



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 156

WASHINGTON, TUESDAY, FEBRUARY 2, 2010

No. 15

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

### PRAYER

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

Let us pray.

Gracious Lord, we acknowledge Your ownership of all the Earth and everything and everyone in it. Thank You for the evidences of Your favor in the past and for Your hand that has made and preserved us as a nation. May the knowledge of our rights and privileges keep us conscious of our duties and obligations.

Today, guide our lawmakers with Your spirit. Keep them from stumbling as they seek to do Your will. Empower them in their work with a strength that is not their own, infusing them with serenity to meet the challenges of an agitated world. Light up the candles of their hearts and help them shine with Your peace and good will.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable AL FRANKEN 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 assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 2, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable AL FRANKEN, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. FRANKEN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, following remarks of the leaders, the Senate will be in a period of morning business for an hour, with Senators permitted to speak for up to 10 minutes each. The first half hour will be controlled by the Democrats, the second by the Republicans.

Following morning business, the Senate will proceed to executive session to resume postcloture debate on the nomination of Patricia Smith to be Solicitor for the Department of Labor. I would note this is another one of the endless delays we have had to go through. We are in postcloture; 30 hours of doing nothing. We have had so many 30 hours of doing nothing it is hard to comprehend the wasted time—all the staff, Senators' time that could be better put to use. People could be drafting legislation, on and on, contemplating what could be done but for this endless stalling we have seen.

The Senate will recess from 12:30 to 2:15 for the weekly caucus meetings. Following disposition of the Smith nomination, whenever that might be, the Senate will proceed to vote on the nomination of Martha Johnson to be Administrator of the largest real estate organization in the world, the General Services Administration. It is difficult to comprehend, but that has

been without a leader because of what has been going on and the stalls that have taken place, so we had to file cloture.

We will notify Senators when the votes are scheduled. I would like to finish Patricia Smith at a reasonable hour today. That is immediately following a simple majority vote for her. Then there is a 60-vote margin on cloture on the future Administrator of the General Services Administration and then there is 30 hours after that.

We will do tomorrow as we did for the Republicans when they had their retreat last Wednesday; we were not in session. We don't wish to be in session tomorrow. We have the President coming to our retreat and a number of other special guests, but if we have to come in tomorrow, either before or after the retreat, we are going to have to do that to meet the burdens of this endless stalling that is taking place in the Senate.

When a young Nigerian terrorist boarded an airplane bound for America on Christmas Day, there was no permanent boss at the TSA, the agency responsible for the safety of our airports. This agency was created after 9/11 specifically to keep air travel safe. When he tried to blow up that plane, the top positions at both the intelligence agencies within the State Department and the Department of Homeland Security were empty. Why? Because Republican Senators refused to let this body hold a vote on these highly capable people the President has asked to serve in these roles.

We all know Republicans have dedicated themselves to grinding the Government to a halt. They do so openly and proudly and boast about their aversion to compromise. That is why, time and time again, they exploit the rules of the Senate and abuse this body's procedural traditions. That is why they have wasted countless hours and shattered remarkable records for stubbornness. That is why, when we

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



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have faced questions of national security, they have answered with politics.

Republicans have repeatedly asked fearful families to put their concerns on hold while they score political points, they think, by playing partisan games. This is not a game.

An embarrassingly high number of critical national security officials remain unable to go to work. For political reasons, a handful of Republican Senators are standing between these experts and their offices. That means they are also standing between the American people and the American people's security.

Too many of the President's nominees for critical national security jobs await Senate confirmation. Today, I wish to talk about four of those positions Republicans refuse to fill; one, the Under Secretary of Defense for Personnel and Readiness, which is the No. 3 job at the Pentagon. We have Secretary Gates, we have one other individual, and then we have this Under Secretary of Defense—whose position is not filled.

No. 2, Assistant Secretary of State for Intelligence and Research, the head of the State Department's Intelligence Department. Think about that. When Secretary Clinton is called to go to Pakistan, Afghanistan or anyplace in the world, her arm, the intelligence arm, the security department, must be able to give her information as to what is going on, what has gone on, what is going to go on in the future. Not with this State Department. The Republicans will not let this person be chosen.

Third, Under Secretary of Homeland Security, again, for Intelligence. This person is head of the Department of Homeland Security's intelligence arm. Just like there is no one today at the State Department, there is no one at the Department of Homeland Security dealing with intelligence. It is hard to comprehend, but that is true.

Finally, the U.S. Representative for the Conference on Disarmament, whose job is to work with other nations to keep our own people safe from nuclear, chemical, and biological weapons. The President has chosen exceptionally qualified men and women for these jobs, but without a Senate vote confirming them as our Constitution requires, they cannot do those jobs.

Let's talk about the Pentagon. For the first job I mentioned, the No. 3 job at the Pentagon, the President has nominated GEN Clifford Stanley. For 33 years, Dr. Stanley, General Stanley has served our country in the Marine Corps and in communities where he and his family have lived. After serving bravely as a marine infantry officer, he went on to become quite an academic, served as a White House fellow. He was head of the Nation's largest nonprofit sector scholarship organization. He was asked to come back.

He is not a controversial nominee. The Senate Armed Services Committee approved him unanimously but on the

Senate floor, no, not General Stanley. He would not only be a pivotal part of the Pentagon's senior leadership, he would also be in charge of making sure servicemembers are prepared for war at a time we are waging two of them and as we plan to send 30,000 more troops to Afghanistan, a surge I know my Republican colleagues support.

Our military leaders have told me his absence is having a negative impact on the Pentagon's operations. I have received phone calls: Senator REID, what are you going to do to get this person approved?

I tell them I am doing my best. Now we wasted all week—that is what it will wind up being—on two nominees, one to be the Solicitor for the Labor Department and the other to be the head of the General Services Administration. If people are serious about giving our troops the tools they need to succeed in battle and at home—and I am confident the Republicans must think that—we should be and they should be as committed to giving our military the leader who will be going to work every day and making sure that happens.

Let's talk about intelligence, these agencies that try to find out what the enemy is doing. The second and third positions I mentioned earlier are the two intelligence roles at the Department of State and Homeland Security, as I mentioned. For the State Department position, President Obama has nominated Ambassador Phil Goldberg. Similar to General Stanley, Ambassador Goldberg is not a controversial or partisan nominee. In fact, it was President Bush who gave him the title of Ambassador when he made Goldberg our top diplomat in Bolivia.

I traveled to Bolivia, the first Senate congressional delegation I can ever remember going to Bolivia. Ambassador Goldberg was there—so impressive. Ambassador Goldberg has also led law enforcement intelligence and nonproliferation efforts in countries such as Kosovo and North Korea. He is head of the State Department's intelligence branch. He would work with our ambassadors around the world and be the Secretary of State's top intelligence adviser. But, no, he is going to have to wait; this intelligence aspect of the Department of State can wait.

The assistant leader, my friend, Senator DURBIN, was at the State Department today learning from the Secretary of State about some of the issues facing our country, meeting with Secretary Clinton. It is a shame Ambassador Goldberg cannot go to work, but he can't.

For the Homeland Security position, the President has nominated Caryn Wagner. She, too, is highly qualified for this role, having held a number of senior positions in the House Permanent Select Committee on Intelligence and Officer of the Director of National Intelligence and the National Intelligence Program. As Homeland Security's top intelligence official, Wagner

would be responsible for ensuring the Department's partners at State, local and tribal levels—and private sector—have the information they need to keep us safe from the bad folks around the world.

As far as disarmament, the fourth nominee I mentioned is Ambassador Laura Kennedy. President Obama asked her to serve as our Nation's representative to the conference on disarmament. This group is responsible for negotiating multilateral arms control and disarmament agreements such as the Comprehensive Test Ban Treaty, the Biological Weapons Convention, and the Chemical Weapons Convention—some big issues. Ambassador Kennedy is a member of the Senior Foreign Service and has worked with the State Department and Bureau of European and Eurasian Affairs, the United Nations, the National War College, and as President Bush's Ambassador to Turkmenistan.

Of all the countries with nuclear weapons, the United States, our great country, is the only one that does not have a representative at the negotiating table of the Conference on Disarmament. Why? Because the Republicans are stalling everything. That is unacceptable. We need to confirm her. We need to have confirmed her a long time ago.

But it is not just those cases, it is many others. It is clear these positions are critical to our national security, as I talked about, and equally evident that these nominees are well-qualified, nonpartisan public servants. What is not clear is why our Republican colleagues refuse to bring them up for a vote. Senate Republicans are simply so opposed to everything, absolutely everything, they even opposed putting people in some of the most important positions of our Government, people who were originally appointed by President Bush to positions of high standing.

These are not isolated cases, they are part of an endless and reckless pattern. As with candidates for the President's Cabinet and other top administration posts and numerous Federal judges, Republicans have decided the President does not deserve to have his nominees reviewed by the Senate, as the Constitution clearly States. Ignore him, is what they say.

This obstruction could not have come at a more dangerous time. I was coming to work and was in an elevator. I looked and there was an extremely impressive woman, she had on a coat, and I could see she had a uniform on. She said, "I am Dr. Benjamin, the Surgeon General of the United States." I heard so much about this Alabama physician who dedicated her life to taking care of poor people. I was so happy to meet her. Then I remembered how long we had to wait to get her confirmed.

The obstruction could not come at a more dangerous time, given what is going on in the country. The Republicans blocked a vote on our Surgeon

General, Dr. Benjamin, as I just mentioned, even when the President declared H1N1 as a national emergency. They blocked a vote on the top Homeland Security official in science and technology, and that was even as the Nation braced for both a flu pandemic and bioterror threats.

The list seems endless. While our sons and daughters are fighting in Iraq and rebuilding that nation, last year Republicans delayed the confirmations of America's Ambassador to Iraq. And while our troops serve bravely in Afghanistan, Republicans delayed the confirmation of LTG Stanley McChrystal, our new commander in that difficult war.

This clearly is not the way the Senate is supposed to work. It is not even the way it typically works. As I have pointed out before, it took only 4 months for President Obama to face as many filibusters of his nominees as President Bush faced in his entire first 4 years. This Republican caucus over here proudly says: We blocked as many of President Obama's nominees in 4 months as you—over here on this side of the aisle—took 4 years to block. Democrats have no interest in playing these games. That is why we did not do what they are doing. No other minority has ever done anything like this before. This is one of a kind.

It would be one thing if Republicans, bound together in unified opposition to everything, as they have made their custom, voted against these vital nominees. It would be one thing if they reviewed their resumes, brought the nominees before the appropriate committees, and decided they were not fit to serve. But that is not what is happening. Instead, simply to waste time, Republicans are refusing to let the Senate vote at all. When these nominees do finally come before this body, you would be surprised—many of them pass unanimously after they have stalled for days and days. You shouldn't be surprised, but it is enough to make you feel uneasy in the stomach that these people who are concerned with the security of our Nation are being stopped from being able to go to work by virtue of the Republican party of no.

These Senators are ignoring their responsibilities to confirm or reject the men and women our Commander in Chief has chosen to help lead this Nation to safety. They are abdicating their responsibility to the American people to keep us safe. They are certainly not putting country first as advertised.

Here is the bottom line: My Republican colleagues are basing their judgment on the political party doing the nominating rather than the person being nominated. This irresponsible partisanship does not merely poison our political system, it endangers our national security.

I have no doubt our friends on the other side realize that when we keep a critical office empty in the Pentagon,

the State Department, the Department of Homeland Security, we are not keeping the American people safe. They know what they are doing, and they know what they are doing is dangerous. If they do not, they certainly should. That makes these partisan games all the more disgraceful.

