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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

O God, we thank You for the gift of this new day. Bind the hearts of our lawmakers in the tender ties of respect and esteem. May no passing irritation rob them of the joys of friendship and fraternity. Lord, forgive them if they have been keen to see human failings and slow to appreciate the preciousness of the relationships they have forged in this legislative body. Today, empower them to show forth Your praises, not only with their lips but in their lives.

We pray in Your precious Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, April 20, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### PASSING OF DOROTHY HEIGHT

Mr. REID. Madam President, America today lost a civil rights icon. Dorothy Height died early this morning. She helped transform our country as considerably and as courageously as anyone who dedicated his or her life to ensure our Nation fulfills its promise of equality.

For decades, Mrs. Height fought tirelessly for the rights of women and African Americans and helped lead a national dialog about gender and racial equality. She was a trusted counsel of every White House since Franklin Roosevelt's administration. Generation after generation relied on her vision and tenacity and our country is better because so many sought her help.

Mrs. Height's legacy is in the fairer, more equal America in which she died and we live today. She knew her work was not done and she never stopped pushing her country forward. Until the last days of her 98 years, Dorothy Height was still fighting for equality and opportunity.

The thoughts of the entire Senate today are with Dorothy Height's friends, who are too numerous to mention, and her loved ones—and her loved ones are more than just her family.

### SCHEDULE

Mr. REID. Madam President, today, following leader remarks, the Senate will be in morning business for about an hour, with Senators permitted to speak therein for up to 10 minutes

each. The Republicans will control the first 30 minutes and the majority will control the final 30 minutes.

Following morning business, the Senate will turn to executive session to debate the nomination of Lael Brainard to be Under Secretary of the Treasury, postcloture.

At 12 noon, the Senate will vote on that nomination. Following the vote, the Senate will recess until 2:15 to allow for our weekly caucus luncheons.

Following the recess, the Senate will debate the nomination of Marisa Demeo to be an associate judge of the Superior Court of the District of Columbia. There will be up to 6 hours for debate, equally divided, prior to a vote on confirmation of that nomination. Upon disposition of the Demeo nomination, the Senate will immediately proceed to vote on the confirmation of Stuart Gordon Nash to be an associate justice of the same court, the Superior Court of the District of Columbia.

Cloture motions have been filed on the nominations of Christopher Schroeder, Thomas Vanaskie, and Denny Chin. Today we will consider a way to move forward on those nominations.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### FINANCIAL REGULATION

Mr. McCONNELL. Madam President, with regard to financial regulation, from the beginning of this debate, I have called for a bipartisan approach. And for several months, I was encouraged to see bipartisan talks approaching agreement on a bipartisan bill.

Somewhere along the line, those talks got off course, leading to Democrats pulling away from bipartisan efforts, a party-line vote in committee and the Democrat leadership's stated

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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desire to bring a bill to the floor that had, in effect, bipartisan opposition. So last week I raised concerns with the Dodd bill, but I also told the President and our friends across the aisle that this bill is not unfixable.

It is important for the country and taxpayer that we get this right, that we put them before politics. That is why I was disappointed to read that Senate Democrats are refusing to drop the \$50 billion bailout fund—a fund that the Treasury Secretary himself opposes—unless Republicans pay a price for taking it out. This is exactly what Americans don't like about Washington: when one side tries to “get” something for doing what they should have done in the first place. If everyone agrees it should be dropped, then it should be dropped. And if Senate Democrats think it should stay, then they should explain why they think the Treasury Secretary was wrong when he said that this bailout fund “would create expectations that the government would step in to protect shareholders and creditors from losses.”

Both sides have expressed a willingness to make the changes needed to ensure without any doubt that this bill won't put taxpayers on the hook for future bailouts of Wall Street banks. So why don't we just do that?

I am heartened to hear that bipartisan talks have resumed in earnest, and in my view, the progress we have seen over the past few days is proof that I was right to raise concerns about this bill when I did. As I said, the best way to get a bill with the credibility of bipartisan support is to allow bipartisan talks to continue. Let us fix the bill and have a bipartisan reform.

I yield the floor.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### FINANCIAL REGULATORY REFORM

Mr. REID. Madam President, Wall Street reform is very complex. Few of us are experts in derivative trading or credit default swaps or even the intricacies of securities. But the principle before us is a very simple one, in spite of all these very complicated issues that will be in this bill. You either believe we need to strengthen oversight of Wall Street or you don't. You either believe we need to strengthen protection of consumers or you don't. I believe in those principles and in fixing what is broken.

That is what this good reform will do. It will enforce the strongest protections ever against Wall Street greed. It will give families more control over

their own finances and give consumers more clarity so they can make right financial decisions. This legislation would guarantee taxpayers that they will never again be asked to bail out a big bank.

It will also ensure no big bank can become too big to fail and shield families' life savings from Wall Street gambling. It will make the system more transparent so we can catch bankers' excesses and then hold them accountable.

Our bill contains Republicans' ideas and Democratic ideas. It is good for consumers and for everyone who favors economic security over reckless risk-taking.

As I said, some elements of this reform are complicated. There is one part that is especially hard to follow. Similar to the most complex commodity, Republican reaction to cleaning up Wall Street is hard to understand.

This bill will bring to the floor the result of months of bipartisan meetings, investigations, negotiations, and consensus building. Our Republican colleagues, in spite of the fact that they have been involved in much of the negotiation, investigations, and consensus, are pretending this is a partisan effort.

I am happy to hear my counterpart, my friend, Senator MCCONNELL, the Republican leader, talk about the need for more negotiations. We don't stand in the way of that. That is fine. This bill, when it comes to the floor, is going to be open to amendment, amendments by Democrats, amendments by Republicans. That is the way it should be. So no one should think the bill that comes to the floor is the final product. There will be amendments.

Some people strongly believe the bill from the committee is too weak, some believe it is just right, some believe it is too strong. So we need to make sure everyone understands this bill is not a final product. That is why I hope my friends on the other side of the aisle are going to let us bring this bill to the floor. Remember, there are only 59 of us, so if a single Republican is not willing to join with us, there will be no Wall Street reform. The Republicans will have killed Wall Street reform.

I am confident that is not what will happen. I read very closely the letter that was signed by 41 Republican Senators. I received a copy of it on Friday. There is not a sentence in that letter that says we are going to vote against moving to proceed, and I was happy to read that. They said they wanted more negotiations and there have been more negotiations. Senator DODD and Senator SHELBY—DODD, the chairman, and SHELBY, the ranking member—spent hours yesterday working on this bill, and that is the way it should be. The bill we will bring to the floor puts an end to taxpayer-funded bailouts. Let's all agree on that. It protects consumers. Let's all agree on that. But our Republican friends insist on pre-

tending, in conversations I have heard on the floor, that it doesn't protect consumers and it doesn't put an end to taxpayer-funded bailouts.

We know Wall Street doesn't like the bill. That should speak volumes. It doesn't like this bill. Of course it doesn't. Look at the rules of the road on Wall Street. They get to take your money, money that is not their own, and gamble it away with little risk and large reward.

I was, for 4 years of my life, chairman of the Nevada Gaming Commission, and that is not hunting animals; it is gambling. During those times, we had some very difficult issues dealing with gambling, with gaming. But I understood a lot about poker and 21 and roulette and other such things. But it was, on its face, a gamble. What they are doing on Wall Street, we should have the Nevada Gaming Commission come to regulate a lot of it because it is nothing but a gamble. That is what we are trying to do here, bring a semblance of finality and stability to what is going on there on Wall Street.

I again say it. Look at the rules of the road on Wall Street. They get to take your money—it is not their money—and gamble it away with little risk and large reward. It would be as if I asked a Senator from Georgia to go to Las Vegas with me and I will gamble away all his money, but I get part of the money for doing nothing other than telling him we are in Las Vegas.

There are many who do not want us to touch a system that has let them take our homes, take everything we have. They don't want us to touch a system that has let them take their winnings and ask taxpayers to save them from their losses. It is a pretty good deal. They can get all the money they can—that is not their own—and if they profit, fine; if they lose something, that is too bad, even though it is not their money they are losing, even though they are losing somebody else's. Wall Street knows, if we don't act, they will not be held accountable for their mistakes, and if things don't go their way, they know they will get a mulligan; that is, they can start over. That is the way the system worked when our economy teetered on the brink of collapse and that is the way the system still works today. We have to change that. That is what we have to change. With this Wall Street accountability bill, we will. That is what this is about. It is a Wall Street accountability bill.

Let's bring this matter to the floor and offer amendments. Let's not be threatening filibusters on different parts of the bill. Let's go back to the way we used to do things. Let's bring an amendment to the floor, let's vote on it, whoever gets the most votes wins, whoever doesn't get the most votes loses, and move on to the next amendment.

It is puzzling why my Republican friends are pretending that this bill to fix Wall Street is good for those who

benefit from the fact it is broken. Similar to the bankers themselves, it seems a number of Republicans care more about making short-term gains than they do about doing what is right for this economy in the long run. Some details of this debate might be complex, but the different sides are as clear today as could be. On one side are consumers and investors, families and businesses and the vast majority of Americans who want us to make sure the financial crisis they just lived through can never happen again.

That is our goal. They knew there was no regulation, minimal regulation, and those people on Wall Street took advantage of that. They were betting on things that would make famous Nevada gamblers blush.

They don't want us to just talk about it, they want us to do something about it. We have to decide who is on whose side here, because we are ready to act. On one side are those who want to make sure we never have a situation like we had before. On the other side we have Wall Street bankers. They are doing pretty well. Two major Wall Street banks reported profits between them of about \$7 billion last quarter. I don't begrudge them making money. That is good. People in our great free enterprise system can make money. I am just saying we have to have rules that don't allow them to cause another problem, as we had, which is second only to the Great Depression. Some say it is worse. These Wall Street bankers are sitting very comfortably. They see nothing wrong with a system that privatizes their gains and socializes their losses. They don't want us to change a thing. Let's decide that we, Democrats and Republicans, are on the side of consumers and investors, families and businesses, and the vast majority of Americans who want us to make sure the financial crisis they just lived through can never happen again.

Those who think this legislation is bailing out Wall Street should look at it again. Let's move forward in a bipartisan manner to get this bill done as quickly as possible, go to conference with the House, have the President sign the bill. The sooner we do that, the more stable our economy will be, not only here in America but worldwide.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling final half.

#### ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the time for morning business be 1 hour, that the fact that the Republican leader and I took extra time should not count, Republicans having the first half hour and the Democrats having the second half hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Georgia.

#### MORTGAGE LENDING

Mr. ISAKSON. Madam President, I rise at a propitious time because the majority and minority leaders addressed the pending bill that is coming out of the Banking Committee and their desire for the bill to be one that is amendable and debatable.

I am here to talk specifically about one facet of the financial crisis and one improvement that is to be made by this bill that needs to be carefully addressed to make sure we don't repeat a mistake made in the 1990s with the failure of the S&L industry.

I have a chart with me. We have heard a lot about mortgages. We all know if it weren't for FHA, if it weren't for VA insurance, if it weren't for the Fed doing Freddie and Fannie a favor, there would not be much mortgage money available right now. It has all run away from the United States because of the subprime crisis and, in fact, because people are nervous about what happened in the financial markets with subprime securities. During this crisis we have been in, beginning in 2005 and going on until now, in my State of Georgia—these numbers are specific to Georgia, but Georgia is the tenth largest State—we see here that of the mortgages in default, totally in default or in foreclosure, it got as high as 8.2 percent on what I refer to as qualified mortgages. Those are mortgages that were made to creditworthy people who had good underwriting standards. Those were good mortgages. Up to 8.2 percent or 1 in 10 of those, at its apex, were either delinquent or pending foreclosure. But 24.7 percent were what is known as subprime or nonqualified loans and were either in mortgage delinquency or in default, 3 to 1.

The reason I show this chart is it demonstrates where the problem happened, not just on Wall Street but on Main Street; that is, in chasing higher yields, in pushing toward a desire for greater home ownership, credit standards got lax, and loans became nonqualified loans that carried a higher interest rate but a much higher risk. It is acknowledged by me and by most, in terms of the housing crisis we have been in, that the largest precipitating factor was shoddy underwriting, loose credit, and subprime mortgages. The legislation coming out of the Banking Committee is going to create some-

thing known as shared risk or lender liability in terms of the making of mortgage loans. I will be the first to tell my colleagues, I am not on the Banking Committee. I haven't seen the final draft. What I will address is what I hope will happen, not what I know will happen.

What I hope the committee will understand is, in its requirement for shared risk, being that the maker of a mortgage retain 25 percent of that mortgage for its lifetime or until it is paid, is the significant amount of capital that is asked for an institution to reserve and a possible amount for a mortgage broker or a mortgage banker but not for an institutional lender. The problem is, there are no institutional lenders like savings and loans anymore. One should revisit what happened with the savings and loan crisis, the Resolution Trust Corporation, and the failure that took place in the late 1980s and late 1990s. In America in the 1970s and 1980s, most of the mortgages made were made by lenders who didn't share the risk. They had 100 percent of the risk. They were savings and loan associations that took deposits, paid a preferential rate of interest over banks by regulatory design to attract the capital, and they held the mortgage in portfolio until it was paid. That is not shared risk. That is total risk.

What were our foreclosure rates in the 1970s and 1980s up until the end of the 1990s? Very marginal, 1 to 2 percent, certainly not 8.2 percent, certainly not 24.7. What happened, though, in the savings and loan industry is, No. 1, the Federal Government took away the interest preference to pay between banks and S&Ls so capital flowed out of the S&Ls. No. 2, because S&Ls then needed to make more money on the internal portfolio, the government allowed savings and loans to create service corporations, which were subsidiaries, to deviate from their original charter and, instead of just making home loans, allowed them to make commercial loans and, in fact, become developers.

What happened? What happened is history. We got off our mission, because we got off the risk. Because we took our eye off the ball, the savings and loan industry across America failed. Congress had to create the Resolution Trust Corporation to dispose of the bad assets around the country and we went through, up until now, the most severe recession we have ever been through. But this one is worse. This one is more pervasive. This one was caused by a lot of financial irregularities and poor oversight on our part, as well as greed on the part of many lenders. My hope is, when we start fixing things with regard to mortgages, we will recognize that shared risk is not going to solve any problem, if 100 percent risk didn't solve it in the late 1980s. What is going to solve the problem is for us to have reasonable standards of required underwriting that are an insulator from institutions

making bad loans unless they take the risk.

I am suggesting that we define what is a qualified loan that would not be subject to shared risk and what is a loan that would be subject to it. For example, what would a qualified mortgage be? I was in this business for a long time. When I started in the business in the 1960s through mid-1980s, you could not borrow twice your annual income. You couldn't have a monthly payment higher than 25 percent of your take-home pay, and your total debts a year or longer could not exceed 33 percent of your gross income. That was reasonable underwriting. What were our foreclosure rates then: 2, 1.5, a high of 2.8 percent in the mid-1980s, but certainly not anything such as what we have in the 24.7 and the 8.2 percent.

What is a qualified loan is one that requires full documentation so you do have to have a job, so your boss verifies your job, so the credit agency actually verifies your credit so you actually have a downpayment, you don't have downpayment assistance or some "now you see it, now you don't" program—no interest-only loans. Everybody knows, you are not making an investment if you are not paying the debt service and only paying the principal. Interest-only loans were a bad idea whose time came and it went. It may be good for certain forms of commercial investment but not for residential.

No balloon payments. One of the biggest problems with these foreclosures was good people were loaned money with shoddy underwriting that had balloon payments in 3, 5, or 7 years. People didn't know what a balloon payment was. They thought it was something that flew in the air. A balloon payment is when the whole principle comes due all at once and you are subject to the ability to refinance. That is not a qualified loan; that is a high-risk game.

No negative amortization. That was a bad idea whose times came and went. Negative amortization meant you borrowed \$100,000, but you made payments so at the end of the year you owed more, not less. That is a bad idea. That was predicated on rapid inflation or rapid appreciation which isn't always going to happen. And then requiring people to carry private mortgage insurance on their loans if they exceed 80 percent of the loan to value of the house, a normal underwriting standard until we got into the loopy-goopy time of the late 1990s and the decade of 2000 to 2010.

If we adopted in this legislation those parameters, to exempt lenders from shared participation, we would attract all the money like the good old days, then put the shared risk retention on those loans that are not well underwritten; make the mortgage broker or the investment banker hold 5 percent of an investment they sell because it didn't meet these qualifications, what would happen? They wouldn't do it, because they wouldn't hold the money. It

would have prevented what has been alleged one of the brokerage houses did already. They would never short something and bet on it failing if they had a piece of it. They would only do it if you had a piece of it and they didn't.

It is important, when we get into this regulation or reregulation of the financial industry, that we also recognize we have some obligation to correct some of the mistakes the government made itself in the past that caused the problem in the S&Ls in the 1980s and with nonqualified mortgages in the 1990s.

What I am suggesting simply is, let's take those things that are tried and true, not things we think will work but things we know will work. Let's make them the gold standard. Let's make them the qualification for the attraction of money in mortgages to fund the homes of the American people. Then let's say to those who want to take a risky loan, let's say to those who want to have shoddy underwriting, let's say to those who want to make a quick return and get out before the dollar comes due, they will have to take the risk. Shared responsibility or shared risk is precisely right as an insurance policy to protect against that. But the unintended consequence of shared risk on a qualified, well underwritten loan is a higher interest rate for the consumer and less attraction of capital for individuals who form those loans to fund the housing purchases, which ultimately leads the government to do with Freddie and Fannie what it did before—force them to make loans they should not, force the government and taxpayers to be at risk in part on those loans and bring us back to another period like the S&L collapse or, later, like the financial market collapse of the last couple years. There will be another one in the future if we don't recognize the need to make qualified loans, well underwritten, do it as we did in the good old days when America flourished, foreclosure rates were low, and home ownership was within reach of 70 percent of the American people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Madam President, I rise to talk about the same issue the Senator from Georgia has discussed. First, I congratulate him. This is a point we have been making on our side of the aisle. He has come up with a thoughtful and appropriate way to address what was one of the core drivers of our fiscal meltdown. If we look at what caused the financial crisis of late 2008, which has caused this significant recession, which has caused us to go through all these expenditures as a government and which has caused so many American people to suffer the consequences of the recession, there were three or four major events that generated this. One was money was too cheap for too long. That was a Federal Reserve decision. But right at the essence of it was the issue of underwriting, the fact that

there was a decoupling of the people making the loan from the people who were responsible for the loan.

We had this whole service industry built up that was making money off of the fees for originating the loan and wasn't that concerned about the ability of the person to repay the loan or the underlying asset. What the Senator from Georgia pointed out—and the proposal he has brought forward is a very responsible way to address this fundamental problem, which is the failure of underwriting—is a point we have been making on our side of the aisle. We have a whole series of what we think are pretty good ideas as to how we can make financial reform work better. Certainly one of them is the idea of the Senator from Georgia.

I was impressed today to hear both leaders say they want to have a bill that is bipartisan, that is comprehensive, that is thoughtful, and that addresses the issues we confront in this regulatory arena.

Unfortunately, that is not the atmosphere around here that has been created. Regrettably, there has been a huge amount of hyperbole, especially in the last couple weeks. Most of it has not been directed at moving down the path of a thoughtful and mature and substantive approach to this issue. Most of it has been addressed at raising anecdotal events which then have been hyperbolized into single one-liners as to how you address them.

This issue of financial reform is far too complicated for one-liners. That is a fact. It is an extremely complex undertaking to make sure we accomplish what we need to accomplish in regulatory reform. Our goals should be two. First, we should do whatever we can to restructure the regulatory arena so we reduce, to the greatest extent possible, the potential of another systemic risk event. I will talk about what we need to do in that area in a second.

Second, while we are doing that, we have to make sure the regulatory environment we put in place keeps America as the best place in the world to create capital and get a loan for people who are willing to go out and take a risk, be entrepreneurs, and create jobs.

One of the great uniquenesses of our culture, what makes us different from so many other places in this world, what gives us such vibrance and energy as an economic engine, is that we have people who are willing to go out and take risks. We have people who are willing to be entrepreneurs. And we have a system of capital formation and credit which makes capital and credit readily available to those individuals at reasonable prices. So as we go down the road of regulatory reorganization, we have to make sure we do not suffocate that great strength of our Nation.

There are four basic issues before us today in regulatory reform, and none of them are partisan. Yet in the atmosphere around here, you would think they are all partisan, especially the

President's recent speech, which was over the top in its partisan dialog.

First is how you end too big to fail. We cannot allow a system to exist where there is a belief out there in the markets that the taxpayers are going to back up a company that has taken too many risks and has gotten itself in trouble. Why is that? Because if that happens, if there is a belief in the market that the taxpayers will step in and back up companies that are very large and systemic when they have taken too much risk and put themselves in dire economic straits—if there is a belief that the taxpayer is going to step up and back up that company—capital will get perverted. Capital will not be efficiently used. Capital will flow in an inefficient way to companies which have proved themselves not to be fiscally responsible. That is not a good way for an economy to function—certainly a market economy to function. So we have to end too big to fail.

This is not a partisan debate. Senator DODD has brought forward a bill which he thinks ends too big to fail. In my view, it has some serious flaws. It is a good attempt, but it does not get there. Senator CORKER and Senator WARNER, from two different parties, have actually put together a concept—we call it resolution authority around here—which actually does end too big to fail and does it the right way. It essentially says if a company, if an entity—which is a huge entity—gets out of whack, overextends itself, gets too much risk, is no longer viable, well, then, we are going to resolve that company. The stockholders will be wiped out, unsecured bondholders will be wiped out, and the company will basically flow into bankruptcy and will not be conserved. That is a good approach, and it is a bipartisan approach.

Another big issue: how you address regulatory oversight to try to anticipate a systemic event. Again, the Dodd bill makes an attempt in this area, but there are ways we can improve it. We need to have all the different regulators who have an important role in this sitting at a table, most likely led by the Fed, who take a look at the broad horizon of what is happening in the marketplace and saying: OK, in this area we have a problem arising. We have too many people doing too many things which are at the margin of responsibility here. We are going to empower the agency which is responsible for that—the FDIC or the OCC or one of the other regulatory agencies—to go out and make sure that activity ceases or is abated, and they are going to come back and report to us so you have some oversight here.

That is the concept. It can be fleshed out in better terms. It goes to this issue which is raised by the Senator from Georgia—we should have better underwriting standards as part of this exercise so in the marketplace, real estate especially—residential real estate—we get back to the approach we should have taken to begin with, which

is that we know the asset value that is being lent to exists and that the person can pay the loan back as the loan is adjusted over the years.

Thirdly, we have the issue of derivatives. Derivatives are a huge part of the market—massive. The number is \$600 trillion of notional value—something like that; massive numbers. What do they do? They basically make it possible for American companies especially to sell their products around the world or to take and put their products into the market in a way that they are able to address issues which they do not have control over.

For example, if you are Caterpillar equipment and you are selling something in China, you do not know if the currency value is going to change—well, you do with China; that is a bad example—if you are selling something in Brazil, you do not know if the currency value is going to change, you do not know if there is going to be a change in the cost of your materials you are building that tractor with, you do not know a lot of different factors you do not have control over. So derivatives allow you to ensure over that.

That is a simple statement of what derivatives do. But that goes to all sorts of different activities—from financial entities, all the way across the board to producers of goods. So there needs to be a regime put in place that makes these derivatives sounder, where we do not get an AIG type of situation where basically we are backing up what amounts to an insurance policy for a company with a name but actually no assets.

Senator JACK REED from Rhode Island and I have been working for months—literally months—on a daily basis to try to work out such a regime. We think we are pretty close. We think it is going to be a good proposal. Nobody is going to like it, which we know means it is going to be a good proposal. But it is going to accomplish what we need to do, which is to get more transparency and liquidity and margin in the market. There will be the opportunity to have end users who are exempt, but there will also be a primary incentive to put people on a clearinghouse. To the extent you can move from a clearinghouse to an exchange, that will happen also, without undermining the market.

But the key here is to put in place a regime which does not force companies to go overseas to do their derivative activity. This is a very fluid event. If we come forward with an overly regressive approach and an overly bureaucratic approach—one which basically responds to a hyperbole of the moment, which is that all derivatives are bad and not transparent and therefore must be put on exchanges, something like that—we are basically going to push offshore the vast amount of derivative activity that is critical to our industry in America being competitive. As a very practical matter, if we can develop a sound market—and we can de-

velop a sound market—we want to be the nation where most people go to develop their derivatives because it is a big industry and it is something we should keep onshore.

The fourth issue: consumer protection.

My time is up?

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Mr. GREGG. Madam President, I see the Senator from Louisiana wants to speak. But the point here is pretty obvious. This is not a partisan issue. We can resolve the issue of financial regulatory reform if we sit down and do it in a constructive, thoughtful way, step back, be mature, and take an approach that is thoughtful versus wrapped in hyperbole and populism of the moment. I certainly hope we will take that process and go forward.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Madam President, I join my colleagues in urging the Senate to come together—Republicans and Democrats—around a strong bipartisan approach to financial regulatory reform. We need to address the critical causes behind the financial crisis of the last several years, and we need to do it right and in a bipartisan way.

Unfortunately, we are not on that path yet. The Dodd bill, which the President and Chairman DODD and others are trying to push to the floor, is a purely partisan approach and, unfortunately, it gets a lot of the bigger issues wrong.

First, and perhaps most importantly, the Dodd bill expands too big to fail. It does not end it. The Dodd bill ensures more future bailouts. It does not get rid of the need for bailouts. It is not just me saying that. As conservative an authority as Time magazine wrote a few weeks ago:

Policy experts and economists from both ends of the political spectrum say the bill does little to end the problem of banks' becoming so big that the government is forced to bail them out when they stumble. Some say the proposed financial reform may even make the problem worse.

Another significant authority is Jeffrey Lacker. He is president of the Richmond Federal Reserve. He was interviewed by CNBC. The CNBC reporter said: Well, doesn't this bill allow all sorts of resolution? Isn't that ending too big to fail? He said, very clearly:

It allows those things, but it does not require them.

That is the heart of the problem here: It allows those things, but it does not require them.

Moreover, it provides tremendous discretion for the Treasury and FDIC to use that fund to buy assets from the failed firm, to guarantee liabilities of the failed firm, to buy liabilities of the failed firm. They can support creditors in the failed firm. They have a tremendous amount of discretion. And if they have the discretion, they are likely to be forced to use it in a crisis.

Exactly, precisely, what we saw in the last few years.

William Isaac, former FDIC Chairman, has echoed exactly the same concern:

Nearly all of our political leaders agree that we must banish the “too big to fail” doctrine in banking, but neither the financial reform bill approved in the House nor the bill promoted by Senate Banking Committee Chairman Chris Dodd will eliminate it.

Finally, Simon Johnson, a respected MIT professor:

Too big to fail is opposed by the right and the left, though not apparently by the people drafting legislation. The current financial reform bills are effectively a wash on the issue.

There are multiple sections in the Dodd bill that expand too big to fail: sections 113 and 114 essentially creating a “too big to fail” club; other sections creating a new permanent bailout slush fund; other sections allowing the bailout of creditors and codifying backdoor bailouts. That is a significant flaw in the bill—and not the only one.

My second big concern is that the Dodd bill creates a new all-powerful superbureaucracy with powers well beyond what is necessary to fix the problems that led to the last crisis. Again, there are several sections creating that new all-powerful bureaucracy. Perhaps the most significant one in my mind is one that subjects anybody who accepts four installment payments to the authority of this huge new bureaucracy.

I have four kids. Three are teenagers with braces. That is their orthodontist. That is the electronic store down the street. None of these folks were part of the problem that led to the financial crisis, but they sure accept four installment payments. We cannot pay for three sets of braces otherwise. This is a huge new superbureaucracy with enormous authority.

Finally, another big problem with the Dodd bill is it does nothing to fix other key causes of the crisis. For instance, it does nothing about Fannie Mae and Freddie Mac. We have a so-called comprehensive bill, with multiple titles, thousands—tens of thousands—of words, hundreds of pages, and the words “Fannie Mae” and “Freddie Mac” are never included, nowhere to be found. As Lawrence White, an economics professor, said:

The silence on Fannie and Freddie is deafening. How can they look at themselves in the mirror every morning thinking that they have a regulatory reform bill and they are totally silent on Fannie and Freddie? It just boggles my mind.

And it boggles my mind as well.

Finally, nothing on lending standards, underwriting standards—exactly what Senator ISAKSON was talking about. The core fundamental problem behind the last financial crisis was that all sorts of loans were written that any reasonable person would know from the outset had no chance of making—the person getting the loan had no realistic chance of keeping up on that loan because there were no lending standards, no underwriting standards.

An institution wanted to start the loan and sell it off and get it off its books and get quick profit for initiating the loan. The Dodd bill doesn’t address that and doesn’t create those lending standards we need to create.

So where is the change? We need change. We need real reform, but where is the change?

These are the top firms that got bailout funds from the taxpayers, hundreds of billions of dollars all told. This is the old regulator of those firms. This is the new regulator of those firms—exactly the same. The regulation of these entities doesn’t change, doesn’t move—exactly the same. Again, we need regulatory reform, but we need it zeroed in on the real problems, and we need a strong bipartisan approach, not a highly partisan approach.

Many of us think these are the basic principles of true regulatory reform: permanently ending bailouts and too big to fail, which the Dodd bill clearly does not do; ending all of the bailout authorities of the Federal Reserve and FDIC because if they still have those authorities, they will use them in the future; enhancing consumer protection without creating this huge new superbureaucracy that goes well beyond what is needed to address the causes of the crisis; creating greater transparency for derivatives while allowing businesses to manage risk, as Senator JUDD GREGG explained.

Begin to address Fannie Mae and Freddie Mac. Those were key causes of the crisis. There is no excuse for those four words to be completely left out of a so-called comprehensive reform bill.

Establish minimum lending standards for mortgages. That was a key cause of the crisis. It is ridiculous for that to not be addressed in a so-called comprehensive reform bill.

Increase competition for credit rating agencies. We saw significant problems there.

And dramatically improve coordination and communication among the regulators. This would be an approach targeted on the real problems, not a bill using the last financial crisis as an excuse to reach another preexisting agenda. This would be a bipartisan approach which the American people can support, and I hope this will become the outline of the approach the Senate adopts as we move forward.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Madam President, this morning I met a friend who is visiting, and he told me he was planning to go out and visit the FDR Memorial. I thought maybe the entire membership of the Senate should go out and visit the FDR Memorial.

Essentially, FDR did three things in response to the Great Depression: one was to create jobs, a second was to fix housing, and a third was to repair the banking system. All three were essential. We have been immersed in all

three components now, responding to the great recession we experienced and the great explosion of the economy in 2008 that we are dealing with every day.

What did Roosevelt do in response to the banking challenge? Two main things: First, he made sure American families could safely put their money back into banks. That is the origination of the deposit insurance. Second, President Roosevelt made sure banks didn’t engage in high-risk speculation that would put the banks and the American economy at risk because he understood the critical role of banks in lending to families and lending to small businesses, and the last thing one wants in a recession is to have investment houses making speculative investments go down and then take the banks down with them. So you compromise the lending to small businesses and to families at the same time that the investments go awry. That is why he separated those activities—highly risky investments separate from the lending that would continue to fuel our economy.

Well, because of these regulations in the Roosevelt administration, the wages of American families grew steadily right alongside the productivity of our economy. Our economy was thriving and our middle class was thriving. Indeed, we should judge the success of our economy not by the gross domestic product, not by the size of the bonuses in boardrooms on Wall Street; we should judge the success of our economy by the living wages paid to working families and whether those wages are keeping pace with productivity our workers are bringing to the economy. By that standard, we are not doing well.

By the 1980s and 1990s, Wall Street convinced Washington that we don’t need those Roosevelt-era regulations anymore, we don’t need those walls that protect lending from high-risk investing. Instead of having oversight and accountability, we should just let Wall Street make their own rules. This is a little bit like a traffic system in which we say we are kind of tired of those traffic lights. We don’t really like those stop signs and lane markers. It is a waste of paint. We can do without them. For a short time, everybody can just kind of speed down the road and not worry about any rules to abide by until shortly thereafter when everyone crashes.

That is exactly what happened in our financial system over this last decade. The SEC took down the leverage limits. The five largest investment banks were told to set their leverage wherever they wanted. We had Bear Stearns in a single year going from leverage of 21 to 41. So for every dollar they were investing, they were betting \$20 by the start of the year, but by the end of the year, as the SEC granted them permission, for every dollar they held, they were betting \$40. They make a tremendous amount of money on the way up

when they can bet \$40 for every dollar they hold, but they crash in a spectacular fashion when the market goes down in that situation.

Then, again, we had the Fed. The Fed puts monetary policy in the penthouse and safety and soundness on the upper floors. But what do they do with their responsibility for consumer protection? They put it down in the basement and they seal the doors. They let no daylight in and they let little communication occur between the consumer protection side and the safety and soundness and the monetary side.

They did absolutely nothing when a new product was invented in 2003, a new form of subprime that had a 2-year teaser rate, a prepayment penalty that locked the family into that loan and prevented the family from escaping from that loan, and that had exploding interest rates that would destroy the family. The Fed did absolutely nothing. Then Wall Street said: You know what. These loans are worth so much because we can pull so much money out of families with these loans, so we are going to pay a bonus to a broker if the broker ties a family into one of these loans. And those steering payments resulted in tons of families who qualified for prime mortgages being steered into subprime mortgages. By a Wall Street Journal study, 60 percent of families who were in subprime mortgages qualified for prime mortgages, but their broker persuaded them that the best mortgage was one that was not in their best interests.

Then we had the rating agencies. The rating agencies had magic all their own. They didn't develop their own models to evaluate BBB bonds that were mixed and sliced and diced into new packages of bonds. No. They took their models from Wall Street, and based on those models they said: If you take BBB bonds from over here and BBB bonds from over here and you mix them together, we will rate 80 percent of the resulting bonds as AAA. Well, that is a money-making machine, but it also undermined one of the key instruments the financial world depends on; that is, accurate credit ratings.

Then we had lots of tricks and traps buried in the small print, stripping families of their capital. Things were happening in the credit card industry such as sitting on a person's payment for 10 days even though it had arrived on time, sitting on it for 10 days and then posting it as late and charging a late fee. As a constituent from Salem said to me, where is the fairness in that? American citizens are saying time and time again, when clauses written in the fine print defy fundamental fairness, where is the fairness in this?

So at every level we had a breakdown in our financial system. We know what happened. The deck was stacked against the ordinary citizen. It turned a banking system that is designed to help families, strengthen families, strengthen small businesses into a ca-

sino for Wall Street's big bets. When those bets went bad, the taxpayers—you and I—were left holding the bag.

Now, as the effort to restore fair rules of the road to Wall Street heats up here on the floor of the Senate, there are those on Wall Street and those on this floor who want to block reform. They don't want to fix any of these things I have been describing. Indeed, recently the minority leader met with more than two dozen Wall Street executives and hedge fund managers and urged them to elect members of his party who would stop these reforms that serve the American people. Then he came back down here and he whipped out his talking points from Frank Luntz and he said: This bill won't work. Why did he say that? Because he doesn't want a bill to reform Wall Street and fix these rules and restore prosperity to our economy. He wants to take this election year instead and serve a powerful constituency that doesn't want any rules restored to the road.

