

the highest possible rating of “well qualified” from the American Bar Association.

Given his wide support from the legal community, and his record of fairness, what could prevent the U.S. Senate from confirming this outstanding jurist’s appointment to the District Court of the Northern District of California?

I am in the opinion that nothing should prevent it. But elements of the extremist media have launched cynical attacks against Judge Chen. Unarmed by facts, accusers resort to tired smears that Judge Chen is a “radical leftist,” someone “who doesn’t appear to love America.”

But these charges are completely without basis. Those interested in the true picture of Judge Chen’s work and outlook need only look at his actual 8-year record on the Federal bench. I believe that this record is exactly where discussions of his nomination should focus in our Senate Chambers, where good judgment should prevail. Judge Chen has written over 300 published opinions, and what those opinions show is a judge who is committed to the rule of law. He follows case precedent. He checks any personal views at the courthouse door, and rules impartially in each and every case. His decisions reveal a belief in fairness to all.

Judge Chen, like so many others, values diversity in the Federal judiciary. Judges from different backgrounds bring varied life experiences to the court, and this diversity of background and experience helps foster balanced and accurate decisionmaking according to the rule of law.

Judge Chen’s belief in the value of diversity is joined also by Supreme Court Justice Samuel Alito. During his 2006 confirmation hearing, Justice Alito stated, “When I get a case about discrimination, I have to think about people in my own family who suffered discrimination because of their ethnic background or because of religion or because of gender. And I do take that into account” in reaching balanced and accurate decisions. Justice Clarence Thomas underscored this very point in his statement about the importance of broad representation in the judiciary: “My goal is to have a court that is fair, and I think it’s fair when we are fair in selecting people from all parts of the country, from all walks of life.”

I believe Judge Chen brings valuable experience and a solid record of judicial fairness to the Federal court. He is faithful to the rule of law. He is committed to impartiality and equality for all. I believe that upon fair and honest consideration by my Senate colleagues, Judge Chen and his judicial record will earn approval. Judge Chen has my full support and deserves to be confirmed by the Senate without delay.

REQUEST FOR CONSULTATION

Mr. COBURN. Mr. President, I ask unanimous consent that my letter to

Senator MCCONNELL dated May 18, 2010, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
MAY 18, 2010.

Hon. MITCH MCCONNELL,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I am requesting that I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding H.R. 1741, the Witness Security and Protection Grant Program Act of 2009. In short, although I support the goals of this legislation and believe that witness security and protection is essential to the effective administration of justice, I do not believe that the federal government bears responsibility for witnesses in state and local courts. My concerns about H.R. 1741 include, but are not necessarily limited to, those outlined in this letter.

As you know, I am extremely concerned about the Nation’s fiscal well-being. The national debt is nearly \$13 trillion and rising, which amounts to almost \$42,000 owed by each U.S. citizen. Moreover, Congress recently raised the national debt ceiling by nearly \$2 trillion, and the federal government borrows 41 cents for every dollar that it spends. This dire situation demands that Congress address its spending addiction and adhere strictly to the enumerated powers defined by Article I, Section 8 of the U.S. Constitution.

Providing basic services such as witness security and protection in state courts is the obligation of the states. Budgets everywhere are tight, but state and local governments—like the federal government—must set priorities and eliminate wasteful spending in order to ensure that the highest responsibilities are fulfilled.

Although the Nation’s debt crisis demonstrates that Congress no longer has the luxury of funding anything other than the highest federal priorities, I would note that federal dollars are already available for the same purposes contained in H.R. 1741. Those funding sources are as follows:

Edward Byrne Memorial Grant Programs—One of the seven permissible purposes of Byrne/JAG funds is “crime victim and witness programs” (P.L. 109162). Significant amounts of federal dollars are available through this program. In FY2009, Congress provided more than \$2.5 billion in JAG funding, and in FY2010, Congress provided \$519 million for the same programs. In addition to this JAG funding, which is awarded on a formula basis, Congress provided a total of \$178.5 million in FY2009 and \$185.3 million in FY2010 in Byrne “discretionary” funding. This money, totaling \$363.8 million, was awarded in the form of congressional earmarks. Competitive funding was limited to \$30 million in FY2009 and \$40 million in FY2010. In total, the federal government sent approximately \$3.4 billion to state and local law enforcement through Byrne grant programs in the last two fiscal years alone. To the extent that states need federal funding for witness protection and security, it would seem that there is ample funding available and that they should consider prioritizing such projects in their requests and budgets.

U.S. Marshals—Current law, 18 U.S.C. §3521, authorizes the Attorney General to provide for relocation and other protection of state witnesses, as well as their family members or close associates, in certain circumstances. That law allows the Attorney General to provide relocation and other protection for state witnesses, as well as their family members or close associates, where

there is concern for a witnesses’ safety. It allows for, but does not require, reimbursement by the State (18 U.S.C. 3526(b)(1)).

Community-Based Justice Grants for Prosecutors Program—Existing law, 42 U.S.C. §13862, already authorizes federal grants for state and local governments to “create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.” This authorization, enacted in 2008, has never been appropriated. Although it remains my belief that Congress lacks both the resources and the responsibility for funding such programs, it should be noted that the statutory authority to provide for state witness protection already exists.

I regret that I am unable to support H.R. 1741. Again, I share concerns for the safety of citizens who participate in our justice system. I believe, however, that the Nation’s skyrocketing debt demands that Congress make tough spending choices. Where responsibility lies with state and local governments to provide a service, and especially where federal money is already available, I cannot consent to spending additional taxpayer dollars for the same purpose.

Sincerely,

TOM A. COBURN, M.D.,
United States Senator.

NATIONAL HEPATITIS AWARENESS MONTH

Mr. JOHNSON. Mr. President, I rise today in recognition of National Hepatitis Awareness Month to raise awareness of this public health threat and encourage greater prevention, diagnosis and treatment efforts.

Viral hepatitis is a highly infectious disease that directly attacks the liver and, if left untreated, can lead to life-threatening cirrhosis of the liver, liver failure and liver cancer. The Centers for Disease Control and Prevention—CDC—estimate that roughly 5 to 6 million Americans are infected with viral hepatitis. Yet these chronic infections are silent killers, as those who are infected experience no obvious symptoms until advanced liver damage has occurred after years without treatment. Consequently, up to 50 percent of Americans infected with hepatitis B and 75 percent of Americans infected with hepatitis C are unaware of their disease. Without appropriate screening and management of the disease, viral hepatitis carriers can pass on the infection to others before suffering a premature death from liver cancer or liver disease.

Similar to the human immunodeficiency virus—HIV—hepatitis B and C are spread through infected blood and needles. Despite awareness campaign efforts from advocacy groups and the CDC, there continues to be nearly 50,000 new infections each year in the United States, resulting in 15,000 deaths from chronic viral hepatitis-related diseases. While continued education and outreach is vital to discourage risky behaviors that expose individuals, it is only one part of preventing further spread of hepatitis.

Perhaps most disturbing is the incidence of hepatitis B and C transmission