octopus ink. A biologist friend helped her perfect the extraction process so that removing the ink caused no harm to the creatures found in the lagoon near her home. Once removed, the ink naturally regenerates. Diana was fascinated by how the color of the ink shifted from animal to animal—from purple to gold to green. She built an art gallery in Halibut Cove that drew many visitors and renowned artists to the small community over several decades. It was said that Diana turned Halibut Cove into an "isolated haven" for Alaska's artists. Diana's work was featured in a solo exhibit at the Anchorage Museum in 1971 and her work was shown across the country. She published six books, served as the vice president of the Alaska Council on the Arts and taught art at Homer Community College for 10 years. Diana influenced many Alaskans through her compassion for art and public service. Her living legacy is apparent today through

her work, family, and those who were fortunate enough to have known her.

You can go through life and meet thousands of people, but it is rare to meet someone as exceptional as Diana. She was a pioneer, in the truest sense of the word. A lover of Alaska and the people. Diana painted her last picture just 8 days before she passed away. She is survived by her husband Clem, their four children, grandchildren, and friends. Alaskans back home, myself included, are proud of the legacy that is Diana's life and work. The person she was and the beautiful art she left with us will forever be cherished.

On behalf of the U.S. Senate, I am proud to recognize and thank Diana Rutzebeck Tillion for her passion for life and her family, her originality, and years of giving to her community. I extend my condolences and sincere sympathy on her passing to her family, friends, and students.●

TRIBUTE TO CARL TUBBESING

● Mr. VOINOVICH. Mr. President, today I honor Carl Tubbesing, executive director of the National Conference of State Legislatures, NCSL, on the occasion of his retirement after 35 years of service. Carl's dedication to the ideals of federalism has been steadfast and unwavering during the course of his time at NCSL, and his accomplishments have been many. His tireless commitment to maintaining the balance among Federal, State and local governments undoubtedly has made a positive impact in the lives of many.

I am fortunate to have worked with Carl during my days as chairman of the National Governors Association. Together, we fought to maintain a healthy relationship between Federal and State governments, and to ensure that the folks in Washington adhered to the same ideals of federalism in which we believed.

In 1986, I made a speech as mayor of Cleveland lamenting the fact that while Constitutional federalism was alive in theory, it had died in practice. We have made great progress since I gave that speech more than 20 years ago. The comeback story of federalism and our success in the proper delineation of responsibility from Federal centralization to local control is due, in no small part, to Carl's perseverance and hard work.

Carl's efforts to devolve authority for domestic policy from the Federal to State level paid off, most notably, with the passage of several major pieces of legislation. These include the Unfunded Mandates Reform Act, amendments to the Safe Drinking Water Reform Act, welfare reform, and Medicaid reforms.

It is my privilege to recognize Carl Tubbesing for his diligent commitment to federalism and dedicated service to the National Conference of State Legislatures, and to congratulate him on his well-deserved retirement.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3092. A bill to designate the facility of the United States Postal Service located at 5070 Vegas Valley Drive in Las Vegas, Nevada, as the "Joseph A. Ryan Post Office Building".

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-4984. 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 "Tomatoes Grown in Florida; Decreased Assessment Rate" (Docket Nos. AMS-FV-09-0063; FV09-956-2 FIR) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4985. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary of Defense (Personnel and Readiness), received in the Office of the President of the Senate on March 4, 2010; to the Committee on Armed Services.

EC-4986. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of Defense (Public Affairs), received in the Office of the President of the Senate on March 4, 2010; to the Committee on Armed Services.

EC-4987. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Family Subsistence Supplemental Allowance program; to the Committee on Armed Services.

EC-4988. 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 (75 FR 7956)" ((44 CFR Part 65)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on March 4, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4989. 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 (75 FR 7955)” ((44 CFR Part 65)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on March 4, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4990. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material From the Pre-Hispanic Cultures of the Republic of El Salvador” (RIN1505-AC23) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Finance.

EC-4991. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Oregon Chub (*Oregonichthys crameri*)” (RIN1018-AV87) received in the Office of the President of the Senate on March 8, 2009; to the Committee on Environment and Public Works.

EC-4992. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Final Rule to List the Galapagos Petrel and Heinroth’s Shearwater as Threatened Throughout Their Ranges” (RIN1018-AW70) received in the Office of the President of the Senate on March 8, 2009; to the Committee on Environment and Public Works.

EC-4993. A communication from the Acting Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for 48 Species on Kauai and Designation of Critical Habitat” (RIN1018-AV48) received in the Office of the President of the Senate on March 8, 2009; to the Committee on Environment and Public Works.

EC-4994. A communication from the Acting Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the California Red-Legged Frog” (RIN1018-AV90) received in the Office of the President of the Senate on March 8, 2009; to the Committee on Environment and Public Works.

EC-4995. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Chapter 116 which relate to the Permit Renewal Applications and Permit Renewal Submittal” (FRL No. 9125-9) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-4996. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Chapter 116 which relate to the Application Review Schedule” (FRL No. 9123-7)

received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-4997. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Minnesota” (FRL No. 9125-3) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-4998. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revisions to Clean Air Interstate Rule Sulfur Dioxide Trading Program” (FRL No. 9125-2) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-4999. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Determination of Attainment, Approval and Promulgation of Air Quality Implementation Plans; Indiana” (FRL No. 9125-6) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-5000. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan; San Joaquin Valley Air Pollution Control District” (FRL No. 9123-3) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-5001. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category; Correction” (FRL No. 9118-7) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-5002. A communication from the Chief Counsel, Economic Development Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Revisions to the EDA Regulations” (RIN0610-AA64) received in the Office of the President of the Senate on March 4, 2010; to the Committee on Environment and Public Works.