Folks, that is just wrong. We have a responsibility. Just as our ancestors not so long ago fixed the problems of the Great Depression, fixed the banking system, and restored a banking system that would take us forward in an orderly fashion and allow business to thrive in America, to be the envy of the world in America, we have the responsibility to do that today.

There are some who have said: Well, we want a free market. Let me tell my colleagues, a free market thrives with rules that allow orderly conduct because those rules create the integrity that gives people the faith to utilize those markets. We saw with the stock market reforms that people believe stocks are traded fairly in America, and therefore they are willing to invest and, by investing, power up the companies that are issuing public stock. It works when there is integrity in the market. Foreign investors will come and put their dollars in America if they believe there is integrity in our system.

That is what these rules are about—rules that create a free market with integrity so that it can power up the economy of America. That is what this is about. We are not talking about what some of my colleagues across the aisle are talking about: preserving the status quo, which means freedom from oversight, freedom from accountability, freedom to translate BBB bonds and AAA bonds with a magic evaluation system; free to blow up the economy, which destroyed families' savings, families' retirements, families' jobs, often families' health care, and pretty much tore the foundation out from under the American working family.

This bill creates a consumer financial agency that will say: No more trips and traps on basic financial products. We need to have that mission no longer locked in the basement. We need to have that mission in an agency that

says we will not allow those tricks and traps and scams that have been perpetuated over the last decade, so that Americans will not say: Where is the fairness in that? Instead, they will say: Thank goodness these contracts are fair and serving our families and our economy.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator has spoken for 10 minutes.

Mr. MERKLEY. Is that my full allocation of time?

The PRESIDING OFFICER. Yes.

Mr. MERKLEY. Thank you. I will close by saying this bill must get done because we have a responsibility to restore the foundations for our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, let me first thank the Senator from Oregon for his remarks. He has brought great passion for this issue to the Senate. He serves with distinction on the Banking Committee. I couldn't agree with him more that the spectacle of colleagues scampering up to Wall Street to offer their services, and interfering with, obstructing, watering down, and impeding, of all things financial regulatory reform, after all we have been through, is not a spectacle that is salutary.

I appreciate his remarks.

#### NOMINATIONS AND HOLDS

Mr. WHITEHOUSE. Mr. President, I wish to talk for a minute about nominations and holds. The Senate's Executive Calendar contains the names of those individuals whom President Obama has nominated to serve in his administration, and those positions require Senate confirmation. The Executive Calendar also contains the names of those the President has nominated to be Federal judges—it is called the Executive Calendar, but judicial offices are on it as well—at the district court level and the appellate level.

Since President Obama took office, this Senate has voted on 44 nominees. Some others have been approved by unanimous consent, but we have had 44 votes on nominations. Of those 44 votes, 31 of them—that is 70 percent of the nominees we have confirmed—have been held over, filibustered, and delayed by days, weeks, and months. The average length of time these nominations have languished in the Senate has been over 106 days. That is 15 weeks—3½ months—from the time they were nominated to the time they were confirmed. That is just the average delay. Some have spent 1 full year in Senate limbo as a result of holds by our colleagues.

If it has taken this long to confirm them, these must have been controversial nominees, and these must have been tough votes and close votes for the Senate, one would think. Well, let's take a look—bearing in mind that it takes 51 votes to be confirmed by the Senate.

Sixteen of these nominees who have been held over, filibustered, or delayed were subsequently approved when they came to a vote by more than 90 votes in the Senate. Again, sixteen of the filibustered nominees passed the Senate with votes of more than 90. Another 10 have been approved with more than 80 votes—bear in mind that it only takes 51 to get confirmed—and 3 more with more than 70 votes. That is 29 out of those 31 nominees who, when they finally came to their vote, were approved overwhelmingly, by enormous bipartisan majorities, in the Senate. They have spent 106.6 days, on average, waiting to be confirmed by those vast majorities—waiting to be confirmed overwhelmingly.

The only conclusion that a rational mind can draw from this is that this is not about controversial nominees; this is about politics, plain and simple—the bare knuckles politics of obstruction, the kind of politics that says I don't care if you are qualified for the job for which you were nominated. I don't care that the Department of State or the Department of Homeland Security needs you for a critical job. I don't care. You are going to sit on the Senate calendar for months and months and months so that I can score political points against the President, so that I can inhibit the deployment of this elected President's administration into the office of the government.

Well, that is wrong and it needs to stop.

As of Monday, the Executive Calendar contained the names of 101 nominees—101 individuals for critical jobs in agencies all across the government that are now sitting on the Senate's Executive Calendar waiting and waiting. I want to address some of the judges who have been waiting for a long time, and I will ask that their nominations be called up and approved.

Mr. President, I will start with Judge Albert Diaz and Judge James Wynn, a pair of judges who are Fourth Circuit Court of Appeals nominees. So I will call up Executive Calendar Nos. 656 and 657, the nominations of Judges Albert Diaz and James Wynn, nominees to the U.S. Court of Appeals for the Fourth Circuit.

Let me tell you who they are. Judge Diaz currently serves on North Carolina's Special Superior Court for Complex Business Cases. He was reported out of the Judiciary Committee on January 28, 2010, by a vote of 19 to 0. He has served in the Marine Corps and has 9 years of State court judicial experience.

Judge James Wynn was reported out of the Judiciary Committee the same day, January 28, 2010, by a vote of 18 to 1. He currently sits on the North Carolina Court of Appeals, the State's intermediate appellate court. He is a certified military trial judge and a captain in the U.S. Navy Reserve.

#### UNANIMOUS-CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to executive session, and notwithstanding rule XXII, the Senate proceed to Executive Calendar Nos. 656 and 657; that the nominations be confirmed en bloc; that the motions to reconsider be laid upon the table en bloc; that any statements relating to the nominations be printed in the RECORD, as if read, and the President be immediately notified of the Senate's action.

I ask for the regular order on the unanimous-consent request. The unanimous-consent request is pending right now, and there is nobody on the floor to answer it or object to it.

The PRESIDING OFFICER. Is there objection?

Mr. WHITEHOUSE. I am told a Senator is coming to make an objection, so I will withhold.

While we are waiting for a Republican Senator to come and object to these nominees, they came out of the Judiciary Committee back in January. They were voted out of the Judiciary Committee by, in one case, a unanimous, bipartisan vote of 19 to 0.

I am informed that the Senator from Arizona, Mr. KYL, is coming to object. He sits on the Judiciary Committee. He likely was one of those 19 who voted in favor of this nominee at the committee level. I don't know who the one vote against Judge Wynn was, but he cleared the committee by a vote of 18 to 1—again, a strong bipartisan vote of support. Yet I am informed by the floor staff that they are finding somebody to come and object to these nominees who have now been held through all of February, all of March, half of April, despite being, in one case, unanimous votes in the Judiciary Committee, and the other an 18-to-1 overwhelming bipartisan majority.

For the record, I am informed that the minority was aware that I was coming to make these unanimous-consent requests; that they had full knowledge this was going to come. If they are unable to get somebody to the floor to object, as far as I am concerned that is not my concern.

Mr. President, I renew the unanimous-consent request now that there is a Senator on the floor.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Mr. KYL. Reserving the right to object, might I ask my colleague to restate the request?

Mr. WHITEHOUSE. Yes. It was to call up Executive Calendar Nos. 656 and 657, which are the nominations of Judge Albert Diaz and Judge James Wynn to the U.S. Court of Appeals for the Fourth Circuit. As the distinguished Senator from Arizona will recall, since he sits with me on the Judiciary Committee, Judge Diaz was voted out by a vote of 19 to 0 back on January 28, 2010. If my math is correct, that means the distinguished Senator from Arizona voted for this nominee in the Judiciary Committee.

Judge James Wynn was reported out the same day, January 28, by a vote of 18 to 1. I don't know if the Senator was the single dissenting vote in that overwhelming vote in support of Judge Wynn's nomination.

Judge Diaz served in the Marine Corps and has 9 years of State court judicial experience. Judge Wynn is a certified military trial judge and a captain in the U.S. Navy Reserves.

My unanimous-consent request was that the Senate proceed to executive session, and notwithstanding rule XXII, the Senate proceed to Executive Calendar Nos. 656 and 657; that nominations be confirmed en bloc; that the motions to reconsider be laid upon the table en bloc; that any statements related to the nominations be printed in the RECORD, as if read, and that the President be immediately notified of the Senate's action.

Mr. KYL. Mr. President, I appreciate my colleague restating the request. Reserving the right to object, and I will object, as I think my colleagues are aware, the two leaders have worked out a process for consideration of at least some of the judicial nominations. My understanding is, there is another agreement on at least one circuit court nomination that they are working out a time agreement on right now and that would occur, I presume, later this week. I think it is important to let the two leaders work out those agreements. As a result, reluctantly, I have to object to my colleague's request.

The PRESIDING OFFICER. Objection is heard.

Mr. WHITEHOUSE. Mr. President, I appreciate the distinguished Senator's objection. We do have 101 nominees on the Executive Calendar. The objections have holds which are secret. They are holding up people, as I said, for an average of 106 days. While it is nice one or two might be given a time agreement by the minority party, it does very little to relieve the blockade that the minority party is engaged in of judicial and Executive nominees.

I will continue forward. I call up Executive Calendar No. 701, the nomination of Nancy Freudenthal to be a judge for the U.S. District Court for the District of Wyoming. She passed out of the committee by voice vote—a voice vote, as the Presiding Officer knows, is a vote without dissent—on February 11, 2010. She has decades of experience as a public servant and as a lawyer in private practice. She currently is Wyoming's First Lady.

If confirmed, she will be that State's first female Federal judge. It is the practice of the Judiciary Committee not to put forward judges unless the consent of the home Senators has been obtained. I point out that both the Senators from Wyoming are Republicans.

I ask unanimous consent that the Senate proceed to executive session, and notwithstanding rule XXII, the Senate proceed to Executive Calendar No. 701, the nomination of Nancy

Freudenthal; that the nomination be confirmed, and the motion to reconsider be laid upon the table; that any statements relating to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, for the same reasons as noted earlier, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WHITEHOUSE. Mr. President, I call up Executive Calendar No. 702, the nomination of Judge D. Price Marshall to serve on the U.S. District Court for the Eastern District of Arkansas, a district court nominee who has been held up and filibustered. This district court nominee, Judge Marshall, is currently a judge on the Court of Appeals for the State of Arkansas. He spent 15 years in private practice in Jonesboro, AR. He served as a law clerk to Seventh Circuit Judge Richard S. Arnold. Judge Marshall was reported out of the Judiciary Committee on February 11, 2010, by voice vote and without dissent. He has been held and blockaded on this floor.

I ask unanimous consent that the Senate proceed to executive session, and notwithstanding rule XXII, the Senate proceed to Executive Calendar No. 702; that the nomination be confirmed, and the motion to reconsider be laid upon the table; that any statements relating to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WHITEHOUSE. Mr. President, let's try another one.

I call up Executive Calendar No. 704. This is the nomination of Judge Timothy Black, again, a district court nominee, a local trial court nominee, to serve on the U.S. district Court for the Southern District of Ohio. Judge Black has served the Southern District of Ohio for 6 years as a Federal magistrate judge. He is currently a Federal magistrate judge in the court for which he is nominated as a district judge. Before that, he spent a decade as a municipal court judge and had a long career as a civil litigator. He was reported out of the Judiciary Committee without dissent after a voice vote on February 11 of this year. February, March, April—more than 2 months ago. He has languished on the Senate floor after clearing the committee without dissent—a judge, a district judge, a trial judge who serves now as the magistrate judge.

I ask unanimous consent that the Senate proceed to executive session, and notwithstanding rule XXII, the Senate proceed to Executive Calendar No. 704, the nomination of Judge Timothy Black; that the nomination be

confirmed, and the motion to reconsider be laid upon the table; that any statements relating to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, for the same reasons stated before, I object.

The PRESIDING OFFICER. Objection is heard.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

##### NOMINATION OF LAEL BRAINARD TO BE AN UNDER SECRETARY OF THE TREASURY

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

The assistant legislative clerk read the nomination of Lael Brainard, of the District of Columbia, to be an Under Secretary of the Treasury.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon will be equally divided and controlled between the Senator from Montana, Mr. BAUCUS, and the Senator from Iowa, Mr. GRASSLEY, with the Senator from Kentucky, Mr. BUNNING, controlling 15 minutes of the time controlled by the Senator from Iowa, Mr. GRASSLEY.

The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I probably will not take the 15 minutes but somewhere between 10 and 15 minutes.

I rise in strong opposition to the nomination of Lael Brainard to be Under Secretary of the Treasury for International Affairs.

I do not think it is unreasonable for the American people to expect nominees to important posts in the Treasury Department to have a clean record in the payment of their taxes. After all, Treasury is responsible for collecting taxes. Treasury nominees have a special responsibility to live up to the same high standards the Department demands from ordinary citizens. But the American people deserve much more than just someone with a clean tax record. They deserve a nominee who is honest, trustworthy, and straightforward.

The Finance Committee's bipartisan investigation of Ms. Brainard revealed she does not have a clean tax record. At worst, she refuses to be straightforward and honest about her tax records.

The Finance Committee looks into the tax record of every nominee who comes before the committee. A routine

examination of Ms. Brainard's past few tax returns revealed many problems. When asked if she has paid all her taxes on time, she did not reveal several cases in which she had failed to pay her taxes on time.

When she was asked, on her nomination questionnaire, if she was current with all her taxes at the time she was nominated, she replied yes. But, in fact, that was not true. She was well overdue on paying county property taxes and DC employment insurance taxes at the time.

There were also several problems with the forms she was supposed to file to prove that her household employee was legally able to work in this country. On one form, there was a serious problem with a space that the household employee is required to sign. It appears Ms. Brainard filled in that space with her own signature, and she could not provide an explanation of why she did so.

On another form, dates appear to have been written over to change the year. She could provide no explanation of why this was done.

On two different forms, Ms. Brainard missed the deadline for completing the employer portion of the form. On another form, the employer portion was filled in 1 month before the employee portion, but the law requires the employee portion to be filled in first.

On yet another form, the employee certification section lists her husband's name, but the signature is hers.

On another form, the employee section is filled in, but the required employer certification section was left blank.

There was another problem of the home office deduction which she claimed in the past several years. She could not provide a clear and consistent reason for taking a home office deduction of one-sixth of her household expenses. She was unable to provide a credible reason for the size of the deduction. She reduced her home office deduction to one-twelfth of household expenses on her 2008 tax return. However, she did not reduce the deduction on her 2005, 2006 or 2007 tax return, all of which had the inflated deduction.

Some Senators might come to the conclusion that these tax problems alone should not disqualify the nominee. They may say that, at worst, this is simply a pattern of sloppiness. Do we want someone who is so sloppy in her tax responsibilities to be in charge of international affairs at the Treasury Department?

But this is not just a matter of sloppiness. This is a matter of total lack of candor with the Finance Committee and, by extension, with the Senate and, by extension, with the American people.

Ms. Brainard spent 9 months stonewalling the Finance Committee over all these tax issues. She gave evasive and incomplete answers to the staff of the committee. The level of evasiveness of this nominee appears to

be unprecedented. The committee had to submit 10 rounds of questions to clarify inconsistencies and incomplete answers Ms. Brainard had given. Several of those questions have been left unanswered.

The many tax problems of this nominee and the extreme difficulty the Finance Committee had in getting straight answers about these problems was outlined in a bipartisan memo Senator GRASSLEY entered into the CONGRESSIONAL RECORD on December 23 of last year. If we cannot trust Ms. Brainard to be truthful and straightforward when she is a nominee, how can the American people trust her to be straightforward and honest when she is confirmed and serving in the Obama administration?

As Under Secretary for International Affairs, she would be involved in some highly sensitive issues, such as the determination of whether China is manipulating its currency.

Do we want someone with such an abysmal record on truthfulness serving in this high position in the Treasury Department representing our country?

This is not just a matter of taxes. It is a matter of trust. The American people deserve a person we can trust in this very important position. That person is not Lael Brainard. We cannot trust someone who gives evasive, inconsistent, and incomplete answers to routine questions. We cannot trust someone who spends 9 months refusing to come clean about her record. We cannot trust someone who refuses to be straightforward about her tax problems because she is so desperate to be confirmed.

Mr. President, someone with this record is a terrible choice to serve in the Treasury Department. I urge my fellow Senators and my colleagues to consider this record before they vote on this nomination. I urge a "no" vote on this nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request.

Mr. BUNNING. Yes, I will.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, I rise today to talk not about obstructionism but, rather, about transparency and the rules. And the rule I am going to talk about is a rule that, in fact, we embraced in the last Congress. When I first came to the Senate, we embraced this rule by a vote; I think it was 92 to 6. We said we are going to change the way we do business around here when it comes to transparency. I thought it was a great moment. I was excited that we were making these bold changes about the way the Senate works, to open the doors and let the sun shine in.

Imagine my disappointment some 2 years later when I realized that for many Members of this body, that was a meaningless exercise because in the area of secret holds, we are doing no better today than we were before we

passed S. 1 in those early weeks of my time in the Senate, in 2007.

Section 512 of that bill deals with secret holds. What we tried to do in that bill was to make sure that if a Senator wanted to oppose somebody, no problem; if he or she wanted to hold somebody, that is their right as a Senator. But own it. Own it. We are not here to be in a back room making a deal to leverage something for some kind of pork we may want in our district. What we are here to do is the people's business. If a Senator has an objection to a nominee, they should tell the public they have an objection and, frankly, they owe the public an explanation as to why. We are here working for them. We are doing the people's business here. We are not doing some backroom deal. We are doing the people's business.

So transparency is what this is about today, and section 512 lays out the exact steps that are necessary in order to make sure all of the holds become public. The process begins pretty simply: by someone making a unanimous consent request to move the nomination. When that motion is made, then the Senator who has the secret hold must submit a notice of intent specifying the reasons for the hold, and within 6 days that must be printed in the CONGRESSIONAL RECORD.

Why do Senators hold secretly? Well, I can't think of a good reason. I mean, sometimes it is that they want to slow things down, and they do not want to be honest about it. Sometimes it is that they want to leverage it for a deal in their State from that agency, and they do not want to be forthcoming about that. That seems a little unseemly, to say: I am going to block an unrelated nomination in order to get a deal. And that is the kind of stuff people are sick of. That is the kind of stuff they do not want us to do anymore. They want us to be upfront. If a Senator wants to block a nomination in an agency because that agency is not doing their will, then they need to be proud of that.

Here is the tricky part about this rule. Once the motion is made and therefore the clock starts ticking and a Member has to admit they have a secret hold and they have to own that hold, then what they can do is, before the 6 days, they can withdraw their hold, and that is when we start seeing an imitation of the World Wrestling Federation tag-team match. That is when another Senator comes in and tags up and says: Well, I will do a secret hold now. And then a motion is once again made, and guess what. That Senator backs out after 6 days and somebody else takes his or her place with the secret hold. So we get secret holds forever, ad nauseam—secret hold, secret hold, secret hold.

So I come to the floor today to begin the running of the clock. We have over 80 nominations pending. In a comparable time in the Bush administration, we had five. We have around 80. I

am now going to begin to make a motion on these 80. Why this particular group? I will tell you why this particular group. No objection has been made to these nominees in committee. Let me say that again. Every single one of the names I am going to move this morning had no objection in committee. So we have literally had every Member of this body on one of these other committees, and nobody objected. Nobody said a word. So right now, it is very difficult for the public to figure out why all these important nominees are not moving forward.

Vote no. I am sure there have been nominees on whom I have voted no. There is a nominee on whom I put a hold. I put a hold on a nominee, but I was very upfront and put in the record at committee why I put a hold. I wrote a letter on why I put a hold. I wanted everyone to know why this nominee was being held. I thought it was an important part of my duty as a Senator to explain why I was doing what I was doing.

So vote no. Hold a nominee. But don't do it under cover of darkness unless you have something to be ashamed of. If a Senator has something to be ashamed of, then they can do the tag team. The law lets them do it. They can just keep playing tag and getting another secret hold and then tag off again and get another secret hold.

If we want to know why the country doesn't trust us, it is because of this kind of nonsense, these kinds of secret hold shenanigans or, as my mother would say, this poodle dog. That is her word for nonsense. I don't think she means to insult all the poodle owners in the world, but it is a good phrase—poodle dog—for what this is. It is nonsense.

Mr. President, when I have 1 minute left, if you will notify me, I will begin making the motions on these people whose nominations are being secretly held by Senators and who are not being allowed their time to even respond to whatever might be the secret reason why they are being held.

NOMINATION OF STUART GORDON NASH TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 333; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I have no objection.

There being no objection, the nomination considered and confirmed is as follows:

## THE JUDICIARY

Stuart Gordon Nash, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 404, the nomination of Warren Miller, Office of Civilian Radioactive Waste Management, Department of Energy; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Reserving the right to object, I will make the same brief statement I made with Senator WHITEHOUSE. Some of these nominees are subject to discussion between the two leaders, working out time agreements for their consideration—at least some of the court nominees.

Now, I don't know about this specific nominee. I would say that I have no secret holds on anyone, so this is not on my own behalf. But in order to preserve the deliberation between the two leaders, on behalf of the minority I would object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Will the Senator from Missouri yield for a question?

Mrs. MCCASKILL. Yes, I will.

Mr. DURBIN. Mr. President, the Senator from Arizona suggested that the leaders—meaning the Democratic and Republican leaders—wanted these held. Is the Senator from Missouri able to represent to the body that Senator REID would like to see all the names she is calling moved forward today, at this moment; that he is not asking for a delay in the consideration of any of these nominations?

Mrs. MCCASKILL. All of these nominees have secret holds. The purpose of my exercise today is to begin to enforce the rule around here that everybody voted for, with the exception of a handful of people, that we weren't going to do secret holds anymore.

I am certainly aware that the leader supports us doing this; that the secret hold has brought the nomination process not only to a halt but, more importantly, it has done it without the public even understanding why.

Mr. DURBIN. I will ask a further question, through the Chair. So the representation that these names or nominations are being held because of the leaders—meaning the Democratic and Republican leaders—is not accurate? There is no intention of the Democratic leader to hold any of these nominations; is that not true?

Mrs. MCCASKILL. That is true.

Mr. President, notwithstanding rule XXII, I ask unanimous consent that

the Senate proceed to Executive Calendar No. 500, which is the nomination of Julie Reiskin, member of the LSC; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Reserving the right to object, I am trying to follow the numbers as my colleague is going down through the unanimous consent requests, and I think my colleague skipped over the name of John J. Sullivan, of Maryland, Calendar No. 208, to be a member of the Federal Election Commission. Is there some objection on the other side or might we have an explanation as to why that name was skipped over?

Mrs. MCCASKILL. I would be happy to—

Mr. DURBIN. Regular order.

Mrs. MCCASKILL. Regular order, but let me explain how this list was compiled.

The PRESIDING OFFICER. The Senator from Missouri has made a unanimous consent request. Is there objection to that request?

Mr. KYL. I would be happy to object to that.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. By the way, just for the edification of the Senator from Arizona, there is one of these nominees on here who I believe is being secretly held by a Democrat. And by the way, I want to point out that the rule that does try to bring transparency to this process was one that was sponsored by Senator WYDEN and Senator GRASSLEY in a bipartisan way. The Wyden-Grassley effort that spanned a number of years was a bipartisan attempt to change and reform the way the Senate worked to provide more transparency. So this is really about transparency and this is about secret holds, and my criticism for secret holds is a bipartisan criticism. I don't think anybody should do a secret hold. I don't care if they are a Republican, a Democrat, an Independent, or any other party label, secret holds have no place in a public body.

Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 501; that the nomination of Gloria Valencia-Weber of New Mexico, Legal Services Corporation, be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and any statements related to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 556; that the nomination be confirmed—that is, the nomination of Benjamin Tucker for the Office of National Drug Control Policy—the motion to reconsider be made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 581, the nomination of John Laub to be Director of the National Institute of Justice; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and any statements related to the nominee be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. For reasons stated earlier, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 589, the nomination of Anthony Coscia; that the nomination be confirmed, the motions to reconsider be made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 590, the nomination of Albert DiClemente, of Delaware, to be a director of the Amtrak board of directors; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 592, Mark R. Rosekind, of California, to be a member of the National Transportation Safety Board; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 618, P. David Lopez, of Arizona, to be general counsel of the Equal Employment Opportunity Commission; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 620, Victoria A. Lipnic, of Virginia, to be a member of the Equal Employment Opportunity Commission; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 628, Jill Long Thompson, of Indiana, to be a member of the Farm Credit Administration Board, Farm Credit Administration; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 640, Eric L. Hirschhorn, of Maryland, to be Under Secretary of Commerce for Export Administration; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 643, Steven L. Jacques, of Kansas, to be an Assistant Secretary of Housing and Urban Development; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 647, Jim R. Esquea, of New York, to be an Assistant Secretary of Health and Human Services; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 648, Michael W. Punke, of Montana, to be a Deputy U.S. Trade Representative, with the rank of ambassador; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to Executive Calendar No. 649, Islam A. Siddiqui, of Virginia, to be Chief Agricultural Negotiator, Office of the U.S. Trade Representative, with the rank of ambassador; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, let me just sum up. I had 20 I was going to try to do today. There are 80 of them. I will be back. This is not about trying to rush through nominations, this is about trying to make the rules work the way we wrote them. That means that beginning immediately, all of the motions I just made, the Members who are holding those nominees have an obligation under the law—under the law they have an obligation to “submit a notice of intent specifying the reasons for his or her objection to a certain nomination,” and not more than 6 session days after today, that must be printed in the CONGRESSIONAL RECORD.

These are the first 15 or so. I will continue to get them all on the record, hopefully by the end of the week, so that everyone knows next week, and maybe we will figure out why all these people are being held secretly. This is not about saying you should not vote no on these people. This is not even about not debating these people. This is about transparency and open government. That should be a bipartisan value, an all-American value in which we can all believe.

The PRESIDING OFFICER. The time of the majority has expired.

The Chair will clarify for the record that Executive Calendar No. 333, Gordon Nash of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia, has been confirmed.

Mrs. MCCASKILL. I saved us a roll-call vote.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KAUFMAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Lael Brainard, of the District of Columbia, to be an Under Secretary of the Treasury?

Mr. KYL. 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT) and the Senator from Oklahoma (Mr. INHOFE).

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

The result was announced—yeas 78, nays 19, as follows:

[Rollcall Vote No. 119 Ex.]

YEAS—78

Akaka	Franken	Mikulski
Alexander	Gillibrand	Murkowski
Baucus	Graham	Murray
Bayh	Gregg	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Hatch	Reed
Boxer	Inouye	Reid
Brown (MA)	Isakson	Risch
Brown (OH)	Johanns	Rockefeller
Burr	Johnson	Sanders
Cantwell	Kaufman	Schumer
Cardin	Kerry	Sessions
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Landrieu	Specter
Cochran	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	LeMieux	Udall (CO)
Corker	Levin	Udall (NM)
Crapo	Lieberman	Voinovich
Dodd	Lincoln	Warner
Dorgan	Lugar	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wicker
Feinstein	Merkley	Wyden

NAYS—19

Barrasso	DeMint	McConnell
Bond	Ensign	Roberts
Brownback	Enzi	Snowe
Bunning	Grassley	Thune
Burr	Hutchison	Vitter
Coburn	Kyl	
Cornyn	McCain	

NOT VOTING—3

Bennett	Byrd	Inhofe
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The nomination was confirmed.

Mr. LEAHY. Mr. President, the Senate yesterday, by a vote of 84 to 10, invoked cloture to end a Republican filibuster of President Obama's nomination of Lael Brainard to be Under Secretary at Treasury. As I said before that vote, the majority leader has taken a significant step to address the nominations crisis created by Senate Republican obstruction. Regrettably, that obstruction made it necessary for the Senate majority leader to file five cloture petitions to bring an end to Republican filibusters and allow the Senate to carry out its advice and consent responsibilities.

The refusal by Republicans month after month to come to agreements to consider, debate, and vote on nomina-

tions is a dramatic departure from the Senate's traditional practice of prompt and routine consideration of non-controversial nominations. Their practices have led to delayed up-or-down votes for more than 100 nominations stalled from final Senate action. The American people should understand that these are all nominations favorably reported by the committees of jurisdiction and are mostly nominations that were reported without opposition or with a small minority of negative votes. Regrettably, this has been an ongoing Republican strategy and practice during President Obama's entire Presidency.

Twenty-five of those stalled nominations are to fill vacancies in the Federal courts. They have been waiting for Senate action since being favorably reported by the Senate Judiciary Committee as long ago as last November.

To put this in perspective, by this date during George W. Bush's Presidency, the Senate had confirmed 45 Federal circuit and district court judges, on its way to confirming 100 judicial nominations by the end of his first 2 years in office. I know, I was the chairman of the Senate Judiciary Committee during much of that time, and worked hard to make sure that President Bush's nominees were not given the same unfair treatment given President Clinton's judicial nominees by Senate Republicans. Senate Democrats made real progress with respect to judicial vacancies. We did treat President Bush's judicial nominees more fairly than Republicans had treated President Clinton's and confirmed 100 during the 17 months I chaired the Judiciary Committee in 2001 and 2002.

President Obama began sending us judicial nominations 2 months earlier than President Bush had and still only 18 Federal circuit and district court confirmations have been allowed. If Republicans would agree to allow the Senate to act on the additional 25 judicial nominations reported favorably by the Senate Judiciary Committee but on which Senate Republicans are preventing Senate action, we could be at a comparable figure to the pace we attained in 2001 and 2002. As it stands we are 60 percent behind what we achieved during President Bush's first 2 years.

Republicans continue to stand in the way of these nominations despite vacancies that have skyrocketed to over 100, more than 40 of which are "judicial emergencies," as caseloads and backlogs grow and vacancies are left open longer and longer.

I understand and share the frustration of the Senator from Rhode Island who came before the Senate earlier today to speak about this obstruction. In the time he had, he asked the Senate to consider 5 of the 25 judicial nominees stalled on the calendar, and each time there was a Republican objection. He made the point that these judicial nominations have not only been waiting a long time, but they were approved unanimously or nearly

unanimously by all Republican and Democratic Senators on the Judiciary Committee. Still, after weeks, and in some cases months, Republicans will not consent to their consideration. They were nominees who are supported by home State Senators, including Republican home State Senators. Still, Republicans will not enter into agreements for their consideration.

I began urging the Republican leadership last December to allow the Senate to make progress on these nominations by agreeing to immediate votes on those judicial nominees that were reported by the Senate Judiciary Committee without dissent, and to agree to time agreements to debate and vote on the others. Presently, there are 18 judicial nominations being stalled from Senate consideration by Republican objection even though when they were considered by the Senate Judiciary Committee no Republican Senators on the committee voted against a single one. This is the Republican strategy of delay and obstruction—delay and obstruct even those nominees they support. They delayed confirmation of Judge Beverly Martin of Georgia to the eleventh circuit until this year. They delayed confirmation of Judge Joseph Greenaway of New Jersey to the third circuit. They delayed and filibustered the nomination of Judge Barbara Keenan of Virginia to the fourth circuit, who was then unanimously approved.

I further call upon Republicans to agree to time agreements on each of the other seven judicial nominees ready for final Senate action. Only one Republican Senator in the Judiciary Committee voted against Judge Wynn of North Carolina; only three voted against Judge Vanaskie of Pennsylvania; only four voted against Ms. Stranch of Tennessee, who is supported by the senior Senator from Tennessee, a Republican and a member of the Senate Republican leadership. Senate Republicans should identify the time they require to debate the nominations of Justice Butler of Wisconsin, Judge Chen of California, Judge Pearson of Ohio, and Judge Martinez of Colorado, who are all well-qualified nominees for district court vacancies, which are typically considered and confirmed without lengthy debate. They should not now be held up because they were targeted unfairly in committee by Republicans applying a new standard for district court nominees never used with President Bush's nominees, whether we were in the majority or the minority.

Republican obstruction has the Senate on a sorry pace to confirm fewer than 30 judicial nominees during this Congress—not the 100 we confirmed in 2001 and 2002. Last year, only 12 circuit and district court judges were confirmed. That was the lowest total in more than 50 years. So far this year, only six more have been considered.

The majority leader was required to file cloture on the nomination of Barbara Keenan of Virginia to the fourth

circuit. Judge Keenan's nomination was stalled for 4 months. After the time-consuming process of cloture, her nomination was approved 99 to 0. There was no reason or explanation given by Senate Republicans for their unwillingness to proceed earlier or without having to end their filibuster on that nominee either.

Similarly, there has yet to be an explanation for why the majority leader was required to file cloture to consider the nominations of Judge Thomas Vanaskie to the third circuit and Judge Denny Chin to the second circuit, both widely respected, long-serving district court judges. Judge Vanaskie has served for more than 15 years on the Middle District of Pennsylvania, and Judge Chin has served for 16 years on the Southern District of New York. Both nominees have mainstream records, and both were reported by the Judiciary Committee last year with bipartisan support. Judge Chin, who was the first Asian-Pacific American appointed as a Federal district court judge outside the ninth circuit, and if confirmed would be the only active Asian-Pacific American judge to serve on a Federal appellate court, was reported by the committee unanimously.

This obstruction and delay is part of a partisan pattern. Even when they cannot say "no," Republicans nonetheless demand that the Senate go exceedingly slow. The practice is continuing. The majority leader has had to file cloture 22 times already to end the obstruction of President Obama's nominees. That does not count the many other nominees who were delayed or are being denied up-or-down votes by Senate Republicans refusing to agree to time agreements to consider even noncontroversial nominees. That is the frustration I share with Senator WHITEHOUSE and many others. If Republicans wish to oppose a nomination they can, but they are stalling noncontroversial nominations that they support.

The Senate should be better than this. These Republican practices are destructive. When we see that Americans are frustrated with Congress, it is these kinds of practices that contribute to that frustration. I urge the Senate Republican leadership to change its ways. Agree to prompt consideration of noncontroversial nominees and enter into time agreements to debate and vote on those nominees that they oppose. Quit wasting the time of the Senate. The American people want us to act on Wall Street reform, not be bogged down in delaying tactics for the sake of delay.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action with respect to the confirmation of the Brainard nomination.

The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak for 10 min-

utes and that I be followed by Senator BURRIS for 5 minutes, at which point the Senate will recess for the party caucuses.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### FINANCIAL REGULATORY REFORM

Mr. SANDERS. Mr. President, a front-page story of the New York Times today points to the fact of the enormous power of big money in terms of financial reform. They say:

With so much money at stake, it is not surprising that more than 1,500 lobbyists, executives, bankers and others have made their way to the Senate committee that on Wednesday will take up legislation to rein in derivatives. . . .

When Congress deregulated Wall Street and allowed them to do pretty much anything they wanted to do— which brought us to where we are today; i.e., a massive recession—they spent, over a 10-year period, \$5 billion—\$5 billion—in order to work their way on Congress.

Last year, as we began to address financial reform, they spent \$300 million. So the issue we are debating now is not whether Congress will regulate Wall Street, it is whether Congress will continue to be regulated by Wall Street.

Their power is extraordinary. Their money is unlimited. If there was ever a time in American history where the Senate had to start standing up to big money interests and represent the needs of ordinary Americans, this is the time. The American people are looking.

Let me just touch on four issues that I think are key, if we are serious—underline "serious"—about financial reform.

No. 1, we have to break up the huge financial institutions which are at the cause of the crisis we are in and which exert so much power over our economy. The four major U.S. banks—Bank of America, Citigroup, JPMorgan Chase, and Wells Fargo—issue two-thirds of the credit cards in this country, write half of the mortgages, and collectively hold \$7.4 trillion in assets, about 52 percent of the Nation's estimated total output last year. Despite the fact that we bailed these banks out because they were too big to fail, incredibly, three out of four of these institutions are now larger today than they were when we bailed them out.

Enough is enough. I am joined as a progressive by many conservatives who understand that we cannot continue to have that concentration of ownership, not just in terms of the liability to the American people in terms of too big to fail but in terms of their monopoly control on the entire economy. So if we are serious about financial reform, now is the time to start breaking up these behemoths that exhibit certain enormous impacts on our whole economy.

No. 2, we have to end the absurdity of a Wall Street selling trillions of dollars

in exotic financial tools, instruments, at the same time small and medium-sized businesses are unable to get the loans they need in order to create the jobs our country desperately is in need of. At a time when we are in the midst of a major recession, at a time when we are losing our competitive advantages in the global economy, it is absolutely absurd that our largest financial institutions continue to trade trillions in esoteric financial institutions which make Wall Street the largest gambling casino in the world. We need to have them start investing in the real economy, the productive economy, in small and medium-sized businesses, in transforming our energy system and helping us rebuild our infrastructure, and in transportation and other desperate needs. They can no longer live isolated from the real world and engage in bets on whether oil is going to go up 6 months from now or whether the housing market goes down.

If we are serious about real financial reform, we need to pass national usury legislation. I get calls every week from Vermonters who are sick and tired of paying 25-percent or 30-percent interest rates on their credit cards. Every major religion points out that usury is immoral. It is wrong to charge people outrageously high interest rates when they are in desperate need. We need national usury legislation. I will be offering an amendment which will cap at 15 percent the amount financial institutions can charge on credit cards, which is exactly what exists for credit unions today.

Lastly, if we are serious about real financial reform, we need transparency at the Federal Reserve. The Fed cannot continue to operate in almost total secrecy. During the bailout, large financial institutions received trillions of dollars in zero or near-zero interest loans. Who received those loans and what were the terms? The Fed is not telling the American people. Did some of those banks turn around and in a mammoth welfare scam invest that Fed money, zero-interest money, in government Treasury bonds at 3 percent or 4 percent? The Fed is not telling us the answer to that question as well. It is time we had transparency at the Fed so the American people know what our Central Bank is doing.

Most of all, we need to end the "heads bankers win, tails everybody else loses" financial system that currently exists in the United States today. The American people are profoundly disgusted with the greed and recklessness and illegal behavior on Wall Street. They cannot understand how the very same people who created this recession in which millions of workers have lost their jobs, people have lost their homes, people have lost their savings, that these very same people are now receiving multimillion dollar bonuses. People don't understand that, nor do I, in fact. So we need a new Wall Street. We need real financial reform. I hope, in fact, that the

Senate and the House are prepared to stand up to the very powerful special interests who do not want us to do that.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, when I came to Washington over a year ago, this country faced an economic crisis greater than anything we have seen in generations. So my colleagues and I set out to work. Under President Obama's strong leadership, we passed a landmark stimulus package that stopped the bleeding. We did what was necessary to prevent a complete economic collapse and set America back on the road to recovery.

Since that time, we have come a long way. Many key economic indicators have started to turn around, but we are not out of the woods yet. The economy has started to grow again, but unemployment is still too high, and rampant foreclosures continue to threaten families in my home State and across the country. During the first 3 months of this year, almost 15,000 homeowners went into foreclosure in Illinois alone. Despite our best efforts to modify mortgages to make them more affordable, that is twice as many foreclosures as we saw during the same period last year. This is unacceptable. We are making progress, but it simply isn't enough.

Today, America no longer stands at the brink of disaster, but we are still vulnerable to the same recklessness that led to this crisis in the first place. For years, at big corporations such as Goldman Sachs, Wall Street bankers packaged bad mortgages together and sold them to investors. They knew these investment vehicles would inevitably fail, so they turned around and bet against them. They bet against the American people. They sought to make a profit off of the misfortunes of their own customers. They allegedly committed fraud, and that is why they are currently being sued by the Securities and Exchange Commission on behalf of the American people. As a former banker, I understand the seriousness of this misconduct. I know it continues to pose a dramatic threat to the American financial system.

That is why we need to pass strong financial reform to prevent bad behavior on Wall Street from sinking ordinary folks on Main Street. I urge my colleagues to join me in supporting the reform legislation introduced by Senator DODD. This bill would prevent Goldman Sachs and other companies from getting us into a mess in the first place, and it can help ensure that we will never end up in this position again.

This legislation creates a consumer protection bureau designed to shield ordinary Americans from unfair, deceptive, and abusive financial practices. It would establish an oversight council tasked with keeping a close eye on emerging risks so that we are never

taken by surprise again. It would end so-called too big to fail, protect taxpayers from unnecessary risks, and eliminate the need for future bailouts.

This bill would also increase transparency and accountability for banks, hedge funds, and the derivative market, so a big company such as Goldman Sachs would not be able to get away with their alleged fraud anymore.

These basic reforms will establish clear rules of the road for the financial services industry so we can keep the market free and fair without risking another economic collapse. But if we fail to take action, if we do not pass this reform bill, then we will be right back where we started, with no safeguards against this kind of deception and abuse in the future. I call upon my colleagues to join me in supporting Senator DODD's bill when it comes to the floor this week. I ask my friends on both sides of the aisle to stand with me on the side of the American people. Let us pass financial reform legislation, and let's do it without delay.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:41 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

#### EXECUTIVE SESSION

##### NOMINATION OF MARISA J. DEMEO TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the following nomination, which the clerk will report.

The legislative clerk read the nomination of Marisa J. Demeo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia.

Under the previous order, there will be up to 6 hours of debate equally divided and controlled between the two leaders or their designees.

Who yields time?

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business.

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

##### NUCLEAR ENERGY

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks an article from Newsweek magazine by George F. Will entitled "This Nuclear Option Is Nuclear."

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

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, Thursday is Earth Day. Actually, it is the 40th anniversary of Earth Day. It is a good day to celebrate by creating a national resolve in our country to build 100 new nuclear power plants in the next 20 years, which would be the best way to create the largest amount of pollution-free, carbon-free electricity. Today, nuclear power produces 20 percent of America's electricity but 69 percent of all of our carbon-free, pollution-free electricity.

During 2009, America's national energy policy looked more like a national windmill policy—the equivalent of going to war in sailboats. If we were going to war, the United States wouldn't think of putting its nuclear navy in mothballs. Yet we did mothball our nuclear plant construction program—our best weapon against climate change, high electricity prices, polluted air, and energy insecurity. Although 107 reactors were completed between 1970 and 1990, producing 20 percent of our electricity today—which, as I said, is 69 percent of our carbon-free electricity—the United States has not started a new nuclear plant in 30 years.

Instead of using our own nuclear power invention to catch up with the rest of the world, President Obama, in his inaugural address, set out on a different path: America would rely upon "the sun, the winds, and the soil" for energy. There was no mention of nuclear power. Windmills would produce 20 percent of our electricity. To achieve this goal, the Federal Government would commit another \$30 billion in subsidies and tax breaks.

To date, almost all the subsidies for renewable energy have gone to windmill developers, many of which are large banks, corporations, and wealthy individuals. According to the Energy Information Administration, big wind receives an \$18.82 subsidy per megawatt hour—25 times as much per megawatt hour as subsidies for all other forms of electricity production combined. Last year's stimulus bill alone contained \$2 billion in windmill subsidies. Unfortunately, most of the jobs are being created in Spain and China. According to an American University study, nearly 80 percent of that \$2 billion of American taxpayer money went to overseas manufacturers. Despite the billions in subsidies, not much energy is being produced. Wind accounts for just 1.3 percent of America's electricity—available only when the wind blows, of course, since wind cannot be stored, except in small amounts.

Conservation groups have begun to worry about what they call the "renewable energy sprawl." For example, producing 20 percent of U.S. electricity from wind would cover an area the size of West Virginia with 186,000 turbines and require 19,000 miles of new transmission lines. These are not your grandmother's windmills. These turbines are 50 stories high. Their flashing lights can be seen for 20 miles. An unbroken line of giant turbines along the

2,178-mile Appalachian Trail—except for coastlines, ridgetops are about the only place turbines work well in much of the East—would produce no more electricity than four nuclear reactors on 4 square miles of land—and, of course, you would still need the reactors for when the wind doesn't blow.

There are other ways a national windmill policy also risks destroying the environment in the name of saving the environment. The American Bird Conservancy estimates that the 25,000 U.S. wind turbines today kill 75,000 to 275,000 birds per year. Imagine what 186,000 turbines would do. One wind farm near Oakland, CA, estimates that its turbines kill 80 golden eagles a year.

To be sure, similar concerns about sprawl exist for other forms of renewable energy. For example, it would take continuously foresting an area 1½ times the size of the Great Smoky Mountains National Park to produce enough electricity from biomass to equal the electricity produced by one nuclear reactor. A new solar thermal plant planned for California's Mojave Desert was to cover an area 3 miles by 3 miles square, until environmental objections stopped it.

At least for the next couple decades, relying on windmills to provide our Nation's clean electricity needs would be like wandering off track from your house in Virginia through San Francisco on the way to the corner grocery store. This unnecessary journey offends the commonsense theory of parsimony, defined by scientist Spencer Wells as "don't overcomplicate . . . if a simpler possibility exists."

The simpler possibility that exists for producing lots of low-cost, reliable green electricity is to build 100 new nuclear plants, doubling U.S. nuclear power production. In other words, instead of traveling through San Francisco on your way to the corner grocery store, do what our country did between 1970 and 1990: Build 100 reactors on 100 square miles of space—several of them would be on existing reactor sites—compared with the 126,000 new square miles needed to produce that much electricity from biomass or the 26,000 square miles needed for wind. Unlike wind turbines, 100 new nuclear reactors would require fewer transmission lines through suburban backyards and pristine open spaces. They would also require much less taxpayer subsidy. At current rates of subsidy, taxpayers would shell out about \$170 billion to subsidize the 186,000 wind turbines necessary to equal the power of 100 nuclear reactors.

While Federal Government loan guarantees are probably necessary to jumpstart the first few reactors, once we have proven they can be built without delays or huge cost overruns, no more loan guarantees will be needed. In fact, the Tennessee Valley Authority just finished rebuilding the \$1.8 billion Brown's Ferry reactor on time and on budget, proving it can still be done.

Yet, even if all \$54 billion in loan guarantees defaulted—which isn't going to happen—it would still be less than one-third of what we are putting into wind.

My concern about the unrealistic direction of our national windmill policy led me to give five addresses on clean energy over the last 2 years. The first, delivered at the Oak Ridge National Laboratory in 2008, called for a new Manhattan Project—like the one we had in World War II but this time for clean energy independence. Then, a year ago at Oak Ridge, I proposed building 100 new nuclear plants, a goal that all 40 Senate Republicans adopted, along with 3 other goals: electrifying half of our cars and trucks, expanding offshore exploration for natural gas and oil, and doubling clean energy research and development.

My concern during 2009 deepened as members of the Obama administration, with the conspicuous exception of Energy Secretary Stephen Chu, seemed to develop a stomach ache whenever nuclear power was mentioned. The President himself seemed unable to mention the subject. Last year, at a climate change summit in New York City, President Obama chided world leaders for not doing more to address climate change, but he didn't mention the words "nuclear power" during his entire speech. That is ironic because many of the countries he was lecturing were making plans to build nuclear plants to produce carbon-free electricity and we were not. Climate change was the inconvenient problem, but nuclear power seemed to be the inconvenient solution.

Fortunately, with the arrival of 2010 has come a more welcoming environment for nuclear power. In his State of the Union Address, President Obama called for "a new generation of safe, clean nuclear reactors." His 2011 budget request recommends tripling loan guarantees for the first reactors, and in February, his administration announced the awarding of the first two loan guarantees for nuclear power. He has selected distinguished members, both for the Nuclear Regulatory Commission and for a new blue ribbon commission, to figure out the best way to dispose of used nuclear fuel.

Democratic Senators—several of whom, in fairness, have long been supporters of nuclear energy—have joined with the current 41 Senate Republicans—to create bipartisan support. Last December, for example, Democratic Senator JIM WEBB, of Virginia, a former Navy Secretary, and I introduced legislation to create an environment that could double nuclear power production and to accelerate support for alternative forms of clean energy.

There seems to be a growing public understanding that nuclear reactors are as safe as other forms of energy production. A nuclear plant is not a bomb; it can't blow up. Our sailors have lived literally on top of reactors for nearly 60 years without a nuclear incident. Nobody in the United States

has ever been killed in a nuclear accident. Most scientists agree it is safe to store used nuclear fuel onsite for 60 to 80 years while those scientists figure out how to recycle used fuel in a way that reduces its mass by 97 percent, reduces its radioactive lifetime by 99 percent, and does not allow the isolation of plutonium, which could be dangerous in the wrong hands.

In addition, there is a growing realization by those who worry about climate change that if Americans want to keep consuming one-fourth of the world's electricity and we want large amounts of it to be low-cost and carbon-free, nuclear power is the only answer for now.

It has also helped, and been a little embarrassing as well, that the rest of the world has been teaching Americans the lesson we first taught them. China is starting a new nuclear reactor every 3 months. France is 80 percent nuclear and has electricity rates and carbon emissions that are among the lowest in Europe. Japan gets 35 percent of its electricity from nuclear and plans 10 more reactors by 2018. There are 55 new reactors under construction in 14 countries around the world—not 1 of them in the United States.

I believe we must address human causes of climate change, as well as air pollution that is caused by sulfur, nitrogen, and mercury emissions from coal plants. But I also believe in that commonsense theory of parsimony: Don't overcomplicate things if a simpler possibility exists. My formula for the simplest way to reach the necessary carbon goals for climate change without damaging the environment and without running jobs overseas in search of cheap energy is this:

No. 1, build 100 new nuclear powerplants in 20 years.

No. 2, electrify half our cars and trucks in 20 years. If we plug vehicles in at night, we probably have enough electricity to do this without building one new power plant.

No. 3, explore for more low-carbon natural gas and the oil we still need.

No. 4, launch mini-Manhattan Projects to invent a low-cost, 500-mile battery for electric cars and a 50-percent efficient solar panel for rooftops that is cost-competitive with other forms of electricity, as well as better ways to recycle used nuclear fuel, to create advanced biofuels, and to recapture carbon from coal plants.

These four steps should produce the largest amount of energy with the smallest amount of pollution at the lowest possible cost, thereby avoiding the pain and suffering that comes when high energy costs push jobs overseas and make it hard for many low-income Americans to afford heating and cooling bills.

One day, solar and other renewable energy forms will be cheap and efficient enough to provide an important supplement to our energy needs and can do so in a way that minimizes damage to our treasured landscapes. Earth

Day, as it comes Thursday, is a good day to remember that nuclear power beats windmills for America's green energy future.

I yield the floor.

EXHIBIT 1

[From Newsweek]

THIS NUCLEAR OPTION IS NUCLEAR

(By George F. Will)

The 29 people killed last week in the West Virginia coal-mine explosion will soon be as forgotten by the nation as are the 362 miners who were killed in a 1907 explosion in that state, the worst mining disaster in American history. The costs of producing the coal that generates approximately half of America's electricity also include the hundreds of other miners who have suffered violent death in that dangerous profession, not to mention those who have suffered debilitating illnesses and premature death from ailments acquired toiling underground.

Which makes particularly pertinent the fact that the number of Americans killed by accidents in 55 years of generating electricity by nuclear power is: 0. That is the same number of Navy submariners and surface sailors injured during six decades of living in very close proximity to reactors.

America's 250-year supply of coal will be an important source of energy. But even people not much worried about the supposed climate damage done by carbon emissions should see the wisdom—cheaper electricity, less dependence on foreign sources of energy—of Tennessee Sen. Lamar Alexander's campaign to commit the country to building 100 more nuclear power plants in 20 years.

Today, 20 percent of America's electricity, and 69 percent of its carbon-free generation of electricity, is from nuclear plants. But it has been 30 years since America began construction on a new nuclear reactor.

France gets 80 percent of its electricity from nuclear power; China is starting construction of a new reactor every three months. Meanwhile, America, which pioneered nuclear power, is squandering money on wind power, which provides 1.3 percent of the nation's electricity: it is slurping up \$30 billion of tax breaks and other subsidies amounting to \$18.82 per megawatt-hour, 25 times as much per megawatt-hour as the combined subsidies for all other forms of electricity production.

Wind power involves gargantuan "energy sprawl." To produce 20 percent of America's power by wind, which the Obama administration dreamily proposes, would require 186,000 tall turbines—40 stories tall, their flashing lights can be seen for 20 miles—covering an area the size of West Virginia. The amount of electricity that would be produced by wind turbines extending the entire 2,178 miles of the Appalachian Trail can be produced by four reactors occupying four square miles of land. And birds beware: the American Bird Conservancy estimates that the existing 25,000 turbines kill between 75,000 and 275,000 birds a year. Imagine the toll that 186,000 turbines would take.

Solar power? It produces less than a tenth of a percent of our electricity. And panels and mirrors mean more sprawl. Biomass? It is not so green when you factor in trucks to haul the stuff to the plants that burn it. Meanwhile, demand for electricity soars. Five percent of America's electricity powers gadgets no one had 30 years ago—computers.

America's nuclear industry was a casualty of the 1979 meltdown of the Three Mile Island reactor in Pennsylvania, which was and is referred to as a "catastrophe" even though there were no measurable health effects. Chernobyl was a disaster because Russians built the reactor in a way no one builds today—without a containment vessel.

Since the creation of the Tennessee Valley Authority, Alexander's state has played a special role in U.S. energy policy. The last commercial reactor opened in America is Watts Bar, Unit 1 in Tennessee. And, in a sense, all uses of nuclear power began in that state.

In September 1942, the federal government purchased 59,000 acres of wilderness in eastern Tennessee and built an instant city—streets, housing, schools, shops, and the world's most sophisticated scientific facilities. This was—is—Oak Ridge. Just 34 months later, a blinding flash illuminating the New Mexico desert announced the dawn of the atomic age. That is what Americans can do when motivated.

Today, a mini-Manhattan Project could find ways to recycle used nuclear fuel in a way that reduces its mass 97 percent and radioactive lifetime 98 percent. Today, Alexander says, 10 percent of America's lightbulbs are lit with electricity generated by nuclear material recycled from old Soviet weapons stocks. This is, as Alexander says, "one of the greatest swords-into-plowshares efforts in world history, although few people seem to know about it." It is a travesty that the nation that first harnessed nuclear energy has neglected it so long because of fads about supposed "green energy" and superstitions about nuclear power's dangers.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator ALEXANDER for his remarks. I share his analysis. He is exactly correct. It is very important for America that we recognize what he has said but even more important now, since I think the American people overwhelmingly understand and support that, that we take some action that would actually help us to get in the game of nuclear power production.

I remain baffled by some of the generalized statements of the administration on nuclear power but lack of action that could move us forward and get us out of this funk we are in, where we are not doing anything. We have to start catching up with countries that are serious about nuclear power. It will help make us more productive, help create a lot of high-paying jobs in America, clean power, 24 hours a day, 7 days a week, no emissions into the atmosphere, no CO<sub>2</sub>. It has so many benefits that I am convinced we need to move forward.

I wish to make remarks on another issue; that is, the nomination of Marisa Demeo to the DC Superior Court. It is not a nomination that comes through the Judiciary Committee, as most Federal judges do. Because she is a DC Superior Court nominee, the nomination went through Homeland Security. Although, it is not a lifetime appointment, if you are an advocate or resident of the District of Columbia who might have to one day appear before a judge, you do want to know that Congress has made certain that once that judge puts on the robe, he or she is capable of putting aside personal views and applying the law evenhandedly.

Unfair jurisprudence to one party is detrimental, costly, and painful. We need to make sure our nominees exercise judgment—objective, fair judg-

ment—and not allow their personal politics or ideologies to influence their decision making.

I am not comfortable enough to say that Ms. Demeo is capable of doing that. I am just not. Her background and record raise issues with me. I wish to be fair, but I think we need to talk about them.

The DC Superior Court does have broad jurisdiction. It includes trial matters, criminal, civil, family court, landlord, tenant, and so forth. A judge needs to be impartial in all those matters. Ms. Demeo's background provides evidence that she may be more political and strong-willed personally than impartial.

Her prior experience includes serving as regional counsel for the Mexican-American Legal Defense Fund. In this position, she made a number of troubling statements. For example, she argued that "governments have a legal obligation to help those who don't speak English well." We have an obligation, all of us, to help people who do not speak English, and I think that is so. But as a judge, I am wondering: Does this mean that constitutionally she is saying the government has a legal obligation to do that? That seems, to me, the tone of her statement.

During her tenure at MALDEF, the organization sued the State of Texas because high schools did not offer their exit exams in Spanish. One does not have to be a lawful citizen of our country to attend the schools of Texas, even those unlawfully in the country can enroll in high schools. Apparently, the state of Texas decided individuals should do their exit exams in English to get a high school diploma. She opposed that.

She opposed the nomination of Miguel Estrada, a fabulous Hispanic nominee. He had superior academic credentials, was a brilliant writer, and testified beautifully, I thought, before the Judiciary Committee. She said this about him:

The most difficult situation for an organization like mine is when a President nominates a Latino who does not resonate or associate with the Latino community and who comes with a predisposition to view claims of racial discrimination and unfair treatment with suspicion and with doubt instead of with an open mind.

I don't think that is an accurate description of Miguel Estrada, who came here as a young man from Central America. I don't think that is an accurate description of him. I am disappointed she would make that statement about him. I am unaware of any provision in the Constitution which requires that judges show favoritism to one party or another based on their ethnicity. A judge, no matter what their background, racial, ethnic, religious, political, should give everybody before the court the same fair treatment. It is not necessary for a Caucasian to hear a case involving a Caucasian or for a Latino to hear all cases

involving Latinos. Every judge puts on a robe, and that robe symbolizes their absolute commitment to objectivity.

After the Democrats successfully filibustered Mr. Estrada, one of the first nominees to be blocked by repeated, sustained filibusters—this was not too many years ago, less than 10, about 7 or 8. We still have problems in the Senate as a result of the alteration of Senate tradition where nominees are filibustered. I try not to do that. The Gang of 14 settled that, saying filibusters, under extraordinary circumstances, now become possible. This was after the Estrada nomination.

She was proud of blocking Mr. Estrada. She bragged about it. She said:

This shows just because we have a Republican President and a Republican Senate, it is still possible to defeat candidates who are so conservative that they take us back in civil rights.

I disagree. I disagree with her analysis of Miguel Estrada's position. I heard him testify. I think he would have been a fabulous member of the U.S. courts.

Being a liberal means never having to say you are sorry about what you say to other people. In opposing Linda Chavez—a wonderful writer, thinker, and passionate advocate for civil rights—she stated this in opposing Linda Chavez:

We generally support the nomination of Latinos to important positions, but Linda Chavez could really turn things backward for the Latino community. I do not appreciate that. Linda Chavez would not have turned things back on the Latino community. I don't know what she means by that.

She went on to say:

A Spanish sounding surname does not make a person sympathetic to the concerns and needs of the Latino population.

She, therefore, would appear to only embrace the kind of Latino nominee who agrees with her politically. It is not truly a question of ethnicity, is it? It is a question of something different, a political approach to government and law.

On May 13, 2004, she participated in a press conference with the coalition against discrimination and the Constitution to "challenge the extremism of the Federal marriage amendment backers." I guess that means I am an extremist.

Quite a number of Senators in the majority, as I recall, voted to say that a marriage should remain as it has always previously been interpreted: to be a union between a man and a woman. But she says this is an extremism amendment. I don't think so.

I know there is a legal dispute about gay marriage, one in the District of Columbia now. She already stated where she is on the matter, declaring it a fundamental right. I do not believe that is a fundamental constitutional right for a same-sex union to be declared a marriage under the law of the United States. It never was for the first 170 years of the existence of this country.

Ms. Demeo is no friend of immigration enforcement. When the INA announced a plan to enter into the FBI's National Crime Information Center database the names of 314,000 individuals who had been ordered deported but who fled and absconded and did not submit themselves for deportation, in an effort to simply comply with a judicial final order, she decried that move. She responded that most of the violators who are guilty only of violating civil immigration laws do not pose a threat to national security. I am not saying they pose a threat to national security. They have come into the country illegally. They somehow became apprehended. Maybe they committed some other crime. They were ordered to be deported and they should be deported. If they do not show up and abscond, they should be in the NCIC, just like anybody who has a speeding ticket and they did not pay their fine.

She also criticized the government's Operation Tarmac, which identified and ordered the deportation of 600 workers with access to sensitive areas at airports who had violated immigration law. We had 600 workers at airports with access to sensitive areas, and they were found to be illegally here and ordered deported.

Indeed, she is an advocate for amnesty openly. I guess we can disagree on that. Good people certainly disagree on that. She is a big fan also of affirmative action programs. There is a fine line between affirmative action and quotas and mandatory racial preferences, and I fear she has crossed that line.

During the Clinton administration, when Energy Secretary Frederico Pena announced his resignation, she insisted he be replaced by a Latino, indicating that was necessary for Latino concerns to receive consideration. I think it is all right to ask that happen. But to demand that and to insist that only a person of your ethnicity can give fairness to your ethnic group I think is wrong and goes against fundamental American concepts of law.

In a 2000 opinion editorial for the San Diego Tribune, Ms. Demeo fully embraced the concept of dangerous identity politics, in my view. She said:

We must create the pressure to move the nominations of Paez—

Who had been nominated to the Federal bench—

and other Latino nominees. . . . Latinos must be appointed in greater numbers at all levels, especially to the appellate courts, where most of the decisions interpreting the Constitution and Federal laws are ultimately made. Without sufficient representation at every level, equal justice for Latinos—or even the perception of justice—will not exist.

I think that is overstatement. It is one thing to advocate, and I respect that, advocating for more people, groups who appear to be underrepresented. That is a legitimate factor that would play in a nomination. To use that kind of language, I think, is

dangerous because it suggests fairness is not otherwise obtainable.

Perhaps Ms. Demeo can set these views aside and be fair on the bench. I think they are extreme in many instances. I am not certain she can. It appears to me she is entrenched in a political approach, a lifestyle of emphasizing rights for one group or another and not so much the idea, the American vision of equal rights for everybody. That is the core American principle; that everybody in a court of law is entitled to equal rights. A judge and our juries are charged to that effect, and judges put on a robe to show they are going to be unbiased and that they are going to follow the law regardless of what their personal views or friendships or so forth might be. So that is my concern and the reason I have decided I will oppose the nomination. I assume she will go on and have her vote soon and will probably have a majority and be confirmed. But if she is confirmed, I hope Judge Demeo will think about some of the issues I have raised and make sure in her own heart of hearts that when she takes that bench, she is not going to favor one party or another based on their religion, their ethnicity, their politics, or her personal social agendas. I believe that is important.

I have some quotes from some letters in opposition to Judge Demeo's nomination. Numbers USA has said her nomination "would be a setback for the nation in terms of seeking to restore the rule of law in immigration."

The Eagle Forum is a conservative group that has studied the nomination and has written regarding the basis for opposing the nomination as Judge Demeo's advocacy for issues, such as "in-state tuition for illegal aliens, the handling of the census for purposes of redistricting, photo ID voting laws, official English initiatives, amnesty for illegal aliens, affirmative action, and traditional marriage."

The Concerned Women of America wrote:

Her bias is so ingrained and so much the main thrust of her career that it [is] not rational to believe that she will suddenly change once confirmed as a judge. Rather it is reasonable to conclude she would use her position to implement her own political ideology.

They go on to say:

Demeo reveals her own bias and lack of constitutional knowledge by her statement that the Constitution is a "flawed document that embodied the historical bias of its time."

Well, it is certainly not a perfect document, we all know that, and it has been amended because it did have some provisions that could not stand historical scrutiny, such as the question of slavery and equal rights for all Americans. But I do think her statement is troubling to me as a whole because I don't think it is a flawed document. Our Constitution is the greatest document ever struck by the hands of man at a given time, somebody once wrote.

The Traditional Values Coalition notes that she has “demonstrated a willingness to undermine our nation’s effort to secure our borders against illegal immigrants.”

They go on to make a number of points.

Others have written, which I will ask to have printed in the RECORD.

The nominee, whom I don’t have anything against personally, if confirmed—and I suspect she will be—will have to think about these issues, commit herself totally and completely to fair and equal justice to everybody who appears before her and put aside some of the advocacy positions that have marked her sustained efforts during her professional career.

Mr. President, before I leave the floor, I ask unanimous consent to have printed in the RECORD the letters from Concerned Women of America, the Eagle Forum, Numbers USA, and the Traditional Values Coalition.

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

APRIL 19, 2010.

U.S. SENATE,  
Washington, DC.

DEAR SENATOR: On behalf of Concerned Women for America’s (CWA) 500,000 members nationwide, we write respectfully to request you oppose the nomination of Marisa Demeo to the D.C. Superior Court.

Marisa Demeo has a long history as a hard-left political activist as a lawyer and lobbyist for the ultra-liberal Mexican American Legal Defense and Educational Fund (MALDEF), which calls into question her impartiality and judicial temperament. When speaking out against Miguel Estrada, who had an impeccable legal record, Demeo unfairly tarnished him by saying, “If the Senate confirms Mr. Estrada, his own personal American dream will come true, but the American dreams of the majority of Hispanics living in this country will come to an end through his future legal decisions.” This shows her own prejudice and lack of judicial temperament.

Her bias is so ingrained and so much the main thrust of her career that it is not rational to believe that she will suddenly change once confirmed as a judge. Rather it is reasonable to conclude she would use her position to implement her own political ideology.

Demeo reveals how her own bias and lack of Constitutional knowledge by her statement that the Constitution is a “flawed document that embodied the historical bias of its time.” She has distorted the Constitution to argue that there is a fundamental right to “same-sex marriage.”

A judge of the D.C. Superior Court must be impartial and possess a sound judicial temperament. Marisa Demeo’s record shows that she lacks these necessary attributes.

We urge you to oppose Marisa Demeo’s nomination on the Senate floor. CWA reserves the right to score this vote and publish it in our scorecard for the 111th Congress.

Sincerely,

PENNY NANCE,  
Chief Executive Officer,  
Concerned Women for America.

EAGLE FORUM,  
Washington, DC, Apr. 14, 2010.

DEAR SENATOR: On behalf of the many thousands of American families Eagle Forum

represents nationwide, I am writing to urge you to vote NO on the nomination of Marisa Demeo to the DC Superior Court.

Marisa Demeo has served as a DC Magistrate judge for the past 2½ years, and like so many others President Obama has nominated to the courts, the majority of her legal experience comes from far left-leaning legal advocacy groups such as Lambda Legal and the Mexican American Legal Defense and Education Fund (MALDEF). Judge Demeo has a strong record of partiality to minority groups and to the liberal ideology on a wide range of issues such as in-state tuition for illegal aliens, the handling of the census for purposes of redistricting, photo ID voting laws, official English initiatives, amnesty for illegal aliens, affirmative action, and traditional marriage.

Not only has she espoused views on the immigration issue that are odds with a respect for the rule of law, but she has shown a troubling contempt for conservative Latino Americans. In a January 2003 press statement announcing MALDEF’s opposition to President George W. Bush’s nomination of Miguel Estrada to the DC Circuit Court of Appeals, Demeo stated: “The most difficult situation for an organization like mine is when a president nominates a Latino who does not reflect, resonate or associate with the Latino community.”

Judge Demeo’s public statements on a number of important policy issues help to demonstrate her leftist personal opinions which she will, no doubt, reflect in future judicial decisions:

On laws Supporting Traditional Marriage: “The right to marry is a fundamental right that every individual should have. It was prejudice against Blacks, which was the underlying force creating and maintaining our anti-miscegenation laws. It is prejudice against gay men and lesbians that underlies the drive to prohibit them from being able to marry.” (MALDEF press statement, May 14, 2004).

On Requiring Use of Census Sampling: “When you don’t adjust the data when states are redrawing their political district lines, what ends up happening is they do not accurately draw the lines in order to fully represent those minority communities who were missed by the census.” (NPR, March 6, 2001).

On Photo ID Requirements for Voting: “It violates the rights of minority voters who may be poor and without photo identification. The provision makes it hard to vote.” (AP Online, February 25, 2002).

On English as an Official Language: “Governments have a legal obligation to help those who don’t speak English well.” (AP, October 9, 2003)

On Describing Congressional Opponents of Amnesty: “There are certain forces in Congress who are anti-immigrant and not interested in seeing immigrants become full participants in this country.” (The Seattle Times, May 31, 1998)

On Affirmative Action (Grutter v. Bollinger): “All segments of the Latino community supported the continuance of affirmative action.” (FDCH Political Transcripts, June 23, 2003)

Marisa Demeo’s policy positions and public statements have proved her to be a leftist activist, and we should assume no different in her future rulings and opinions as a judge on the DC Superior Court. Eagle Forum believes that Judge Demeo’s nomination should be given serious attention as her positions and public statements on so many important issues do not “reflect or resonate” American constitutional values or principles.

Conservative grassroots Americans do not want judicial nominees who have a record of disrespecting the Constitution to slip through the confirmation process unchal-

lenged and without a tough fight. We urge you to join us in opposing Judge Marisa Demeo when her nomination comes to the Senate floor for an up-or-down vote. Eagle Forum reserves the right to score this vote and to publish it in our scorecard for the Second Session of the 111th Congress.

Faithfully,

PHYLLIS SCHLAFELY,  
President.

NUMBERSUSA,  
Arlington, VA, Apr. 13, 2010.

Hon. JEFF SESSIONS,

Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SESSIONS: On behalf of NumbersUSA’s 940,000 members, we are writing to advise you that the Nation’s largest grassroots organization advocating for immigration enforcement opposes the nomination of Marisa DeMeo to the district of Columbia Superior Court.

While we don’t often get involved in judicial nominations, this nominee is troubling. The D.C. court could well serve as a stepping stone to the federal bench. That would be a setback for the nation in terms of seeking to restore the rule of law in immigration.

Marisa DeMeo has served as a general counsel of MALDEF (the Mexican American Legal Defense and Education Fund) where she has a lengthy record of disrespect for federal immigration laws, with indications that she believes it is illegitimate for Congress to set enforceable limits. Ms. DeMeo favors amnesty and official recognition of the illegal alien Mexican ID, the matricula consular. She opposes the highly successful 287(g) program. With regard to potential judicial temperament, she has often referred to her opponents in immigration debates with such ugly name-calling as “anti-immigrant.”

Thank you for taking our views into consideration.

Sincerely,

ROY BECK,  
President.

TRADITIONAL VALUES COALITION,  
Washington, DC, Apr. 15, 2010.

DEAR SENATOR: On behalf of 43,000 churches associated with the Traditional Values Coalition, I am writing to ask that you vote against the confirmation of Marisa Demeo to become a member of the DC Superior Court. Many of our churches are African American and Hispanic.

Marisa Demeo is far out of the mainstream in her beliefs, statements and activism. Her role as an activist with the LGBT (lesbian, gay, bisexual, transgender) Lambda Legal Defense and Education Fund is troublesome to say the least.

In addition, while serving as regional counsel for the Mexican American Legal Defense and Educational Fund (MALDEF), Demeo has demonstrated a willingness to undermine our nation’s efforts to secure our borders against illegal immigration. MALDEF has also been involved in efforts to undermine our national security efforts by encouraging cities to refuse to comply with the Patriot Act after the 9/11 attack on our nation.

As an open, radical lesbian, Demeo has openly condemned the effort to amend our Constitution to protect marriage as a one-man, one-woman union. Demeo supports gay marriage, claiming it is a constitutional right. She also claims that LGBT individuals are equal to racial minorities and can claim protection as minorities under our civil rights laws.

The American people have overwhelmingly voted against gay marriage in state after state when they’ve had a chance to cast a ballot for traditional marriage. Demeo’s views are out of step with the beliefs of most

Americans on the sanctity of marriage between one man and one woman.

As a DC Superior Court Judge, Demeo would be in a key position to undermine our national security and destroy traditional marriage through her edicts. The DC Superior Court is known to be a steppingstone to the Supreme Court.

Demeo's radical lesbianism, anti-marriage, anti-national security views are dangerous to our nation. She should not be confirmed to the DC Superior Court.

Sincerely,

ANDREA LAFFERTY,  
*TVC Executive Director.*

Mr. SESSIONS. I thank the Chair, and I yield the floor.

FINANCIAL REFORM

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Connecticut.

Mr. DODD. Madam President, I want to spend a few minutes, if I may this afternoon, to talk about an issue that has been the subject of much debate over the last number of days, and that is the financial reform bill that will be coming to the floor of this body in a matter of days—an issue that is going to confront us, as the circumstances presently exist, with Members having to make a choice. My hope is that before that occurs, we can reach some understanding that will allow us to have a strong bill that ends too big to fail, that protects consumers, and that builds the kind of architecture for financial services that will allow us to avoid the pitfalls that caused our economy to reach almost near collapse over the last several years.

The choice is going to come down to this: There are people who can vote to open this debate on financial reform legislation that will hold Wall Street firms—large financial institutions—accountable and prevent future economic crises such as the one from which we are just beginning to emerge or basically defeat this; to somehow walk out of this Chamber and leave us basically where we have been, and that is highly vulnerable—individuals, families, businesses, and the overall economy of our country once again exposed to the kind of vulnerabilities that brought so much hardship to our country.

They can, of course, block—as they are apt to do in some cases—any consideration of this bill and leave us in a place—a broken place—where the status quo would again create the kind of problems I have described.

So one has to ask themselves a question: Who benefits if this bill to rein in Wall Street and large financial institutions is strangled by a filibuster, where it ends up that we can't even get to debate the bill? Who benefits from that? Well, certainly no one can make a case the American family would benefit. These families have seen millions of jobs lost and trillions in savings wiped out because a greedy few on Wall Street gambled with money that didn't even belong to them, causing the hardship we have seen in our Nation.

Certainly, America's small businesses do not benefit. These are the

ones that have seen the flow of credit and capital literally dry up. How many of us in this Chamber, back in our respective States, have talked to owners of small businesses who cannot get a dime's worth of credit over the past several years in order to hire new people and survive during this economic crisis? I hear anecdote after anecdote after anecdote of businesses desperately trying to find credit in order to stay alive and survive. Yet because of the unchecked risk taking by financial firms that caused this economic crisis, credit is virtually gone. So American businesses—small businesses particularly—certainly are not benefited if we are confronted again with the status quo and a perpetuation of the present set of rules.

Certainly, Madam President, the American community banks do not benefit at all. These are the ones who have found it difficult or even impossible to compete on a playing field tilted so heavily toward the largest firms and, frankly, financial firms that are unregulated.

One of the things our community banks and others—and I am not suggesting they love every dotted i and crossed t in the bill—are seeking is some consolidation of regulation. They want to see their competitors, who are not subjected to any regulation, be subjected too so they will also have to face the same set of rules.

The bill I have written, along with my Banking Committee colleagues, does just that. We consolidate the regulation so there is not the overlapping jurisdictions that exist, and their major competitors—the nonbank financial institutions—are going to be subjected to the same rules they are. That creates that level playing field our smaller banks need in order for them to compete effectively.

Certainly the American taxpayers are not going to benefit with the status quo. These are the people who were forced to bail out Wall Street in 2008. If this bill is blocked, they might be asked to do it again.

Now, I am not in the prediction business, but if some future Congress goes back to the American public, as we did in the fall of 2008, and asks them to write a check again for \$700 billion because we failed to get this legislation through that would end too big to fail—the implicit guarantee that the Federal Government will bail you out if you are so large or so interconnected that you can't possibly fail—the American people, in my view, would reject overwhelmingly a request to ask them to write another check for that purpose.

Our bill, for the first time, writes into legislation an absolute prohibition that the American taxpayer would ever or should ever again be asked to do what they did in the fall of 2008.

But here is who would benefit if this bill is blocked: the same large financial firms that got us into the mess in the first place. They believe—and I pre-

sume they are right—that they can bolster their bottom lines if the status quo prevails; that they can continue to take outrageous risks, using other people's money, knowing that any profit is theirs to keep and any loss will be made up by the American taxpayer.

That is why we are faced with this prediction that 41 of our fellow colleagues will vote against us going to this bill on what they call the motion to proceed to the bill. The letter from the minority leader says: We have 41 votes to stop you from even debating this bill. Well, you explain to the American taxpayer—to small business, to the American family, and to others out there who are paying an awful price because of the mess of these very institutions that are today leading the charge against us getting to a bill—why the status quo is in their interest and their benefit.

Madam President, those who vote to block this bill are sending a clear message to American families, businesses, community bankers, and taxpayers, and that message will be: I am sorry, but we are not on your side. We are choosing another side of this equation.

Last month, my good friend, the minority leader, and the Republican Senator responsible for campaign fundraising participated in a meeting in New York with Wall Street executives. That happens all the time. Certainly, there is the right to sit down and talk with people, to represent labor and business, and we should do that. But nobody knows what was talked about at that meeting. Yet when our friend and colleague who chairs the campaign committee came back, right afterwards, all of a sudden we get this rhetoric about too big to fail; that we can't possibly go to this bill.

Now, I was born at night, Madam President, but not last night. I was born at night, but not last night. And don't tell me that miraculously these things happened and all of a sudden we find ourselves with 41 colleagues, many of whom I suspect are not overly enthusiastic about this game plan that says: Don't ask why; don't tell us what is in the bill. Just tell us we are going to line up and say no matter what anyone says or does or what they have tried to do, we are going to object to even going to this bill.

I firmly believe there is more than a small minority of my Republican colleagues who, frankly, find that argument objectionable. That is not to suggest they like this bill or agree with every position in it, but I know them well enough to know they are sick and tired of being told how they are going to have to vote on a procedural motion on a matter that I think deserves at least the support of our colleagues to begin that important debate.

What we do know, of course, about the opposition to going forward is that the Republican leadership returned armed with some very false talking points, talking points written by a political strategist with close ties to

large financial institutions, talking points that have been debunked by the independent media analysis and even Republicans such as FDIC Chairman Sheila Bair.

Let me point out the memo that suggested this game plan was written by a political strategist was written long before even one word was written on the bill. They were told how to fight a bill that didn't even exist out here by accusing the bill of leaving open the too big to fail, even though they knew—at least those who had read the bill—those provisions had been written so tight that no one could possibly argue too big to fail would be allowed again.

The Republican leadership returned promising that every member of their caucus would vote to kill this bill before the debate even began. I know for a fact that Members of this body, on both sides of the aisle, want to pass a good bill. My colleagues know me well, and they know my reputation over the years. I have never, ever passed a major piece of legislation in this body, in over three decades, when I have not had the cooperation and backing of a Member or Members on the other side of the aisle—never once on every major piece of legislation with which I have been involved. Here we are, at the brink of going forward with the single largest proposal to reform the financial services sector of our country, and we are divided here like a couple of petulant teenagers, instead of sitting around and coming together as I have offered for months, getting behind a bill and allowing us to go forward. It is long overdue that we grow up and recognize this is not some athletic contest, this is about whether our economy can get back on its feet, whether we can grow and prosper and create jobs, have credit flow and capital form so that businesses and wealth can be created. Nothing less than that is at stake in this debate and discussion, and all the more reason why we need to go forward, and go forward like adults, like Members of the greatest deliberative body—as we are told over and over—in the history of mankind, the Senate, to resolve these matters.

I have worked for hours with my colleague from Alabama, as he well knows, Senator SHELBY, to the point that he has said—and I appreciate it very much and I compliment him for it—we are 80 percent of the way to a bipartisan consensus. In fact, I suspect if RICHARD SHELBY were asked today whether that number were 80 percent, he would have even a higher number. Imagine being 80 to 90 percent in agreement, yet being told by the minority we cannot go forward. Do I have to write the whole bill? Is that when we can go forward? You have 80 or 90 percent of what you think is a good bill, but, no, no, we are going to stop any further debate. In all my years I have never heard of such an argument, whether I have been in the minority or majority, that I agree with 80 or 90 per-

cent of what you have written, Senator, but I am sorry, we are going to stop even considering any further debate on the floor of the Senate.

I worked for many hours with the Senator from Tennessee, BOB CORKER, to try to get to 100 percent, as he well knows. No matter what was said in the meetings between the Republican leadership and Wall Street executives, the fact is that the bill I will be bringing to the floor reflects not only bipartisan input but good common sense as well. If you look at what the bill actually does, it is clear that there is no ideology here, just one principle: Hold Wall Street and large financial institutions accountable so that American families and businesses can grow and thrive without fear of another economic catastrophe.

The bill creates an early warning system so that for the very first time in our Nation's history, someone will be in charge of monitoring our entire financial system, to look out for emerging products and practices and problems, not just here at home but even globally.

Again, I don't think you have to have a Ph.D. in economics to know what we have seen in the headlines and heard on our news shows a few weeks ago, that there were major economic problems in the small nation of Greece, and that all of a sudden the financial system of every other nation around the world was at risk. Or when that small exchange in Shanghai, China, began to decline by 12 percent a few years ago, every other exchange around the globe within hours was adversely affected.

That market, that exchange, represented less than 5 percent of the volume of the New York Stock Exchange. Yet because it declined by 12 percent one morning, every other exchange around the world reacted. What more do I need to say about whether our issues here are global in scope, not just domestic? Again, it is even further reason why we need to be able to pull together and create this bill that is essential so we have a warning system in place that looks out for and monitors products, practices, and even problems that can emerge in other parts of the world if they can pose the kind of risk that could bring our financial system to near collapse.

Under the status quo, of course, no regulator can see beyond the narrow silo of their own radar screen. We changed that. This now involves all of these prudential risk regulators sitting at a systemic risk council headed up by the Federal Reserve and Treasury here, so they can actually look over the horizon and act as a financial radar system. What is going on out there? Are there problems emerging in products or companies or nations that could bring our country to near disaster financially?

If we had had that in place back a few years ago, I would argue we might not find ourselves where we are today. So this is one of our provisions in the

bill. What a pity it would be to lose the opportunity to create that kind of an early warning system. That is how the subprime lending sector was able to grow so large despite the dangers it posed to the economy and why no one was able to stop it before it precipitated a crisis. I do not believe members of the minority caucus want regulators to be unaware of emerging threats to our financial system.

The bill brings new transparency and accountability as well to financial dealings by ensuring that even the most complicated or obscure transactions are concluded in an open marketplace.

The Presiding Officer, of course, is well versed and talented, coming from the Empire State, and understands these issues. I believe that derivatives, for instance, are a very important instrument, critically important to economic growth and prosperity. They have become a pejorative, unfortunately, but my view has been let the markets work.

How do the markets work best? Markets work best when there is transparency, when buyers and sellers, investors, have an opportunity to see with clarity what these instruments are, what they are designed to do. Right now we have a shadow economy where some of these instruments operate in darkness, and that is one of the problems that created the financial mess we are in. Our bill opens up, sheds light, brings sunshine to these instruments so that taxpayers but, more importantly, investors and others can honestly understand what they are, what they are intended to do and how they work.

For the first time here we would force risky financial companies such as Bear Stearns and Lehman Brothers that have operated the shadow banking system to be subject to proper supervision, again, so we have the ability to understand what they are doing.

Of course, under the status quo these dangerous giants that have been free to take enormous gambles in a single-minded quest for maximum profit and when they go down like the Hindenberg, taxpayers are left to clean up the rubble. I do not believe that members of the minority caucus want to leave the Lehman Brothers unsupervised until its collapse shakes the very foundations of our economy.

This bill I have before us beefs up the SEC oversight, it strengthens protections for investors, and gives shareholders a greater voice on how executives are compensated and how big their bonuses can get. Under the status quo, of course, the same executives whose mismanagement caused the collapse of financial giants get to collect ridiculous bonuses again. Kill the bill and there is nothing in here that would preclude the same kind of abuses, the outrageous gouging, if you will, at taxpayer expense by a handful of these executives who fail to understand—or if they understand, more outrageously

were willing to reward themselves for their own failures because the American taxpayers shored up their financial institution.

The Allen Stanfords and Bernie Madoffs of the world are able to rip off investors for millions while the understaffed and underfunded SEC, the Securities and Exchange Commission, fails to stop them.

I do not believe members of the Republican caucus want to leave these executives free to line their pockets with unearned billions or leave investors vulnerable to Wall Street predators and con artists. That is what happened. That is what went on. Our bill stops it. We need to be able to go forward with this bill.

Our bill requires full disclosures in plain English so that Americans can easily understand the risks and returns of any financial product, whether it is a mortgage or a student loan. Our bill creates an independent consumer protection agency, a watchdog with bark and bite, to protect consumers from the abusive practices that have become almost standard operating procedures—skyrocketing credit card interest rates, the explosion in checking account fees, predatory lending by mortgage firms, and so much more.

You do not have to educate the American people. You will hear it over and over from your own constituents. Listen to what they have been through with these increased interest rates, increased fees—every gimmick you can think of to pick the pocket of the American taxpayer who, today, necessarily needs to depend on credit cards in order to make ends meet in their families.

Of course, under the status quo, consumers trying to make smart decisions about their family finances are confronted with a sea of fine print and technical jargon and they are vulnerable to the predatory lenders, the greedy predators who have taken advantage of them. Our bill stops that. Our bill puts an end to that. If we do not get a chance to debate this and go forward, that would be the end of it. What a disgrace it would be to be confronted, as we were at the outset of this Congress, with the problems the American taxpayers have been through—8½ million jobs lost, 7 million homes in foreclosure, retirement accounts evaporated, small businesses failing, and we did nothing to stop it, despite the fact that 80 or 90 percent of what I have written in this bill is agreed to by many in the minority. But you will not even allow the bill to go forward to be debated. For the life of me I do not understand that logic.

In short, this bill protects the American consumers, American businesses, community banks, as I mentioned, and taxpayers from the very exact situation that occurred in 2008, an economic crisis brought about by Wall Street highjinks, large financial institutions and regulatory failures. Our bill creates a stronger foundation, I might

add, on which we can rebuild the prosperity we have lost in our Nation over the last number of years.

I do not believe members of the Republican minority, our friends and colleagues here, want to kill this bill. I do not want to believe that. Unlike other matters we have debated over this Congress, this matter ought to be one where we can come together as I have tried to do, day in and day out, week in and week out, month in and month out, to craft a piece of legislation that reflected the myriad views embraced by the Members of this Senate.

We are on the brink of going forward and I will go forward with this bill. We can do it one of several different ways. We can go forward. I will bring this bill up. The leader, I am told, will offer a motion to proceed. My hope is we will not have to have a vote on that, that there will be enough common sense here that would say this is a good product even for those who do not like various provisions of it, and then do what we are supposed to do in this body—debate, offer amendments, try to improve the bill based on your own view of what constitutes an improvement. But let's act like the Senate on a major bill of this import here, instead of putting on the brakes, don't show up, don't say anything, just vote no, we are not going to debate this until you do exactly as I want you to do.

That is not the Senate that I think the American people expect to see work. My hope is, of course, that I will be right in that. My colleagues, many of whom I have worked closely with on many issues, do not want to be part of a blind, pointless effort here, just to walk away from this process. I believe they, our friends on the other side, are caught between the same commonsense principles that led many of them to spend so many hours helping us create this legislation, and the political deals that have led their leadership to demand they help to kill it.

As I said a moment ago, I have been in this body for some 30 years. I have served with many Republican colleagues for a long time. I have great friends, as my colleagues know, on the other side of this aisle, people who I believe care as much about this country as any other Member, and they want to be part of answers, solutions. They did not come here, they did not fight hard to get here, to say no. They came here because they wanted to be part of the answers to how we can get our country moving again.

Again, I am charged as the chairman of a committee to try to pull together a bill that reflects the disparate points of view, that listens to our colleagues here in crafting a piece of legislation that can work. I have tried to do that now for many months. I have come to the point where, frankly, we need to go forward in this body. I am confident, again, if our colleagues would give us a chance we can achieve the results they seek and I am hopeful they will when the motion to proceed occurs, and then

engage in the kind of thoughtful, intelligent debate this Senate has a reputation of achieving and accomplishing.

I thank my colleagues for the work they have contributed to it so far. Let's not take all of that work and dash it on the rocks of procedural filibustering. We can do better than that. I am confident we will. I urge my colleagues to be supportive of these efforts.

I yield the floor and 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. DEMINT. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DEMINT. Madam President, I rise in opposition to the nomination of Marisa Demeo to be a Superior Court judge in the District of Columbia. I do not believe she has enough judicial experience to sit on the DC Superior Court. She is currently serving as a magistrate judge, a position she has held for the past 2½ years. Although being a magistrate judge is good training for a Superior Court judge, 2 years is not enough of that training. Of the 25 magistrate judges in the District of Columbia, she is one of the least experienced. Nineteen of the current DC magistrate judges have served for 5 years or more compared to her 2½. Some have served for decades. In fact, only 3 of her 24 colleagues have served less than Ms. Demeo.

Looking at her record, I see she has much more experience working as a lobbyist for a special interest group than a magistrate judge. She was chief lobbyist for the Mexican American Legal Defense and Education Fund, a national Latino civil rights organization, from 1997 to 2004. In this position, she became more well known for divisive comments she made against Hispanic Republicans than for her legal expertise. She took on a high-profile role opposing President Bush's nomination of Miguel Estrada, criticizing him in numerous newspaper stories because he did not appear to support her political agenda. During this time, she made personal attacks against him, suggesting he was a traitor to other Hispanics.

Let me read from a 2003 article from National Review entitled, "Dems to Miguel Estrada, You're Not Hispanic Enough." Ms. Demeo said:

If the Senate confirms Mr. Estrada, his own personal American dream will come true, but the American dreams of the majority of Hispanics living in this country will come to an end through his future legal decisions.

In another press statement she said:

The most difficult situation for an organization like mine is when a president nominates a Latino who does not reflect, resonate or associate with the Latino community.

Instead of debating these issues, Ms. Demeo tried to convince the media

that an entire community should only think one way—her way—and that Miguel Estrada was wrong for thinking anything otherwise. To me, this sounds like ethnic bullying. It is dangerous and insulting to believe a particular community should think uniformly, and Ms. Demeo was wrong to do this.

I was not in the Senate at the time; however, I have come to work closely with Miguel Estrada since that time, especially during my work on the Honduras crisis. He is a patriotic American and one who gave his own time and energy to help us understand the legal issues facing Honduras. I do not doubt for a minute his qualifications to serve on the Federal bench. Comments by Ms. Demeo and others questioning Mr. Estrada's credentials, encouraging the filibuster of his nomination, and accusing him of not being "authentically Hispanic" made the confirmation process very painful for him and his family.

This was not the only time Ms. Demeo advanced this terrible argument. She used this same line of attack against Linda Chavez, President Bush's nominee to be Secretary of Labor.

Ms. Demeo was quoted by the Washington Post in January of 2001 saying:

We generally support the nomination of Latinos to important positions, but Linda Chavez could really turn things backwards for the Latino community. We just really question what kinds of efforts she is going to put into enforcing the affirmative action laws.

Ms. Demeo has also attacked those of us in Congress who opposed the amnesty legislation of a couple years ago, saying we were "anti-immigrant and not interested in seeing immigrants become full participants in this country."

She strongly opposes English as the official language and says the government must accommodate non-English speakers. She was quoted by the Associated Press in 2003 saying "governments have a legal obligation to help those who don't speak English well."

She demanded that the Census Department use "sampling" to puff up the number of voters in Hispanic districts. She told National Public Radio in 2001 that raw census data should not be used because it "does not fully represent those minority communities who were missed by the census." Instead, she advocated that less accurate sampling data be used to redraw political districts.

Ms. Demeo has shown similar disregard for verified information by arguing that photo requirements for voting "violates the rights of minority voters."

She is also an active proponent of affirmative action, again suggesting to the public that all Latinos are in lock-step agreement on this issue.

After the Supreme Court's decision in Grutter, Demeo said:

All segments of the Latino community supported the continuance of affirmative action. . . . The nation must now also turn and concentrate on ensuring equality of opportunity in our elementary, middle and high

schools. Colleges and universities that use race-conscious admissions have made those universities a better place for everyone to learn.

Ms. Demeo has also attacked the definition of traditional marriage. These views have led groups such as Eagle Forum, Numbers USA, the Federation of American Immigration Reform, English First, Concerned Women for America, and the Traditional Values Coalition to oppose Judge Demeo's nomination.

I assume Ms. Demeo will be confirmed. If she is, I will wish her well in this new position. But I, regrettably, will vote no on this nomination.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is considering the nomination of Marisa J. Demeo.

Mr. LEAHY. Madam President, I am going to actually speak on a different matter. I ask unanimous consent that my statement be moved to morning business.

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

(The remarks of Mr. LEAHY are printed in today's RECORD under "Morning Business.")

Mr. BURRIS. Madam President, here, in our Nation's Capital, we stand for justice, for fairness and opportunity and for the rule of law.

On the floor of this Senate and in the Oval Office, we shape national policy, and guide the course of a Nation.

In the chambers of the Supreme Court, the principles of justice laid down in our Constitution are translated into the real world.

Our system of government, embodied in this city, stands as an example for all others around the world.

And yet today we are met with a certain irony.

As I address this chamber, the DC Superior Court has been paralyzed, and our justice system has ground to a halt, thanks to my Republican colleagues.

My good friend, the junior Senator from South Carolina, has chosen to obstruct an eminently qualified judicial nominee and current DC magistrate judge, named Marisa Demeo.

When the President of the United States appoints a judge to the Superior Court here in Washington, these nominations are generally approved by the Senate without delay or controversy.

But this time, my Republican friends have decided to play politics with our judicial system.

They have stalled Judge Demeo's nomination for 8 months, and have turned a routine vote into the longest confirmation battle of the Obama Presidency.

As a result, DC government officials have warned that their ability to administer justice is being tested.

As a former attorney general of Illinois, I understand how dire this situa-

tion is. I understand how this obstructionism is crippling the Superior Court system.

And for what reason? My colleagues and I have asked our Republican friends to name their objections, but no one can get a straight answer.

No Republican has cast any doubt on Judge Demeo's qualifications, which are superb.

She has served as a magistrate judge since 2007. Before that, she worked at the Department of Justice, in the Civil Rights Division and as an assistant U.S. attorney.

She has degrees from Princeton and New York University. Her legal training and experience are more than adequate for the post of Superior Court Judge, and yet, for unspecified political reasons, the junior Senator from South Carolina continues to hold up this important nomination.

He said he has concerns that Judge Demeo may not be fair and balanced in her approach. But there is nothing in her record to suggest anything of the sort.

In fact, not a single Republican even took the time to ask a question at Judge Demeo's confirmation hearings.

So I cannot imagine what they find objectionable.

The court system in our Nation's Capital is strained to the breaking point, and my friend from South Carolina doesn't seem to mind.

I believe this is simply unacceptable.

This is why the American people are frustrated with their government: because petty political battles and Republican obstructionism are impeding our ability to govern.

My friends on the other side are certainly entitled to play political games if they like, but I would urge them to save politics for the campaign trail, and stop holding up the course of justice and the important business of the American people.

We simply do not have time for this. This is not about politics, this is about people's lives.

This is about the functioning of the American justice system, right here in the Capital of the United States.

This is about the constitutional right to a fair and speedy trial, a right which has been denied to DC residents by Republican political games.

The American people have had enough.

So I urge my friends on the other side to abandon this kind of obstructionism and take their political games elsewhere.

Let us stand up for the ideals of fairness and justice that are embodied here, in this system of government.

And let us make sure that every American, including the residents of our Nation's Capital, can avail themselves of this system.

I ask my colleague from South Carolina to drop his hold on this eminently qualified nominee, so this Senate can hold a vote, and then we can move forward in a bipartisan manner to address the challenges we face.

Mr. DURBIN. Madam President, this week in the Senate we are calling attention to the unfortunate obstructionism coming from the other side of the aisle when it comes to President Obama's nominations. There are now 101 nominees who have been voted out of committee—most of them with unanimous support but who are languishing on the Senate floor because the Republican minority won't allow them to have a vote. In many cases, they won't even give a reason—they are using anonymous holds. That is fundamentally unfair.

Let me speak briefly about a nominee we will vote on today: Marisa Demeo. She was nominated to be an associate judge on the District of Columbia Superior Court. This is a local court here in Washington that primarily hears misdemeanor and felony cases. It is not a Federal court and its judges do not serve lifetime appointments.

Marisa Demeo is currently a magistrate judge on this court, and she has an excellent reputation. She is a former Federal prosecutor and was hired by the John Ashcroft Justice Department as an assistant U.S. attorney here in Washington.

Before she was a prosecutor, she was a civil rights lawyer in the Justice Department's Civil Rights Division and at the Mexican American Legal Defense Fund, one of the most respected civil rights organizations in America.

Judge Demeo has received numerous awards throughout her legal career, including the "Rising Legal Star" award from the Hispanic Bar Association of Washington, DC, and a Special Achievement Award from the U.S. Attorney's Office for the District of Columbia.

Judge Demeo was unanimously approved by the Senate committee that oversees DC Superior Court nominations, so you would think she would be confirmed by the full Senate in short order. Well you would be wrong. After being voted out of the Homeland Security and Governmental Affairs on May 20, 2009, Judge Demeo has been held up on the Senate floor ever since. For 11 months now, the Republican minority obstructed her nomination and objected to an up-or-down vote. No other nominee of President Obama's has been pending on the Senate floor longer than Judge Demeo.

As a result of this delay, the DC Superior Court has struggled to handle its crushing caseload. Last month, the Senate received a letter from the chief judge of that court, Lee Satterfield, who said the following:

The Superior Court is a busy, urban court with a caseload of over 100,000 cases per year. Each day we make life and death decisions about neglected and abused children, juveniles alleged to have committed crimes, criminals charged with everything from minor misdemeanors to first degree murder and sex abuse. . . . [T]he people of the District of Columbia deserve a court with a full complement of judges making the crucial decisions affecting the lives of D.C. residents.

I am pleased the Republicans have finally relented and agreed to a vote on Judge Demeo. We owe it to her, and we owe it to the people of the District of Columbia.

I know there has been some criticism of some positions Judge Demeo took when she worked at MALDEF. A few of my Republican colleagues have discussed these criticisms on the Senate floor today. I would like to make two points in response.

First, the positions Judge Demeo took when she was an advocate at MALDEF are mainstream positions. She advocated for comprehensive immigration reform. She opposed the nomination of Miguel Estrada, one of President Bush's most controversial nominees. She supported affirmative action, and she opposed a photo ID requirement in the voting context because of its adverse impact on minorities. And she opposed a constitutional amendment to ban same-sex marriage. These are positions I share, and many members of the Senate share. They are positions that are hardly out of step with the political mainstream in America.

In any event, Judge Demeo has been a magistrate judge for the past three years, and she has demonstrated her ability to be fair and impartial. She has skillfully made the transition from advocate to judge, and she deserves this promotion from magistrate judge to associate judge on the DC Superior Court. I urge my colleagues to support her confirmation.

Mr. MENENDEZ. Madam President, I rise today to urge my colleagues to vote to confirm the nomination of Marisa Judith Demeo as associate judge on the Superior Court of the District of Columbia.

She has waited long enough and the Superior Court of the District has waited long enough. Judge Demeo epitomizes what it means to serve. A consummate community leader, she has always believed in the importance of public service.

She is currently serving as magistrate judge in the Criminal Division of Superior Court of the District of Columbia.

As an assistant U.S. attorney in the U.S. Attorney's Office for the District of Columbia, she has ample experience prosecuting misdemeanor and felony cases.

Having said that, she also has deep roots in the community, a woman who cares about justice—about doing what's fair and what's right. She believes in the rule of law.

From her work at the AIDS Service Center of Lower Manhattan, her service for the Lambda Legal Defense and Education Fund, her time as a Texas rural legal aid and a paralegal in the Civil Rights Division of the Department of Justice, she has taken pride in acting on a spirit of community that is part of who she is—each of us working together for the betterment of all of us.

I know the good work she has done at the Mexican American Legal Defense

and Education Fund and what that work has meant to her and to those she has served.

The professional awards and honors she has received as well as her academic awards are far too numerous to mention here. Suffice it to say that, in my view, she is one of the most accomplished nominees we have had before us.

A graduate of Princeton University and New York University School of Law, Judge Demeo's credentials are impeccable.

I know her dedication and her keen mind, her judicial temperament, her belief in the rule of law and those powerful words that mean so much to her and to all of us in this Chamber—equal justice under law.

Judge Demeo is ready to serve on a busy urban court with a caseload of over 100,000 cases per year. As an associate judge on the Superior Court of the District of Columbia she will bring her knowledge, skills, and expertise to every decision in a busy courtroom dealing with hundreds of neglected and abused children who will come before her—juveniles alleged to have committed crimes, and those who have been accused and charged with crimes ranging from misdemeanors to first degree murder and sexual abuse.

Judge Demeo will be there to serve as she always has, ready to make timely and fair decisions on domestic violence cases, housing issues, child custody and support.

The caseload will not deter her. It will invigorate her, and I am proud to cast my vote to confirm Judge Demeo as an associate judge on the Superior Court of the District of Columbia and urge my colleagues to do the same.

The time has come to confirm this nominee.

Mr. LIEBERMAN. Madam President, I rise to support the long-delayed nomination of Judge Marisa Demeo for a seat on the DC Superior Court and urge my colleagues to approve her as quickly as possible so she can take her place on this court that is both busy and shorthanded.

Judge Demeo is well qualified for this position and brings a range of legal experience to her new job that would make her an asset to the court. She has been a judge, a prosecutor, a plaintiff's attorney advocating for civil rights and a law professor.

Specifically, for the past 2 years, Judge Demeo has served as a magistrate judge in the Criminal Division of the Superior Court of the District of Columbia.

Prior to that, from 2004 to 2007 she served as an assistant U.S. attorney in the Office of the U.S. Attorney for the District of Columbia; from 1997 to 2004 she served as the Regional Counsel for the Mexican American Legal Defense and Educational Fund, from 1993 to 1996 she was an honors program trial attorney with the Justice Department Civil Rights division, and she was an adjunct professor of law at Howard University in 2003, 2005 and 2008.

Judge Demeo is a graduate of Princeton University with a bachelor's degree in political science and earned her law degree at New York University. And besides her legal work, she is also in demand as a speaker on legal issues and is the author of many articles on civil rights law.

Judge Demeo also has a compelling personal story that reminds us that the American dream is alive and well. Her father—the son of Italian immigrants—and her mother—a Puerto Rican immigrant—taught her that if you work hard, anything is possible and Judge Demeo has channeled her talent and drive into a successful career in public service.

These facts taken together led the Homeland Security and Governmental Affairs Committee to endorse Judge Demeo's nomination by voice vote in May.

Let me say that again, the committee reported Judge Demeo's nomination to the full Senate in May—11 months ago—and it has been stalled ever since.

There is also speculation that some object to her because of legal advocacy work she has done on behalf of the Mexican American Legal Defense and Educational Fund, also known as MALDEF.

But there is no reason that this sort of work should be held against any nominee. Under our system of justice, when an individual or group believes something is not just, they are allowed to have their day in court and have an attorney zealously argue their cause.

In her confirmation hearing, Judge Demeo was specifically asked if her advocacy work would affect her decision-making as a judge. Let me give you Judge Demeo's response in her own words:

When you think about the parties that appear in the courtroom, oftentimes it's plaintiffs versus defendants and one party against another, and I've . . . worked in both positions in my career. Being in the judge position has allowed me to take a step back already, in the magistrate position, and listen to the parties and be open to both sides.

To that end, at her confirmation hearing, representatives of the Justice Department and the Public Defenders' office came to lend their support to her nomination.

And we should remember, that nominations for the DC courts are made through a process different than other judicial nominees.

Under the District of Columbia Self-Government and Governmental Reorganization Act, the Judicial Nominations Committee recommends three individuals for each position to the President, and the President then selects one of those individuals and sends the nomination to the Senate for confirmation.

The Judicial Nominations Committee is a diverse, Federal-district entity, comprised of two individuals appointed by the Mayor of the District of Columbia—one being a nonlawyer—two

appointed by the Board of Governors of the District of Columbia Bar, one non-lawyer appointed by the city council of the District of Columbia, one individual appointed by the President of the United States, and one judicial member appointed by the Chief Judge of the U.S. District Court for the District of Columbia.

This is a process aimed at getting the best qualified nominees, without regard to party or politics.

Finally, Chief Judge of the Superior Court, Lee F. Satterfield, wrote to both the majority and minority leaders in October pleading for the swift approval of Judge Demeo because the court is already five members short.

In his letter, Judge Satterfield wrote:

The Superior Court is a busy, urban court with a caseload of over 100,000 cases a year. Each day we make important decisions about neglected and abused children, juveniles alleged to have committed crimes, and accused charged with everything from minor misdemeanors to first degree murder and sexual abuse. Vulnerable families in the District rely on Superior Court judges to make timely and fair decisions regarding domestic violence, housing, child custody and support, and numerous issues that affect them every day. Our goal is to serve the community well by handling the important decisions we are entrusted with fairly, justly and efficiently.

And last month, Judge Satterfield sent another letter to the majority and minority leader with this dire warning, "We are beginning to experience delays in meeting performance measures and standards for how quickly cases should go to trial."

But, a shorthanded court cannot achieve these goals, which means justice is delayed for many. It's long past time that we approve this highly qualified nominee and I urge my colleagues to vote yes on this nomination and allow her to get to work administering justice for the citizens of our Nation's Capital.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Delaware.

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

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

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business for up to 6 minutes.

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

IN PRAISE OF DOROTHY METCALF-LINDENBURGER

Mr. KAUFMAN. Madam President, I rise today to speak once more about our Nation's great Federal employees.

Forty-nine years ago, President Kennedy stood before Congress and offered a bold profession of his faith in American innovation. Convening a special joint session to share with the American people his plans for economic re-

covery and global leadership, President Kennedy challenged us to reach the Moon in 9 years. He reminded us that leading the way in exploring space was central to leading a vibrant innovation economy, and that the causes of economic recovery and national security would benefit from investing in a Moon shot, and that the newly free around the world, caught between East and West, would draw inspiration from such a difficult mission undertaken by a free people. He challenged us to reach the Moon in 9 years. We made it there in 8 years.

Kennedy's call echoed a timeless adage: "Ad Astra Per Aspera"—to the stars through rough times.

When we are faced with difficult challenges, we look for inspiration beyond the bounds of our farthest frontier. We can choose, despite uncertainty, to be forward looking and set lofty goals. That, more than anything, is the mission of those great Federal employees who work at the National Aeronautic and Space Administration, NASA.

I was among those called to the study of engineering in the late 1950s during the years of Sputnik and the start of the space station. We benefited not only from the amount of investment the government was making in STEM fields, but also by the strong sense of purpose the space program inspired in all of us.

America's reach into space is intricately linked with our need to train the next generation of scientists, engineers, technologists, and mathematicians who will drive our 21st century innovation economy, and I know there is no one in the Senate any more committed to STEM education than the Presiding Officer.

That is why I have chosen this week to honor a great Federal employee from NASA who spent the last 2 weeks orbiting the Earth on STS-131 and has dedicated her career to promoting STEM education.

Dorothy Metcalf-Lindenburger is one of NASA's new educator astronauts. A native of Fort Collins, CO, Dottie, as she is called, took an unusual path to space. As a child, Dottie was always fascinated with astronomy and space exploration. When she narrowly lost a contest to win a free trip to space camp, her parents saved up enough money for her to go. It turned out to be an excellent investment not only in their daughter's future, but also in the many students Dottie has inspired.

Dottie pursued her love of science at Whitman College, where she majored in geology. She began teaching Earth science and astronomy at Hudson's Bay High School in Vancouver, WA, in 1999. In her 5 years there as a science teacher, she won awards for achievement. An avid marathon runner, Dottie also coached the school's cross-country team.

In 2003, one of her students asked a question that would change her life. The student curiously asked: How do

astronauts use the bathroom in space? When Dottie went on line to research the answer for her student, she discovered on NASA's Web site a recruitment call for teachers to join the space program. She jumped at the chance, though it was a long shot. Over 8,000 teachers applied. Dottie was one of three who made it and is currently NASA's youngest active astronaut.

She joined NASA in 2004 and began the rigorous, 2-year Astronaut Candidate Training. Dottie learned how to fly jets and operate complex space shuttle and International Space Station systems. She undertook scientific and technical briefings, engaged in physiological training, and practiced water and wilderness survival skills. As an educator astronaut, Dottie works with NASA's education program, helping to develop new ways to bring space and STEM subjects into the classroom and inspiring girls and boys alike to follow in her footsteps by studying science.

When she is not training to be a mission specialist on the shuttle, running a marathon, or singing lead vocals for an astronaut band, Dottie is also inspiring her own daughter. She and her husband Jason, who is a history teacher, have taught their 3-year-old daughter, Cambria, how to sing "Twinkle, Twinkle, Little Star" and other songs about the Sun and the Moon.

On April 5, Dottie and the rest of the crew of Discovery's STS-131 mission lifted off from Cape Canaveral for a 2-week trip to the International Space Station. Dottie's primary tasks were overseeing the transition of the station's computers to a new Ethernet network and orchestrating the space walks conducted by two of her colleagues. She also recorded a video to help promote robotics, science, and engineering.

Dottie sees her role as a teacher for all, helping to make science exciting for adults and children alike. She and her husband even built a telescope that they brought on summer vacation, and wherever they stopped they would encourage people to look through it at objects like Jupiter or the Moon.

She said, "Wherever we go out in our solar system, from a teaching standpoint, I really hope that students are engaged in learning math and science. We should always try to be a leader in this."

America's astronauts—like Dottie—carry out important work with far-reaching impact.

Once again we find ourselves as a nation in difficult times, just as we were when President Kennedy challenged us to look skyward.

Just last week, President Obama laid out his vision for the future of American space exploration. No matter what their next mission, it will be carried out by NASA employees.

The outstanding public servants at NASA give flight to our dreams and remind us that, in America, when we will it, there is no impediment to grand achievement.

"Ad Astra Per Aspera." Let us look once more, in these rough times, to the stars—to the limits of space and those who would take us there.

Let us recommit ourselves to inspiring students, just as astronauts like Dottie do each day, to study science, math, engineering, and technology in pursuit of innovation in space and here on Earth.

I hope my colleagues will join me in thanking Dorothy Metcalf-Lindenburger and her crewmates from STS-131 for their hard work and contribution. We welcome them home.

They are all truly great Federal employees.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KAUFMAN. Madam President, I ask unanimous consent that the time during the quorum call be divided equally between the two sides.

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

Mr. KAUFMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. AKAKA. Mr. President, I rise to speak in support of Marisa Demeo to be an associate judge in the District of Columbia Superior Court. I chaired her nomination hearing before the Committee on Homeland Security and Governmental Affairs and believe she is a very well-qualified candidate.

Since 2007, she has served as a magistrate judge of the DC Superior Court. Prior to that, she was an assistant U.S. attorney for the District of Columbia, prosecuting criminals on behalf of the Federal Government.

Judge Demeo also worked as an attorney for the Mexican-American Legal Defense and Education Fund, an organization that provides legal services to individuals of Hispanic descent. She received her bachelor's degree from Princeton University and her J.D. from the New York University Law School.

Candidates from the DC Superior Court are identified by the nonpartisan Judicial Nomination Commission, which sends three names of qualified candidates to the President for his final selection. This process has consistently produced excellent nominees for DC's local courts. Similar to others chosen through this process, I believe

Judge Demeo has much to offer the DC Superior Court.

Judge Demeo has a strong record as magistrate judge and has presided over many cases of the busy criminal calendar. My staff spoke with DC Superior Court Chief Judge Satterfield today, and he emphasized how pleased he has been with her performance. Judge Satterfield said he could not understand the concerns raised about Judge Demeo's impartiality—she has an open record as a magistrate judge, and no one is criticizing her work on the court.

The committee also interviewed many of her colleagues during the nomination process who described her as fair, having a good temperament and knowledge of the law. Judge Demeo herself emphasized the importance of fairness, impartiality, integrity, and respect for all parties appearing before her during her nomination hearing.

In May 2009, the Committee on Homeland Security and Governmental Affairs favorably reported her nomination. The committee of jurisdiction clearly considered her to be well qualified because no objections to her nomination were voiced.

I was pleased that the Senate confirmed Stuart Nash to be an associate judge of the DC Superior Court earlier today. However, there remains a critical need to fill vacancies at the court. DC Superior Court is a trial court that hears over 100,000 cases a year. With many judges nearing retirement, it is important to fill empty seats quickly.

This need is so great that Chief Judge Satterfield wrote two letters to Majority Leader REID asking us to fill these vacancies. Judge Satterfield described the situation as dire and stated that unfilled vacancies hinder the court's ability to administer justice for the people of DC.

Mr. President, I ask unanimous consent to have printed in the RECORD both of Judge Satterfield's letters.

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

SUPERIOR COURT OF THE  
DISTRICT OF COLUMBIA,  
*Washington, DC, Oct. 14, 2009.*

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
*Washington, DC.*

DEAR MR. MAJORITY LEADER: As Chief Judge of the Superior Court of the District of Columbia, I wanted to take a moment to bring to your attention two nominations for associate judges positions on the Superior Court that have been pending for several months. The nominees are Marisa Demeo and Stuart Nash. I understand the press of business before the Senate, given the economy, the push for health care reform, and the myriad of nominees in a relatively new administration. However, I wanted to draw your attention to the dire situation the Superior Court will face by the end of the year due to the announced retirements of three other Superior Court judges, if these nominees are not confirmed in the next few months.

If these two vacancies are not filled before the Senate adjourns, we will be five judges below our full complement of 62 associate

judges by the end of January 2010. These vacancies would have serious consequences for the administration of justice in the District of Columbia and for the people we serve. We have been working without a full complement of judges most of the year since one of my colleagues, Judge Robert Rigsby, was sent to Iraq with the National Guard. Fortunately, another colleague, Judge Rafael Diaz, who retired in March 2009 at the end of his term, graciously agreed to stay and handle a full caseload while we await his replacement. I am not sure how long Judge Diaz will be able to continue full time. If the two pending nominations are not confirmed before the Senate adjourns for the year, and Judge Diaz can no longer handle cases full time, by the end of January 2010, we will have only 57 associate judges. Such a scenario would certainly test our ability to administer justice for the people of the District of Columbia in a timely fashion, particularly in our Criminal Division and Family Court.

The Superior Court is a busy, urban court with a caseload of over 100,000 cases per year. Each day we make important decisions about neglected and abused children, juveniles alleged to have committed crimes, and accused charged with everything from minor misdemeanors to first degree murder and sexual abuse. Vulnerable families in the District rely on Superior Court judges to make timely and fair decisions regarding domestic violence, housing, child custody and support, and numerous issues that affect them every day. Our goal is to serve the community well by handling the important decisions we are entrusted with fairly, justly and efficiently. I would appreciate any help you can provide in moving the two nominations forward.

Thank you for your consideration.  
Sincerely,

LEE F. SATTERFIELD,  
*Chief Judge.*

SUPERIOR COURT OF THE  
DISTRICT OF COLUMBIA,  
Washington, DC, Mar. 12, 2010.

Hon. HARRY REID,  
*Majority Leader, U.S. Senate,  
Washington, DC.*

DEAR MR. MAJORITY LEADER: I wanted to provide you with an update on the circumstances in the D.C. Superior Court with the five vacancies we are currently experiencing. Judge Diaz, who has been continuing to hear cases on one of the unassigned calendars after announcing his retirement, will be stepping down within the next month. This will leave us with five full vacancies, which clearly hinders our ability to administer justice for the people of the District of Columbia in a timely fashion, especially worrisome in the Criminal Division and the Family Court. We are beginning to experience delays in meeting the performance measures and standards for how quickly cases should get to trial.

As I mentioned in my October letter, the Superior Court is a busy, urban court with a caseload of over 100,000 cases per year. Each day we make life and death decisions about neglected and abused children, juveniles alleged to have committed crimes, criminals charged with everything from minor misdemeanors to first degree murder and sex abuse. Vulnerable families in the District rely on Superior Court judges to make timely and fair decisions regarding domestic violence, housing, child custody and support, and numerous issues that affect them every day. These cases need to be handled effectively but also efficiently.

I understand the great press of business before the U.S. Senate, and the multitude of bills affecting the lives of people across the country. However, the people of the District of Columbia deserve a court with a full com-

plement of judges making the crucial decisions affecting the lives of D.C. residents.

Thank you for your consideration.  
Sincerely,

LEE F. SATTERFIELD,  
*Chief Judge.*

Mr. AKAKA. Mr. President, the Committee on Homeland Security and Governmental Affairs works quickly to hold its nomination hearings because we understand what an important role the court plays in the District's legal system. It saddens me that the District's courts and its residents continue to suffer while a highly qualified candidate's nomination is slowed.

I am confident that once confirmed, Judge Demeo will exercise sound and unbiased judgment when ruling on cases before her. She has the education and experience to make valuable contributions to the DC Superior Court bench. I plan to vote in support of Judge Demeo's nomination, and I urge my colleagues to do the same.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that any remaining time for debate with respect to the Demeo nomination be yielded back, and the Senate now proceed to vote on confirmation of the nomination; further, that upon confirmation, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the cloture motion with respect to the nomination be withdrawn.

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

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Marisa J. Demeo, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

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

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 120 Ex.]

YEAS—66

Akaka	Burr	Feingold
Baucus	Cantwell	Feinstein
Bayh	Cardin	Franken
Begich	Carper	Gillibrand
Bennet	Casey	Gregg
Bingaman	Collins	Hagan
Bond	Conrad	Harkin
Boxer	Dodd	Inouye
Brown (MA)	Dorgan	Johnson
Brown (OH)	Durbin	Kaufman

Kerry	Merkley	Shaheen
Klobuchar	Mikulski	Snowe
Kohl	Murkowski	Specter
Landrieu	Murray	Stabenow
Lautenberg	Nelson (NE)	Tester
Leahy	Nelson (FL)	Udall (CO)
Levin	Pryor	Udall (NM)
Lieberman	Reed	Voinovich
Lincoln	Reid	Warner
Lugar	Rockefeller	Webb
McCaskill	Sanders	Whitehouse
Menendez	Schumer	Wyden

NAYS—32

Alexander	DeMint	LeMieux
Barrasso	Ensign	McCain
Brownback	Enzi	McConnell
Bunning	Graham	Risch
Burr	Grassley	Roberts
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Cochran	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	

NOT VOTING—2

Bennett Byrd

The nomination was confirmed.

Mr. LEAHY. Mr. President, today the Senate finally confirmed the nomination of Marisa Demeo for a 15-year term as a judge for the District of Columbia Superior Court. Her nomination was the longest pending judicial nomination on the Executive Calendar, having been stalled since it was reported by the Homeland Security and Governmental Affairs Committee last May—nearly a year ago—by voice vote.

There was no reason for this nomination to have been delayed so long. Indeed, once the majority leader pressed the matter by filing for cloture, Republicans agreed to 6 hours of debate and then used only a small portion of that. The bipartisan vote in favor of Judge Demeo is hardly unexpected, just delayed a year.

Judge Demeo has served for 3 years as a magistrate judge on the court to which she has been confirmed. She is only the second Hispanic woman to hold that position. Judge Demeo is an experienced former prosecutor and Justice Department veteran with a sterling professional record. The Chief Judge of the Superior Court, Lee Satterfield, has written several times to the majority and minority leaders about the "dire situation" created by vacancies on that court for administration of justice in Washington, DC, and in support of Judge Demeo's nomination.

Judge Demeo should have been confirmed long ago. This sort of obstruction of a DC Superior Court nomination is unprecedented. These nominations for 15-year terms on the District's trial court are not usually controversial.

Those Senators who opposed this nomination and voted against it will have to explain their vote. Some tried. I do not think references to "lifestyle" have a place in this debate. I was also struck by those who selectively cited her advocacy for various causes when she was previously employed as an advocate as somehow rendering her unfit for judicial service. These same Senators were willing to give President Bush's nominees the benefit of the

doubt, but apparently not those of President Obama. Their mantra when there was a Republican President nominating Republican activists was that they would be able to put aside those views or that they were merely doing their job or representing a client. Apparently that leeway only applies to Republican nominees.

I commend those Republican Senators who bucked their party to vote in favor of this fine young woman and well-qualified nominee.

I strongly supported the confirmation of Judge Demeo and regret that it has taken nearly a year for her nomination to receive an up-or-down vote in the Senate. I congratulate her on her confirmation to the Superior Court and have every confidence she will be a fair and thoughtful judge.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table. The President will be immediately notified of the Senate's action, and the cloture motion on the nomination is withdrawn.

The Senator from North Dakota.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. DORGAN. Mr. President, I indicated yesterday, when I asked unanimous consent on a nomination, that I would be back on the floor today at 4:30. So following this vote I wanted to come to the floor to once again ask unanimous consent. I told my colleague from Louisiana, Senator VITTER, that I was going to do this. I told him last week when I came to speak about this. I said I don't, under any conditions, come to the floor of the Senate wanting to be critical of another Senator. That is not something I enjoy doing. In this case, I explained to Senator VITTER that I was going to be critical of something he has done and I felt it appropriate and as a matter of courtesy I should tell my colleague from Louisiana what I was going to do.

Let me describe the circumstance. It bothers me a lot. I am pretty unhappy about it and so should all of my colleagues be unhappy. There is a man named GEN Michael Walsh, a soldier who served this country for 30 years. He served in wartime. I know him, know him fairly well. I am not related to him. I don't have anything other than a professional relationship because I have seen his work in the U.S. Army Corps of Engineers. He is an extraordinary guy.

He was recommended unanimously by the Armed Services Committee, Senator LEVIN and Senator MCCAIN and the unanimous vote of the Armed Services Committee, to be promoted from a one-star general to a two-star major general. That was last year.

It has dragged on now for nearly 6 months and this soldier has not been promoted because the nomination to promote him, which came from the Armed Services Committee unanimously, has been held up by one Senator. That is Senator VITTER from Louisiana.

I understand that Senator VITTER is holding this nomination up all of these months because he is demanding certain things from the Corps of Engineers for his home State.

Regrettably, it represents a list of things, for the most part, that the Corps of Engineers cannot do—they don't have the legal authority to do, they don't have the funding, they don't have the authorization to do. In any event, the general we are talking about, General Walsh, doesn't make policy for the corps on whether to do these things, even if they have the authority. He does policy. That is what the job of this general is. He is the commander of the Mississippi Valley Division of the Corps of Engineers. He spent a tour in Iraq for this country. He has done a lot of work not only in a war zone but all around the country, has a distinguished 30-year career. Yet despite the fact that last October, he was to have been promoted to major general, this soldier's professional life is on hold because of the actions of one Senator.

I say to my colleague from Louisiana, this is fundamentally unfair to General Walsh. It is fundamentally unfair. It is not the way we should treat soldiers. The demands that are being made of the Corps of Engineers are demands the corps cannot meet. I put the exchange of letters in the CONGRESSIONAL RECORD. There are two letters from my colleague, Senator VITTER, and two responses from the Corps of Engineers. They make it clear that the Senator from Louisiana is asking something the corps cannot possibly do. He has made six or eight requests. I believe the corps has indicated they will proceed on two of them because they do have the authority. The others they cannot because they are not authorized. They don't have money, and they don't have the legal capability.

This is 1 out of 100 nominations that is being held up, 1 out of 100 on the Executive Calendar. This person is someone I know, a one-star general who deserves to be a two-star general. That is what Senator MCCAIN and Senator LEVIN believe. Unanimously, the Armed Services Committee reported this out last September. This soldier's career is on hold because one Senator is demanding of the corps something the corps cannot and will not be able to do. It does not have the legal authority and does not have the funding and does not have the authorization to do it.

I am here to make a unanimous consent request again. I ask of my colleague from Louisiana if at long last he might allow this nomination to proceed. This general should not be a one-star general. He should have, last September, been a two-star general because unanimously the Armed Services Committee believed he was owed that and deserved that promotion in rank. Months and months and months and months later, this general has had his career stalled by the actions of one Senator.

My hope is that today perhaps that Senator will tell us he will lift that hold and that we will be able to give the second star to General Walsh, a patriot, a soldier, someone who served this country in wartime and does not deserve what has happened to him in the Senate.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Michigan.

Mr. LEVIN. Madam President, let me join my colleague from North Dakota in making a plea to the Senator from Louisiana. As the Senator from Louisiana knows, I am chairman of the Armed Services Committee. Our committee operates on a bipartisan basis. I see one other member of the committee sitting on the floor; in fact, two other committee members are on the floor, including the Presiding Officer. I know they would confirm what I am saying. We should keep our uniformed military officers out of any kind of political crossfire. They don't make these decisions. They put on the uniform of the United States. They give their lives. Their families support them. The least we can do is give them bipartisan support. We do that on this committee.

This nomination was approved and put on the calendar on October 27. This is a document we call the Executive Calendar of the Senate. It is printed every day. This general has been sitting here now, MG Michael J. Walsh, since October 27. The Senator from Louisiana has expressed himself to the Corps of Engineers. He has made his arguments. This general cannot do what the Senator from Louisiana is asking for. No. 1, he can't do it because the corps has told the Senator they don't have the authority to do what he wants them to do in terms of these three projects. In any event, this general does not have the authority within the corps to make these kinds of decisions, even if the corps had the authority to approve these projects.

As chairman of the committee, I know I am speaking not only for myself, I am speaking for every member of the committee who has voted for this general's nomination. I know I am speaking for Senator MCCAIN, who has told me specifically that I can invoke his name in support of a plea to the Senator from Louisiana to no longer hold this nomination. It cannot achieve what the Senator from Louisiana wants to achieve. It is a terrible message to the men and women in uniform that a nomination such as this is obstructed because there is a request from one Senator for some projects for his State which the corps cannot approve, according to the letter which the corps has sent to the Senator from Louisiana.

I join my friend from North Dakota. On behalf of the Armed Services Committee, I make this plea. I spoke to the Senator from Louisiana a number of months ago. He indicated to me that he just needed a few more weeks. He thought he could straighten this out in a few more weeks. A couple months

have now passed since that conversation. I would make this plea as chairman of the Armed Services Committee, but I know, representing the unanimous view of the committee, that this man, this soldier, this general should not have his promotion held up for these kinds of reasons or any kind of reason, as far as I am concerned, but surely not a reason where he himself is personally involved. Once in a while we will disagree with a nomination, including of a uniformed officer, where we have problems with that uniformed officer's activities, something they may have done that we disapprove of—rarely, but it happens. But in this case, this has nothing to do with this officer. The objection or the effort of the Senator from Louisiana has nothing to do with this officer. It is not this officer who is blocking anything the Senator from Louisiana wants.

I join this plea the Senator from North Dakota has made. I know he will be making a unanimous consent request. I will be joining in that request when he makes it.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I do object. General Walsh today, before any promotion, is one of nine leading officers of the U.S. Army Corps of Engineers. He is part of that leadership. I am happy my two colleagues are satisfied with his leadership and the corps' leadership and how that agency is being run. I can tell them, as a Senator from Louisiana, I am absolutely not satisfied with their leadership and how that agency is being run at all.

Since Hurricane Katrina, there were 14 major report deadlines put on the Corps of Engineers, required of the corps. The corps missed all 14 of those major deadlines. Today, as we speak, the corps is still actively missing and has failed to respond to 13 of the 14, having accomplished 1 many months late.

I have brought nine significant issues before the Corps of Engineers in conversations with them, not minor projects, major issues with regard to hurricane recovery and hurricane and flood protection. I have outlined the authority they have to do constructive things under each of those categories. They have not responded in a positive or timely way on eight of those nine issues.

One of those issues is a particularly good example. That is the Morganza to the gulf hurricane protection project. That is a vital hurricane protection project that would protect significant portions of south Louisiana that was originally proposed in 1992. The Senators want to talk about authority from Congress. That project has been authorized by Congress three different times in three different water resources bills. Yet the corps continues to drag its feet and is still not moving forward toward full implementation of that project, after three specific authorizations by Congress, 18 years later.

I am sorry the corps leadership is frustrated with an 18-day delay or an 18-week delay. But I suggest they try 18 years on for size. That is how long the people of Lafourche and Terrebonne Parishes, many folks throughout Louisiana, have been waiting on the Corps of Engineers.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, let me say to my colleague from Louisiana, if he will stay in the Chamber—let the record note he has left the Chamber—there is no State, none that has received more help more consistently from this Chamber, from the American people, and, yes, from the Corps of Engineers in the aftermath of Hurricane Katrina. That State and the city of New Orleans were leveled. It was an unbelievable catastrophe for the Senator's State and for his city. But after billions and billions and billions of dollars that has come from this Congress and, yes, from my subcommittee, the subcommittee on appropriations I chair, I think it would be nice for a change to hear that maybe the Corps of Engineers, the Senate, and the American people have been a great help to New Orleans and to Louisiana.

Let me describe what my colleague just said on the floor, why this is such an unbelievable mistake for him to make. He says, just to pick an example: Well, the Morganza to the gulf issue is a perfect example of how the corps simply will not do what it is supposed to do. It has been authorized three times, he says, on and on.

Let me read what the Corps of Engineers says and let me tell my colleagues what I know as an appropriator. The Corps of Engineers is not authorized to construct the Houma lock, which is what he wants in this Morganza to the gulf—the Houma lock, as an independent, freestanding project—or separable elements of the Morganza to the gulf project. An additional authorization will have to be required to construct the Morganza to the gulf project in accordance with the new design criteria.

My colleague might not like that. I understand that. There are a whole lot of things he doesn't like. But it is a fact. He cannot possibly go to sleep believing that holding up the promotion of a soldier who has gone to war for his country because of something that soldier can't do that he demands be done, he cannot possibly sleep easy believing that is the right course of action. It is not the right course of action. This is but 1 of 100 names on the Executive Calendar to date, 100. This was put on the calendar nearly 6 months ago for a general who has an unblemished record, has served America for 30 years, gone to war for this country, and was told by the Armed Services Committee, Republicans and Democrats unanimously by Senator LEVIN and Senator MCCAIN: You deserve a promotion to the second star as a major general. But

6 months later, this is not a major general.

This soldier has lost his promotion for the last 6 months because of one Senator saying: I am going to use this soldier as a pawn in my concerns and demands about the Corps of Engineers.

I could go through the rest of these demands. In fact, let me go through a couple, if I might. Outfall canals and pump to the river. He is making demands about that. Let me tell you about that. We had a vote on this. He lost. He doesn't like it. The Appropriations Committee, the full committee, voted and he lost. Why did he lose? Because what he wants to do is the most costly approach that will provide less flood protection for New Orleans. So you want to spend more money for less protection? No, the Appropriations Committee voted on that. I led the opposition. The appropriations subcommittee voted no. He is demanding holding up, by the way, the promotion for this major general. He is demanding it be done. The Corps of Engineers says if Congress appropriates the funds for this study, we will do it. But there are no funds appropriated.

Why? Because we voted against it. That is why. Unbelievable. And the list goes on. Ouachita River levees. The authorization for this project specifies that the levee maintenance is a non-federal responsibility. Congress has not enacted a general provision of law that would supplant this nonfederal responsibility or that would allow the Corps to correct levee damages that are not associated with flood events.

That is just two. I mentioned three with Morganza. The fact is, we have a circumstance here where a soldier deserves a promotion, and that promotion is being held up because we have a Senator who is demanding things the Corps of Engineers cannot do. That is unbelievable to me. I do not come here very often getting angry about what a colleague does. Everybody here has their own desk. Everybody comes here with their own election and their own support. But I am saying this to you: These demands and using a soldier's promotion as a pawn in demands of the Corps that the Corps cannot do is just fundamentally wrong, and I do not know how someone can sleep doing it.

Madam President, I have not yet made the consent request. I would alert my—

Mrs. MCCASKILL. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield. But I do intend to make a unanimous consent request. I have not made it. So I would alert the folks who are here that I will be doing that momentarily.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. It is my understanding, through the Chair, that there are dozens and dozens of these holds that are secret and nobody knows what demands are being made or why. We do not know.

In this instance, it is my understanding that this Senator has proclaimed publicly why he is holding it. Is my understanding correct about that, I say to the Senator.

Mr. DORGAN. That is correct, I think perhaps boasting about it. He is saying: I have to do this for my State. But there is nothing he can gain for his State because the Corps of Engineers cannot move on these issues. They do not have the authority. They do not have the legal capability. The result is, this soldier, whose promotion he is holding up, meanwhile is wafting in the wind for 6 months and loses his promotion.

Mrs. MCCASKILL. That is the part I want to inquire about. Let's just say hypothetically, if the Army Corps of Engineers succumbed to what the Senator is asking and said: OK, you are going to hold up this brave soldier's promotion that he deserves because you want something for your State—if they did that, would that not be illegal?

Mr. DORGAN. Absolutely.

Mrs. MCCASKILL. So what he is saying is, he is asking the Army Corps of Engineers to do something that is illegal, and if they refuse to do something that is illegal, he is going to refuse to allow a soldier's promotion to go through? Am I actually getting that right?

Mr. DORGAN. I say to the Senator, I believe you have it pretty close to right. As I understand it, the Senator is demanding things of the Corps of Engineers that they do not have the legal authority to do. Until they do them, he is going to hold up the promotion of General Walsh, which I think—it is unbelievable to me that someone would do that.

Mr. LEVIN. If the Senator would yield further?

Mr. DORGAN. I am happy to yield.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Let me read to you from the March 19 letter from the Corps on this issue. The Senator from Louisiana said the example he wanted to use was something called the Morganza project. That is the example. He said, let me just give you one example. Three times, he says, this project has been authorized.

Well, this is what the Corps says relative to Morganza. OK. This is in writing, a letter to Senator VITTER:

The Corps does not have authority to implement the Houma Navigation Lock as an independent project. Section 425 of WRDA 1996 authorized a study of an independent lock, but did not authorize construction. Section 425 in part read . . . "The Secretary shall conduct a study of environmental, flood control, and navigation impacts associated with the construction of a lock structure in the Houma Navigation Canal as an independent feature of the overall damage prevention study being conducted under the Morganza,—

That is his project—

Louisiana, to the Gulf of Mexico feasibility study." The Corps conducted a study in re-

sponse to Section 425, but that study did not recommend construction of an independent Houma Navigation Lock feature due to uncertainties of benefits and concerns over justification of an independent lock structure.

That is their answer. They do not have the authority to do it.

Again, I know the Senator from Missouri is on the committee, so she understands that we act in a bipartisan way. We try to protect and defend and support the uniformed members of the U.S. military. We have unlimited bipartisan support for what they do for us, and this is the response—a hold on a nomination because the Corps will not do something they are not authorized to do?

I think it is so unacceptable, I made this unanimous consent request about 2 months ago. The Senator from Louisiana objected then. He said to give him a few more weeks. He thinks he could work it out. Those few weeks have long gone. So I very much support the effort of the Senator from North Dakota here.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, it is unbelievable to me that we have 100 of these. This is one I am particularly concerned about because I think it misuses a soldier's promotion in pursuit of something that really cannot be done by an agency, and I regret this is happening. This should not happen. And how on Earth are we going to find ways to work together in this place if this is the way we do business?

This makes no sense to me. It is not fair to a soldier. People listening to this would understand somebody demanding that an agency do something it cannot do in exchange for releasing a hold on a soldier's promotion? Is that what we have come to here? I hope not.

So my intention is to offer a unanimous consent request. My understanding is, someone is—

Mr. LEVIN. If the Senator will yield?

Mr. DORGAN. I am happy to yield.

Mr. LEVIN. I think the Senator from Delaware has a unanimous consent request which has been cleared. I wonder, just to make sure the Senator from Louisiana does have notice—apparently, he has been notified there is going to be a unanimous consent request.

Mr. DORGAN. I would be happy to have the Senator from Delaware do his request. I would say, however, that the Senator from Louisiana was on the floor, and I would have hoped he would have stayed on the floor to object to something that deals with the holdup he has made on this nomination. But apparently he has left the floor.

So let me yield to the Senator from Delaware for his unanimous consent request, and then I will propound a unanimous consent request on the subject just discussed.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, I thank the Senator from North Dakota.

Madam President, I ask unanimous consent that on Wednesday, April 21, following a period of morning business, the Senate proceed to executive session to consider Executive Calendar No. 699, the nomination of Christopher Schroeder to be an Assistant Attorney General; that there be 3 hours of debate with respect to the nomination; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; further, that the cloture motion with respect to the nomination be withdrawn; provided that upon disposition of the Schroeder nomination, the Senate then proceed to Executive Calendar No. 578, the nomination of Thomas Vanaskie to be a U.S. circuit judge for the Third Circuit; that there be 3 hours of debate with respect to the nomination; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; that the cloture motion with respect to the nomination be withdrawn; provided further that on Thursday, April 22, following a period of morning business, the Senate proceed to executive session to consider Executive Calendar No. 607, the nomination of Denny Chin to be a U.S. circuit judge for the Second Circuit; that there be 60 minutes for debate with respect to the nomination; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; with the cloture motion withdrawn, and the President be immediately notified of the Senate's action with respect to the above-referenced nominations; with all time covered under this agreement equally divided and controlled between Senators LEAHY and SESSIONS or their designees; finally, the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, the cloture motions on the Schroeder, Vanaskie, and Chin nominations are withdrawn.

Mr. KAUFMAN. Madam President, I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. DORGAN. Madam President, I ask unanimous consent that the Senate proceed to Executive Calendar No. 526, the nomination of BG Michael J. Walsh; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Louisiana.

Mr. VITTER. Yes, Madam President, for the reasons I have clearly laid out, I again object.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. Madam President, let me again say the reasons that were clearly laid out were inappropriate reasons. The very specific project my colleague described as the problem—at least one of the problems—it turns out he would know, because he has received written notice from the Corps of Engineers, that they do not have the legal authority to do that which he demands.

So I do not know. I do not know where you go from here. If facts do not matter in this place, then I guess we have a fact-free debate and one does what they want to do without regard to the consequences. The consequence in this case—the negative consequence is for a soldier, a patriot who has gone to war for this country is now, in my judgment, being treated unbelievably unfairly by at least one Senator.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

#### MORNING BUSINESS

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

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

#### GUN SHOW LOOPHOLE

Mr. LAUTENBERG. Madam President, I rise because today marks 11 years since the massacre at Columbine High School in Littleton, CO, occurred. This is a painful recall of a horrible moment in our country that should remind us all of a condition that could easily happen again.

I and millions of other Americans watched in horror as young students hung out of windows in that schoolhouse to try to save their lives, while two of their schoolmates went on a rampage and killed 12 students and a teacher. Those images will forever be burned in our memory.

But here is what a lot of people do not know: All the firearms used by the shooters were bought by an underage friend at a gun show. That purchase was able to be made because of the gun show loophole. Because of the gun show loophole, they were bought with no questions asked, no background check, no questions about who you are, where you might live. The weapons were bought “cash and carry,” without, again, any identifying questions being asked or being supplied. Those 13 people should never have died that day because those teenagers should not have had access to those guns. The young

woman who bought the guns for the shooters said she would not have done it if a background check had been required.

Our laws require a background check for all gun sales by licensed dealers. But a special exemption allows anyone—including terrorists such as bin Laden, criminals, gun traffickers, and the severely mentally ill—to buy guns without a background check from so-called private sellers, who sell hundreds of guns every year at gun shows, fully exempt from any responsibility for those sales.

In 1999, I introduced legislation to close the gun show loophole and to keep guns from falling into the wrong hands. In the aftermath of Columbine, the Senate passed my legislation, with Vice President Al Gore casting the tiebreaking vote. It was a great victory but a short-lived one. The gun lobby stripped my legislation in conference with the House, and in the decade since then we have done absolutely nothing at the national level to close the gun show loophole. No wonder domestic terrorists frequently use gun shows to sell their firearms to fund their illegal activities.

Just yesterday, we commemorated the 15th anniversary of the Oklahoma City bombing. It claimed 168 lives, including 19 children under the age of 6. Timothy McVeigh—the killer responsible for those horrific deeds—frequently set up his own booth. He sold weapons at gun shows.

We continue to see the tragic consequences of senseless gun violence fueled by gun show dealers who are not really licensed.

Just a few weeks ago, a few miles from this Chamber, John Patrick Bedell opened fire on two police officers at the Pentagon Metro station. They were wounded before they returned the fire and killed Bedell. One of his semi-automatic guns was linked directly back to a gun show sale. And it is no surprise that his gun was bought outside the normal stream of commerce because Bedell would have failed a background check. He actually tried to buy a gun from a licensed firearms dealer in California, but because of his diagnosed mental illness, he couldn't pass the check.

If that doesn't make it clear that we have to stop guns from falling into the wrong hands, just think of the Virginia Tech shootings. Last Friday, we marked the third anniversary of that horrible day. In that tragedy, a mentally deranged man killed 32 students and faculty in the worst mass shooting in American history.

Whether it is Virginia Tech, the recent shootings at the Pentagon, or Columbine, we are reminded over and over that our gun laws are not strong enough. Yet, while gunshots continue to ring out across this country, the silence from this Chamber is deafening.

I am a veteran. I served in the military in Europe during wartime, World War II, and I understand the desire to

protect one's self and family. But I know how important it is to keep terrorists, convicted criminals, and domestic abusers from having guns.

Some would argue that gun owners are against sensible gun laws, including closing the gun show loophole, but that is simply not true. Recent polling has shown that there is overwhelming support for closing the gun show loophole among gun owners. Here we have a placard that shows that gun owners themselves want the loophole closed. Sixty-nine percent of NRA members agree, and 85 percent of other gun owners agree: Shut down that gun show loophole. Republican pollster Frank Luntz recently found that 69 percent of National Rifle Association members and, as pointed out, 85 percent of other gun owners want us to close this loophole. After all, the vast majority of gun owners are law-abiding Americans who pass background checks and use their firearms responsibly. They know their lives and the lives of their children are in danger when a firearm is purchased by an unqualified buyer at a gun show, by someone who could never pass a background check at a neighborhood gun store. It is as easy as ever for criminals to buy guns—easier, in fact, than it is to get a library card.

We have an opportunity to save lives, and that is why I call on my colleagues to please join me and pass my bill to close the gun show loophole once and for all. Eleven years ago, we lost 12 students and a teacher to gun violence in Littleton, CO. One of the best ways to honor those who perished and those who have suffered is to make sure a tragedy like Columbine never happens again. We owe that and nothing less to the young people who died 11 years ago and the young people who count on us today. We have to step up to our responsibilities and ask all gun dealers to step up to their responsibilities.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

#### UNANIMOUS-CONSENT REQUESTS—EXECUTIVE CALENDAR

Mrs. MCCASKILL. Madam President, earlier today I came to the floor to talk about transparency and the bright sunshine of public service and how foundational it is to that service being open. It is impossible to do the people's business if we do not allow the people to see what we are doing.

I remember sound and fury coming from some of my friends on the other side of the aisle when they believed there were decisions being made about the health care bill behind closed doors, sound and fury that somehow someone wasn't telling the public everything that was going on. Meanwhile, dozens and dozens of nominees to do the work of our government have piled up under the heading of a “secret hold.”

I don't really understand how the secret hold came about. I don't really understand why one would ever need a

hold to be secret. Why does it need to be a secret? Is there something going on that you are not proud of? Is there a problem you don't want people to find out about?

I have to tell my colleagues, I kind of admire the Senator from Louisiana, who boldly spoke out that he is holding a general and not allowing this general to get another star, after a unanimous vote of the Armed Services Committee, because he wants a special project for his State that hasn't been authorized and hasn't been appropriated—bold but not unheard of, unfortunately, around here. People are constantly making deals for pork. Pork is an important part of the dealmaking around this place. Way too much of it goes on behind closed doors. But at least the Senator from Louisiana and I think earlier the Senator from Alabama—at least they were willing to publicly say they were holding a nominee because they wanted some pork for their States.

What I am most worried about is how many people out there are holding these nominees for secret reasons, and there are secret negotiations going on about what they want to get in order to release the hold. That is what everyone should be uncomfortable with.

Because we were uncomfortable with it, the Senate passed a bill. We passed a bill that was signed into law by President Bush, and I think this bill was passed 90-something to 4. In that bill, in section 512, it lays out what we thought was going to be an end to the secret hold. In the bill, it says that once someone makes a unanimous-consent request for a nomination to proceed, then that is the starting gun. The clock begins ticking. In that law, it says that when the motion is made, the Member of the Senate who has a secret hold must notify their party leader of the reasons why the nomination is being held; further, that the hold must be published, and the reasons for it, in the CONGRESSIONAL RECORD within 6 days.

Well, this morning I began the process of making that clock tick so that secret holds come out in the open where we can all identify them. Keep in mind that all of the names I am trying to begin the clock ticking for under secret holds came out of committee without an objection. In fact, we even went so far as to go back in the record and see if there was a voice vote, and even if there was a voice vote against the nominee, we didn't include them in this list. So these literally are people who have been nominated to do important things in our government, such as putting criminals in jail, sitting on the bench, moving prisoners around the country, an ambassador to a country that is incredibly important to the stability of the Middle East and our national security. All of these people have not had anyone speaking out in opposition to them. Yet they are held in secret.

So it is important to begin this process so that Senators can proudly ex-

plain what exactly—I think there are many examples, probably, of what the Senator from Louisiana was trying to do. The man he is holding has nothing to do with the project he wants. The man he is holding can't even deliver the project he wants. He is just telling that agency: You are not going to get what you want until I get what I want. I have to tell my colleagues that is not the way the American people want this place run.

While the vast majority of these are secret holds by our friends from across the aisle, there are also a handful that are being held by Democrats, and that is just as wrong. This is a bipartisan issue. It is about good government, transparency, and doing the people's business in public instead of in secret.

I wish to clarify a point made earlier today in an exchange I had with the Senator from Arizona. The Senator asked why I did not include Calendar No. 208, John Sullivan, a member of the FEC, on my list. As I stated earlier, my list consists of those nominees who have secret holds. It is my understanding that the Democratic Senator from Wisconsin raised his objection to Mr. Sullivan publicly and put out a public statement on his opposition to Mr. Sullivan on June 30, 2009.

If any of these names I am going to proceed to try to get unanimous consent on—if any Member has, in fact, put out a public statement on their opposition, then obviously they just need to speak up. That is what we are looking for here. We are looking for people to speak and own up to their objection. There is nothing wrong with holding a nominee if you have an objection. There is something wrong if it is secret. There is nothing wrong with debating a nominee. There is if it is secret. There is nothing wrong with voting no on a nominee. That is public. It is the secrecy we have to get at here.

So I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 652, the nomination of Michael Mundaca, Assistant Secretary of the Treasury; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona.

Mr. KYL. Reserving the right to object, and I will simply make a couple of comments at this point because, as my colleague has said, it is her intention to make further unanimous-consent requests, and much of what I say will be linked to them as well. So with her indulgence, let me just make a couple of points.

I don't know whether there are, in fact, holds on all of the individuals for whom there will be a unanimous-consent request made or whether in some cases there was just a failure to clear

on what we call around here a hotline; that is to say, a request made by the clerks on both the Republican and Democratic side.

I don't know who has holds on these individuals. If there are, I haven't looked it up. There are some, clearly, who are not objectionable who are on the Executive Calendar. I think, for example, of U.S. Marshals and, as far as I know, there will be no objection on our side. Those are simply to be worked out, in terms of when the votes will occur, between the two leaders. There is a process for that to occur. We just voted for a judge, and that process was done.

I understand there is an agreement for a Department of Justice Assistant Counsel who will be voted on tomorrow and two judges—I think both circuit court judges—which has been worked out by the leaders.

I only say, if my colleague from Missouri intends to ask unanimous-consent requests that each of the individuals she names be approved by unanimous consent, I will have to object to that because I think it is more appropriate for our leaders to determine a time for debate, if there needs to be debate, and a vote, if there needs to be a vote. Short of that, I will have to object to the unanimous-consent request. Therefore, with respect to the specific request just made, respectfully, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. McCASKILL. Madam President, when someone fails to clear someone they are holding—and they have a right to do that—this is not a debate over whether people have a right to hold. I assure the Senator from Arizona that the leader is very aware these motions are being made. These motions are being made simply for the purpose to allow the rule to operate the way we wrote the law. We have a bad habit. I can just whisper into somebody's ear and hold a nomination. That is why we put these provisions in the law—to stop the bad habit of somebody saying: If you give me that bill, I will let that guy go or, if you give me that levee, I will let that guy go or, if you give me something I want, I will let the guy go. That is why this law was written—to stop the bad habit of somebody being able to stop a nomination without having to say why or even who.

So this is only an attempt—this is not to say all of these nominees will go through. I am not naive. I know they all will not move through this afternoon by unanimous consent, but this is notice to the American people that we are going to try to begin to enforce the law we wrote.

It has been pointed out to me: Well, you didn't put an enforcement mechanism in there. Do we have to make it a misdemeanor for a Senator to claim a hold? Do we have to say you can go to jail if you don't identify your hold? You would think that Senators passing

by a large margin and signed by a Republican President of 90-some to something, that that alone would be enough that people would, in fact—I would hope the people I named this morning—the people holding them have already notified the Senator from Arizona or the Senator from Kentucky that they are, in fact, the ones holding these nominations and why. This is the only purpose of this exercise—to make the law work that we voted for, that I am confident the Senator from Arizona voted for, and that the leader from Kentucky voted for and the entire Republican leadership voted for.

Mr. KYL. If the Senator will yield, I appreciate my colleague's comments, which I consider well taken. It is my practice if I have a hold on someone, it is for a very specific purpose that I consider to be legitimate, and I will notify whoever may be involved in it. When I talked about clearing the so-called hotline, I meant this: Sometimes either a piece of legislation or a nominee will be hotlined—usually in the evening after all business has expired and most of us have gone home—and I have on occasion, because my staff will then be informed of that, and sometimes they will respond to that hotline by saying Senator KYL does not approve of that bill or nominee because I know nothing about it. The next morning we will take a look at it, and 9 times out of 10 say: OK, no problem. Let it go.

Technically, I think that could be deemed a hold under the legislation to which we referred. I don't think any of us are getting to that objection. About 1 time out of 10, there is usually something you say: I don't like X in the bill. And frequently that gets cleared up. I think sometimes the practice of hotlining can be a good practice, but it means everybody needs to look at what is being hotlined and have an opportunity to register an objection or get it worked out or maybe the objection would stand.

To the point of my colleague about the so-called secret holds, I totally agree. The fact is, there are different reasons some people might be on the calendar my colleague is reading, but I don't know those reasons. I need to object on behalf of the minority tonight, and I will do that.

To the extent they are secret and being used for some of the purposes my colleague described, I agree those are improper, and that happens around here.

Mrs. MCCASKILL. I appreciate my friend's comments. I understand he is not someone making secret holds, and he is objecting on behalf of others. There is not a problem with that. I want to make the point that, under the law, it is technically not a hold until this unanimous-consent request is made. So there is no obligation under the law for someone to identify their hold until this request is made. I would think that after these requests are made, everybody will be on notice to

follow the law and stop with the secret hold business because it is going to slow us down to have to constantly come to the floor and make these unanimous-consent requests.

Wouldn't it make more sense for everybody to own it, if they are going to stop somebody's life—a lot of these people have given up other jobs and are out there in limbo. Wouldn't it make more sense to own it and not go through these games?

At this time in the Bush administration we had five backed up. We have 80-some now.

Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 705, the nomination of James P. Lynch, to be Director of the Bureau of Justice Statistics; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action, and that any statements regarding the nomination be printed in the RECORD as if read.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 722, the nomination of Judith Ann Stewart Stock, to be Assistant Secretary of State; that the nomination be confirmed; that the motions to reconsider be considered made and laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action, and that any statements relating to the nomination be printed in the RECORD, as if read.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 726, the nomination of Patricia A. Hoffman, to be Assistant Secretary of Energy; that the motions to reconsider be considered made and laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD as if read.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 728, the nomination of Gloria M. Navarro, to be U.S. district judge for the District of Nevada; that the motions to reconsider be con-

sidered made and laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action, and that any statements relating to the nomination be printed in the RECORD as if read.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, reserving the right to object, I might inquire of my colleague. I gather there will be several individual unanimous-consent requests made for the purpose of getting on the record the objection as to each name on the calendar. I believe we can accomplish that purpose by an en bloc request. If my colleague were to make such a request, it would be deemed that the request was made for each of the individual names, and perhaps my colleague would read the numbers on the calendar. I can then interpose an objection. If my colleague's purpose is beginning the clock, as it were, or requiring the person with the hold on the individual having to come forward, that could be achieved. I would be happy to spare the time of my colleague and the Senate from going through each individual name. I can object en bloc and that process can then commence, if that is acceptable.

Mrs. MCCASKILL. Pardon me while I consider the irony that the assistant leader of the other party wants to save time. I find that slightly ironic under the circumstances of how many of these nominations have been blocked up all these months.

Having said that, it is my understanding that this law requires the motion to be made on each individual. I don't want there to be any question as to whether each individual unanimous-consent request has been made, so that everyone understands that the clock is ticking. I think it is very important that there is a very clear signal. I don't believe this procedure has ever been undertaken before under the new law we passed in January of 2007. I want to make sure after the fact—because I am worried that perhaps somebody is going to think if we didn't make the request, they can tag team and withdraw their secret hold and put another one in. I am trying to make sure that doesn't happen.

Mr. KYL. I appreciate that concern, and I would think by a unanimous-consent agreement, which specifically stated the reason for it, as both of us have said, that it would be our intention that the process would be invoked by an en bloc request, if the Chair would rule on the matter, perhaps that would be sufficient to move forward on it, and we could know at that point that the process had been invoked for everybody.

Might I inquire whether the Chair would consider the process to be invoked for all of the names considered in the Senator's request?

The PRESIDING OFFICER. An en bloc unanimous-consent request will satisfy the procedural requirements.

Mr. KYL. I would be happy to have the Senator proceed whatever way she would prefer and for me to object appropriately for that purpose.

Mrs. McCASKILL. In the spirit of moving things along and getting cooperation to move things along, which I hope is something that becomes a trend, I will be happy to read off all the names and then make the motion en bloc, with one objection to be heard for the record, and we hopefully will get letters flowing into the office from the persons having secret holds. I will begin to read the names:

Calendar No. 729, Jon E. DeGuilo, to be U.S. district judge for the Northern District of Indiana;

Calendar No. 730, Audrey Goldstein Fleissig, to be U.S. district judge for the Eastern District of Missouri;

Calendar No. 731, Lucy Haeran Koh, to be U.S. district judge for the Northern District of California;

Calendar No. 732, Tanya Walton Pratt, to be U.S. district judge for the Southern District of Indiana;

Calendar No. 740, Marilyn A. Brown, to be a member of the board of directors, Tennessee Valley Authority;

Calendar No. 741, William B. Sansom, to be a member of the board of directors, Tennessee Valley Authority;

Calendar No. 742, Neil G. McBride, to be a member of the board of directors, Tennessee Valley Authority;

Calendar No. 743, Barbara Short Haskew, to be a member of the board of directors, Tennessee Valley Authority;

Calendar No. 759, Jane E. Magnus-Stinson, to be U.S. district judge for the Southern District of Indiana;

Calendar No. 775, Brian Anthony Jackson, to be U.S. district judge for the Middle District of Louisiana;

Calendar No. 776, Elizabeth Erny Foote, to be U.S. district judge for the Western District of Louisiana;

Calendar No. 777, Mark A. Goldsmith, to be U.S. district judge for the Eastern District of Michigan;

Calendar No. 778, Marc Treadwill, to be U.S. district judge for the Middle District of Georgia;

Calendar No. 779, Josephine Staton Tucker, to be U.S. district judge for the Central District of California;

Calendar No. 780, William N. Nettles, to be U.S. attorney for the District of South Carolina;

Calendar No. 781, Wilfredo A. Ferrer, to be U.S. attorney for the Southern District of Florida;

Calendar No. 782, Michael Peter Huerta, to be Deputy Administrator, Federal Aviation Administration;

Calendar No. 783, David T. Matsuda, to be Administrator, Maritime Administration;

Calendar No. 784, Michael F. Tillman, to be member, Marine Mammal Commission;

Calendar No. 785, Daryl J. Boness, to be member, Marine Mammal Commission, reappointment;

Calendar No. 787, Earl F. Weener, member, National Transportation Safety Board;

Calendar No. 788, Jeffrey R. Moreland, to be director, Amtrak board of directors;

Calendar No. 789, Larry Robinson, to be Assistant Secretary for Oceans and Atmosphere, Department of Commerce.

Calendar No. 790, VADM Robert J. Papp, Jr., to be Commandant of the U.S. Coast Guard and to the grade of admiral;

Calendar No. 791, RADM Sally Brice-O'Hare, to be Vice Commandant of the U.S. Coast Guard and to the grade of vice admiral;

Calendar No. 792, RADM Manson K. Brown, to be Commander, Pacific Area of the U.S. Coast Guard and to the grade of vice admiral;

Calendar No. 793, RADM Robert C. Parker, to be Commander, Atlantic Area of the U.S. Coast Guard and to the grade of vice admiral;

Calendar No. 794, Arthur Allen Elkins, inspector general, Environmental Protection Agency;

Calendar No. 795, David A. Capp, U.S. attorney for the Northern District of Indiana;

Calendar No. 796, Anne M. Tompkins, U.S. attorney for the Western District of North Carolina;

Calendar No. 797, Kelly McDade Nesbit, U.S. marshal for the Western District of North Carolina;

Calendar No. 798, Peter Christopher Munoz, U.S. marshal for the Western District of Michigan;

Calendar No. 799, Carolyn Hessler Radelet, Deputy Director of the Peace Corps;

Calendar No. 800, Elizabeth Littlefield, president of the Overseas Private Investment Corporation;

Calendar No. 801, Lana Pollack, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada;

Calendar No. 802, Victor H. Ashe, member, Broadcasting Board of Governors;

Calendar No. 803, Walter Isaacson to be a member and chairman of the Broadcasting Board of Governors;

Calendar No. 805, Michael Lynton, member, Broadcasting Board of Governors;

Calendar No. 806, Susan McCue, member, Broadcasting Board of Governors;

Calendar No. 807, Dennis Mulhaupt, member, Broadcasting Board of Governors;

Calendar No. 808, S. Enders Wimbush, member, Broadcasting Board of Governors;

Calendar No. 809, Bisa Williams, Ambassador to the Republic of Niger;

Calendar No. 810, Raul Yzaguirre, Ambassador to the Dominican Republic;

Calendar No. 811, Theodore Sedgwick, Ambassador to the Slovak Republic;

Calendar No. 812, Robert Stephen Ford, Ambassador to the Syrian Arab Republic;

Calendar No. 814, Gary Scott Feinerman, U.S. district judge for the Northern District of Illinois;

Calendar No. 815, Sharon Johnson Coleman, U.S. district judge for the Northern District of Illinois;

Calendar No. 816, Loretta E. Lynch, U.S. attorney for the Eastern District of New York;

Calendar No. 817, Noel Culver March, U.S. marshal for the District of Maine;

Calendar No. 818, George White, U.S. marshal for the Southern District of Mississippi;

Calendar No. 819, Brian Todd Underwood, U.S. marshal for the District of Idaho.

I ask unanimous consent that the Senate proceed to executive session to consider the calendar numbers as read; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action; and that any statements relating to the nominees be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, for the reasons indicated, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. McCASKILL. Madam President, finishing up, hopefully, we do not have to do this again. Hopefully, we have turned a page on a new day and secret holds are going to go away.

Let me once again give kudos to Senator WYDEN and Senator GRASSLEY. They worked on this issue for years trying to clean up secret holds and thought they got it done when we passed S. 1 back in 2007. Similar to a bad habit that is hard to break, this one evidently has been very hard to break in the numbers I just went through. Those are all the people who have secret holds right now. Hopefully, by the end of the week, we will learn who it is in the Senate who does not want them to be nominated, who it is who does not want them to be confirmed, and that they are willing to speak out about their objections so we can answer them, move forward, and get these people to work for the people of this great country.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senate is in morning business.

#### CELEBRATING THE LIFE OF CIVIL RIGHTS PIONEER DOROTHY HEIGHT

Mr. BURRIS. Mr. President, last week, I came before this body to speak of the loss of a great leader from Memphis, TN, by the name of Benjamin Hooks. It is with a heavy heart that I come to the floor of the Senate again for the loss of a distinguished American. Early this morning, our Nation lost a strong leader and a great civil

rights pioneer. I ask my colleagues to join me for a moment in reflecting upon the leadership, passion, and selfless dedication that defined the highly consequential life of Ms. Dorothy Height.

She began her career in the 1930s as a teacher in Brooklyn, NY. She became active in the United Christian Youth Movement shortly after it was founded. It was this cause that would first carry her to national leadership, though she was quite a young lady at the time.

In 1938, Dorothy was selected by First Lady Eleanor Roosevelt to help plan a World Youth Conference. She rose to this task with poise and determination and made a strong impression on the First Lady.

Later, Dorothy was asked to serve as a delegate to the World Congress on Life and Work of the Churches.

Also, in 1938, she was hired by the YWCA and quickly began to rise through the ranks of the national organization.

It was around this time that she caught the attention of Mary McLeod Bethune, founding president of the National Council of Negro Women, or NCNW, who recruited young Dorothy to join the fight for women's rights, one of the central issues that would become the cause of her life.

She remained deeply involved in the YWCA and also attained high leadership positions in the Delta Sigma Theta sorority, the U.S. Civil Rights Leadership, and a number of other organizations.

She helped to guide these pivotal groups through the stormy waters of the civil rights movement, looking always to the future and maintaining a steadfast dedication to cause and principle.

But it was Dorothy's distinguished leadership of the NCNW that would come to define her career. In 1957, Dorothy Height was elected fourth national president of NCNW, a position she would hold continuously until 1998. For more than four decades, she was at the helm of the preeminent leadership council for African-American women.

Thanks to her unrivaled expertise, transcendent vision, and lifelong dedication to this cause and to this great organization, by the time of her retirement in 1998, she lived in a country that was far more free, more fair, and more equal than the one she saw as a child.

For her extraordinary work, in 2004, this Congress bestowed upon her its highest civilian honor, the Congressional Gold Medal. President Bush presented her with this award on her 92nd birthday.

Today, as we celebrate Dorothy's life and mourn her loss, I ask my colleagues to join with me in honoring the immeasurable contributions she has made to this country.

I ask them to reflect on the leadership she has rendered and the causes she has championed and the countless lives she has touched. Without Dorothy

Height, America might be a very different place today.

We owe a great deal for the difference she has made and for the lifetime of hard work she has devoted to her fellow citizens.

It is with a sad heart that I come to this floor again to eulogize one of our pioneers, one of our greatest Americans, and one of the major contributors to the civil rights movement to advance the cause of equality and justice in the United States of America.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### FINANCIAL REGULATORY REFORM

Mr. BROWN of Ohio. Mr. President, for too long the interests of the middle class have gone ignored—simply an afterthought in a financial system that has enabled a few Americans to help themselves, to accumulate immense wealth, while middle-class wages stagnated.

Wherever I go in Ohio, the story is the same: From Toledo to Marietta, from Ashtabula to Middletown, the entrepreneurs and small business owners can't get the credit they need to expand operations and hire workers. College students are worried about signing away their financial future when signing up for college. They are worried a bank's exorbitant interest rate will follow them into their career, through parenthood, and into retirement. Neighborhoods across Ohio—especially in our cities, but it has spread way beyond that—have been shattered because of the housing crisis, caused in large part by Wall Street gambling with the American dream. Cities and towns face massive budget shortfalls, shortchanging vital public services such as education, law enforcement, and transportation.

Today, I brought to Washington—for the third straight year—55 presidents of colleges and universities, 2-year, 4-year, private and public, from Ohio to talk about what we do with public education. All of them face significant budget problems because of what Wall Street has done to our communities, to our colleges and universities, to our cities, towns, and small businesses.

Workers worry about their pensions—whether they spend their later years living off the fruits of their labor or working part-time jobs just to get by. The hallmarks of middle-class life—a stable job, a secure home, a safe community—in too many places in Ohio, in Colorado, and across the country are at risk.

Let's not forget what got us here in the first place. Some might say we

don't need to pick winners in our economy, but we don't need to pick losers either. Yet look what we have done on Wall Street and in Washington. Washington's permissive attitude toward Wall Street has thrown our entire economy into turmoil. The financial sector can't be allowed to call the shots, as they have, when it comes to our economy.

Let me cite one quick statistic. In 1980, 35 percent of our Nation's GDP was manufacturing. Less than half that amount, less than one-sixth, was financial services. Today, those numbers have flipped—at least before this recession. Manufacturing accounted for only about 15 percent of our GDP, financial services was almost twice that. But look what that brought us. Look what it brings us in mining towns in Colorado or industrial towns in Ohio, where town after town after town has been hollowed out because of Wall Street, because of Federal policies from the last decade that have chosen financial services over manufacturing, that have chosen Wall Street over Main Street.

Megabanks can't hold such a large stake in our economy that their downfall becomes our economy's downfall. Despite the economic meltdown and bailout, our Nation remains vulnerable to the next economic crisis. Yet what is happening in this institution? People are trying to block us from action. The biggest banks grow bigger—the six largest U.S. banks have total assets equal to 63 percent of our overall GDP. Let me say that again. The six largest banks have total assets equal to 63 percent of our overall GDP. We must take action to ensure that no bank can hold so much of our Nation's wealth that if it fails our Nation either bails it out or our financial system crumbles.

What kind of a Hobson's choice is it for the House and the Senate, the President and the Federal Reserve to make when a bank is so big that if it is about to fail, we have two choices: Either we bail out that bank with taxpayer dollars—as we had to do a couple years ago, at the end of the Bush years—or we allow the financial system to implode and crumble.

But size alone is not the problem. We also have to cut back on Wall Street's risky speculative activity where taxpayer interests are involved. For decades we have had a system that incentivizes reckless behavior without accountability and very little consequence to the bankers who got us into it, all the while taxpayers and the middle class are left footing the bill.

That is why Wall Street reform is so important. It would make big Wall Street banks accountable and impose strict regulations to forbid Wall Street from gambling with our financial security. In the last 10 years, the banks got bigger, the speculation grew more rampant, and the risk from very highly paid Wall Street bankers, managers, and executives became more rampant. When everything fell apart, the middle class and poor people in this country

paid the price. They paid it through lost jobs, they paid it through lost homes, they paid it through more debt, they paid it through losing the American dream.

In the end, if we do Wall Street reform right, if we are able to overcome the opposition to Wall Street reform—the opposition from the Republican leader and those who follow him, which is all about protecting the banks—if we win this debate and outvote the Republican leader and the banks and all who would follow him, it would make Wall Street banks accountable, it would impose strict regulations, and prevent Wall Street from gambling. It would end taxpayer bailouts for good. Financial institutions, not American taxpayers, would then pay for their own mistakes.

If someone starts a small business in O'Leary, OH, and fails, he pays for it. If someone has a job and fails at her job, loses her job, she pays for it. When Wall Street banks fail at their work, they collect, in many cases, millions of dollars and suffer little punishment while the rest of us pay for it.

If we do this right, Wall Street reform will provide the strongest consumer protections for people in Ohio, in Colorado, and in every State in this country—no more of the tricks and the traps in the mortgage market and elsewhere that led to the near collapse of our economy. We need to bring new accountability to Wall Street that protects the pensions of our retirees, the home values of our families, and the jobs of our workers.

Those opposing financial reform—those who oppose Wall Street reform—as they did with health care reform, are protecting special interests. The Presiding Officer, the senior Senator from Colorado, and myself were on the floor many times during the health care debate, and over and over we pointed out how the opponents of the health care reform—similar to the opponents of Wall Street reform—were, in too many cases, simply representing the interest groups that were opposed to this. The Republicans' most important benefactor during health care reform was the insurance companies, and those insurance companies were major supporters of Republicans for decades. Well, we are seeing the same thing with Wall Street. The most important benefactor to Republicans and Wall Street reform are the big banks and the big Wall Street operators. Again, they are doing the bidding of banks and they are doing the bidding of the Wall Street operators.

They make other arguments. They never say: The reason I am opposed to this is because Wall Street and the big banks want me to. No, they come up with something else. There is an old saying from a Mississippi civil rights leader who said: Don't tell me what you believe. Show me what you do, and I will tell you what you believe. Well, watch what my friends on the other side of the aisle are doing; listen to

what Republicans are saying. In the end, they know this choice is between Wall Street and Main Street. Behind closed doors they, of course, want to make the decision for Wall Street, but when they come out here, while they are protecting Wall Street, they want to make it sound as though they are protecting Main Street.

Americans are too smart to be fooled. Wall Street lobbyists have enlisted Republicans to kill a bill. They have had meeting after meeting behind closed doors with Wall Street lobbyists, bank lobbyists talking about how to kill this bill. You know that the Republican leader and those who follow him are saying directly to Wall Street lobbyists that if they want their help, then elect more Republicans in the Senate. That would help immensely. Of course it would, because if there are more Republicans in the Senate, there will be more people to block Wall Street reform.

So while cutting backroom deals to prevent reform, they are hoping the American people forget that it was Wall Street greed and excess; that it was deregulation of Wall Street—so they had no real rules to live under over the last 10 years—that put our economy on the brink of collapse. Well, the American people, this time, will not forget. No more meltdowns, no more bailouts.

We need rules that ensure Wall Street investors can't bet the farm in Chillicothe, can't bet the home in Cleveland Heights, can't bet the job in Wilmington on a financial bubble that is bound to burst. We need rules that support the entrepreneurs and small business owners on Main Street across the Nation, not rules that protect Wall Street in New York.

That is what reform will do. It is about protecting small business owners such as Teresa from Powell, OH, in central Ohio, who writes:

My husband and I are small business owners in Ohio. Our business is successful and we want to grow and hire more employees. But the banks still aren't lending. We have a new product we would like to launch, but we need a loan. We have put everything in the business to make it a success. How is a business to grow when it cannot get financing even if it has a proven track record of success?

It is about JoAnn from Cincinnati, who writes:

I am one of those small business owners who can't get money from the banks. If the situation continues, I and my family and my employees and their families will be out of luck and out of an income, and [into] unemployment. The banks are sitting on cash, cleaning up their balance sheets and killing us with fees.

Some Republicans claim banks are more important than protecting the American public. It is a false choice. The real choice comes this week and next week when this Wall Street reform comes to the Senate floor. The real choice is: Are you going to side with Wall Street or are you going to side with Main Street? That is the choice. If we in this body follow the Re-

publican leader and side with Wall Street, we will be in another financial collapse sometime in the next decade or so. If we, however, in this body follow the Presiding Officer and me and others who think that Main Street is what represents the real values of this country, then we will see a financial system that will serve the American people and doesn't just serve the interests of Wall Street.

#### JUSTICE JOHN PAUL STEVENS

Mr. LEAHY. Mr. President, today is Justice John Paul Stevens' birthday, and I cannot help but think about that and some wonderful conversations I have had with him of late. As I said, his retirement from the Supreme Court will begin to draw to a close an extraordinary judicial career spanning four decades, including 35 years on the Nation's highest Court.

It is interesting, Justice Stevens and I both came to Washington in the wake of the Watergate scandal in 1975. President Ford was impressed by Justice Stevens' anticorruption record, including his investigation of two Illinois Supreme Court Justices who were charged with accepting bribes. His confirmation to the Supreme Court was the first of a dozen Supreme Court nominations I have considered and voted on in my years in the Senate. As a young freshman Senator, it was my privilege to support his confirmation in 1975. Incidentally, he was nominated by a Republican President and considered by an overwhelmingly Democratic Senate. From the time he was nominated until the time he was confirmed unanimously, it was 2½ weeks.

Justice Stevens is the only sitting Justice with Active military service during wartime. He is the last Justice from the "Greatest Generation." He has never turned away when the Nation sought his service. He worked as a Navy intelligence officer during World War II, and that earned him a Bronze Star.

Justice Stevens' unique and enduring perspective is irreplaceable; his stalwart adherence to the rule of law is unparalleled. The Federal judiciary and indeed the entire Nation will miss his principled jurisprudence. Today, as he marks another milestone with the celebration of his 90th birthday, and as we continue to honor his legacy, I want to mention just a few of his most notable opinions.

During my 35 years in the Senate, I have submitted briefs to the Supreme Court in only a few cases. The most recent case was very important to me. It involved a Vermont musician named Diana Levine.

Ms. Levine was forced—remember, she is a musician—she was forced to endure the amputation of her arm after she was injected with a drug to treat nausea. The drug maker failed to include critical information on its warning label that could have saved Ms. Levine's arm, and she ultimately sued the

drug maker for this failure. A Vermont jury awarded Ms. Levine damages for the injuries that forever altered her life and career. Justice Stevens wrote the Court's opinion in that important case. He concluded that Food and Drug Administration approval of a drug for sale does not prevent that corporation from being held accountable under State consumer protection laws. In Ms. Levine's case, a Vermont jury heard all the facts and determined that the corporation had improperly labeled its product and failed to warn about the risks of injecting the drug. Justice Stevens' opinion in the Levine case ensured that millions of Americans who rely on pharmaceuticals will be protected by their own state laws, and will not be denied access to justice if they are injured. Although most Americans never expect that they will need to go to court, the right to do so is enshrined in our Constitution. Justice Stevens wrote a similarly compelling decision for the Court in a case called *Tennessee v. Lane*.

Justice Stevens has written important opinions in cases in which the Supreme Court has upheld the power of Congress to pass legislation that protects the Americans we represent. He has brought to his opinions a keen understanding of the distinct roles set forth in our Constitution for courts and for the democratically elected Congress. He has maintained a fervent respect for both.

In *Gonzales v. Raich* and in *Tennessee v. Lane*, Justice Stevens authored the Supreme Court's opinions upholding the actions of Congress to protect Americans. I suspect these precedents will be even more important as the Supreme Court continues to examine laws passed by Congress to protect Americans from discriminatory health insurance policies and fraudulent Wall Street practices.

Justice Stevens has also written important decisions that involve the enforcement of laws duly passed by Congress. He authored a powerful opinion for the Court in one of the most important environmental protection decisions in recent memory. In *Massachusetts v. EPA*, the Court concluded that the Environmental Protection Agency had to live up to its name and mission in implementing the Clean Air Act, despite the Bush administration's refusal to do so. Justice Stevens wrote: "Because greenhouse gases fit well within the Clean Air Act's definition of air pollutant' we hold that EPA has the statutory authority to regulate the emission of such gases from new motor vehicles." The Court rejected the Bush administration's rationale for refusing to enforce the law. The Nation will be better served for that decision.

Some of the most important cases decided by this Supreme Court in the last decade have involved the limits of Presidential power in time of war, and Justice Stevens has left his mark on many of them. His experience serving this country in wartime no doubt con-

tributed to his understanding. I said earlier that he is the only member of the Supreme Court who has served his country in wartime in the military. In *Rasul v. Bush*, the Court held that our Federal courts have jurisdiction over detainees held by the Government, even though they are not citizens of the United States. A few years later, Justice Stevens wrote for the court in *Hamdan v. Rumsfeld*, and concluded that our Government has to follow our laws, including the Geneva Conventions, in trying prisoners detained at Guantanamo Bay. At their core, these decisions upheld the notion that the rule of law applies even in a time of war—something the Founders of this country believed.

As the most senior Justice on the Court, Justice Stevens has the authority to write the opinion of the Court when the Chief Justice is in dissent. In two of the most important civil rights cases of the decade, *Grutter v. Bollinger* and *Lawrence v. Texas*, Justice Stevens extended the privilege of the writing the majority opinion to other Justices. In *Grutter*, the Court upheld the University of Michigan Law School's admissions policy in an opinion by Justice Sandra Day O'Connor. Justice Stevens joined that opinion, which recognized a compelling educational interest in racial diversity. In *Lawrence v. Texas*, the Court held that consensual sexual conduct was protected by the Constitution from government intrusion. The majority opinion, in which Justice Stevens joined, was written by Justice Anthony Kennedy. The impact of these two rulings on hardworking Americans was immediate; I hope they will endure.

A decade ago, the Supreme Court unnecessarily waded into the political thicket to determine the outcome of the 2000 Presidential election. In a scathing dissent, Justice Stevens lamented that the decision would damage the Court's reputation as impartial. Of course, he was right, and it did damage the Court's reputation. He had noted, and I quote:

Although we may never know with complete certainty the identity of the winner of this year's Presidential election, the identity of the loser is perfectly clear. It is the Nation's confidence in the judge as an impartial guardian of the rule of law.

He was right to speak so critically of what was a blatant political decision.

While the public's memory of that politically charged decision finally began to recede, the Supreme Court again opened the floodgates, issuing its latest election-related decision in the *Citizens United* case. In *Citizens United*, five Justices with the stroke of a pen overturned a century of law to permit corporations to overwhelm and distort the democratic process. Those five justices substituted their own preferences for that of Congress, which had built on decades of legal development to pass bipartisan campaign finance reform legislation after an open and extensive debate. In order to reach its di-

visive decision granting corporations, banks, and insurance companies rights that were once reserved for individual Americans, the Court overstepped the proper judicial role, and rejected not just the conclusions of the elected branches, but also its own recent precedent upholding the very same law it now overturned. In what may be his most powerful dissent, Justice Stevens noted that the "Court's ruling threatens to undermine the integrity of elected institutions across the nation. The path it has taken to reach its outcome will, I fear, do damage to this institution."

I agree with Justice Stevens in both of these dissents. I join him in his concern for the Court's reputation. Two of the three branches of government are involved in campaigns and elections. When the American people see the courts reaching out to influence those elections, they rightly get suspicious of its impartiality.

While I supported his confirmation, as I said before, as a very junior, very new Senator, I have not always agreed with Justice Stevens. But my admiration for his service is not based merely on the results of the cases that came before him, nor solely on his judgment or his forthrightness, but, rather, also on the manner in which he approached the law and his vigilant concern for public confidence in our courts.

If we lose that public confidence in our Court, we lose one of the greatest mainstays of our democracy. If a society does not have confidence in the integrity and the independence of their courts, there is no way they can maintain a democracy, there is no way they can maintain a check and balance.

I have always respected the way in which Justice Stevens has conducted himself as a Justice and the way he has explained his conclusions. He and I share a view of government transparency that is a vital element of our democracy. No one can question Justice Stevens' integrity, nor his dedication to public service.

Today, I join a grateful nation in wishing Justice John Paul Stevens a very happy 90th birthday. We are indebted to him for his service. I hope the next nomination to the Supreme Court will honor his extraordinary legacy.

The choice of a Supreme Court nominee is one of the most important and enduring decisions any President can make. A year before he died, President Gerald Ford wrote this about Justice Stevens: "I am prepared to allow history's judgment of my term in office to rest (if necessary, exclusively) on my nomination 30 years ago of John Paul Stevens to the U.S. Supreme Court." What a tribute. No doubt every President would want to be able to say that about the quality of his Court selections.

The law is not a game to be played or a puzzle to be solved. The law is intended to serve the people—protecting the freedom of individuals from the

tyranny of government or the mob, and helping to organize our society for the good of all. No Justice should substitute his or her personal preferences and overrule congressional efforts to protect hardworking Americans pursuant to our constitutional role.

I am looking forward to meeting with President Obama tomorrow to discuss his selection of a nominee to succeed Justice Stevens. Then, and in any private discussions, I will suggest that he pick someone who approaches every case with an open mind and a commitment to fairness. Someone who will heed the Vermont marble inscribed above the entrance of the Supreme Court which pledges "Equal Justice Under Law." Someone like Justice John Paul Stevens.

#### EQUAL PAY DAY

Mr. LEAHY. Mr. President, today is Equal Pay Day: After 16 months of work, professional women today will finally have earned what their male counterparts earned in just 12 months of work last year. It is shameful that gender discrimination still exists in our country, and I hope today will serve as an important reminder that we must redouble our efforts to fully close the wage gap.

Forty-six years have passed since the Equal Pay Act was enacted, yet the disparity between women's and men's salaries stubbornly remains. Congress passed title VII of the Civil Rights Act to protect employees against discrimination with respect to compensation because of an individual's race, color, religion, sex or national origin. Unfortunately, a narrow ruling by the Supreme Court in 2008 meant that those who are subject to pay discrimination have no claim to remedies unless a suit is filed no more than 180 days after the pay discrimination first takes place, even if they were unaware of the discriminatory pay. This ruling eroded longstanding interpretation of discrimination laws and created a new obstacle for victims of pay discrimination to receive justice.

Last year, the new Congress achieved what could not be done before: We enacted the "Lilly Ledbetter Fair Pay Act", which I was proud to cosponsor with Senators MIKULSKI, KENNEDY and others. This bill restored victim's ability to file suit for pay discrimination and became the first bill President Obama signed into law. Lilly Ledbetter, the courageous woman who was the subject of decades of pay discrimination, continues to fight to ensure other women do not experience the same wage disparity she did for so many years. Lilly visited Vermont last fall as the keynote speaker at the Women's Economic Conference I host every year. Vermonters who attended that conference have written me and stopped me in the street to tell me how much her story meant to them. I hope Lilly continues to speak to inspire thousands more women to pursue pay equity.

The "Lilly Ledbetter Fair Pay Act" was an important first step in supporting equal pay for equal work, but our efforts must not stop there. Today, women are still paid just 77 cents on average for every dollar a man makes. Over the course of a woman's career, the pay gap will mean between \$400,000 and \$2 million in lost wages. Eight years ago Vermont acted to pass an equal pay act, which prohibits paying female or male workers differently for equal work that requires equal skill, effort, and responsibility under similar working conditions. Now in Vermont, employers cannot require wage non-disclosure agreements and employees are protected from retaliation for disclosing their own wage. As a result, Vermont leads the country in having one of the narrowest wage gaps between women and men. Today, in celebration of Equal Pay Day, Vermont's Business & Professional Women and the Vermont Commission on Women will join their member organizations at the Vermont State House for a proclamation signing and discussion of important issues relative to women.

Two bills awaiting action in the Senate include provisions similar to those enacted in Vermont. The "Paycheck Fairness Act", originally introduced by Senator Clinton, of which I am an original cosponsor, creates stronger incentives for employers to follow the law, strengthens penalties for equal pay violations, and prohibits retaliation against workers for disclosing their own wage information. This bill passed the House with bipartisan support more than a year ago and deserves action in the Senate. The "Fair Pay Act", introduced by Senator HARKIN—another bill that I cosponsor—requires employers to pay equally for jobs of comparable skill, efforts and working conditions and requires employers to disclose pay scales and rates for all job categories at a given company. To effectively close the wage gap we must address the systemic problems that are resulting in pay disparities. I believe both these bills are essential steps to closing the wage gap.

This is not a Democratic or Republican issue but an issue of inherent fairness. Sadly, wage discrimination affects women of every generation and every socioeconomic background and is not limited to one career path or level of education. We should pass the "Paycheck Fairness Act" and the "Fair Pay Act" and work toward other solutions to ensure our daughters and granddaughters are not subject to the same discrimination that has burdened American women for decades.

Ms. MIKULSKI. Mr. President, I rise today to bring attention to Equal Pay Day. It is today, April 20, that represents how long women had to work into 2010 to earn what men made in 2009. It is an unfortunate occasion.

Women make this country run—we are business leaders, entrepreneurs, politicians, mothers and more. But we earn just 78 cents for every dollar our

male counterpart makes. Women of color get paid even less.

As a U.S. Senator, I am fighting for jobs today and jobs tomorrow. I am on the side of a fair economy and I am the side of good-guy businesses. We need an economy that works for everyone.

I was proud to sponsor the Lilly Ledbetter Fair Pay Act in the Senate, and even prouder to stand next to President Obama as he signed his first bill into law. This law overturns the Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co.* so that the laws against pay discrimination apply to every paycheck or other compensation a worker receives. This protects victims of discrimination and allows them to file a lawsuit any time that they find they have been treated unfairly.

But more needs to be done. The next step is the Paycheck Fairness Act. This bill will help close the wage gap between men and women. It will help empower women to negotiate for equal pay, create strong incentives for employers to obey the laws already in place, and strengthen enforcement.

It is time to recommit to closing the wage gap. From the day I first entered Congress I have worked hard to guarantee equality to everyone under the law. I firmly believe that all forms of discrimination should be prohibited. I believe people should be judged by their individual skills, competence, unique talents and nothing else. And once you get that job because of your skills and talents you better get equal pay for equal work. It is time to tell all of those who have suffered wage discrimination—it is a new day.

Mr. HARKIN. Mr. President, today Americans are observing Equal Pay Day. It is the date that marks the 110 extra days that women must work into 2010 in order to equal what men earned in 2009.

In 1963, responding to the fact that the 25 million female workers in our workforce earned just 60 percent of the average pay for men, Congress enacted the Equal Pay Act to end this brazen yet widely tolerated discrimination.

Over the past 47 years, we have made progress towards the great goal of equal pay for women. But, progress has been stalled in the last decade. As we observe Equal Pay Day this year, it is a sad fact that too many women in this country still do not get paid what men do for the exact same work. On average, a woman makes only 77 cents for every dollar that a man makes. The circumstances are even worse for Latinas and women of color.

This is wrong and unjust. But, even more, it threatens the economic security of our families. Millions of Americans are dependent on a woman's paycheck just to get by, put food on the table, pay for child care, and deal with rising health care bills. Two-thirds of mothers bring home at least a quarter of their family's earnings. In many families, the woman is the sole breadwinner. And, during the latest economic downturn, more men have lost

jobs than women, making households even more dependent than ever on women's earnings.

The fact is, America's women are working harder than ever, but they are not being fairly compensated for their contributions to our economy. On average, women lose an estimated \$700,000 over their lifetimes due to unequal pay practices, and this inequality means real hardships for their families.

And, while many factors influence a worker's earnings—including educational attainment, work experience, and family status—even when controlling for many of these variables, a substantial portion of the wage gap cannot be explained by anything but discrimination.

This issue is highlighted by the experience of Lilly Ledbetter. Over nearly two decades of work, Lilly received performance awards and outstanding reviews. Yet, late in her career, she learned, through an anonymous note, that she had been paid significantly less than men in the company doing the exact same job. When she sued, a jury reviewed the evidence and concluded that she was paid less because of her gender.

Outrageously, the Supreme Court reversed the jury's verdict. They held that, even though Lilly's company, like so many others that discriminate, do so covertly and do not reveal what male workers earn, Lilly somehow should have known that she had been discriminated against within 180 days of when she was hired. Because workers like Lilly do not learn of pay inequities for years, the decision left no recourse for her and for other victims of wage discrimination.

Largely because of Lilly's determination to win justice for women, the first legislation passed by Congress and signed into law by President Obama was the Lilly Ledbetter Fair Pay Act. Very simply, this law reversed the Court's severely flawed decision.

We celebrate enactment of this important law, but we must recognize that it was only a first step. We need to do much more.

First, there are too many loopholes and too many barriers to effective enforcement of existing laws. That is why I strongly support the Paycheck Fairness Act. This bill—sponsored by Senator DODD, Senator MIKULSKI, and Representative ROSA DE LAURO—would strengthen penalties for discrimination and give women the tools they need to identify and confront unfair treatment.

In January, the House of Representatives passed the bill overwhelmingly on a bipartisan basis. And, last month, the Senate Health, Education, Labor, and Pensions Committee, which I chair, held a hearing on this long-overdue bill. I hope that the Senate can pass the bill and send it to the President's desk this year.

In addition, we must recognize that the problem of unequal pay goes beyond insidious discrimination. As a nation, we unjustly devalue jobs tradi-

tionally performed by women, even when they require comparable skills to jobs traditionally performed by men. Why is a housekeeper worth less than a janitor? Why is a parking meter reader worth less than an electrical meter reader? To address this more subtle discrimination, last year on Equal Pay Day I introduced the Fair Pay Act to ensure that employers provide equal pay for jobs that are equivalent in skill, effort, responsibility and working conditions.

My bill would also require employers to publicly disclose their job categories and their pay scales, without requiring specific information on individual employees. Giving people better bargaining information in the first place will help alleviate the need for costly litigation by giving employees the leverage they need to have informed pay discussions with their employers. Right now, women who suspect pay discrimination must file a lawsuit and go through a drawn out legal discovery process to find out whether they make less than the man working beside them.

With pay statistics readily available, this expensive process could be avoided. In fact, I asked Lilly Ledbetter: If the Fair Pay Act had been law, would it have prevented her wage discrimination case? She made clear that, if she had been aware of the information about pay scales that the bill provides, she would have known she was a victim of sex discrimination.

The Fair Pay Act removes many of the systematic barriers that lead to unequal pay. We must act this year to pass this important legislation to eliminate the longstanding biases that prevent America's women workers from achieving true equality in the workplace.

On this Equal Pay Day, let us recommit ourselves to eliminating discrimination in the workplace and ensuring that all Americans receive equal pay for equal work. America's working women—and the families that rely on them—deserve fairness on the job. And, let me be clear, as chairman of the Health, Education, Labor, and Pensions Committee, I pledge to fight pay discrimination until we have achieved true equality in the workplace and there is no longer a need to observe Equal Pay Day.

#### NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. LEAHY. Mr. President, this past Sunday marked the start of National Crime Victims' Rights Week. Since 1981, people across the Nation have observed this week with candlelight vigils and public rallies to renew our commitment to crime victims and their families. It is vitally important that we recognize the needs of crime victims and their family members, and work together to promote victims' rights and services.

My involvement with crime victims began more than three decades ago

when I served as State's attorney in Chittenden County, VT, and witnessed first-hand how crime can devastate victims' lives. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime, rather than one that presents additional ordeals for those already victimized.

I was honored to support the passage of the Victims of Crime Act of 1984, VOCA, which has been the principal means by which the Federal Government has supported essential services for crime victims and their families. This critical piece of legislation provides grants for direct services to victims, such as State crime victim compensation programs, emergency shelters, crisis intervention, counseling, and assistance in participating in the criminal justice system. These services are entirely funded from a reserve fund created from criminal fines and penalties, and are provided without a single dime of funding from Federal taxpayers.

I have worked hard over the years to protect the Crime Victims Fund. State victim compensation and assistance programs serve nearly 4 million crime victims each year, including victims of violent crime, domestic violence, sexual assault, child abuse, elder abuse, and drunk driving. Several years ago, we made sure the fund had a "rainy day" capacity so that in lean years, victims and their advocates would not have to worry that the Crime Victims Fund would run out of money, leaving them stranded. More recently, an annual cap has been set on the level of funding to be spent from the fund in a given year. When this cap was established, and when President Bush then sought to empty the Crime Victims Fund of unexpended funds, I joined with Senator CRAPO and others from both political parties to make sure that the Crime Victims Fund was preserved. These resources are appropriately set aside to assist victims of crime and their families. We have had to work hard to protect the Crime Victims Fund, and I have consistently supported raising the spending cap to allow more money out of the fund and into the field.

As we observe Crime Victims' Rights Week, I would like to highlight a program in Vermont that has developed a unique and innovative approach to supporting victims of crime. In 2006, I was pleased to help the Vermont Center for Crime Victim Services secure funding to design and implement the Burlington Parallel Justice Project. This program addresses the limitations of traditional criminal justice and restorative justice models, and represents a collaborative approach to repair the harm caused by crime. Under this program representatives from different sectors of the community, from government to law enforcement to service providers to local business, come together to address the needs of crime victims in a comprehensive manner.

The concept of parallel justice was developed by Susan Herman, a former executive director of the National Center for Crime Victims, who emphasized the importance of having a victim-driven path through the criminal justice system. With the help of Susan and the National Center for Crime Victims, the Vermont Center for Crime Victims Services, the Burlington Community Justice Center and the Burlington Police Department implemented her vision in their community by forming a Parallel Justice Commission. The commission responds to the needs of victims by working with local service providers and others to address those needs, whether it is emotional support, medical cost assistance, or property repair. By hearing from victims about their experiences with the criminal justice system, they also bring about systemic change where needed. The result is a comprehensive approach to victim assistance that enhances the relationships between different parts of the community and builds safer and stronger neighborhoods.

The Burlington Parallel Justice Project is a national demonstration project for parallel justice and has been able to thrive and expand due to funding from VOCA assistance grants. Last month, Burlington police chief Michael Schirling, a member of the Parallel Justice Commission, testified before the Senate Judiciary committee about innovative crime reduction strategies. He spoke about the success of the parallel justice program as an example of a community policing model and emphasized that developing innovative and effective strategies will be increasingly crucial to effective public safety. I could not agree more. I have often advocated for Federal support of meaningful, community-based solutions to crime and other issues we face in Vermont and across the Nation.

Both Congress and the States have become more sensitive to the rights of crime victims since I was a prosecutor. We have greatly improved our crime victims' assistance programs and made advances in recognizing crime victims' rights. But we still have more to do. As we observe National Crime Victims' Rights week this year, we must renew our national commitment to help crime victims by supporting programs like the Parallel Justice Project, and protecting the Crime Victims Fund.

I want to commend and thank Judy Rex, Karen Tronsgard-Scott, and the many other victims' advocates and service providers in Vermont and across the country who show their dedication every day of the year to crime victims. I am thankful for their advice and insights over the years, and I look forward to continuing our work to address the needs of victims everywhere.

#### NATURAL RESOURCE CHARTER

Mr. CARDIN. Mr. President, I am pleased to report to you and my col-

leagues on the excellent work that is being done to help developing countries capitalize on their natural resource wealth. This unique initiative is called the Natural Resource Charter, and it is designed to give countries the tools and knowledge they need to develop their natural resources for the good of their citizens in a transparent and accountable manner. As a collective work coordinated by established academics and development experts, the charter provides a set of policy principles for governments on the successful translation of natural resource wealth into fair and sustainable development.

At the U.S. Helsinki Commission we monitor 56 countries, including the United States, with the mandate to ensure compliance to commitments made under the Helsinki Final Act with focus on three dimensions: security, economics and the environment, and human rights.

The management of extractive industries has broad implications covering all three dimensions of the Helsinki process. We know that oil, gas, and mining are potential sources of conflict and their supply has a direct impact on our national security. The often negative economic consequences for resource rich countries are well documented and we see constant reminders of the environmental impact of extraction both at home and abroad. Finally, the resultant degradation of human rights in countries that are corrupted by resource wealth is a real concern that we must address.

When the charter was launched last year, I was struck by how far we have come in terms of bringing the difficult conversation on extractive industries into the lexicon of world leaders. Only a few short years ago, the word "transparency" was not used in the same sentence with oil, gas or mining revenue. After the launch of the Extractive Industries Transparency Initiative in 2002, we have seen a major shift in attitude. This was followed by G8 and G20 statements in support of greater revenue transparency as a means of achieving greater economic growth in developing countries.

But it is clear that given the challenge ahead, more than statements are needed. The Natural Resource Charter is a concrete and practical next step in the right direction.

Economists have found that many of the resource-rich countries of the world today have fared notably worse than their neighbors economically and politically, despite the positive opportunities granted by resource wealth. The misuse of extractive industry revenues has often mitigated the benefits of such mineral wealth for citizens of developing nations; in many cases the resources acting instead as a source of severe economic and social instability.

In addressing the factors and providing solutions for such difficulties, the Natural Resource Charter aims to be a global public resource for informed, transparent decisionmaking

regarding extractive industry management.

The charter's overarching philosophy is that development of natural resources should be designed to secure maximum benefit for the citizens of the host country. To this end, its dialogue includes a special focus on the role of informed public oversight through transparency measures such as EITI in establishing the legitimacy of resource decisions and attracting foreign investment. On fiscal issues, the charter presents guidelines for the systematic reinvestment of resource revenues in national infrastructure and human capital with the goal of diminishing effects of resource price volatility and ensuring long-term economic growth.

This week the commission will hold a public briefing on the Natural Resource Charter and I am pleased to say that there was a candid conversation between the audience and the panel that revealed much about how the charter could be used to promote human rights and good governance. The briefing also addressed ways that U.S. support of democratic and economically sensible extractive industry standards could have a powerful effect in securing the welfare and freedoms of citizens in resource-rich countries. In particular, it was noted that the Energy Security Through Transparency Act, S. 1700, a bipartisan bill I introduced with my colleague Senator LUGAR and 10 other colleagues is consistent with the principles set out in the Natural Resource Charter.

I look forward to working with my colleagues to ensure our continued progress on these issues.

#### HOLD ON DEFENSE DEPARTMENT NOMINATIONS

Mr. WYDEN. Mr. President, last year, several of my colleagues and I wrote to Secretary Gates requesting a clear policy through which the Department of Defense would encourage renewable energy development while maintaining necessary protections for military missions. Among other recommendations, to facilitate the development of renewable energy projects consistent with national security needs, we specifically pointed to the Department's need to formally consolidate all decisionmaking into a single office to limit unnecessary conflict between the Department and renewable energy development. At that time, there were a wide array of projects where the Department of Defense had objected very late in the permitting process.

Since that time, conflicts between the siting of renewable energy projects and defense missions have only intensified in scale and now threaten to impede currently planned and permitted renewable energy projects, placing billions of investment dollars and thousands of new U.S. jobs at risk. Recent attempts to work with DOD for various

compromise and alternative solutions, such as expanding current radar capability, has produced few results.

For example, in my State of Oregon, the planned Shepherds Flat Wind Farm would produce more than 850 megawatts of electricity. It would be the largest wind farm in the world. Planners worked with numerous Federal agencies and cleared the project with the Navy. But just a month before groundbreaking, the Air Force halted the project because they believe it could potentially interfere with a radar array in eastern Oregon. Attempts to work with DOD, by the planners and by my office, have met with stiff resistance and no offers of compromise solutions. There is an attitude that resolving conflicts with civilian energy projects is simply not one of DOD's missions. The grim reality is that the Shepherds Flat Wind Farm is only the beginning of the problems in Oregon. The objection to this project will also halt at least 10 other projects in the works totaling over 3,000 megawatts of renewable energy. DOD appears content with the status quo. But status quo doesn't reduce our independence on foreign oil or generate new jobs.

Regrettably, it appears that the Department is not interested in identifying possible solutions. This surprises me given the critical nature of our future renewable energy program and its impact on our Nation's national security. Instead of being a partner in the process, DOD appears content to be a roadblock. It is long past time for the Department to give this issue the attention it requires and work to find solutions instead of just being a problem.

Therefore, until I receive assurance that DOD is taking appropriate action to address the increasing conflict between national renewable energy policy and national defense, I will object to any unanimous consent agreement for the nominations of Sharon E. Burke, to be Director of Operational Energy Plans and Programs at DOD; Katherine Hammack, to be Assistant Secretary of the Army; and Elizabeth A. McGrath, to be Deputy Chief Management Officer at DOD. I place these holds reluctantly. I am hopeful that the Department will take immediate and appropriate action to resolve current renewable energy conflicts and prevent future ones from occurring. Once that happens, I will be able to withdraw my holds so that DOD nominations can once again move through the Senate.

#### ADDITIONAL STATEMENTS

##### REMEMBERING BRIGADIER GENERAL THOMAS R. MIKOLAJCIK

• Mr. DEMINT. Mr. President, I am here today to celebrate the life and military service of a great American and an adopted South Carolinian, BG Thomas R. Mikolajcik. "General Mik," as he was known to his many friends,

passed from this life to the next on April 17, 2010, after a courageous 6½-year battle with ALS.

General Mikolajcik was a 1969 graduate of the U.S. Air Force Academy and a decorated veteran of the conflicts in Vietnam, Grenada, Panama, and the first gulf war. During his distinguished military career, he logged more than 4,000 hours as a command pilot, commanded the 437th Airlift Wing at Charleston Air Force Base in Charleston, SC, and served as director of transportation for the Air Force Deputy Chief of Staff for logistics.

General Mik was a tireless advocate for causes he believed in, and he won many allies locally and nationally for his work on behalf of the Charleston military community. The Mikolajcik Engineering Laboratory Center at the Space and Naval Warfare Systems Center in Charleston and the Mikolajcik Child Development Center at Charleston Air Force Base are named in his honor.

A warrior until the end, General Mik's fighting spirit was never more evident than after he was diagnosed with ALS in 2003. Following his diagnosis, he would often say, "You can put your head down and feel sorry for yourself, or you can help others." He chose the latter. General Mik founded the first ALS support group in South Carolina and the ALS Clinic at the Medical University of South Carolina. He also fought for full ALS coverage for his fellow veterans, who are disproportionately more likely to suffer from this terrible disease than the general population. And like so many other battles General Mik fought, he won this one, too, in a 2008 Defense Department ruling.

General Mikolajcik was a noble spirit and inspirational leader, who, even through his long illness, never stopped caring for and impacting the lives of those fortunate enough to know him. I am honored to have called him a friend and to extend my deepest sympathies on behalf of a grateful nation to his devoted wife Carmen, along with their three children and seven grandchildren. Today, South Carolina mourns the passing of a true American hero.●

##### REMEMBERING BILL STANLEY

• Mr. LIEBERMAN. Mr. President, I wish to pay tribute to the extraordinary life and service of Bill Stanley, a statesman, a scholar, and a true American patriot who passed away on April 19, 2010. Bill was a valued public intellectual, historian, and leader in the Norwich, CT, community. Beloved for his brilliant mind and generous spirit, Bill Stanley will be missed deeply.

I knew Bill for many years, and I am grateful for all of the wisdom he offered me personally. Bill was a loyal and valued friend who was always generous with his time and advice. Mostly though, I treasure the example that Bill Stanley set in his career of devoted

service to this country. Bill served America with courage and distinction in the U.S. Marine Corps, in Connecticut's State Senate for two successful terms, and through the many important causes that he championed in the city of Norwich and throughout our State.

Bill Stanley's desire to serve his community was boundless, as was his generosity. Bill's legacy of enormous contributions and achievements has touched thousands of people across our state. Among his many initiatives were the St. Jude Common, a center that has cared for thousands of seniors across Connecticut, and the Forgotten Founders Committee, an extraordinary project that will honor many of early America's most important—and often overlooked—historical figures.

Bill Stanley loved history, taught history, and made history. With his unique insight, energy, and passion, Bill Stanley illuminated our hearts and minds with his weekly columns for the Norwich Bulletin. Bill never hesitated to ask tough questions or take a contrarian stance on an issue. For this, he was respected and trusted by countless readers; many of whom he knew personally and others who admired him from afar.

Bill Stanley wrote about many of the most important figures and moments in Norwich's history and uniquely brought to life the stories that form the fabric of the city of Norwich, a city he understood and cherished like few others. Bill lifted his readers up to experience a new, exciting, and wider view of the past. In doing so, he has offered us a deeper understanding of the present and helped us chart the future course for our State, our country, and our world.

Our State and this Nation are blessed to have people like Bill Stanley who truly enrich our communities. We—his readers, his students, and his friends—were particularly blessed with the opportunity to have learned from him. Bill's brilliant mind, magnanimous spirit, and unforgettable stories will never fade from our memory.

I extend my condolences to Bill's wife Peg and his children Bill Jr., Carol, and Mary.●

##### RECOGNIZING ELMENDORF AIR FORCE BASE

• Ms. MURKOWSKI. Mr. President, as you are aware, last Friday the Secretary of Defense, Robert Gates, announced the winners of the 2010 Commander in Chief's Annual Award for Installation Excellence. Included on this prestigious list is Elmendorf Air Force Base in Anchorage, AK. This award recognizes the outstanding and innovative efforts of the brave men and women who operate and maintain our Nation's military installations. I would like to read the award citation for Elmendorf for the record.

The men and women of Elmendorf Air Force Base distinguished themselves by significantly improving the quality of life, productivity, and work environment for over

seventeen thousand Arctic Warrior Airmen and their families. They did this in part through the execution of the largest Military Construction program in base history, an unprecedented 460 million dollars in construction. Directly contributing to their success was the ability to obtain the lead contracting authority for four projects, an Air Force first. Elmendorf Air Force Base is also leading the way for the Air Force by being the one and only wing to use Air Force Reserve Command officers to fill active duty billets to leverage the stability and experience of reserve personnel to realize a true total force integration gain. They were also the first to implement a new Veteran's Affairs itemized billing process, increasing reimbursements by 20 percent, and becoming a model for other Joint Venture sites. This contributed to the hospital being named as the number one hospital in the Air Force for the second year in a row. Finally, through ceaseless efforts to protect natural resources, Elmendorf was named as having Pacific Air Force's number one environmental program, winning the coveted General White Awards for natural resource conservation and pollution prevention. The commitment to excellence demonstrated by the men and women of Elmendorf Air Force Base reflects great credit upon themselves and the United States Air Force.

Congratulations to the men and women of Elmendorf Air Force Base as well as to the other winners of the coveted Commander-In-Chief's Installation Excellence Award.●

#### TRIBUTE TO BOBBY COX

● Mr. ROCKEFELLER. Mr. President, as a lifelong Atlanta Braves fan, I am always delighted when my team comes to town. They visit Washington next month, and as always, the Braves' incredible manager, my dear friend Bobby Cox, will be at the helm. But this year, the joy is bittersweet. After 50 years in baseball, Bobby Cox will retire at the end of this season.

I am an enormous and longtime fan of Bobby Cox, for so many reasons. He is so good and easy with people, and he takes them for who they are. And in the case of baseball players, he takes them for what they have, and allows them to achieve incredible things with it: I have never heard a manager encouraging his hitters at the plate between every single pitch as Bobby does with such tremendous enthusiasm.

He is one of only a handful to spend at least 20 straight seasons managing the same team. And I always knew, without a doubt, that Bobby always had the team ready to play its best. His record makes that much abundantly clear—he guided Atlanta to 14 consecutive postseason appearances and of course, to a World Series title in 1995.

Unlike so many other heroes in baseball, Bobby is very approachable, so good at putting people at ease. I remember visiting with him, and in minutes we were discussing "Dirt" Lemke who he really admired and respected as a second baseman because he was so scrappy.

That is why Bobby is an icon. He brings out the best in his players and exemplifies what the sport of baseball

is supposed to be about—hustle, grit, loyalty and determination. It is why he is one of the winningest managers in Major League history, and it is why the Braves are what they are today.

So I say to Bobby: I'll still be a Braves fan after you retire, but it just won't be the same without number six in the dugout.

It is no wonder players love to play for Bobby. It is no wonder his fans feel like they are part of the team. I am honored to call Bobby my friend and, I am grateful that he has led me to continue cherishing—and needing—baseball the way I do.

Bobby, congratulations on your well-deserved retirement. It is your kind of integrity and stature that brings the game great pride.●

● Mr. ISAKSON. Mr. President, today I wish to honor Bobby Cox, who is a great Georgian, a great American, and a great friend, in the RECORD of the Senate. After 25 remarkable years as the manager of the Atlanta Braves, Bobby will retire at the end of the 2010 season.

Bobby began his career by spending five years in the Dodgers' farm system before being selected by the Chicago Cubs in the November 1964 Minor League draft. He was acquired by the Braves in 1966 and spent 1967 playing for Triple-A Richmond. Bobby was traded to the New York Yankees where he played third base in 1968 and 1969. He retired as a player at the age of 30, and it was the coaching career that followed that would make him a baseball legend.

Bobby returned to manage the Braves from 1978 to 1981. Although he left Atlanta in 1982 to lead the Toronto Blue Jays, it seems he couldn't quite get our fair city out of his system. After leading the Blue Jays to the American League East crown with a 99-62 finish in 1985, Bobby was named Major League Manager of the Year by the Baseball Writers Association of America, the Associated Press and the Sporting News. He returned to the Braves as general manager in October 1985 and oversaw a farm system that produced some of the greatest players in Braves history and laid the foundation for the success that was to come.

In 1990, Bobby decided to return to the dugout as manager of the Braves, and I'm sure glad he did. While the Braves finished in last place in 1990, Bobby turned it around with a first place finish in 1991. I still remember that epic World Series battle against the Minnesota Twins as if it were yesterday. While the Braves fell short in the World Series, 1991 was just the beginning of an epic run that included 14 straight division titles.

During his illustrious career on the bench, Bobby has been named Manager of the Year four times. He led the Braves to a World Series title in 1995, defeating the Cleveland Indians four games to two. On June 8, 2009, Bobby won his 2,000th victory with the Braves. He's only the fourth skipper in

major-league history to claim 2,000 wins with one team. His fiery spirit has also allowed him to capture another title. Bobby holds the all-time record for most ejections.

It gives me a great deal of pleasure and it is a privilege to recognize Bobby Cox for his contributions to America's favorite pastime and America's team, the Atlanta Braves. Although he plans on advising the team in baseball operations after he steps down as manager, Bobby will be sorely missed on the bench and will remain in the hearts of Atlanta Braves fans forever.●

#### RECOGNIZING STEWART ENTERPRISES

● Mr. VITTER. Mr. President, today I wish to honor Stewart Enterprises, headquartered in Jefferson, LA. They will be celebrating their centennial anniversary on April 26, 2010.

Stewart has been caring for Louisiana families since 1910 and is highly regarded for its ability to help families in times of critical need. It is also, with more than 5,000 employees, one of the largest publicly traded companies in Louisiana.

Based on their purpose of "caring for people, making a difference" they have always done an outstanding job in helping people celebrate the lives of their lost loved ones and making sure they are memorialized as the families wish. In a family's time of need, Stewart Enterprises treats the family with dignity and respect while providing them with funeral operations, cemetery operations, and prearrangements. They are dedicated to making difficult times a little easier.

