

CONGRESS OF THE UNITED STATES,
Washington, DC, April 30, 2011.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the State of Tennessee, we respectfully request that you declare a federal disaster in Bradley, Greene, Hamilton, and Washington counties as a result of the severe storms, flash flooding and tornadoes that struck the state beginning on April 25, 2011.

Governor Bill Haslam has requested federal disaster assistance to respond to the devastation caused throughout Tennessee due to this historic tornado outbreak, and we expect a separate request will be forthcoming to respond to the flooding along the Mississippi River and its tributaries. Flooding in many of our communities will only get worse in the coming days, and the unprecedented river stages are threatening the entire levee system.

State and local officials are only beginning to be able to assess the level of damage to infrastructure, private property and our economy. Many of the communities affected by these storms and rising flood waters are the same areas devastated by the May 2010 floods. In addition to all of the homes and businesses destroyed by the tornadoes, the flooding along the Mississippi River is forecast to exceed the great flood of 1937 in some areas, and reach the third highest level on record in Memphis by May 10.

Federal assistance is critical to help our state and local governments initiate recovery efforts and to start repairing infrastructure. Like so many areas throughout the Southeast ravaged by these storms, our communities are overwhelmed by the destruction and need federal assistance. Public and Individual Assistance in Bradley, Greene, Hamilton, and Washington counties will help communities with debris removal and make victims eligible for a number of vital disaster assistance programs. The Tennessee delegation and state and local officials stand ready to work together with federal officials to make sure that Tennesseans receive the help they need to get back on their feet.

Thank you for your expedited consideration of our State's request, and we will provide you with more information about our State's needs as information is available.

Sincerely,

LAMAR ALEXANDER,

U.S. Senator.

BOB CORKER,

U.S. Senator.

STEVE COHEN,

Congressman.

MARSHA BLACKBURN,

Congressman.

JIM COOPER,

Congressman.

CHUCK FLEISCHMANN,

Congressman.

STEPHEN L. FINCHER,

Congressman.

DIANE BLACK,

Congressman.

SCOTT DESJARLAIS,

Congressman.

JOHN J. DUNCAN, Jr.,

Congressman.

PHIL ROE,

Congressman.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 27, 2011.

Maj. Gen. MICHAEL J. WALSH,
President, Mississippi River Commission, Vicksburg, MS.

DEAR MAJOR GENERAL WALSH: We urgently request you take every action possible to protect communities in Tennessee and throughout the Mississippi River Valley

from rising floodwaters. The State of Tennessee has already declared a State of Emergency, and if necessary, we implore you to take preventative action rather than wait until it is too late to act.

The rising flood waters in the Mississippi River are historical in context, threatening approximately 110 miles of Tennessee riverbank. If the Mississippi River overtops or breaches the levees along Tennessee's river banks, thousands of people and acres of farmland are at tremendous risk of flooding.

We understand the Governor of Missouri, Jay Nixon, is seeking a temporary restraining order in the U.S. District Court to prevent the U.S. Army Corps of Engineers from artificially crevassing the levee at Birds Point and using the Birds Point-New Madrid Floodway.

While we understand that you are facing an extremely difficult decision, we are concerned about the potential devastation that could be felt by nearly 160,000 Tennesseans. It is our understanding that the 8th Circuit Court of Appeals in the case of *Story v. Marsh*, 732 F.2d 1375, 1383 (8th Cir. 1984), regarding the operation of the Birds Point-New Madrid floodway, stated that the operation of the floodway is within the discretion of the U.S. Army Corps of Engineers. We hope that the U.S. Army Corps of Engineers will move forward with crevassing the levee, if such a decision becomes necessary.

It is our sincere hope that there will not be a need to artificially crevasse the Birds Point levee, but we urge you not to delay and to take appropriate actions to protect the people and property of Tennesseans that live along the Mississippi River, as well as those throughout the Mississippi Valley.

Sincerely,

SENATOR LAMAR

ALEXANDER.

SENATOR BOB CORKER.

CONGRESSMAN STEPHEN L.

FINCHER.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF ROY BALE DALTON, JR., TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA

NOMINATION OF KEVIN HUNTER SHARP TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF TENNESSEE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Roy Bale Dalton, Jr., of Florida, to be U.S. District Judge for the Middle District of Florida, and Kevin Hunter Sharp, of Tennessee, to be United States District Judge for the Middle District of Tennessee.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate, equally divided and controlled between the two leaders or their designees.

The Senator from Vermont.

Mr. LEAHY. Mr. President, as we return from Easter recess, judicial vacancies around the country remain at historically alarming levels, as they have for the last 3 years. With 1 out of every 9 Federal judgeships still vacant, and judicial vacancies around the country remaining at 95, we have serious work to do.

I thank the majority leader for scheduling votes on two more nominations to fill judicial emergency vacancies. Roy Bale Dalton, Jr., has been nominated to fill a judgeship in the Middle District of Florida and Kevin Hunter Sharp has been nominated to fill a judgeship in the Middle District of Tennessee. Each nomination was reported unanimously by the Judiciary Committee more than a month ago. They both could be confirmed unanimously.

With cooperation from both sides of the aisle, the Senate could consider the additional 13 judicial nominees ready for final Senate action. I had hoped that the Senate would have considered a number of them before taking its Easter recess 2 weeks ago. Among those nominees are another five to fill additional judicial emergency vacancies, three of them reported by the Judiciary Committee with bipartisan support, including one which was reported unanimously but remains stalled on the calendar awaiting final action.

We should certainly have proceeded with the judicial nominees for whom there is no opposition and no reason for delay. That would have allowed us to confirm another seven nominees. They have all been thoroughly reviewed by the members of the Judiciary Committee in a hearing and have all been recommended to the Senate unanimously. They are Arenda L. Wright Allen to fill a vacancy in the Eastern District of Virginia; Michael Francis Urbanski, to fill a vacancy in the Western District of Virginia; Clair C. Cecchi to fill a vacancy in New Jersey; Esther Salas to fill another vacancy in New Jersey; Paul Oetken and Paul Engelmayer to fill vacancies in the Southern District of New York; and Ramona Manglona to fill a vacancy in the Mariana Islands. The Virginia nominees have been waiting for final consideration longer than those nominees who are being allowed to be considered today.

Two of the nominees currently awaiting a Senate vote have twice been considered by the Judiciary Committee and have twice been reported with