#### RESERVATION OF LEADER TIME

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

#### CONCLUSION OF MORNING BUSINESS

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

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

#### NOMINATIONS STALLING

Mr. DURBIN. Mr. President, last week at the State of the Union Address, President Obama laid out the challenges facing America—they are many—and he called on us to rise above partisanship to try to find good solutions for America. I think most Americans agree with that. Oh, there are some Yellow Dog Democrats and some hard-shell Republicans who say: Never compromise, never, but they do not represent the majority of America. The majority of the American people could care less about Democrats and Republicans. They worry about this Nation and its future. They worry about their families, their neighborhoods, their schools, and they wonder why we squabble so much here and spend so much time tied up in knots over arguments that do not make any sense.

I just heard the majority leader describe four individuals who have stepped up when the President asked them to and said: We will serve. Do you know what it means when you say you will serve? It means the FBI looks through every aspect of your life. You fill out lengthy questionnaires, you prepare yourself to go before a committee and be asked questions about every aspect of your life, personal and public. You submit your name to the press to let them look through everything as well. And then you bring your name, of course, to the floor of the Senate, in this case, for final scrutiny. Is there any wonder that a lot of people say: Thanks, but no thanks. I am not interested in doing that. I love my country, but, you know, I value my privacy, and I do not want to go through that hassle. But some have the courage

to step up and say: I will do it if the President asks. I am not going to say no. If my country needs me, I will contribute in any way I can.

Let me give you an example of one of them. His name is Clifford Stanley. He has a 33-year career in the U.S. Marine Corps. He retired in 2002 with the rank of major general. He comes from a family devoted to military service. His father and his brother served in the Army. His daughter is an officer in the Navy. He has a niece in the Air Force. Dr. Clifford Stanley was the first African-American regimental commander in the history of the U.S. Marine Corps.

The President nominated him in October to serve as Under Secretary of Defense for Personnel and Readiness. The Armed Services Committee held a hearing in November and reported his nomination to the full Senate on December 2. He came out of the committee without controversy. Is it any wonder? Thirty-three years in the Marine Corps, the first African-American regimental commander in its history, a man who has served his country so well and risked his life for this great Nation, reported by the Armed Services Committee to the full Senate floor in December. We are now in February.

This is a critical post he has been appointed to by the President. He would be in charge of basically managing the readiness of the U.S. Armed Forces. Dr. Stanley would have the responsibility to oversee the National Guard and Reserve. There are 143,000 Americans who are serving in that capacity today in support of the wars in Iraq and Afghanistan. He would be responsible for the health of the men and women in uniform. The budget the President submitted yesterday includes \$30.9 billion for health care for the members of the military family who are covered by TRICARE. That would be one of Dr. Stanley's responsibilities.

Finally, he is a senior policy adviser on retirement, career development, pay, and benefits. It is a critically important role for our military and our families who really support these military people. And Dr. Stanley is clearly qualified to do it. He has gone through the process of scrutiny and investigation.

Yesterday on the floor of the Senate, when the majority leader asked for permission so that he could go forward and serve our country again in the Department of Defense, the Senator from Alabama, Mr. SHELBY, objected. I would like to hear why. What is it about this man that he objects to? Is there something we do not know about Dr. Stanley? Is there something he knows about his 33 years of service in the Marine Corps? I bet there is not. I bet there is another reason for it. I do not know if we will ever know that. But the fact is, he was objected to. But he was not the only one.

Laura Kennedy is the nominee of the President to serve as U.S. Representative to the Conference on Disarmament. That is the way we meet together with the other nations around

the world to try to reduce the advance of nuclear arms and the threat of nuclear war. Her nomination is based on the fact that she is an experienced diplomat with talent and skills that are desperately needed in this very involved, difficult, and important negotiation. She has already served with distinction in several high-profile positions with the Foreign Service. She was the Ambassador to Turkmenistan, the Deputy Chief of Mission to the United Nations, and the Deputy Commandant at the National War College.

She was reported out of the Senate Foreign Relations Committee 2 months ago. What is holding her up? Yesterday, the majority leader asked that Laura Kennedy, the nominee to be the Representative to the Conference on Disarmament, be approved by the Senate, and the Senator from Alabama, Mr. SHELBY, said: I object. Well, I think Senator SHELBY owes it to all of us to come and tell us why. What is it he objects to about Laura Kennedy? Does he feel she is not qualified? If he does, let's hear why, and then let's bring it to a vote of the Senate. Is that not fair?

Then there is Caryn Wagner, the nominee for Under Secretary for Intelligence and Analysis of the Department of Homeland Security. Do we need someone to deal with intelligence in this time of the threat of terrorism? Do we need someone like that at the Department of Homeland Security? We need them yesterday; we do not need them tomorrow. The Under Secretary for Intelligence and Analysis is considered the chief intelligence officer of the Department of Homeland Security. The Under Secretary has to bring together all of these different agencies and branches of government to make sure they coordinate their efforts.

We know what happened last Christmas. There was not enough done. It was not done in a timely way to deal with this man who threatened the lives of those who were on that airline destined for Detroit.

Caryn Wagner is highly qualified to meet the demands of this position. She was the senior Defense Intelligence Agency representative to the U.S. European Command and to NATO. She is an instructor at the Intelligence and Security Academy. She retired from the House Permanent Select Committee on Intelligence in October of 2008, where she served as budget director and cyber-security coordinator. Before that, she served as Assistant Deputy Director of National Intelligence. Her experience also includes serving as a signals intelligence and electronic warfare officer in the U.S. Army. That is a pretty strong resume, isn't it. She is a person you would want in this job immediately. Why in the world would we risk an attack on the United States by withholding critical personnel and critical leadership when it comes to gathering intelligence in the Department of Homeland Security?

Yesterday, the majority leader asked for consent to have the Senate move

her nomination forward. The Senator from Alabama, Mr. SHELBY, objected. I would like to ask the Senator, what does he know about Caryn Wagner that would lead him to object to her serving the United States of America and trying to keep us safe? If he knows something, the next half hour on the floor of the Senate is available to the Republican side. I invite him or the leadership to come forward and tell us what is wrong with this nominee. Why are you holding up this nominee?

Then, of course, there is Phillip Goldberg, the nominee for Assistant Secretary of State for Intelligence and Research. This man has served as our Ambassador to Bolivia, Chief of Mission in Kosovo, and Deputy Chief of Mission in Chile, under Republican and Democratic Presidents as well. He is the coordinator of the U.N. Security Council resolution monitoring the implementation of resolutions on North Korea.

He would be head of the Bureau of Intelligence Research at the Department of State. A big part of their responsibility is to make sure our foreign policy is based on good intelligence gathering around the world to keep America safe and secure. For over 60 years, this branch of our government has led the State Department review of sensitive counterintelligence and law enforcement activities. In 2004, the Senate Select Committee on Intelligence revealed that this agency was one of the few dissenting votes 2 years earlier when the CIA and other intelligence shops overstated the threat of Saddam Hussein in Iraq. This agency got it right. Although its primary customer is the State Department, this agency serves many other branches of government. The confirmation of Philip Goldberg would provide essential leadership.

Yesterday, the majority leader came to the floor and asked unanimous consent for Phillip Goldberg to serve in the Department of State to gather intelligence to keep America safe. He asked consent that we move to his nomination, a nomination with no controversy. The Senator from Alabama, Mr. SHELBY, objected. Please, I ask my colleagues on the Republican side of the aisle, come to the floor and explain to us what is wrong with Philip Goldberg. What disqualifies him for this position in this administration? Make your best case, if you have one, against him or any one of these nominees, and then, out of a sense of fairness and at least a sense of giving this country and this President the people he needs on a team he needs to keep us safe, let's come to a vote immediately on these four nominees.

I do not hold out a lot of hope that any Republican will come to the floor with objections against any one of those people because, you see, these objections are sometimes based on some grudge, some project, something else. I do not assign that to the Senator from Alabama. I have no idea why he objected. But if he has a substantive ob-

jection to any or all of these four people, he should come forward and tell us. He owes it to the Senate. He owes it to the American people. In fairness, he owes it to these four people who have served our country well and want to continue to do so. They should not be left in this uncertainty.

#### FAIR ELECTIONS NOW ACT

Mr. DURBIN. Mr. President, when I leave the Chamber, I will be headed to the Senate Rules Committee on which I serve for a hearing to discuss the Supreme Court case that was decided a few days back that is going to make a dramatic difference in the way political campaigns are waged.

For 100 years, since the days of Teddy Roosevelt, we have agreed to keep major businesses, big corporations out of our American political scene. They get involved, make no mistake. We saw that on health care reform. The major forces for and against it in the private sector bought ads. But when it comes to candidates, actual people running for Federal office, we have said: No corporate contributions to these candidates; individuals, yes, who work for the corporations, but not the corporations themselves that have millions of dollars they can funnel into campaigns. That was the law for 100 years.

Then the Supreme Court took up this case and, as a result, it is all going to change. When I saw the final decision, I noticed that Chief Justice Roberts and Justice Alito had joined with Justice Kennedy and Justice Thomas and Justice Scalia for the five-vote majority on the Court. I couldn't help but remember not that long ago when Chief Justice Roberts appeared before the Judiciary Committee. I was there. He was asked: What is your role on the Supreme Court going to be as Chief Justice? He said: I am just there to call the balls and strikes. That is it. I am not there to make up the rules of the game. That is for somebody else.

For 100 years, it was pretty clear that when major corporations wanted to participate in supporting directly the candidacies of Federal candidates, the ball went right down the middle, and it was clearly a strike. We said: You are out. But not this Supreme Court, not under this Chief Justice. This is clear judicial activism.

I challenge any of Chief Justice Roberts' supporters on the other side of the aisle who preach to us over and over again about their loathing for judicial activism to explain what happened in this case, when this Supreme Court overturned that prohibition against corporations being directly involved in candidates' campaigns.

Most people who haven't been in this world are probably scratching their heads and asking: What difference does it make? You folks spend millions of dollars anyway. What is a couple million more going to do?

What it basically means is that when corporation X comes to the office of a

Senator and says: We have an important tax matter coming up here and for our corporation; we would appreciate if you would vote against this new tax on our business. Now Senators can take a look at it and say: Well, I may vote for it; I may vote against it. I know perhaps the officers at the corporation, maybe its employees, may be upset if I vote for the tax. I have to make up my mind.

Now there is a new element. Because of this Supreme Court decision, corporation X can say: We would appreciate if you would vote against that tax. And you will know in the back of your mind they can literally spend \$1 million to defeat you in the next election, thanks to the Supreme Court.

How do we fix this? This morning the Rules Committee will talk about disclosure, making sure that corporations are well known when they buy these ads so at least the American people know who is paying for them, and some other aspects to regulate the Supreme Court decision within the bounds of what the Supreme Court said we can do. But I think it goes to a larger question.

Some of my colleagues in the Senate have said all along that what I am about to describe is too far in the future, not within our grasp. I think it is time for us to seriously consider public financing of campaigns. I think we ought to start drawing a bright line between those who will accept public financing and limited contributions from individuals and those who are ready to go out into this wild west of corporate politics, special-interest politics, big-money politics.

I introduced a bill a few years back, the Fair Elections Now Act. As a matter of fact, the current President, when he was then Senator Obama, was a cosponsor. What we are basically trying to do is to follow the lead of major States that have voted for campaign finance reform. When States such as Arizona took this issue to the voters of their State and asked: Do you want to clean up elections; do you want to have fair elections, public-financed elections, the voters said: Yes. Get the lobbyists and special interests out of this mess. Let's try to make this directly candidates to the voters and take the special interest groups out.

This bill would do that. What it basically says is that to qualify for public financing, you go out and raise small contributions, \$100 maximum contributions, and put those together in a sufficient amount to show you are a viable candidate, and then you qualify for public financing—in the primary, then again in the general—based on the population of your State. Will you have as much money as a big corporation? No. But here is my theory. My theory is, if a candidate goes for public financing, they will have enough money to get out their message, introduce themselves to the voters, make the issues, and clarify if some major corporation is going to come in and try to steam-

roll them. That is the best we can hope for, but it may be all we need.

My State of Illinois is, with one possible exception, notoriously suspect of big-money candidates who come in and spend millions to get elected. They waste a lot of their personal wealth and they don't win, with one possible exception. I think there is a skepticism to big money.

Public financing is a way to clean up our political campaigns, to have candidates in the constituent business rather than the campaign financing business. If you could sit down with Members of the Senate and say a few words to them, they will know instantly what you are talking about: Power hour, dialing for dollars, weekends on the road. We all know what it is about. It is about the incessant money chase that is necessary to raise money to finance campaigns under the current system.

It is time away from our States, away from our families. It is time away from meeting voters who don't happen to be rich, who deserve representation and a voice in the process. That is unfortunate. It should change. What we are trying to do now is to bring in public financing with the Fair Elections Now Act.

How would we pay for it? We would impose a tax on corporations doing business with the Federal Government. It wouldn't be onerous, but it would be enough to fund public financing of all campaigns for the House and the Senate. I don't think that is unreasonable.

We would also provide discounts on time that candidates would buy on television and radio so they wouldn't have to pay as much as the most expensive time that is sold.

What do people think of this idea? It turns out it is one of the few things people agree with on a bipartisan basis: 69 percent of Democrats, 72 percent of Republicans, and 60 percent of Independents support this proposal when we describe to it them. It is supported by a lot of government groups, many former Members of Congress, some business leaders, and even some lobbyists. Recently a letter was sent to the Senate, a general letter from major corporations across America saying: Please, leave us alone. We are sick and tired of being asked to find excuses to give you money. Do it some other way. Clean up this mess in Washington.

The Fair Elections Now bill I have introduced will do that. I encourage my colleagues to take a look at it and to try to imagine a world where we didn't have to go scrambling looking for money. Imagine a world where you walked down the streets of your hometown and when you are in an election cycle, people don't rush to the other side of the street for fear you will ask for another check. Think about what life would be like if we were talking about small contributions creating the base of grassroots support for candidates, both challengers and incumbents. That is a reality of our future, if

we have the courage to step up and do it.

This decision by the Supreme Court should be the reason, should be the catalyst for making this reform decision now. I urge my colleagues to consider cosponsorship of Fair Elections Now. We are anxious to get as many Senators on board as possible. We hope it can be moved in this session of the Senate.

How much time remains on this side? The ACTING PRESIDENT pro tempore. There is 9 minutes 45 seconds.

Mr. DURBIN. I reserve the remainder of my time and 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. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that I be allowed to speak for as much time as I may consume in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized to speak as in morning business.

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#### CITIZENS UNITED V. FEDERAL ELECTION COMMISSION

Mr. UDALL of New Mexico. Mr. President, Chairman SCHUMER started hearings this morning in the Rules Committee on the Supreme Court decision, Citizens United v. FEC. This Supreme Court decision completely changes the campaign finance landscape.

Fifty years ago when my father Stewart Udall and my Uncle Mo were in office, money had minimal impact on the electoral and political system. It was about connecting with people and the marketplace of ideas. Right now it is just as much about the biggest checkbooks, if not more so, than it is about the best ideas.

Unfortunately, we are about to see a lot more big checkbooks in the election process. Last month's Supreme Court decision in Citizens United v. FEC was a victory for the special interests at the expense of the average American. We have seen firsthand the impact special interests such as big oil and big banks and health insurance companies have had on the legislative process. Now, with this decision, already powerful corporations and labor unions will be able to further open their bank accounts, further drowning out the voices of everyday Americans in the political process.

Members of both Chambers and the administration are working on legislation to address the Citizens United decision. I commend their efforts, but I

believe a comprehensive overhaul of the campaign finance system is necessary in order to restore public faith in our elections. What we are seeing here today is large special interests supplanting the voices of everyday Americans in the political process.

The Supreme Court has shown its willingness to rule broadly and ignore longstanding precedent when it is reviewing the constitutionality of campaign finance laws. The best long-term solution is a constitutional amendment that would prevent the Court from overturning sensible campaign finance regulations. I would welcome the opportunity to join my colleagues in introducing such an amendment.

While I believe a constitutional amendment is the ideal solution, I also think comprehensive reform legislation is a step in the right direction. As a Member of the House for 10 years, I joined Representative DAVE OBEY as an original cosponsor of the Let the People Decide Clean Campaign Act, a bill that would fundamentally change how House elections are conducted. Mr. OBEY reintroduced this bill in this Congress, and I intend to introduce a companion bill in the Senate in the coming weeks. The act does not attempt to fine-tune the existing congressional campaign finance system or tweak around the edges; rather, it makes fundamental, wholesale changes to fundraising by candidates, regulations of outside groups, and the role of political parties. It contains a finding that America's faith in the election system has been fundamentally corrupted by big money from outside interest groups. It establishes a system of voluntary contributions to provide public financing in campaigns for House candidates in general elections. It provides more funds than the current system for the vast majority of challengers to mount their campaigns. And it empowers voters with the knowledge that their vote affects the outcome of the current election and also affects the amount of funds distributed to nominees in future elections. It bans all independent expenditures so that only the candidate is responsible for his or her message. It provides for expedited consideration of a constitutional amendment allowing these changes if the Supreme Court rejects the plan, and it provides a process by which third-party candidates can also participate in the system.

Money can have a corrosive effect on the political process. We have seen evidence of that in campaigns at all levels of government. We have long needed substantive campaign finance reform, and it is my hope that the High Court's disappointing decision will provide the push we need to put elections back in the hands of average Americans and not the special interests who can use their unlimited bank accounts to railroad the process to their preferred conclusion.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask the Parliamentarian, what is the business before the Senate at this time?

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF M. PATRICIA SMITH TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR

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

The assistant legislative clerk read the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, for the benefit of those who are tuned in on C-SPAN in their offices, what we are now in is what is called postcloture on the nomination of Patricia Smith to serve as Solicitor of Labor. This is a nominee who came before our committee almost a year ago, in April. It has been held up and held up.

Yesterday, the Senate voted cloture because it was being filibustered—yet another filibuster by our Republican friends. So we had a vote last night, and cloture was invoked by 60 votes. Now we are in the period of what they call postcloture, 30 hours of postcloture. We will have a final vote up or down for Patricia Smith to be Solicitor of Labor. If she got 60 votes last night on cloture, it is obvious she certainly has more than 51 votes to take the position as Solicitor of Labor.

That is where we are. We are in this 30 hours. Again, it raises the question in my mind, why are we chewing up 30 hours? We know the votes are there. We voted on cloture last night. Yet our colleagues on the Republican side are insisting that we just chew up time. For what purpose? We have the lights going, the heat is on, all our staffs are here, and no one else is on the floor. So why do we run this 30 hours and waste taxpayers' money and waste all this time when we know what the vote is going to be?

We have been through all this. Patricia Smith has had her hearings. I thought we had a pretty good debate yesterday. Republicans laid out their

side, we laid out our side, we had the vote, and now it is time to move ahead, have the final vote, and get this person to work down at the Department of Labor.

Again, I say for the benefit of those watching, here we are in another one of these filibusters. We stopped the filibuster, and now we are in this 30 hours afterward which we do not really need. Everything to say about Patricia Smith has basically been said. The record has been made. She appeared before the committee. She answered questions. The record is there. There is nothing you can do. It is going to come out. Everything is there, and all of our Senators know that.

But the rules are the rules, and the Republicans have the right to invoke the rules. Evidently, they have invoked the rule to chew up 30 hours. It is a shame we have to waste our time like this. As long as we are chewing up the time and Republicans are insisting that we keep the lights on and the heat on and keep everybody around for 30 hours, I would like to make some more remarks on behalf of Patricia Smith and where we find ourselves.

As I said, I am very grateful to our colleagues for the vote last night to end debate and invoke cloture. We have devoted very ample time to our deliberations on Patricia Smith. It is now time to act.

There is no question, when you look at the record and the facts, that Patricia Smith is abundantly qualified to serve as Solicitor of Labor. She has an impressive background in labor law and a demonstrated record of achievement in the State of New York. More important, she clearly has a deep and passionate commitment to help American workers. I can think of no better qualification for this critical position.

There is also no question that Commissioner Smith—and I use the words "Commissioner Smith" because she is presently the commissioner of labor for the State of New York—there is no question that Commissioner Smith has undergone a very thorough vetting process. As I said, the nomination has been before us since last April. She has testified in open hearing. She has answered more than 50 written questions. She has met with any Senator who wanted to meet her. Her nomination was debated extensively in our committee, frankly. It has now been debated on the Senate floor—a step that in previous Congresses was often reserved for judges who get lifetime appointments or for Cabinet-level nominees, not for someone who is going to be Solicitor in the Department of Labor. It is time to bring the discussion to an end and let Commissioner Smith get to the Department of Labor and start doing her job.

I listened very carefully to the arguments raised by my Republican colleagues yesterday against Commissioner Smith's nomination. While I think we could spend quite a while debating about which e-mails she was

copied, which staffers should have kept her in the loop and all that, I can't help but conclude that this debate fundamentally comes down to a disagreement about whether this Wage Watch program that was instituted by the New York Department of Labor as a pilot program was a good idea. It kind of comes down to that. I will have more to say about what I think it comes down to in a minute.

My colleagues on the other side of the aisle—and I read the record—have used some pretty scary words to describe this pilot program. They called it entrapment, vigilantism. They say it “deputizes private activist groups to intrude on small business.” They have said the Wage Watch volunteers are like the private citizens, the Minute Men, who try to patrol our borders with guns.

If there was even one scintilla of evidence that is what this program is about, I would be alarmed, too. But it is not.

Again, let's look at the documents and get the facts. The agreement that participating groups signed to join this Wage Watch is a good description of what Wage Watch volunteers did. Here is the agreement that groups who agreed to get involved in that agreed to:

Conduct outreach to the public about labor laws (handing out brochures, etc.) in formal and informal settings (e.g., at organized festivals, neighborhood or group meetings, other organized events . . . bus and subway stops, libraries, supermarkets, or similar locations);

Provide seminars or informational sessions to the public;

Set up and staff tables at events for the purpose of providing information to the public and answering questions regarding the labor law;

Obtain information regarding potential labor law violations from parties familiar with the violations;

Fill out basic complaint forms regarding potential labor law violations and pass them on to the Department.

Nothing illegal. Nothing unethical. Informational. Certainly, don't we want people—especially those at the lowest end of the economic ladder—this is what we are talking about. These are people working at minimum wage jobs, barely maybe above minimum wage. They are the workforce you go by when you go into the door of a restaurant or they are back in the kitchen or they are perhaps in the retail industry doing other things. They are the janitors you don't see at night cleaning up business places—a number of people like that. Again, they are at minimum wage and probably don't belong to any organized labor union. Many of them have limited language skills, and they are trying to get by and raise their families. So we are trying to get information to them about what their rights are.

Do my Republican colleagues believe it is wrong to inform people about what their rights are under the law? Surely they don't want to say if you find violations of law regarding safety or health or wages of people who are

being skimmed on minimum wage and aren't being paid minimum wage and are working overtime and are not being paid overtime—are they saying nobody should report that and that we should keep hands off? Surely, that is not what my Republican colleagues are saying, is it?

Well, again, these are not radical actions we are talking about. They are educational and outreach activities designed to empower workers and protect their rights and give them information. Everything on this chart can be done by any private citizen any day of the week.

While staff on the Department of Labor, in their e-mails that we saw, may have called this an “enforcers” program in the early days, in January and February when they were brainstorming about the project that is really not what it was. Wage Watch participants were not conducting investigations. They had no enforcement authority. They couldn't demand to see a business's books or access private property. Commissioner Smith made this very clear in her own descriptions of the program.

There has been a lot of talk about e-mails and such. I saw some of the charts put up by my friend from Wyoming yesterday. They were all from people other than Commissioner Smith. You can see what Commissioner Smith said on January 15, 2009—not what somebody else said:

The Wage Watch groups will conduct activities which promote labor law compliance . . . including handing out leaflets about labor laws to workers at community events or supermarkets; giving know-your-rights training to workers; talking to workers at restaurants and other businesses open to the public; and talking with employers about labor law compliance.

This is important:

Please note that the groups and individuals who participate as Wage Watchers will not be agents, employees, or official representatives of the Labor Department. They are not replacing staff and they are not going to be conducting investigations of any kind. Their role is limited to doing outreach and community education, and to reporting any violations they encounter to the Division.

That is from Commissioner Smith. I didn't see anybody on the other side put up that chart yesterday. They had charts from other people but not from Commissioner Smith.

Again, when it comes down to it, all these Wage Watch people could do was talk to workers who were willing to chat with them and hand out fliers. Is this vigilantism running amok? Hardly. It is simply volunteers who are willing to take time out of their day because they care about low-wage workers and they want to help them. I can't imagine how this harmless, generous form of outreach could possibly be objectionable.

Unfortunately, my colleagues on the Republican side have used this program to try to tarnish Commissioner Smith's impressive and impeccable rep-

utation. They claim she's antibusiness. They claim she is trying to close companies and put workers out of a job.

These charges are totally unfounded. There is no basis for those charges at all—not a scintilla of evidence about those charges. In fact, they are exactly the opposite of what her record at the New York Department of Labor shows. Patricia Smith has dedicated the last several years of her life to helping workers find jobs and keep jobs. Since taking over as commissioner, Ms. Smith has spearheaded a \$4.25 million initiative to prepare New Yorkers for jobs in emerging and green industries; revamped the State's unemployment insurance training programs to allow more workers to get approved for training dollars at the same time they are collecting unemployment benefits; promoted the State's Shared Work Program, which gives businesses an alternative to layoffs as they face a temporary decline in business, increased the number of businesses participating in the program from 293 in 2007 to 1,620 in 2009.

These are just a few of her many impressive accomplishments in the area of job training and workforce development.

Where Commissioner Smith really gained her reputation as one of the finest labor lawyers in the country is in the area of enforcement. She is committed to protecting workers' rights.

In 2008, the New York Department of Labor collected \$24.6 million in back wages for 17,000 workers across the State. This was a 37-percent increase in collections from previous years, and it significantly increased the compliance rate among employers.

Now, would someone on the other side say we should have allowed these people to be cheated out of \$24.6 million in back wages and sort of washed our hands of it and moved on? That is not only unfair to the workers, it is unfair to the thousands of businesses in the State of New York that comply with the law, that pay fair wages, that pay overtime pay. There is more of them than the others. The vast majority of businesses comply with the law. There are always a few trying to skim it, cutting corners, figuring out how they will never be caught. It usually affects the lowest wage workers.

It is unfair to the legitimate businesses in New York. That is why so many business groups support Patricia Smith. We have letters of recommendation from business groups in New York talking about how she listens and works with them, how fair she is in enforcing the laws. So if someone over there says she should not be doing that, should not be that aggressive in going after bad wages, I don't think legitimate businesses would say that is unfair. They would say: Yes, go after the people giving us a bad name and, frankly, unfairly competing against us.

Those are impressive achievements. Maybe that is the reason some of our colleagues are afraid of her being Solicitor. There is no question she will be a

Solicitor who will enforce the law. She will do it fairly and reasonably but also make sure there are real penalties for taking money out of workers' pockets or putting workers' lives at risk. I guess that is what it comes down to: Do we want a Solicitor who is willing to go the extra mile and try new approaches and new ideas if it will help protect workers' rights? I believe we do. That is what we need in these tough economic times.

I have looked at this Wage Watch pilot program. Quite frankly, I don't know what the results are yet. There is a pilot program now being assessed. Quite frankly, I would be an energetic supporter of that kind of an approach, where people in the community who speak the same language, who live in the same neighborhood, who go to the same churches, whose families interconnect but who are on the lowest rung of the economic ladder—I would be in favor of giving them information about what their rights are when they go to work every day and about what it means to work overtime and how much they should be paid for overtime, what the minimum wage is and how they should be paid the minimum wage, and, yes, also what safety is.

Are they working around hazardous materials and not being adequately protected? Is their health being endangered? They ought to know those things. So many people don't.

Again, as I said yesterday, we are not talking about people working on Wall Street on hedge funds or CPAs, accountants, lawyers, and investment bankers. We are not talking about Senators and our staffs and people who have all this knowledge. We are talking about people who don't understand what their rights are. They are happy to be here. They are happy to have a minimum wage job. They are happy to be able to keep their families together and hope and dream that their kids will have a better life than they have had.

So, again, this Wage Watch, to me—I hope that it is proved out that it was successful. Quite frankly, I think this is something we should emulate. My colleagues on the Republican side seem to want to denigrate it and say this is vigilantism and like Minutemen. Someone said in the Neighborhood Watch program, people cannot go into people's homes. None of these people who were on the Wage Watch could go into a private business unless they were allowed to. They couldn't ask for the books or see the ledgers or anything like that. They could go into a store that was open to the public—a Walmart or supermarket or places where the general public can go. They could not go into a private business where people were working, if the general public wasn't allowed to go in there.

Again, all the comparisons to vigilantism and what I have heard from the other side—these are words that are intended to put fear into people.

Let's be frank about it. Fear. It is to make them afraid. Well, if they can just show an example of that, maybe we can look at it. There are no examples of this anywhere.

My friends on the other side also raised questions about certain misrepresentations that Commissioner Smith gave to the committee. I would never minimize that. When people testify before committees, they should do so honestly and openly. I also know human beings make mistakes. I can't tell you how many times I have been at a committee hearing when I heard a question and the person being requested heard it differently than I heard it. We don't always hear things the same. So what you do is you are able to correct the record and, guess what. We do that every day here, don't we?

I am standing here speaking, and the reporter is taking it down—doing a great job, I am sure of that. But guess what. Sometimes mistakes are made. I may say a word, and the reporter might say: That guy HARKIN speaks with that Iowa lingo, and I didn't understand that Midwest lingo. And they may put it down wrong. That is why we have a record. Our staffs go back to the record, or I go to the record, and we correct the record. We all do that every day around here. It is simply because people are human and they make mistakes.

When we have a hearing in front of a committee and somebody asks a question and the witness answers it and we find out the answer wasn't correct, we can go back to the witness and say: What is this all about? Here was a question and here was your answer, but we have different information.

The witness will be able to look at that and correct the record, and that is what Patricia Smith did. Obviously, she heard the question one way, the questioner thought he had questioned her in a different way. But she corrected the record.

Again, keep in mind, no one on this side of the aisle is alleging she did this to cover up an illegal activity or to cover up something nefarious, to cover up something that was unethical. No. There is no allegation about that on that side because it is simply not true. She made a simple mistake. She corrected it.

There were two times when that happened. One was simply because, at that point in time, she did not have all the information she should have had. When she went back to her staff in New York, she found a different thing and corrected the record at that point.

As I said, we do that all the time around here and we do not think anything about it. Republicans do it. Democrats do it. We correct the record all the time simply because human beings are human beings and people make mistakes.

There has been a lot made of whether this idea came from within her staff or came from the outside. Well, that was

one of the debates about this. She had testified in the hearing that this was something that came up from within her department. Well, unbeknownst to her, some of her staff lower down had talked to outside groups and discussed this Wage Watch program and then presented it to Commissioner Smith.

Well, my response on that is, what is the big deal? So what? So what if some outside groups were involved in this? Again, was it illegal? Was it unethical? Was it underhanded? No. Perfectly legal. I daresay, all of us Senators meet with outside groups all the time. They come to see us, talk about programs, talk about how we should be doing things. That is one of our functions, to listen to outside people to get better ideas.

This would be a sorry place if all we did was talk to one another. It is a good thing we are talking to people on the outside. So whether the program was suggested by one of her staff or by an outside group, I say: So what? She happened to think it came from within her department and later found out her department people had been talking to someone on the outside. OK. She corrected the record. So what is the big deal?

Then there was a question about expanding the program. Well, I would say honestly, did Commissioner Smith want to expand the program? Sure, as long as it proved to be successful. That is what a pilot program is for. Obviously, she thought it was a good idea to put the pilot program in. The whole point of a pilot project is to expand it, if it is successful. Again, it had to do with conversations about a question about had she had conversations about expanding the program.

There was another little problem. What she thought they were talking about was, did she have conversations about expanding, authorizing and expanding the program and she had not authorized any expansions of the program whatsoever. But, of course, she talked about: Well, if it is successful, sure, I would like to expand it.

In fact, I would point out, to this day, she has never authorized an expansion of the program. Why? Because they do not have all the data, and they have not thoroughly ever evaluated the success of the pilot program. I think that is what a responsible leader does.

Lastly, there is some allegation that the Wage Watch program was used by unions as an organizing tool. Well, again, is anyone on this side alleging that is illegal, unethical, nefarious in some way or underhanded? I do not hear those allegations because they are not so.

Quite frankly, I do not think there would be anything wrong with that. But Commissioner Smith took all appropriate steps to make sure unions separated their organizing activities from their volunteer work with Wage Watch.

As far as I know, and I have seen no evidence to the contrary, her instructions were followed. They were separated. I have seen no evidence to the contrary. So I hope our debate and what I have been able to say and put in the record will put to rest any concerns colleagues may have about Mrs. Smith's honesty and her integrity.

Her honesty and her integrity are unassailable. Is she infallible? Never makes a mistake? Well, I do not know of any living human being who can say that. But does she recognize and correct it? Absolutely—as we all do. Well, again, honesty and integrity, unassailable in her performance as commissioner of labor in the State of New York.

Again, I will point out, this pilot project was a \$6,000 pilot project. She was in charge of running an agency with an \$11 billion, that is spelled with a B, \$11 billion budget; 4,000 employees across the State of New York. This was a \$6,000 pilot project. We have to kind of keep that in perspective as to how high it was on her viewing screen.

Well, quite frankly, I think this whole delay from last April would have been avoided if more of my colleagues on the other side had taken the time to sit down with Patricia Smith, talk with her, and hear her side of the story.

I also think it would have been avoided if you read all the letters of support from business groups in New York, from the attorneys, the district attorneys in New York representing all different political parties and ideologies. All these attorneys are saying she does a great job—if they had just looked at her record.

Well, I did. I looked at her record. I have spoken with her. I have read the transcripts. I have looked at the background of all this. I can say, with confidence, never did she have any intention of misleading the committee. Why? This was a perfectly legal, above-the-board project. Why would you want to mislead anybody about it? She had every intention of dedicating her life to be the best and most effective Solicitor of Labor she can possibly be.

Our Nation is very fortunate to have public servants of this caliber. I mean, you look at this. I have no doubt Patricia Smith, with her legal skills, managerial skills in the private sector, can be making a lot of money. I have no doubt. But she has chosen a different career path—to be a public servant, a public servant, dedicating her life to helping people for whom there is not a lot of government help. No one is sticking up for them, people at the bottom end of the ladder.

To me, this is one of the highest callings I think anyone can do in our society, is to be that kind of a public servant. So I think our Nation is very fortunate to have this kind of a person in Patricia Smith for this critical position. I look forward to her swift confirmation.

I would hope we would not have to drag out 30 hours, but it seems the Re-

publicans are intent on wasting time. There is nothing happening here. Anyone can see that. Anybody watching on C-SPAN can see nothing is happening here and we just waste time. We can have the vote now. We could have the vote in 20 minutes. Nothing would change. But we have the 30 hours. I guess we have to waste it. But I wanted to take this time, again, to set the record straight one more time on Patricia Smith, her integrity, her honesty, her exemplary background, and the fact that she is going to be an outstanding Solicitor for the Department of Labor.

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

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

#### RECESS

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

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

#### NOMINATION OF M. PATRICIA SMITH TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized as in morning business for 15 minutes.

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

#### NORTHERN UGANDA

Mr. INHOFE. Mr. President, last week I came to the floor to talk about an issue that has kind of been drowned out by a lot of other things that are going on, other conflicts and disasters around the world. This is having to do with northern Uganda. It is something I have been on the floor talking about for several years now, and I have had occasion to be there several times.

For over two decades, a guy named Joseph Kony has led what they call the LRA, the Lord's Resistance Army, in violence all throughout northern Uganda, in that whole Great Lakes Region of east and central Africa. They have killed tens of thousands—little kids—displacing over 1 million, and terrorizing and kidnapping over 30,000 little kids, forcing them to fight. It is this child soldier thing a lot of people are aware of, but not nearly enough people are aware of it.

With all the problems there are in Africa—people are more concerned about Zimbabwe. They hear about that. They

have heard about Somalia, Sudan. Everyone knows about that. But nobody says anything about the Lord's Resistance Army and what they have been doing in that area of Africa for 25 years.

I have been there. I have been all the way up there to Gulu in northern Uganda. Let me share the problem that exists up there.

This madman, kind of a spiritual leader, by the name of Joseph Kony has taken advantage of all the unrest and the disasters by going into villages and kidnapping, taking young people and training them to be soldiers. We are talking about little kids, little boys. They are from 11 to 14 years old. Once they train them to be soldiers, they actually give them AK-47s. I do not have my chart now, but I have pictures of that. They train them to be soldiers, and then they have to go back to their villages and murder their parents and their siblings. If they do not do that, then they will dismember them. They will cut their noses off, cut their ears off, cut their lips off.

This has been going on for a long period of time. Quite frankly, I have gotten to know President Museveni in Uganda quite well, President Kagame in Rwanda, and President Kabila in Congo, and all of them agree that we need to do something about this monster Joseph Kony. It happens that two of the three Presidents I mentioned—President Museveni from Uganda and President Kagame from Rwanda—are Presidents who have really come to power in the bush. They are warriors. These are people who really are reluctant to admit they cannot go after one guy and get him. Well, they have finally all gotten together.

What we are trying to do—well, we have already introduced it; the author of the bill is Senator FEINGOLD of Wisconsin—is to go after these people, and this bill provides about \$35 million to help these kids who have been brutalized, as well as to give whatever assistance we have to give to these different countries in order to bring this guy to justice.

During one of the trips I made up to northern Uganda, to Gulu, I ran into three young men. They are college-age types—Bobby Bailey, Lauren Poole, and Jason Russell. They have started a documentary on Joseph Kony. They have gone around to universities, and we now have thousands—tens of thousands—of young people who are rallying around this thing, trying to get us to do something as a nation. These young people have become very effective.

This week, this Senate has an opportunity to act in unison to shine the light on this forgotten place and to begin to bring relief to these children.

The Great Lakes Region in Africa has suffered from years of devastating fighting between tribes, and as a result the area is home to massive numbers of displaced people who are vulnerable to this type of treatment. So those are

the conditions that allow Joseph Kony and his LRA rebels to thrive. Kony preys on the weak. He gets little kids who cannot defend themselves. He gets young girls. He sells them to be sex slaves and these kids to become murderers.

In December of 2008, the Government of Uganda, Southern Sudan, and the DRC—that is the Democratic Republic of the Congo—launched a coordinated offensive against the LRA. It was called Operation Lightning Thunder. During the operation, over 300 rebels were killed, over 40 were captured, and more than 500 kids who were abducted were rescued. So we are making some headway in doing this.

According to estimates by the U.N., between September of 2008 and June of 2009, the LRA killed over 1,300 civilians, abducted 1,400 more boys and girls, and displaced nearly 300,000 others.

I know something about this because I took the time to go to—you hear a lot about western Congo—Kinshasa and the problems there. This is eastern Congo that butts up against Rwanda and then, further north, Uganda.

In going to Goma, we thought that was where Joseph Kony was at the time. We thought we had an effort that could get him, but we barely missed him. He went north on a tirade, after that, going up toward Sudan and murdered thousands of people during that short period of time. It averages out, he murders or mutilates about three kids a day. That is why this is important. We can get this guy. We cannot do it if we just try the way we have tried it before because it has not worked and it is not going to work.

Well, anyway, we have watched this take place. It is spreading now to other areas. I would anticipate before too long, if left unchecked, it would go not just to the Central African Republic but also maybe back into Sudan and maybe even Ethiopia. So it is very serious.

In 2009, a total of 186 people were killed by the LRA just in Southern Sudan. One survivor describes his experience and the murders of his family at the hands of the LRA. This is a quote. This is actually what this person said:

We were eating dinner outside of our hut when several LRA—

That is the Lord's Resistance Army—rebels appeared and told us in broken Lingala—

This is their local language—to get inside of our hut. They looted our food, locked us inside our hut and burned it. There were 10 of us; my whole family was inside. When I realized they were burning us alive, I started to push against the door, forcing it open. One rebel standing outside of the door tried to hit me with a heavy club but I dodged it and ran in the bush. They shot after me but missed. Apparently they shot or hit everyone else in my family who tried to come out. Except for one other person, everyone else was burned alive.

This is the type of thing we have documented that has been happening for a long period of time.

What we are trying to do with this—as I mentioned before, the cost is not great. This, by the way, is not any appropriation. This is an authorization bill, to authorize probably what the CBO says is about \$28 million to get this done. It is not offset. When the bill first came out, it was offset by a reduction in certain types of military expenditures. I disagreed with that, so it is not offset at this time. But of all the efforts out there right now, this is something that absolutely has to happen.

Just by contrast, we had a bill, the other African bill, just a couple years ago, called the PEPFAR bill. That was one that actually had about \$35 billion—much larger than this—and it sailed right through. So I would say, if we were willing to do that, we ought to be willing to do this.

By the way, we have a lot of cosponsors now. I do believe we are going to be successful in getting this bill passed, and I will be bringing this up, I am guessing, probably either Wednesday or Thursday.

So with that, I will yield the floor and hope that any of the other Members of this body who are not already a cosponsor to this bill—it is S. 1067—we would like to get a few more cosponsors on here if at all possible.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. GILLIBRAND. Mr. President, I rise in support of the nomination of Patricia Smith for Solicitor of the Department of Labor. Commissioner Smith is a dynamic and effective leader with over 30 years of experience in labor law, and I am very proud to support her nomination.

She has exhibited exceptional leadership during her 10 years as New York's Labor Commissioner. In this capacity, she managed 3,700 employees in 80 offices and oversaw an annual budget of \$11 billion.

In response to the current economic climate, Ms. Smith executed critical programs to reduce the impact of layoffs. She also implemented career training to assist individuals in entering high demand fields. Additionally, she has enhanced labor law enforcement in order to safeguard workers and reward responsible employers.

Commissioner Smith fully embodies the integrity and the diligence this position demands and has a wealth of experience, making her well qualified to enforce critical issues such as workplace safety and health, fair wages, equal employment opportunity, veterans protection, and retirement and health benefits.

Prior to her term as labor commissioner, she served as Chief of the Labor Bureau in the New York Attorney General's Office for 8 years. In that capacity, she established a method of labor law enforcement that other attorneys general and enforcement agencies have used as a model. She was an innovative leader here, increasing efficiency and effectiveness of the bureau by developing ethics standards, targeting enforcement efforts on an industrywide basis, and strategically focusing on workers.

Commissioner Smith's nomination, which has been pending since April, was reported with the unanimous support of all committee Democrats. Additionally, she has the enthusiastic support of labor groups, women's groups, and worker advocates. A number of prominent business organizations have also endorsed Commissioner Smith, including the Business Council of New York State, the Manufacturing Association of Central New York, the Partnership for New York, the Long Island Forum for Technology, and the Plattsburgh North Country Chamber of Commerce.

Commissioner Smith has endured a rigorous vetting process and has made herself available to answer over 50 questions from our friends from the other side of the aisle and met with all interested Senators.

I urge my colleagues to move quickly to confirm Patricia Smith for Solicitor for the Department of Labor.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

#### CONTINENTAL CONNECTION FLIGHT 3407

Mr. DORGAN. Madam President, we are approaching the 1-year anniversary of the fatal crash of Continental Connection flight 3407 in Buffalo, NY, and today the National Transportation Safety Board is actually holding a public meeting to consider the final report they are making on that crash.

I think almost everyone has heard the tragic story of that crash last February 12. Two pilots, two flight attendants, 45 passengers on that airplane, and 1 person on the ground lost their lives. This flight was operated by Colgan Air. The plane was a Bombardier Dash 8-Q400 operated by a captain and a copilot, both of whom had commuted long distances to get to work to make that flight, both of whom had been found to have very little rest before that flight.

The copilot revealed her inexperience in the cockpit recording that I listened

to—inexperience in flying in icy conditions—in the transcript of the voice recordings. The captain failed a number of tests in his career as a pilot. The NTSB is now considering 45 findings and conclusions at a public meeting as I speak.

This morning the NTSB members said the plane and the flight crew were properly certified, and the plane was in good condition before takeoff. They also said the ice buildup that night flying into Buffalo was typical and did not affect the ability of the flight crew to fly the airplane. So while we are waiting for the final conclusions of the National Transportation Safety Board, the members of that board spoke about crew training, pilot fatigue, and pilot error as reasons for the crash.

These are the issues I have been holding some hearings on this past year. The NTSB is going to make recommendations to the FAA. We already know that when they make recommendations, the appropriate agencies don't always pay attention to those recommendations. For example, pilot fatigue has continually been on the National Transportation Safety Board's most wanted list for 19 years; that is, most wanted list of safety recommendations. Let me say that again. For 19 straight years, the National Transportation Safety Board has said "pilot fatigue" is on the most wanted safety recommendations list. Yet no one has been listening. Nobody seemed to ring the bell on those issues.

I have held seven hearings on safety in the aviation subcommittee that I chair in this Congress. We have heard from the FAA, the NTSB, pilots, regional airlines, major carriers, and safety experts. We have heard especially from the families who lost their loved ones in that fatal crash, that tragic crash in Buffalo, NY.

Let me be quick to say, we have had, fortunately, reasonably few airline crashes in this country in recent years. It is, generally, a very safe way to travel. But there isn't room for error with respect to these commercially airplane flights. I am going to be holding followup hearings with Senator ROCKEFELLER and others in the Commerce Committee with respect to the NTSB recommendations. We are supposed to have what is called "one level of safety." The NTSB said, in the middle of the 1990s, there is one level of safety for commercial airplane flights in this country. The big, major trunk carriers that are national and international and the regional carriers shall have one level of safety. But it is the case that regional airlines often employ pilots with much less experience, much lower pay, which forces difficult conditions.

In many cases, when you get on a small airplane for a regional flight, you see a crew with obviously much less experience. There are questions, from time to time, raised about the training—questions raised in this investigation, as a matter of fact. We know there are a lot of factors that play into

this one level of safety. But I think most people believe that one level of safety standard, at this point, doesn't quite measure up. That is the reason we will examine the recommendations from the NTSB as a result of this crash.