EC-5003. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, (5) five reports relative to vacancies in the Department of State, received in the Office of the President of the Senate on March 4, 2010; to the Committee on Foreign Relations.

EC-5004. A communication from the Assistant General Counsel of the Division of Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Investing in Innovation Fund” (RIN1855-AA06) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5005. A communication from the Assistant General Counsel of the Division of Regu-

latory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Magnet Schools Assistance Program” (RIN1855-AA07) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5006. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Listing of Color Additives Exempt From Certification; Paracoccus Pigment; Confirmation of Effective Date” (Docket No. FDA-2007-C-00456) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5007. A communication from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General of the Corporation for National and Community Service, received in the Office of the President of the Senate on March 8, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5008. A communication from the Ombudsman, Energy Employees Compensation Program, Department of Labor, transmitting, pursuant to law, a report relative to the Energy Employees Occupational Illness Compensation Program; to the Committee on Health, Education, Labor, and Pensions.

EC-5009. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary of Intelligence and Analysis, Department of Homeland Security, received in the Office of the President of the Senate on March 8, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5010. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-319, “Clean and Affordable Energy Fiscal Year 2010 Fund Balance Temporary Amendment Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-5011. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-320, “Health Care Facilities Improvement Amendment Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-5012. A communication from the General Counsel of the Department of Commerce, transmitting the report of proposed legislation containing a series of legislative changes that make certain technical and conforming amendments to trademark and patent law as well as other needed changes; to the Committee on the Judiciary.

EC-5013. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Data Mining Activity in the Department of State; to the Committee on the Judiciary.

EC-5014. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures (24); Amdt. No. 3358” (RIN2120-AA65) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5015. A communication from the Senior Regulations Analyst, Office of the Secretary

of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs: State Laws Requiring Drug and Alcohol Rule Violation Information" (RIN2105-AD67) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5016. A communication from the Deputy Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Commerce Acquisition Regulation" (RIN0605-AA26) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5017. A communication from the Deputy Chief Financial Officer and Director for Financial Management, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalties; Adjustments" (RIN0690-AA35) received in the Office of the President of the Senate on March 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5018. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (French Lick, Indiana, and Irvington, Kentucky)" (MB Docket No. 07-296) received in the Office of the President of the Senate on March 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5019. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Markham, Ganado, and Victoria, Texas)" (MB Docket No. 07-163) received in the Office of the President of the Senate on March 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5020. A communication from the Vice President, Government Affairs, National Railroad Passenger Corporation, Amtrak, transmitting, pursuant to law, a report relative to Amtrak's Executive Level 1 salary for 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 649. A bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission (Rept. No. 111-159).

S. 592. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service (Rept. No. 111-160).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 3089. A bill to require a study and report by the Office of Advocacy of the Small Business Administration regarding the effects of proposed changes in patent law; to the Committee on Small Business and Entrepreneurship.

By Mrs. GILLIBRAND:

S. 3090. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the saver's credit and to make the credit refundable; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself and Ms. LANDRIEU):

S. 3091. A bill to amend the Immigration and Nationality Act to prohibit the Secretary of Homeland Security from charging a fee for a Certificate of Citizenship for a foreign-born child adopted within the United States and for other purposes; to the Committee on the Judiciary.

By Mr. REID:

S. 3092. A bill to designate the facility of the United States Postal Service located at 5070 Vegas Valley Drive in Las Vegas, Nevada, as the "Joseph A. Ryan Post Office Building"; read the first time.

By Mr. CASEY:

S. 3093. A bill to require semiannual indexing of certain Federal child nutrition programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BUNNING:

S. 3094. A bill to allow individuals to elect to opt out of the Medicare part A benefits; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. BARRASSO, and Mr. BURR):

S. 3095. A bill to reduce the deficit by establishing discretionary caps for non-security spending; to the Committee on the Budget.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself and Mr. CASEY):

S. Res. 448. A resolution reauthorizing the John Heinz Senate Fellowship Program; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER (for himself, Mr. COCHRAN, Mr. BYRD, Mr. BEGICH, Mr. FEINGOLD, and Ms. MIKULSKI):

S. Res. 449. A resolution celebrating Volunteers in Service to America on its 45th anniversary and recognizing its contribution to the fight against poverty; considered and agreed to.

By Mr. REID:

S. Res. 450. A resolution to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen; considered and agreed to.

ADDITIONAL COSPONSORS

S. 118

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 118, a bill to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 448

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cospon-

sor of S. 448, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 718

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 730

At the request of Mr. ENSIGN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 730, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear, and for other purposes.

S. 968

At the request of Mr. REID, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 968, a bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

S. 1425

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1425, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1700

At the request of Mr. LUGAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1700, a bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress that the President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other purposes.

S. 1737

At the request of Mr. FRANKEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1737, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible