

words "voluntary and" should be deleted, so that the sentence now reads: "There is simply no credible basis to argue that the Senate should not consider Judge Porteous's immunized Fifth Circuit testimony."

I would request that any future published versions of this Replication incorporate and reflect the above changes. Further, in that the Replication has been published in the Congressional Record, to the extent consistent with the Senate rules, we respectfully request that this letter likewise be published.

A copy of this letter will be served upon counsel for Judge Porteous today through electronic mail.

Sincerely,

ALAN I. BARON,  
*Special Impeachment Counsel.*

#### ORDERS FOR THURSDAY, APRIL 22, 2010

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, April 22; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have 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 Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes; that following morning business, the Senate proceed to executive session to consider the nomination of Denny Chin to be U.S. circuit judge for the Second Circuit, as provided for under the previous order.

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

#### PROGRAM

Mr. WHITEHOUSE. Mr. President, there will be up to 1 hour for debate prior to a vote on the confirmation of the Chin nomination. Senators will be notified when the vote is scheduled.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:40 p.m., adjourned until Thursday, April 22, 2010, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### FARM CREDIT ADMINISTRATION

JILL LONG THOMPSON, OF INDIANA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, VICE NANCY C. PELLETT, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

##### DEPARTMENT OF COMMERCE

FRANCISCO J. SANCHEZ, OF FLORIDA, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE,

VICE CHRISTOPHER A. PADILLA, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ERIC L. HIRSCHHORN, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION, VICE MARIO MANCUSO, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

##### EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL W. PUNKE, OF MONTANA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE PETER F. ALLGEIER, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

##### DEPARTMENT OF THE TREASURY

MICHAEL F. MUNDACA, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE ERIC SOLOMON, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

##### EXECUTIVE OFFICE OF THE PRESIDENT

ISLAM A. SIDDIQUI, OF VIRGINIA, TO BE CHIEF AGRICULTURAL NEGOTIATOR, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE RICHARD T. CROWDER, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

##### DEPARTMENT OF THE TREASURY

JEFFREY ALAN GOLDSTEIN, OF NEW YORK, TO BE AN UNDER SECRETARY OF THE TREASURY, VICE ROBERT K. STEEL, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

##### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CHAI RACHEL FELDBLUM, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2013, VICE LESLIE SILVERMAN, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JACQUELINE A. BERRIEN, OF NEW YORK, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2014, VICE CHRISTINE M. GRIFFIN, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

##### NATIONAL LABOR RELATIONS BOARD

CRAIG BECKER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE DENNIS P. WALSH, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

##### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

VICTORIA A. LIPNIC, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JULY 1, 2010, VICE NAOMI CHURCHILL EARP, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

P. DAVID LOPEZ, OF ARIZONA, TO BE GENERAL COUNSEL OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM OF FOUR YEARS, VICE RONALD S. COOPER, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

##### NATIONAL LABOR RELATIONS BOARD

MARK GASTON PEARCE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2013, VICE PETER N. KIRSANOV, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

##### DEPARTMENT OF HOMELAND SECURITY

ALAN D. BERSIN, OF CALIFORNIA, TO BE COMMISSIONER OF CUSTOMS, DEPARTMENT OF HOMELAND SECURITY, VICE W. RALPH BASHAM, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

RAFAEL BORRAS, OF MARYLAND, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY, VICE ELAINE C. DUKE, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

##### THE JUDICIARY

JAMES KELLEHER BREDAR, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE J. FREDERICK MOTZ, RETIRING.

EDMOND E-MIN CHANG, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE ELAINE F. BUCKLO, RETIRED.

ELLEN LIPTON HOLLANDER, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE ANDRE M. DAVIS, ELEVATED.

LESLIE E. KOBAYASHI, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII, VICE HELEN W. GILLMOR, RETIRED.

SUSAN RICHARD NELSON, OF MINNESOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MINNESOTA, VICE JAMES M. ROSENBAUM, RETIRED.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

MAJ. GEN. ERIC E. FIEL

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF THE DENTAL CORPS, AND ASSISTANT SURGEON GENERAL FOR DENTAL SERVICES, UNITED STATES ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3036 AND 3039(B):

##### To be major general

COL. MING T. WONG

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5142:

##### To be rear admiral

REAR ADM. (LH) MARK L. TIDD

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major

MARK J. AGUIAR  
AIMEE L. ALVIAR  
STEPHANIE E. AMADOR  
ARTHUR D. ANDERSON  
ROBERT W. BAILEY, JR.  
VICTOR BARANOWSKI  
JOHNIE I. BARRETT  
LAURA A. BELT  
JEANNIE M. BERRY  
CYNTHIA L. BOND  
PATRICK C. BOYLE  
RALPH L. BURROUGHS III  
BRANDY R. CASTEEL  
JACQUELINE M. COLE  
ERSKINE G. COOK, JR.  
ELIANA J. CORAL  
KRISTA R. COTTERILL  
BRANDY L. COX  
CINDY L. CRADDOCK  
DARREN J. DAMIANI  
KAREN M. DANIELS  
SUANN DAVISON  
DALE H. DESALIS  
PAUL A. DEVAUGHN  
ROBIN L. DUCKER  
DANA LEA DUERR  
TAMMY MICHELLE DUNHAM  
JERRY M. EARL, JR.  
SUSAN E. EATON  
MICHAEL H. EDGING  
YOGI D. EDLIN, JR.  
MIRIAM EDOUARD  
TRACY S. EDWARDS  
WANDA L. EDWARDS  
STEPHANIE M. ELLENBURG  
ERNI L. EULENSTEIN  
SARAH M. EVANS  
ANTONIO L. FISHER  
VINCENT M. GACILLOS  
ELOISE K. GOMEZ  
KIMBERLI A. GOODNER  
TRACEY A. GOSSER  
WANDA R. GREENE  
CONSTANCE M. GRIFFIN  
JASON W. GRIMM  
ORANETTA L. HALL  
SHERRY A. HAMMOCK  
ANASTASIA ANGELA HANSEN  
GARY W. HARDY  
GORDON ANTHONY HAZLETTE  
SADIE M. HENRY  
WAYNE P. HODSON  
WANDA M. HOGGARD  
MATTHEW J. HOWARD  
RICHARD F. HUFF  
SARAH L. HUFFMAN  
GREGORY W. JOHNSON  
CHRISTOPHER W. KELLY  
JULIA KISS  
JAMES E. KRAMER  
THELMA H. LAJONDIMALANTA  
JESSICA L. LAMONTAGNE  
BENJAMIN F. LANDRY  
RICK A. LANG  
MEGAN M. LAUGHLIN  
ROBIN R. LECH  
KAREN C. LUGG  
DEBRA S. LUNDEEN  
LISA S. MADISON  
ERIKA J. MCCARTHY  
TROY D. MEFFERT  
JOSEPH C. MELDER  
BOBBY D. MITCHELL  
NICOLE F. MOLETT  
WILLIAM C. MOORE  
MICHAEL J. MORROW  
VANESSA L. MOSES  
TAMMY M. OSLEY  
HASMIN E. NALES  
FRANCES M. NICHOLS  
CHRISTOPHER W. NIDELL  
HOLLY ANN OCONNOR  
CATHERINE G. ORTEGA  
ANGELIQUE V. PATTERSON  
MARTHA E. PAUL  
REBEKAH P. PEERY  
SYLVIA PENA  
ANN M. PETCAVAGE  
MICHELLE I. PLASTERER