At the time of the crash outside Buffalo, NY, Colgan Air didn't have a remedial training program for pilots. The captain of the flight had failed numerous performance checks over the course of his career and would have made an excellent candidate for remedial training. I know the FAA has been working on the industry to try to get them to do this for a long while. If the traveling public ever begins to have very significant concerns about safety on a commercial airline flight, it will be devastating to that industry. So safety must not just be a perception. Safety on commercial airlines, whether they be the major trunk carriers or regional airlines, has to be something everybody takes seriously and that the American people believe is taken seriously.

I wish to show you a chart that shows something that common sense would tell you doesn't work. This chart shows where Colgan Air pilots were commuting to. You will see they were commuting to Newark, their base of operations. On that fateful flight going into Buffalo, NY, the copilot flew all night long from her home in Seattle, WA, I believe deadheaded on a FedEx plane, stopped in Memphis, TN, changed planes, and got to Newark Airport. After flying all night long, she is now ready to take an airplane on its flight. There is no record of evidence of that copilot having a crash pad or someplace to find a bed and sleep. That is the copilot.

The pilot, on the other hand, came from Florida to Newark Airport. There is no evidence, outside of being in the crew lounge at the airport, that the pilot had a bed in which to sleep or that he had rest. So you have a pilot and a copilot who get on that airplane to take, in this case, those 45 passengers on that airplane on its flight to Buffalo, NY. On that flight, ice built up on the wings, and there is what is called a stick shaker on that airplane. There was rapid shaking of the control stick, which would have said to the pilot you must put the nose down in order to gain additional speed. The pilot didn't put the nose down but pulled the nose up, as I understand it, which is apparently a training issue as well. So you have a pilot and copilot traveling across the country all night long just to get to their duty station, and things happened in the cockpit. In the transcript, the copilot said she had very little experience flying in icing. Both the pilot and copilot lost their lives.

I take no joy in reciting what happened in that cockpit. Their loss of life was a tragedy for their families as well. My point is simply this: What happened here—by the way, I believe five

out of the most recent seven airline crashes in our country have been on commuter carriers. This, it seems to me, raises a series of questions that must be addressed—and now I believe will be addressed in recommendations from the NTSB by the FAA, dealing with the issue of fatigue. Who is flying the planes? Are they getting proper rest? It deals with the issue of compensation. Is it the case that you get on a small jet and know that the copilot is making \$18,000 a year or \$20,000 a year, doing two jobs and flying across the country at night in order to get into an airplane cockpit? Does that give you confidence? The fact is, all these issues are now coming to the forefront—not just of this crash but other circumstances as well—and that requires the FAA to take a hard look at what happened.

At one of my hearings, I showed a Wall Street Journal article, in which Mr. Wychor, an 18-year veteran pilot described the routine commuter flights with short layovers in the middle of the night. He said:

Take a shower, brush your teeth, and pretend you slept.

That is not what you want in the cockpit of an airplane.

A 737 pilot flying to Denver said this, and this is an NBC News quote:

I have been doing everything in my power to stay awake—coffee, gum, candy. But as we entered one of the most critical phases of the flight, I had been up for 20 straight hours.

That is an issue with me. It is one we have to address. I think all thoughtful people in that industry—and I have great admiration for people in the airplane industry. They do a great job. They understand we have to address these issues of fatigue, training, and compensation. That is just the fact.

All I wished to do today was to say the National Transportation Safety Board, I think, does a great job investigating accidents. The family members of the victims of that flight that crashed in Buffalo, NY, have been extraordinary. They have come to every single hearing held on Capitol Hill. They are witnessing, on behalf of their brothers and sisters and wives and children, saying: I don't want Congress or the FAA to let up. We want you to address these issues. That crash didn't have to happen. Our loved ones did not have to die. That is their message.

I say to them: You are doing exactly the right thing. What you are doing—showing up here at all these hearings and keeping the pressure on the Congress and, yes, on the FAA—will save lives. You will not know their names, but you are saving lives. Good for you.

#### CLOTURE MOTIONS

Madam President, the issue of cloture motions sounds like a foreign language to a lot of people. If you are back home someplace and are getting up in the morning and struggling to get to work and putting in a full day and trying to make enough money to raise your family and get along in life, you

don't know about cloture motions or the 2-day ripening or 30 hours postcloture. That sounds foreign to almost everybody.

This is a graph of cloture motions in Congress. In the 1950s, there were two cloture motions filed in the entire decade. What does cloture mean? If you decide in this body—and you are the most junior Member of this body, you are the last one elected, you are the 100th in seniority and you sit back by the candy door because that is the last desk—I guess we should not talk about a candy drawer, perhaps, but you sit way back in the corner and you are No. 100 in the Senate. Once you are on your feet and recognized by the Presiding Officer, nobody else can take the floor from you—not the majority leader, not the most senior Member of the Senate. The floor is yours and you can speak until you are physically and mentally exhausted. That is the way the rules are; it is the way the Senate works. Washington described the Senate as a saucer that cools the coffee. You pour the coffee into the saucer and it cools. The Senate isn't supposed to work quickly or efficiently. It is supposed to slow things down, take a better look at it, and have more evaluation and ask: Does this make sense for the country?

That is the way the Senate was created. It is hard to get things done. But it is near impossible to get things done these days because of something called a filibuster and cloture motions.

I wish to provide some interesting statistics. This could not happen and wouldn't happen in any city council in America. There is no city council in America where this sort of thing could happen, no matter what the rules were, because they would be laughed out of town. We have people blocking bills they support. Can you imagine that? If you were on the city council and your business was to block things you support and your neighbor said: What are you doing, are you nuts? No, I am blocking things I support because it has a strategy attached to it. What is the strategy, they would say.

Here is the situation: In 2009 and 2010, it is projected we will have 146 cloture motions to shut off debate in this Congress. Let me describe what we are involved with next. We are on one now, by the way. We are now in what is called 30 hours postcloture. We had a nomination that should have been approved in 5 minutes. Those who want to vote against the nomination should vote no. But we could not do that. Instead, those who oppose the nomination for the Solicitor for the Department of Labor, a nomination—instead of having an up-or-down vote, during which those who don't like this nominee should vote no, they said you cannot even have a vote. You have to file a cloture motion and then wait for 2 days and then have a vote and see if you get 60. If you get 60, after you get the 60, we are going to insist you bleed off 30 more hours because the rules allow us to do that. Only then can you

have a vote. That is where we are now. We had a cloture vote. It prevailed. Now we are waiting for 30 hours to elapse so nothing can be done during the 30 hours. It is just stalling. So then the 30 hours is done, and we will vote on this. Then we will go to the next nomination. So this week we will do two nominations, both of which should have taken 5 minutes, if people of goodwill worked together and decided: Here is the agenda; let's bring up these candidates for a vote. And if you like the candidate vote yes; if you don't, vote no.

So the next one is going to be Martha Johnson, GSA Administrator. By the way, this one has been objected to, and it has waited for 7 months. So 7 months ago this President nominated Martha Johnson to be GSA Administrator. April 3, 2009, was her nomination. June 8, the nomination passed through the Senate Homeland Security and Governmental Affairs Committee unanimously. So this nomination was voted on unanimously and approved by the committee, and that was June 8. Here it is February of the year following, and we now are going to get to vote on this nomination that passed the committee unanimously, but not until we are able to shut off a filibuster and then have 30 hours postcloture. It is the most unbelievable thing in the world.

Is this person qualified? Yes, absolutely. She served as the head of GSA during the Clinton administration and is hailed by former and current GSA employees as the "golden heir of GSA." She was the chief of staff back during the Clinton administration. She would be a vast improvement, by the way, over the previous head of the GSA, the previous head of the GSA—and I spoke about her on the floor of the Senate—Lurita Doan.

On April 29, 2008, the Office of Special Counsel for the United States asked that she be disciplined to the full extent for the most pernicious of political activity prohibited by the Hatch Act. She then submitted her resignation, in accordance with that request by the White House. She had been accused of providing no-bid contracts to friends with whom she had extensive personal and business relationships. She and a deputy in Karl Rove's office at the White House had joined in a video conference with 40 regional GSA Administrators after a PowerPoint on polling about the 2006 election, and she said: "How can we help our candidates?" This is a nonpolitical office—heading the GSA—in our country.

This person got drummed out of office—and should have gotten drummed out of office—and resigned under pressure. So here is someone who is fully qualified and it is 7, 8 months later and we are finally going to get to have a vote, but only if we go through the motion of filing a cloture petition to end a filibuster. That is unbelievable to me.

Let me give some other examples of what is happening. Here is a bill that

was filibustered—the credit card holders bill of rights. There is a filibuster against that by the other side, the Republicans. They filibuster everything—everything. So the credit card holders bill of rights, they went through a filibuster, delayed, and after the delay it passed 90 to 5. Obviously, we had a bunch of folks who said: I am going to lay down on the track until it is inconvenient for everybody, and then I will get up and vote for it.

We have people blocking things they support. You would get laughed out of town in any town in this country if you tried that on the city council.

The Department of Defense appropriations—filibuster. Had to go through the motion of filing—2 days, 30 hours—and then it passed 88 to 10. So, obviously, we had a bunch of folks on the other side who decided they were going to block something they supported, kind of a curious strategy.

The Energy and Water appropriations bill—that was my bill that I chaired—went through filibuster, cloture, and in the end 80 people voted yes. The Fraud Enforcement and Recovery Act was filibustered by the Republicans. Then when it was finally voted upon, after they had delayed it, 92 of them voted yes. Again, we see people blocking things they support. Only in the United States Congress, I guess.

Unemployment compensation extension was the subject of a filibuster, and then 98 people voted yes. People blocking things they support. What a curious thing.

I mean, what do you tell your children if they ask: What was your role, Dad or Mom?

My role was to slow things down. I just wanted to sort of spread glue around the Senate. Not that we don't think it is slow enough the way it is, we want to slow it down even further.

The fact is, people send men and women of goodwill to this Chamber. One of the things I have learned in many years in this Chamber is that almost every desk is occupied by someone who has pretty unique and interesting and special skills to get here. In almost every case, there are people here with very substantial skills. But they are not sent here with an agenda that says: You know what I would like you to do? I would like you to block everything and then vote for it in the end. That is not a message that comes from any State that I am aware of. They are sent here to try to do good things for this country. All of us are. We might have a disagreement about what that means and how to do it, but there shouldn't be any disagreement about these kinds of things.

In the middle of the deepest recession since the Great Depression, seven of this President's high-level nominees for the Treasury Department are not yet confirmed—seven of them. How do you justify that? How do you justify deciding, in the middle of the deepest recession since the 1930s, that you are

going to prevent the U.S. Treasury Department from having a full complement of people who can think through and work through trying to put this country back on track; who can restart the economic engine and put people back to work again? How do you justify deciding we shouldn't have a full complement of people to do that?

We had a fully qualified Surgeon General who was nominated, and that Surgeon General nominee was blocked. And this was after the H1N1 flu had been declared a major health threat. Think of that. That nominee was blocked even after we had a major health threat. We had the Ambassador of Iraq—obviously an important position—blocked during a time of war just when we most needed to resolve some political issues there.

One single Senator on the other side held up the nomination of the Deputy U.S. Trade Representative for 9 months—9 months that was held up—to try to force that U.S. Trade Representative's Office to file a complaint against Canada on some issue. I don't have the foggiest idea what that issue was, but I will tell you this: I would never, and have never, held up a nomination for 9 months in order to try to force something that I insist should happen. That is not the way the Senate is supposed to work.

One Senator on the other side blocked a highly qualified nominee to be Assistant Under Secretary for the Western Hemisphere at the State Department, and it had to do with our relationship with Hugo Chavez, which left us without the person who was supposed to be responsible for coordinating our response to the difficulty in Honduras last year. One Senator held up that nomination on and on and on.