Thus, today, I stand in recognition of Stewart Enterprises' centennial anniversary and thank them for their service and contributions not only to the State of Louisiana but also to families across our Nation.●

#### 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-5461. 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 "Aminopyralid; Pesticide Tolerances" (FRL No. 8808-9) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5462. 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 "Chlorantraniliprole; Extension of Time-Limited Pesticide Tolerances" (FRL No. 8820-3) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5463. 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 "Nicosulfuron; Pesticide Tolerances" (FRL No. 8818-4) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5464. 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 "Pendimethalin; Pesticide Tolerances" (FRL No. 8817-4) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5465. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (3) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-5466. A communication from the Principal Deputy, Office of the Assistant Secretary (Energy, Installations and Environment), Department of the Navy, transmitting, pursuant to law, a report relative to the cancellation of (4) public-private competitions on February 25, 2010; to the Committee on Armed Services.

EC-5467. A communication from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Transmission Relay Loadability Reliability Standard" (FERC Docket No. RM08-13-000) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2010; to the Committee on Energy and Natural Resources.

EC-5468. 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 "Idaho: Incorporation by Reference of Approved State Hazardous Waste Management Program" (FRL No. 9122-8) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Environment and Public Works.

EC-5469. 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 Implementation Plans; New Mexico; Interstate Transport of Pollution" (FRL No. 9134-8) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Environment and Public Works.

EC-5470. 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; Control of Air Pollution from Motor Vehicles" (FRL No. 9135-6) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Environment and Public Works.

EC-5471. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmit-

ting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Reasonable Further Progress Plan, 2002 Base Year Inventory, Reasonably Available Control Measures, Contingency Measures, and Transportation Conformity Budgets for the Delaware Portion of the Philadelphia 1997 8-Hour Ozone Moderate Nonattainment Area" (FRL No. 9134-9) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Environment and Public Works.

EC-5472. 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 Arizona State Implementation Plan; Pinal County" (FRL No. 9096-8) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Environment and Public Works.

EC-5473. 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 Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Modification of Existing Qualified Facilities Program and General Definitions" (FRL No. 9135-7) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Environment and Public Works.

EC-5474. A communication from the Secretary of the Interior, transmitting, a report relative to the Preliminary Revised Outer Continental Shelf (OCS) Oil and Gas Leasing Program (PRP) for 2007-2012; to the Committee on Environment and Public Works.

EC-5475. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Prevention of Significant Deterioration (PSD): Reconsideration of Interpretation of Regulations that Determine Pollutants Covered by the Federal PSD Permit Program; to the Committee on Environment and Public Works.

EC-5476. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Industry Director's Directive No. 3 on IRC 172(f) Specified Liability Losses" (LMSB-4-0210-009) received in the Office of the President of the Senate on April 15, 2010; to the Committee on Finance.

EC-5477. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Revenue Ruling No. 2010-10) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Finance.

EC-5478. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Industry Director's Directive No. 3 on Enhanced Oil Recovery Credit" (LMSB-4-0210-007) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Finance.

EC-5479. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled "Coordinated Issue: Distressed Asset Trust (DAT) Tax Shelters" (LMSB-4-0210-008) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Finance.

EC-5480. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Life Insurance Reserves—Actuarial Guideline XLIII" (Notice No. 2010-29) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Finance.

EC-5481. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement and Report Concerning Advance Pricing Agreements" (Announcement No. 2010-21) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Finance.

EC-5482. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice No. 2010-36) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Finance.

EC-5483. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 for Calendar Year 2009"; to the Committee on Finance.

EC-5484. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0047—2010-0055); to the Committee on Foreign Relations.

EC-5485. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, two reports entitled "The National Healthcare Quality Report 2009" and "The National Healthcare Disparities Report 2009"; to the Committee on Health, Education, Labor, and Pensions.

EC-5486. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-40; Small Entity Compliance Guide" (FAC 2005-40) received in the Office of the President of the Senate on April 12, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5487. A communication from the Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, (2) reports relative to vacancies in the Department of Homeland Security, received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5488. A communication from the Associate Attorney General, Department of Justice, transmitting, pursuant to law, the Department's 2009 annual report on certain activities pertaining to the Freedom of Information Act; to the Committee on the Judiciary.

EC-5489. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration,

Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Electronic Prescriptions for Controlled Substances" (RIN1117-AA61) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on the Judiciary.

EC-5490. A communication from the Deputy Associate Director for Management and Administration and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Director for Demand Reduction, Office of National Drug Control Policy; to the Committee on the Judiciary.

EC-5491. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Grants to States for Construction or Acquisition of State Home Facilities—Update of Authorized Beds" (RIN2900-AM70) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2010; to the Committee on Veterans' Affairs.

EC-5492. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Revision of 38 CFR 1.17 to Remove Obsolete References to Herbicides Containing Dioxin" (RIN2900-AN56) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2010; to the Committee on Veterans' Affairs.

EC-5493. A communication from the Secretary, Office of the General Counsel, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Repeal of Marine Terminal Agreement Exemption" received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5494. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Invista Inc Facility Docks, Victoria Barge Canal, Victoria, TX" ((RIN1625-AA00)(Docket No. USG-2009-0797)) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5495. A communication from the Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Commerce Acquisition Regulation (CAR); Correction" (RIN0605-AA26) received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5496. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 25, 74, 78 and 101 of the Rules Regarding Coordination Between the Non-Geostationary and Geostationary Satellite Orbit Fixed Satellite Service and Fixed, Broadcast Auxiliary and Cable Television Relay Services in the 7 GHz, 10 GHz, and 13 GHz Frequency Bands" ((ET Docket No. 03-254)(FCC 10-15)) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5497. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries,

Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Catch Sharing Plan" (RIN0648-AY31) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5498. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XV34) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5499. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod for American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XV66) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5500. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XV45) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5501. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XV21) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5502. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska" (RIN0648-XV51) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5503. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XU73) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5504. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648-XV32) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5505. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multi-species Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area" (RIN0648-XV49) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5506. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska" (RIN0648-XV61) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5507. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 m) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XV54) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5508. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the foreign aviation authorities to which the Administration provided services during fiscal year 2009; to the Committee on Commerce, Science, and Transportation.

EC-5509. A communication from the President of the United States, transmitting, pursuant to law, a report relative to U.S. efforts to ensure the free flow of information to Iran and to enhance the abilities of Iranians to exercise their universal rights; to the Committee on Armed Services.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 878. A bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes (Rept. No. 111-170).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 933. A bill to amend the Federal Water Pollution Control Act and the Great Lakes Legacy Act of 2002 to reauthorize programs to address remediation of contaminated sediment (Rept. No. 111-171).

S. 937. A bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes (Rept. No. 111-172).

#### 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 Mr. SCHUMER:

S. 3228. A bill to authorize the Administrator of the Small Business Administration to make grants to small business concerns to assist the commercialization of research developed with funds received under the second phase of the Small Business Innovation Research Program; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY (for himself, Mr. CARDIN, and Mr. DURBIN):

S. 3229. A bill to direct the Administrator of the United States Agency for International Development to develop a strategy to foster sustainable urban development in developing countries that updates the Making Cities Work Urban Strategy; to the Committee on Foreign Relations.

By Mr. INHOFE (for himself, Mr. BARRASSO, Mr. VITTER, Mr. ENZI, Mr. RISCH, Mr. BENNETT, and Mr. ROBERTS):

S. 3230. A bill to prohibit the use of the National Environmental Policy Act of 1969 to document, predict, or mitigate the climate effects of specific Federal actions; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself, Mr. CONRAD, Mr. THUNE, Mr. NELSON of Nebraska, Mr. JOHANNIS, Mr. JOHNSON, and Mr. HARKIN):

S. 3231. A bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol; to the Committee on Finance.

By Mr. BURR (for himself and Mr. BURRIS):

S. 3232. A bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit; to the Committee on Finance.

By Mr. BARRASSO (for himself and Mr. NELSON of Nebraska):

S. 3233. A bill to amend the Atomic Energy Act of 1954 to authorize the Secretary of Energy to barter, transfer, or sell surplus uranium from the inventory of the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself, Mrs. LINCOLN, Mr. BEGICH, Ms. KLOBUCHAR, Mr. REID, Mr. DURBIN, and Ms. MURKOWSKI):

S. 3234. A bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DORGAN (for himself, Mr. JOHNSON, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 3235. A bill to amend the Act titled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior; to the Committee on Indian Affairs.

**SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS**

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

By Mr. BROWN of Ohio:

S. Res. 491. A resolution commemorating the 40th anniversary of the May 4, 1970, Kent

State University shootings; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Mr. HATCH, Mr. SCHUMER, Mr. VOINOVICH, Mr. SPECTER, Mr. BURRIS, Mrs. GILLIBRAND, Mr. WARNER, Mr. CASEY, Mr. LEVIN, Mr. WEBB, Mr. FEINGOLD, and Ms. LANDRIEU):

S. Res. 492. A resolution honoring the life and achievements of Dr. Dorothy I. Height; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BEGICH, Mrs. GILLIBRAND, Mrs. LINCOLN, Mrs. MURRAY, Ms. MIKULSKI, Mr. BAYH, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. UDALL of Colorado, Ms. STABENOW, Mr. BINGAMAN, Mrs. HAGAN, Mr. NELSON of Nebraska, Mr. MENENDEZ, Mr. LIEBERMAN, Ms. COLLINS, Mr. GREGG, Mr. LEMIEUX, Mr. BURR, Mr. COCHRAN, Mr. CARDIN, Ms. KLOBUCHAR, Mr. ISAKSON, Mrs. FEINSTEIN, and Mr. DODD):

S. Res. 493. A resolution designating April 23 through 25, 2010, as "Global Youth Service Days"; considered and agreed to.

By Ms. LANDRIEU (for herself and Mr. WICKER):

S. Res. 494. A resolution honoring Ida B. Wells for her activism in the civil rights and women's rights movements and for her influential and inspirational leadership; considered and agreed to.

**ADDITIONAL COSPONSORS**

S. 182

At the request of Mr. DODD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 231

At the request of Mr. LIEBERMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 231, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 584

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 831

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 1346

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1346, a bill to penalize crimes

against humanity and for other purposes.

S. 1743

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1743, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 1756

At the request of Mr. HARKIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1756, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the appropriate standard of proof.

S. 2106

At the request of Mrs. LINCOLN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2106, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 2821

At the request of Mr. BROWN of Ohio, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2821, a bill to require a review of existing trade agreements and renegotiation of existing trade agreements based on the review, to establish terms for future trade agreements, to express the sense of the Congress that the role of Congress in making trade policy should be strengthened, and for other purposes.

S. 2920

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2920, a bill to amend chapter 1 of title 23, United States Code, to condition the receipt of certain highway funding by States on the enactment and enforcement by States of certain laws to prevent repeat intoxicated driving.

S. 2947

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2947, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 2962

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2962, a bill to amend title II of the Social Security Act to apply an earnings test in determining the amount of monthly insurance benefits for individuals entitled to disability insurance benefits based on blindness.

S. 3030

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3030, a bill to amend the

Public Works and Economic Development Act of 1965 to eliminate cost-sharing requirements in connection with economic adjustment grants made to assist communities that have suffered economic injury as a result of military base closures and realignments, defense contractor reductions in force, and Department of Energy defense-related funding reductions.

S. 3039

At the request of Mr. UDALL of New Mexico, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3039, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 3141

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3141, a bill to amend the Internal Revenue Code of 1986 to provide special rules for treatment of low-income housing credits, and for other purposes.

S. 3152

At the request of Mr. DEMINT, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from Kentucky (Mr. BUNNING), the Senator from Arizona (Mr. MCCAIN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 3152, a bill to repeal the Patient Protection and Affordable Care Act.

S. 3171

At the request of Mrs. LINCOLN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 3171, a bill to amend title 38, United States Code, to provide for the approval of certain programs of education for purposes of the Post-9/11 Educational Assistance Program.

S. 3207

At the request of Mr. MENENDEZ, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3207, a bill to protect victims of crime or serious labor violations from deportation during Department of Homeland Security enforcement actions, and for other purposes.

S. CON. RES. 57

At the request of Mr. LEMIEUX, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. Con. Res. 57, a concurrent resolution establishing an expedited procedure for consideration of a bill returning spending levels to 2007 levels.

S. RES. 488

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 488, a resolution congratulating the Pennsylvania State University IFC/Panhellenic Dance Marathon (THON) on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. CONRAD, Mr. THUNE, Mr. NELSON of Nebraska, Mr. JOHANNIS, Mr. JOHNSON, and Mr. HARKIN):

S. 3231. A bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3231

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Grow Renewable Energy from Ethanol Naturally Jobs Act of 2010" or the "GREEN Jobs Act of 2010".

### SEC. 2. EXTENSION OF INCOME TAX CREDIT FOR ALCOHOL USED AS FUEL.

(a) IN GENERAL.—Paragraph (1) of section 40(e) of the Internal Revenue Code of 1986 is amended—

(1) by striking "December 31, 2010" in subparagraph (A) and inserting "December 31, 2015"; and

(2) by striking "January 1, 2011" in subparagraph (B) and inserting "January 1, 2016".

(b) CELLULOSIC BIOFUEL.—Subparagraph (H) of section 40(b)(6) of such Code is amended by striking "January 1, 2013" and inserting "January 1, 2016".

(c) REDUCED AMOUNT FOR ETHANOL BLENDEES.—Paragraph (2) of section 40(h) of such Code is amended by striking "2010" and inserting "2015".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

### SEC. 3. EXTENSION OF EXCISE TAX CREDIT FOR ALCOHOL USED AS FUEL.

(a) IN GENERAL.—Paragraph (6) of section 6426(b) of the Internal Revenue Code of 1986 is amended by striking "December 31, 2010" and inserting "December 31, 2015".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

### SEC. 4. EXTENSION OF ADDITIONAL DUTIES ON ETHANOL.

Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States are each amended in the effective period column by striking "1/1/2011" and inserting "1/1/2016".

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 491—COMMEMORATING THE 40TH ANNIVERSARY OF THE MAY 4, 1970, KENT STATE UNIVERSITY SHOOTINGS

Mr. BROWN of Ohio submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 491

Whereas the year 2010 marks the 40th anniversary of the Kent State University shootings that occurred on May 4, 1970;

Whereas, on May 4, 1970, Ohio National Guardsmen opened fire on Kent State students who were protesting the United States invasion of Cambodia and the ongoing Vietnam War;

Whereas 4 unarmed students (Allison Krause, Jeffrey Miller, Sandra Scheuer, and William Schroeder) were killed and 9 others (Alan Canfora, John Cleary, Thomas Grace, Dean Kahler, Joseph Lewis, Donald MacKenzie, James Russell, Robert Stamps, and Douglas Wrentmore) were injured;

Whereas, in February 2010, the site of the May 4 shootings was entered in the National Register of Historic Places, the official list of the historic places in the United States worthy of preservation;

Whereas, to preserve the memory of the May 4 shootings and encourage inquiry, learning, and reflection, Kent State has established a number of resources, including the May 4 Memorial, individual student memorial markers and scholarships in memory of the 4 students who were killed, an experimental college course entitled "May 4, 1970 and its Aftermath", and an annual commemoration sponsored by the May 4 Task Force; and

Whereas Kent State has engaged the internationally renowned design services firm, Gallagher and Associates, to assist in the development of the May 4 visitors center as a central place where individuals can explore and better understand the May 4 shootings: Now, therefore, be it

*Resolved*, That the Senate, in commemoration of the 40th anniversary of the Kent State University shootings that occurred on May 4, 1970—

(1) recognizes the tragedy of the May 4 shootings and the implications that the shootings have had not only on Kent State and the local community, but also on the Nation and the world; and

(2) applauds the development of the May 4 visitors center as an additional primary resource to preserve and communicate the history of the May 4 shootings, its larger ethical and societal context and impact, and its enduring meaning for our democratic Nation.

### SENATE RESOLUTION 492—HONORING THE LIFE AND ACHIEVEMENTS OF DR. DOROTHY I. HEIGHT

Mr. CARDIN (for himself, Mr. HATCH, Mr. SCHUMER, Mr. VOINOVICH, Mr. SPECTER, Mr. BURRIS, Mrs. GILLIBRAND, Mr. WARNER, Mr. CASEY, Mr. LEVIN, Mr. WEBB, Mr. FEINGOLD, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 492

Whereas Dr. Dorothy I. Height was born in Richmond, Virginia, on March 24, 1912;

Whereas Dorothy Height died on April 20, 2010, at the age of 98, in Washington, D.C., and was survived by her sister Anhanette Height Aldridge;

Whereas Dorothy Height was valedictorian of her high school and won a national oratorical contest;

Whereas Dorothy Height attended New York University and graduated in 3 years, receiving a master's degree in educational psychology;

Whereas Dorothy Height began her career as a caseworker for the Department of Social Services of New York City;

Whereas Dorothy Height joined the Harlem Young Women's Christian Association (referred to in this preamble as the "YWCA") and remained a full time employee until 1975;

Whereas Dorothy Height organized and became the director of the YWCA Center for Racial Justice in 1965;

Whereas, in 1957, Dorothy Height became the fourth president of the National Council of Negro Women, a the social services organization with more than 4,000,000 members nationwide, that is comprised of a number of civic, church, educational, labor, community, and professional groups, and served as president for 40 years;

Whereas Dorothy Height became arguably the most influential woman of the civil rights movement;

Whereas Dorothy Height spent her life fighting for racial justice and gender equality;

Whereas Dorothy Height was known for her insistent voice that commanded attention on civil rights issues;

Whereas Dorothy Height liked to say, "If the times aren't ripe, you have to ripen the times.";

Whereas Dorothy Height was honored in 1994 with the Presidential Medal of Freedom, the highest civilian honor in the United States, by President William Jefferson Clinton;

Whereas Dorothy Height received numerous awards, including honorary doctorates from more than 20 universities and colleges;

Whereas Dorothy Height was honored in March 2004 with the Congressional Gold Medal, the highest decoration Congress can bestow; and

Whereas the passing of Dorothy Height is a great loss to the Nation: Now, therefore be it Resolved, That the Senate—

(1) recognizes the outstanding contributions of Dr. Dorothy I. Height to the civil rights and women's rights movement;

(2) pays tribute to Dr. Dorothy I. Height, and her passion, dedication to service, and unwavering commitment to equality; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Washington, D.C. headquarters of the National Council of Negro Women, Inc.

**SENATE RESOLUTION 493—DESIGNATING APRIL 23 THROUGH 25, 2010, AS "GLOBAL YOUTH SERVICE DAYS"**

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BEGICH, Mrs. GILLIBRAND, Mrs. LINCOLN, Mrs. MURRAY, Ms. MIKULSKI, Mr. BAYH, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. UDALL of Colorado, Ms. STABENOW, Mr. BINGAMAN, Mrs. HAGAN, Mr. NELSON of Nebraska, Mr. MENENDEZ, Mr. LIEBERMAN, Ms. COLLINS, Mr. GREGG, Mr. LEMIEUX, Mr. BURR, Mr. COCHRAN, Mr. CARDIN, Ms. KLOBUCHAR, Mr. ISAKSON, Mrs. FEINSTEIN, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

**S. RES. 493**

Whereas Global Youth Service Days is an annual campaign that celebrates and mobilizes the millions of children and youths who improve their communities each day through community service and service-learning programs;

Whereas the goals of Global Youth Service Days are—

(1) to mobilize and support young people to identify and address the needs of their communities, schools, and organizations; and

(2) to provide opportunities for—

(A) youth engagement; and

(B) the public, the media, and policy-makers to recognize and raise awareness of young people as assets and resources;

Whereas Global Youth Service Days, a program of Youth Service America, is the largest service event in the world and the only service event dedicated to youth engagement;

Whereas, in 2010, Global Youth Service Days is being observed for the 22nd consecutive year in the United States and, in more than 100 countries, for the 11th year globally;

Whereas Global Youth Service Days engages millions of young people worldwide with the support of more than 200 national and international partners, 85 State and local lead agencies, and thousands of local partners;

Whereas high quality community service and service-learning programs—

(1) increase the academic engagement and achievement of young people;

(2) prepare young people for the workforce; and

(3) provide young people with the skills necessary to achieve success in the 21st century;

Whereas community service and service-learning programs provide opportunities for young people to apply their knowledge, idealism, energy, creativity, and unique perspectives to solving critical issues, including health, childhood obesity, education, illiteracy, poverty, hunger, the environment, violence, and natural disasters;

Whereas Global Youth Service Days is an opportunity for citizen diplomacy that increases intercultural understanding and promotes the sense that youths are global citizens, as evidenced by the growing number of projects that involve youths working collaboratively across borders to address global issues;

Whereas thousands of participants in schools and community-based organizations are planning Global Youth Service Days activities as a part of Semester of Service, a program that includes the Martin Luther King, Jr. Day of Service, in which young people spend the semester addressing meaningful community needs connected to intentional learning goals or academic standards over at least 70 hours;

Whereas thousands of youth volunteers learn, create, and implement innovative solutions to global issues on Global Youth Service Days through "Get Ur Good On," an online network of youths supporting each other in the mission to do good works in their communities;

Whereas Global Youth Service Days provides young children, teenagers, and young adults with an opportunity to contribute their abilities and talents as active citizens and community leaders;

Whereas Global Youth Service Days provides schools, community organizations, faith-based organizations, government agencies, businesses, and families with an opportunity to engage youths as leaders and problem solvers; and

Whereas section 198(g) of the National and Community Service Act of 1990 (42 U.S.C. 12653(g)) recognizes Global Youth Service Days as national days of service and calls on the Corporation for National and Community Service, other Federal agencies and departments, and the President of the United States to recognize and support youth-led activities on the designated days: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of the youths of the United States and encourages the cultivation of a civic bond between young people

dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 23 through 25, 2010, as "Global Youth Service Days"; and

(3) calls on the people of the United States to observe Global Youth Service Days by—

(A) encouraging youths to participate in community service and service-learning projects;

(B) recognizing the volunteer efforts of the young people of the United States throughout the year; and

(C) supporting the volunteer efforts of young people and engaging young people in meaningful community service, service-learning, and decision-making opportunities, as an investment in the future of the United States.

**SENATE RESOLUTION 494—HONORING IDA B. WELLS FOR HER ACTIVISM IN THE CIVIL RIGHTS AND WOMEN'S RIGHTS MOVEMENTS AND FOR HER INFLUENTIAL AND INSPIRATIONAL LEADERSHIP**

Ms. LANDRIEU (for herself and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

**S. RES. 494**

Whereas, Ida B. Wells was born on July 16 1862, and died March 25, 1931;

Whereas in 1884, Ida B. Wells refused to give up her seat on a Chesapeake and Ohio Railroad Company train because of her skin color;

Whereas in 1889, Ida B. Wells became co-owner and editor of *Free Speech and Headlight*, an anti-segregationist newspaper based in Memphis, Tennessee that published articles about racial injustice;

Whereas Ida B. Wells conducted investigative journalism about the practice of lynching, printing many articles in an effort to combat this practice;

Whereas Ida B. Wells worked with Frederick Douglass and other Black leaders in organizing a boycott of the 1893 World's Columbian Exposition in Chicago;

Whereas in 1893, Ida B. Wells began working with the *Chicago Conservator*, the oldest African-American newspaper in the city;

Whereas Ida B. Wells formed the Women's Era Club, the first civic organization for African-American women which later became the Ida B. Wells Club in honor of its founder;

Whereas Ida B. Wells traveled throughout the British Isles and the United States teaching and giving speeches to bring awareness to the lynching problems in America,

Whereas Ida B. Wells settled in Chicago and worked to improve conditions for the rapidly growing African-American population there; and

Whereas on February 1, 1990, the United States Postal Service issued a 25-cent postage stamp in honor of Ida B. Wells: Now therefore, be it

Resolved, That the Senate—

(1) commends the life of Ida B. Wells and her success as an African-American activist and business woman;

(2) recognizes the many efforts Ida B. Wells made in advancing the interests of African-Americans in the fight for equality; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display in the hearing room of the Senate Committee on Small Business and Entrepreneurship.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 20, 2010, at 9:30 a.m.

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

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on April 20, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

**COMMITTEE ON FINANCE**

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 20, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "The President's Proposed Fee on Financial Institutions Regarding TARP: Part 1".

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

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate to conduct a hearing entitled "Protection from Unjustified Premiums" on April 20, 2010. The hearing will commence at 9:30 a.m. in room 430 of the Dirksen Senate Office Building.

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

**COMMITTEE ON THE JUDICIARY**

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on April 20, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Oversight of the U.S. Department of Justice, Civil Rights Division."

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

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 20, 2010, at 11 a.m. to conduct a hearing entitled "Border Security: Moving Beyond the Virtual Fence."

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

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Com-

mittee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 20, 2010, at 2 p.m.

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

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 20, 2010, at 2:30 p.m.

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

**PRIVILEGES OF THE FLOOR**

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that Jordan DiMaggio and David Williams of Senator BINGAMAN's office be given the privileges of the floor for today, April 20, 2010.

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

**HONORING DR. DOROTHY I. HEIGHT**

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 492, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 492) honoring the life and achievements of Dr. Dorothy I. Height.

There being no objection, the Senate proceeded to consider the resolution.

Ms. MIKULSKI. Mr. President, it is with great sadness that I rise to commemorate the life of a great woman and civil rights pioneer, Dr. Dorothy Height. Her passing this morning is a great loss to our country, but each day her legacy lives on, in civil rights, women's rights, and addressing the social problems that face our Nation.

Dr. Height was present at every turn when it came to advancing and pushing for social change. Born in Richmond in 1912 and raised in Rankin, PA, Dr. Height faced her own struggles for equality, none of which slowed her drive for social progress and change. She earned a scholarship to Barnard College, only to be denied admission when they had reached their quota of Black student admittees that semester, two. After completing college at New York University, she began her career as a social worker, working to help the poorest citizens. She worked for the YWCA in 1937, which brought her to Washington. She became the president of the National Council of Negro Women in 1957, and held that position for 40 years. She played a key role in every aspect of the civil rights movement.

A favorite phrase of Dr. Height's was that "if the times aren't right, you ripen the times." She was a crusader for justice, and never stopped fighting for an empowerment agenda. Dr.

Height was an instrumental voice in making this country a better place for people of every race, faith, and gender. From school desegregation to fair pay for women, Dr. Height was there, breaking down barriers to equality. Dr. Height was a sister social worker. Like me, she believed that real change must come from the local community. I was proud to recognize her life's work by introducing the Dorothy I. Height and Whitney M. Young, Jr., Social Work Reinvestment Act, to expand the number of social workers to combat the social problems facing our Nation.

Today we honor the life and legacy of Dorothy Height, a tireless fighter for social justice and the empowerment of all people.

Mr. BROWN of Ohio. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 492) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 492**

Whereas Dr. Dorothy I. Height was born in Richmond, Virginia, on March 24, 1912;

Whereas Dorothy Height died on April 20, 2010, at the age of 98, in Washington, D.C., and was survived by her sister Anhanette Height Aldridge;

Whereas Dorothy Height was valedictorian of her high school and won a national oratorical contest;

Whereas Dorothy Height attended New York University and graduated in 3 years, receiving a master's degree in educational psychology;

Whereas Dorothy Height began her career as a caseworker for the Department of Social Services of New York City;

Whereas Dorothy Height joined the Harlem Young Women's Christian Association (referred to in this preamble as the "YWCA") and remained a full time employee until 1975;

Whereas Dorothy Height organized and became the director of the YWCA Center for Racial Justice in 1965;

Whereas, in 1957, Dorothy Height became the fourth president of the National Council of Negro Women, a the social services organization with more than 4,000,000 members nationwide, that is comprised of a number of civic, church, educational, labor, community, and professional groups, and served as president for 40 years;

Whereas Dorothy Height became arguably the most influential woman of the civil rights movement;

Whereas Dorothy Height spent her life fighting for racial justice and gender equality;

Whereas Dorothy Height was known for her insistent voice that commanded attention on civil rights issues;

Whereas Dorothy Height liked to say, "If the times aren't ripe, you have to ripen the times.;"

Whereas Dorothy Height was honored in 1994 with the Presidential Medal of Freedom, the highest civilian honor in the United States, by President William Jefferson Clinton;

Whereas Dorothy Height received numerous awards, including honorary doctorates from more than 20 universities and colleges;

Whereas Dorothy Height was honored in March 2004 with the Congressional Gold Medal, the highest decoration Congress can bestow;

Whereas the passing of Dorothy Height is a great loss to the Nation: Now, therefore be it Resolved, That the Senate—

(1) recognizes the outstanding contributions of Dr. Dorothy I. Height to the civil rights and women's rights movement;

(2) pays tribute to Dr. Dorothy I. Height, and her passion, dedication to service, and unwavering commitment to equality; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Washington, D.C. headquarters of the National Council of Negro Women, Inc.

GLOBAL YOUTH SERVICE DAYS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 493, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 493) designating April 23 through 25, 2010, as "Global Youth Service Days."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 493) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 493

Whereas Global Youth Service Days is an annual campaign that celebrates and mobilizes the millions of children and youths who improve their communities each day through community service and service-learning programs;

Whereas the goals of Global Youth Service Days are—

(1) to mobilize and support young people to identify and address the needs of their communities, schools, and organizations; and

(2) to provide opportunities for—

(A) youth engagement; and

(B) the public, the media, and policymakers to recognize and raise awareness of young people as assets and resources;

Whereas Global Youth Service Days, a program of Youth Service America, is the largest service event in the world and the only service event dedicated to youth engagement;

Whereas, in 2010, Global Youth Service Days is being observed for the 22nd consecutive year in the United States and, in more than 100 countries, for the 11th year globally;

Whereas Global Youth Service Days engages millions of young people worldwide with the support of more than 200 national and international partners, 85 State and local lead agencies, and thousands of local partners;

Whereas high quality community service and service-learning programs—

(1) increase the academic engagement and achievement of young people;

(2) prepare young people for the workforce; and

(3) provide young people with the skills necessary to achieve success in the 21st century;

Whereas community service and service-learning programs provide opportunities for young people to apply their knowledge, idealism, energy, creativity, and unique perspectives to solving critical issues, including health, childhood obesity, education, illiteracy, poverty, hunger, the environment, violence, and natural disasters;

Whereas Global Youth Service Days is an opportunity for citizen diplomacy that increases intercultural understanding and promotes the sense that youths are global citizens, as evidenced by the growing number of projects that involve youths working collaboratively across borders to address global issues;

Whereas thousands of participants in schools and community-based organizations are planning Global Youth Service Days activities as a part of Semester of Service, a program that includes the Martin Luther King, Jr. Day of Service, in which young people spend the semester addressing meaningful community needs connected to intentional learning goals or academic standards over at least 70 hours;

Whereas thousands of youth volunteers learn, create, and implement innovative solutions to global issues on Global Youth Service Days through "Get Ur Good On," an online network of youths supporting each other in the mission to do good works in their communities;

Whereas Global Youth Service Days provides young children, teenagers, and young adults with an opportunity to contribute their abilities and talents as active citizens and community leaders;

Whereas Global Youth Service Days provides schools, community organizations, faith-based organizations, government agencies, businesses, and families with an opportunity to engage youths as leaders and problem solvers; and

Whereas section 198(g) of the National and Community Service Act of 1990 (42 U.S.C. 12653(g)) recognizes Global Youth Service Days as national days of service and calls on the Corporation for National and Community Service, other Federal agencies and departments, and the President of the United States to recognize and support youth-led activities on the designated days: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of the youths of the United States and encourages the cultivation of a civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 23 through 25, 2010, as "Global Youth Service Days"; and

(3) calls on the people of the United States to observe Global Youth Service Days by—

(A) encouraging youths to participate in community service and service-learning projects;

(B) recognizing the volunteer efforts of the young people of the United States throughout the year; and

(C) supporting the volunteer efforts of young people and engaging young people in meaningful community service, service-learning, and decision-making opportunities, as an investment in the future of the United States.

HONORING IDA B. WELLS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 494, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 494) honoring Ida B. Wells for her activism in the civil rights and women's rights movements and for her influential and inspirational leadership.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 494) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 494

Whereas, Ida B. Wells was born on July 16 1862, and died March 25, 1931;

Whereas in 1884, Ida B. Wells refused to give up her seat on a Chesapeake and Ohio Railroad Company train because of her skin color;

Whereas in 1889, Ida B. Wells became co-owner and editor of *Free Speech and Headlight*, an anti-segregationist newspaper based in Memphis, Tennessee that published articles about racial injustice;

Whereas Ida B. Wells conducted investigative journalism about the practice of lynching, printing many articles in an effort to combat this practice;

Whereas Ida B. Wells worked with Frederick Douglass and other Black leaders in organizing a boycott of the 1893 World's Columbian Exposition in Chicago;

Whereas in 1893, Ida B. Wells began working with the *Chicago Conservator*, the oldest African-American newspaper in the city;

Whereas Ida B. Wells formed the Women's Era Club, the first civic organization for African-American women which later became the Ida B. Wells Club in honor of its founder;

Whereas Ida B. Wells traveled throughout the British Isles and the United States teaching and giving speeches to bring awareness to the lynching problems in America,

Whereas Ida B. Wells settled in Chicago and worked to improve conditions for the rapidly growing African-American population there;

Whereas on February 1, 1990, the United States Postal Service issued a 25-cent postage stamp in honor of Ida B. Wells: Now therefore, be it

Resolved, That the Senate—

(1) commends the life of Ida B. Wells and her success as an African-American activist and business woman;

(2) recognizes the many efforts Ida B. Wells made in advancing the interests of African-Americans in the fight for equality; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display in the hearing room of the Senate Committee on Small Business and Entrepreneurship.

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, pursuant to Public Law 85-874, as amended, appoints the following individual to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: the Honorable KENT CONRAD of North Dakota vice the Honorable Edward M. Kennedy of Massachusetts.

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 ORDERS FOR WEDNESDAY, APRIL 21, 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. Wednesday, April 21; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 1 hour with Sen-

ators permitted to speak therein for up to 10 minutes each, with the majority controlling the first 30 minutes, and the Republicans controlling the final 30 minutes; that following morning business the Senate proceed to executive session to consider the nomination of Christopher Schroeder to be Assistant Attorney General as provided for under the previous order.

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

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 PROGRAM

Mr. BROWN of Ohio. There will be up to 3 hours for debate prior to a vote on confirmation of the Schroeder nomination. Senators should expect that vote to occur around lunchtime.

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 ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN of Ohio. Mr. President, if there is no further business to come before the Senate, I ask unanimous con-

sent that it adjourn under the previous order.

There being no objection, the Senate, at 6:33 p.m., adjourned until Wednesday, April 21, 2010, at 9:30 a.m.

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 CONFIRMATIONS

Executive nominations confirmed by the Senate, Tuesday, April 20, 2010:

## THE JUDICIARY

MARISA J. DEMEO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

STUART GORDON NASH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

## DEPARTMENT OF THE TREASURY

LAEL BRAINARD, OF THE DISTRICT OF COLUMBIA, TO BE AN UNDER SECRETARY OF THE TREASURY.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.