Again, the fact is, as I said, this is called the great debating body, the most exclusive club in the world, and all of those descriptions. But this is not the way it is supposed to work. We have some models of how it is supposed to work. In the old days—and when I say the old days, I mean some decades ago—people would get together and decide what is the major challenge facing our country and how do we work together to find a way to resolve it; not who gets the credit or who gets the blame, but what is needed to be done to fix what is wrong in America. That is the way the Senate used to work. Regrettably, these days, it does not.

Our country rests on the precipice of a very significant cliff. We are still not out of this financial and economic crisis, although I think there has been some stability and we have, hopefully, found some foundation. But at a time when we most need cooperation, we see almost none—almost none. It doesn't. Just read the record: An estimated 146 cloture petitions are filed to shut off filibusters, and on issue after issue after issue we have the minority in this Chamber blocking things they ultimately vote for. How do you explain that—I was against it before I was for it?

Madam President, this country deserves and expects a whole lot better. This country is going through tough times. While I speak here, and while my colleagues are objecting to proceeding on anything—while we are in a 30-hour period where nothing is happening on the floor of the Senate—nothing—a whole lot of people are out looking for work. They are stopping by business after business with their resume, and thinking: Can I find a way? Can I please find a way to get on a payroll and get a job to help my family?

There are a whole lot of folks who need a job, need some hope, need to keep their house, who are struggling. They deserve a lot better from this Congress. The last thing they deserve is a Congress that decides its mission in life is to stop things from happening. The mission for every Senator ought to be to get up in the morning and reach out and see how we can work together to get the best ideas of what both parties have to offer this country. That is happening far too seldom in this Chamber.

It is not my habit to come to the Senate floor to be critical of the Republican side of the Senate. I don't do that often, but I see what is happening. We are sitting here today—and this is a good example of it—for 30 hours doing nothing. Why? Is it because there is nothing to do? No. It is because the other side insists on cloture, insists on the 2 days, then insists on the 30 hours. So what they will have done this week is insist that we will only be able to confirm two Presidential nominees—one is a Solicitor General in the Labor Department and the second is to head the GSA. That is what we will get done this week. That should have been done in 5 minutes, having a vote on those nominations. If you don't like the nominee, vote no; if you like the nominee, vote yes. Dispose of the nominations.

In my judgment, this system is broken, and it can't be 1 person or 10 people who fix it. It has to be 100 people with reasonably goodwill who want to make good things happen for the future of this country.

Madam President, I yield the floor, and I 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. DORGAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### THE TAX CODE

Mr. DORGAN. Madam President, on Wednesday of last week the President gave his State of the Union Address and talked about a lot of issues. One of the issues he mentioned that is especially important to me is one I have worked on for some long while here in the Senate, and that is changing the Tax Code to begin cutting out and getting rid of the tax break that is offered

to companies that shut their American factories and move their jobs overseas. It is strange to most people to hear, but we actually have in the American Tax Code a reward for companies that would say: You know what I should do? What I want to do is shut down my American factory, I want to fire my American workers, I want to move those jobs to China and hire somebody for 50 cents an hour. By the way, if they do that, they actually get a tax break in this country. They get rewarded by the American tax system for moving American jobs to other countries.

That is an unbelievably ignorant and pernicious part of our Tax Code and needs to be changed. I have offered amendment after amendment here on the floor of the Senate on it, and the President in his State of the Union Address last week indicated he believed we needed to do this and do it soon. I could not agree more.

We are talking about jobs a lot in this Congress. We have had some discussions today about jobs again. Senator DURBIN and I have worked to put together a jobs package that would try to stimulate and incentivize more jobs, especially small and medium-size businesses to be able to hire people and have the incentive to put people on payrolls. We are working on all of that.

Senator BAUCUS and certainly Senator REID and others have been working together with us to put together a jobs initiative. Even as we try to find a way to create more jobs in our country, we still have this backdoor approach in the Tax Code that rewards people for moving jobs outside of our country. Most of us believe what we want to do is see more of those signs that say "Made in the USA." Made in the USA means there is a job someplace here, particularly in a factory that is producing something, that is putting somebody to work to be able to make a living, to provide for their family. No special program is as important as a good job that pays well.

I have both written a book about this issue of moving jobs overseas and I have spoken on the floor so many times people have either nearly or completely gotten tired of it. But the stories are legend of what has happened in recent years. All of the little things we know and have expected to be American made—almost all of those things are gone. Radio Flyer Little Red Wagon—we have all ridden in it. It was a 110-year-old company in this country. They made those wagons for kids in America, made in Illinois. Not anymore. All those Radio Flyer Little Red Wagons are made in China.

Huffy Bicycles—all those people in Ohio lost their jobs. They were all fired and all those bicycles are now made in China. In the book I wrote I told the story about the last day at work at Huffy Bicycles in Ohio and those workers. As they left their parking lot, they left an empty pair of shoes in the space where their car was parked. It was a

way for them to say to that company, the Huffy Bicycle Company: You can move our jobs if you want, but you are not going to be able to effectively replace us. Those shoes, in an empty parking space in a big parking lot in Ohio when all those people lost their jobs, were a symbol of what is wrong.

A little company made something called Etch A Sketch. Every kid used an Etch A Sketch. It was also made in Ohio. Not anymore. It is now made in China. The list goes on and on, those American products that are gone in search of 50-cent labor and higher profits.

The people who make these products—Radio Flyer Little Red Wagons or Huffy Bicycles or Etch A Sketch or, yes, even airplanes—the people who make these products ask the question, What is wrong with my work? The answer is nothing is wrong with your work. You just can't compete with somebody who makes 50 cents an hour.

The second question is, Should I have to compete with somebody who makes 50 cents an hour? The answer to that is no, you should not. This country needs a vibrant manufacturing base and it needs to fix this unbelievable tax provision that says if you move your jobs overseas, we will give you a tax break.

In order to remain with a manufacturing base in this country, we need to reward the production of things in this country. "Made in the USA" should not be a distant memory. "Made in the USA" ought to be something applied to things made here that we are proud of.

The Senator from Washington State is here. She is going to speak in a moment. I will not be long.

But in every circumstance in this area of trade and the movement of jobs, other countries take advantage of us because we allow them to. For example, airplanes—Washington State makes some great airplanes in the Boeing Company manufacturing plants. A country such as China that has an unbelievable trade deficit with us, over \$200 billion a year, says to us: If you want China to buy your planes you have to build most of it in China. It doesn't make any sense to me. If we are buying all those products from China in this country when we have something they need, they ought to buy American products to be shipped to China, not say to us you must move your product to be produced in China.

It is going on all the time and this country doesn't have the backbone or nerve or will to deal with it. What we ought to say to other countries is we are going to hold up a mirror and you treat us as we treat you.

If I might make one additional comment on automobile trade. Our automobile industry has been in a very serious problem. We came close to losing our automobile industry in this country, which is so important for our manufacturing capability. This country has a trade agreement with China, with whom we have a \$200-plus billion a year deficit in trade. We have a trade agree-

ment with China that says to the Chinese—who are, by the way, ramping up a very large automobile export industry and you will see Chinese cars on the streets of America very soon—we say to China: If you ship Chinese cars to the United States of America you will have a 2.5-percent tariff attached to those cars. But the agreement also says if we ship American cars to be sold in China, they may impose a 25-percent tariff. We have an agreement with the Chinese that says we will give you a 10-to-1 advantage on tariffs in bilateral automobile trade. That is a recipe for undermining America's manufacturing and economic strength and it goes on all the time. Frankly, I am sick and tired of it. One piece of it is something the President talked about last week and that is let's at least cut out this unbelievably ignorant and pernicious provision that says: You move your jobs overseas and we will give you a big tax reward. We will cut your taxes if you move your jobs overseas.

I say to the President: Good for you. Help us shut that provision down. Let's have "Made in America" be something we see more and more frequently these days.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank the Senator from North Dakota for his passion on this issue. I would add one other issue within this, which is that we have to be training our workforce for the coming years with those skills to make those things in America—whether it is airplanes in my State or cars in the Midwest or South, or whether it is the widgets he talked about. We are losing people today in this country who have those basic skills—welding, electricians, those kinds of skills that are basic to these industries. As we move into this coming year and look into our budget and look at our education policy—and we will be talking about the President's education policy on the committee on which I sit—we have to make sure we are going down into our middle schools and high schools and making sure our kids have career pathways that help fill these skilled manufacturing jobs we want to have here in this country. I thank the Senator for his words.

I am here this afternoon to rise again in support of President Obama's nominee to serve as Solicitor of Labor, Patricia Smith. I have to tell everyone I am very confident she is the right person for this critical job. The work she is going to do to protect our workers is more important than ever before.

American workers are facing an incredible challenge today. We all know that. They are struggling with record unemployment, a devastating economic crisis. Today more than ever they need and they deserve strong leaders in the Department of Labor who are passionate about public service and committed to being there to fight for them. The Department of Labor is this

agency with a name that sounds bureaucratic, but it is important because that agency is charged with a very critical mission in our Nation's government. Its role is to foster and promote the welfare of America's workers by improving their working conditions, by advancing their opportunities for profitable employment, by protecting workers' retirement and health care benefits and helping employers find workers who are skilled in the jobs provided and strengthen free collective bargaining.

I believe during these challenging economic times it is absolutely critical that the Department has leadership within that Department to make those goals a reality. I was very pleased when I heard President Obama nominate such a strong candidate for the position of Solicitor of Labor.

Ms. Patricia Smith, as the Presiding Officer knows, is Commissioner of the New York State Department of Labor. She has been there since 2007. She is cochair of the New York State Economic Security sub-cabinet and she oversees today 3,700 employees in 80 offices with an annual budget of \$4 billion.

For the previous 20 years, Tricia worked in the Labor Bureau of the New York Attorney General's Office and she served on the Obama administration's transition review team for the Department of Labor.

I have received many letters of support for Patricia Smith from people who admire her work, from people she has worked with, and from workers she has helped. I want to take a couple of minutes this afternoon to read some excerpts from those letters because I believe they demonstrate Patricia's broad support and why she should be confirmed by the Senate.

One letter I received was a letter of support from the CEO of the Plattsburgh, NY, Chamber of Commerce, who knows Tricia well. He said:

Patricia Smith has been an outstanding partner as Commissioner of the New York State Labor Department and will be an outstanding Solicitor for the U.S. Labor Department. We strongly encourage her earliest possible confirmation by the Senate.

I heard from the United States Women's Chamber of Commerce. They wrote to me and said:

After learning of Ms. Smith's qualifications, her expertise and the laws she has worked to uphold, I can clearly see that she is someone who would work with conviction to enforce the laws of the United States of America. Additionally, I am impressed with her out-of-the-box thinking in creating programs that will keep jobs. We especially need these attributes in these times of economic challenge.

That is from the United States Women's Chamber of Commerce.

I also received a letter from a group of professors and scholars of labor and employment law and labor relations, from over 50 scholars of highly respected institutions, institutions such as Georgetown University Law Center, Columbia Law, Thomas Jefferson

School of Law, Yale Law, and Cornell University School of Industrial and Labor Relations. They wrote to me and urged speedy confirmation saying that Tricia has:

consistently demonstrated the highest integrity and commitment to ethical standards. She is experienced, intelligent, thoughtful and energetic. We believe this is exactly what the U.S. Department of Labor needs in a Solicitor. Once confirmed, she will be among the best Solicitors of Labor the Department has known.

I would tell my colleagues that her support transcends party lines. Former New York Attorney General Dennis Vacco, who is a Republican, had this to say about his former employee:

Patricia Smith has proven herself as one of the foremost experts in the nation in the realm of labor law, which is why President Obama saw fit to nominate her. . . . She was an asset to the New York Attorney General's office and I am confident . . . she will be an asset to the Department of Labor.

Tricia Smith has bipartisan support. As Chair of the Subcommittee on Employment and Workplace Safety, I know the challenges American workers are facing today. I know they deserve a Solicitor of Labor such as Tricia who is going to fight every single day to protect them. When she is confirmed as the Department's top legal counsel, she is going to have the profound responsibility of enforcing more than 180 Federal laws and managing more than 450 attorneys nationwide. She is going to be responsible for defending the Department in litigation, as well as providing legal advice and guidance on nearly every policy, legislative, regulatory, and enforcement initiative of the Department. But, most importantly, she is going to be responsible for defending the rights of workers when they are not able to speak for themselves. Tricia has a big job ahead of her, but we need to act now to allow her to get started. We owe it to our country's workers to have a confirmed Solicitor of Labor in place.

I have had a number of conversations with Tricia myself, and I am confident she is highly qualified, and she is eager to get to work. So I will be voting, hopefully later this afternoon or soon thereafter, to confirm Tricia Smith. I come to the floor this afternoon to urge my colleagues to do so as well.

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

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

Mr. KAUFMAN. I ask unanimous consent to speak in morning business for up to 7 minutes.

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

IN PRAISE OF JEREMY TEELA, SHAUNA ROHBOCK, AND HEATH CALHOUN

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

Next week, in Vancouver, the 21st Olympic winter games will begin amid great fanfare and high hopes. Every four years, the world's top athletes in skiing, skating, hockey, and several other winter sports compete to win medals and to win hearts.

Olympic athletes push themselves to their limits not only to win personal or team glory but also to represent their nations on the world stage. A ticket to the Olympics is purchased with years of arduous training and a commitment to personal integrity and athletic fairness.

The values of Olympians are those of perseverance, integrity, teamwork, and national service.

If this list of values sounds so familiar to many Americans, this is because they are the same values that motivate those Federal employees who serve our Nation in civilian roles and in the military branches.

This week, in honor of the upcoming winter games, I have chosen to highlight three incredible American Olympians. They share these values, and all three of them chose to serve our Nation in the U.S. Army.

Jeremy Teela is an infantry sergeant. Originally from Anchorage, AK, Jeremy joined the Army in 1997. In addition to serving in the infantry, he participates in the Army's World Class Athlete Program. Jeremy is one of America's best in the sport of biathlon.

Biathlon is a grueling race that begins with cross-country skiing and ends with precision rifle shooting. Jeremy is a seven-time national champion, and he was a member of the U.S. Olympic team in the 2002 Salt Lake games and the 2006 games in Torino. Jeremy will once again be competing in the biathlon at this year's games in Vancouver. Last year, at the 2009 Whistler World Cup, which took place at the same venue, he won a bronze medal—the first American to medal in biathlon in 17 years.

Joining Jeremy in Vancouver will be SGT Shauna Rohbock of the Army National Guard. She is one of America's champion bobsled drivers. A native of Orem, UT, Shauna enlisted in 2000. Around that time, she began training in bobsled in the hopes of making it to the Olympics in Salt Lake City, just 40 miles from her hometown. While she didn't make it to those games, Shauna made it to Torino 4 years later. There, she won the silver medal in Women's bobsled.

Comparing the teamwork required to succeed in the Army to the kind necessary in Olympic bobsledding, Shauna said recently: "Just like any team or platoon, you're only as good as your weakest person. It takes two people to push the sled in a race. Bobsled drivers can't do this alone." This month Shauna will return to compete with Team USA in Vancouver.

The Olympics are not the only games taking place in Vancouver this season. Following the Olympics will be the 2010 Paralympic winter games. There, the world's best athletes with physical disabilities will compete in several winter sports.

Among those vying for a medal is retired Army SSG Heath Calhoun. Heath grew up in Bristol, TN, and joined the Army in 1999. In doing so, he followed a family tradition—his grandfather fought in World War II, and his father served in Vietnam. Heath trained at Fort Benning, GA, and was deployed to Iraq with the 101st Airborne Division.

While on patrol in Iraq, his convoy was fired upon with a rocket-propelled grenade, and Heath lost both legs above the knee. After months of recovery at Walter Reed, he was losing hope that he would ever walk again. But with the help of the Wounded Warrior Project, Heath became an advocate for other soldier-amputees.

Determined to regain his mobility, Heath began training with special prosthetic legs and computerized knees. Soon he was able not only to walk but also to run, golf, and drive an unmodified car.

In 2008, Heath began training for the Vancouver Paralympic Games in the sport of adaptive skiing. He has been training in Aspen, CO, and won gold in last year's Super-G National Championships in Men's sit-ski. He will be headed to Vancouver in a few weeks to compete for medals there as well.

All three of these inspirational soldiers are not only Army strong they are Olympic strong. The values that called them to the Army teamwork, perseverance, integrity, and service are the same ones that drive them toward Olympic glory. It is the same set of values that calls other Americans to serve in the Navy, Marines, Air Force, Coast Guard, and civilian careers in Federal Government.

We have such talented citizens who are Federal employees, and whether they are Nobel laureates or Army sergeants, whether they work behind a desk or a spacesuit, they all share the common bond of having chosen—let me repeat that—chosen to give back to the country we all love.

This is the case with all of the great Federal employees I have honored from this desk so far and for those whose stories I have not yet shared or will not be able to during my brief term.

Shauna Rohbock put it best when she said: "I feel it's a great honor to be able to represent my country as a soldier and an athlete."

All Federal employees, military and civilian, athletes and non-athletes alike, represent us well.

I hope my colleagues will join me in saluting Jeremy Teela, Shauna Rohbock, and Heath Calhoun and offering them and their fellow American Olympians our support in the pursuit of victory in Vancouver.

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. LAUTENBERG. 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.

NOMINATION OF JUDGE JOSEPH GREENAWAY

Mr. LAUTENBERG. Mr. President, I think it is important we respond to the public discourse and concern about what it is we do here to accomplish what is in the public interest. We know that for some time now there has been obstructionism to moving ahead with the people's business, that the price obtained for obstructionism is political gain. But, like any other transaction, when you do that—when we take the time and the energy devoted toward trying to move ahead and do not move ahead—the price that is paid for this by the American public. It is apparent that our friends on the other side have decided they would rather sacrifice the people's need for action on critical issues for their party's political gain.

We have seen delay, diversion, parliamentary gimmicks, wasted time, and a throwaway of huge resources to distort and distract us from accomplishing better lives for American families. Republicans have used stalling tactics such as the filibuster over 100 times since the start of this Congress just over 1 year ago. The problem is, the victims of these delay-and-destroy tactics are people who need to get back to work, have affordable health care, better education, and other essentials for decent living.

The victims are also well-qualified nominees for high government positions who seek to serve in order to carry America forward—nominees to fill an appeals court position, such as Judge Joseph Greenaway from my State of New Jersey.

Joseph Greenaway is a well-qualified judge who has served on the Federal bench in New Jersey for over a decade. He has been nominated by President Obama for a seat on the Third Circuit Court of Appeals. He brings exceptional credentials and experience that are second to none. But his nomination has been blocked without any criticism of his education, experience, or merit.

This wonderful example of America at its best came from a modest-income family. He has great academic credentials, excelling at Columbia University and Harvard Law School. He brings a rare blend of experience, clerking for a Federal judge, serving as an assistant U.S. attorney in Newark in 1985, and then working in private practice. He distinguished himself prosecuting bank fraud and white-collar criminals before rising through the ranks to become chief of the Narcotics Division. He moved on to serve as a U.S. district court judge in New Jersey. In that position, he has built up a wealth of experience, presiding over more than 4,000 cases in his courtroom.

He has received numerous honors and awards recognizing his work, among them, the Earl Warren Legal Scholar, Thurgood Marshall College Fund Award of Excellence, Garden State Bar Association Distinguished Jurist Award—the list goes on—Columbia University Medal of Excellence, chair emeritus of the Columbia College Black Alumni Council.

Judge Greenaway has spent his career protecting the people of the State of New Jersey. Despite his critical bench responsibilities, he has always found time to give back to the community. He teaches criminal trial practice classes at Cardozo Law School and courses about the Supreme Court there and at Columbia University.

Judge Greenaway will be an outstanding addition to the bench. The American Bar Association rated him "unanimously well qualified" for this position. That is why he was passed unanimously out of the Judiciary Committee. Not one Republican on that committee dissented. There was not one vote against him. Yet Judge Greenaway has been sidelined for over 4 months, waiting for a vote on the Senate floor, despite the need to fill that position. Every time we try to schedule a vote, Republicans have objected.

I am pleased to note there has been consent to go to a vote on Monday evening. The wait has been long. It has been tortuous. There can't be any understanding of why. With all the wonderful accolades Judge Greenaway has had for his work, his experiences, his climb to the position he has had, what could be objected to? I say, if he is not acceptable in our colleagues' eyes, speak up. Vote against him. Show the American people why this educated, brilliant legal scholar is not fit to serve.

Obstructionism last year led to the lowest number of judicial confirmations in more than 50 years. It is time for this to end, and it doesn't end with a vote on Judge Greenaway. There are lots of positions that have yet to be filled. I wish to say to those who hear this or understand otherwise what is going on, this man, people like him, and our country deserve better.

When a confirmation is blocked, it is not just one judge who suffers. The whole system suffers under the weight of vacancies in the judiciary. The American people suffer with longer waits for justice in overburdened courts.

The Third Circuit Court has a vacancy that needs to be filled. It is time for our friends—Republican Senators who I know love their country—to stop obstructing things, when we have well-qualified nominees, and allow the Senate to confirm them without further delay.

When we have objections that are purposeful, come to the floor, explain why, and explain it honestly and frankly in front of the American people. But to hide behind objections reminds me

of what we used to call people who refused to serve: conscientious objectors. That says something in that phrase. I heard it often in America when I was in uniform as a soldier. Conscientious objectors, people who objected because they have a conscience. If that is the case, and if we relate that to the current condition here, then let people who want to object come up and explain why exactly it is they don't want to vote. But, again, I am pleased our Republican colleagues have seen there was no longer any purpose in delay.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I wish to join my colleague from New Jersey and speak for just a few minutes about Judge Greenaway. I had come to the floor in hope and expectation that we could actually go to his nomination this afternoon. I am pleased we will get a vote on Monday but, even still, this process has taken much too long.

This is a nominee for the Third Circuit Court of Appeals who has about as good as it gets in terms of bipartisan support. At the age of 40, he became a U.S. district court judge. Then, he passed by unanimous consent of this Chamber—Republicans and Democrats alike, unanimous consent. Now he passes out of the Judiciary Committee by, again, a unanimous agreement. Yet he has been held up for months on the Senate floor. Why? Simply because you can?

That is not acceptable. It is not acceptable, when I have heard my colleagues on the other side of the aisle for years talk about an up-or-down vote: Give us an up-or-down vote on a nominee, particularly a nominee who is eminently qualified, who is non-controversial by virtue of the fact that he has achieved the ability to be agreed to in terms of his nominations, both past and present, as it relates to the Judiciary Committee without qualification, without objection.

So it is clear that up to this point the obstruction of this nominee is not about what is right for the Nation; it is not about acting in the best interests of an overburdened judicial system; it is not about ideology; it is not even about Judge Greenaway. It is about the politics of obstruction. That is consequential to the judicial system and to our citizens who depend on that system for the administration and delivery of justice. This is more than a nominee; it is everyone who is waiting for their cases on appeal.

I will point out to my friends on the other side that, hopefully, when we go to Monday's vote, we will understand that on countless occasions, they argued for an up-or-down vote, demanding that a simple majority vote on the President's nominees is all that is necessary, a position diametrically opposed to their position today. I recall they went so far as to proclaim that filibusters of the President's nominations, particularly for the court, were

unconstitutional, and they threatened what we call the nuclear option. I ask, again, which is it? Do my friends on the other side believe it is right that filibustering the President's nominees is unconstitutional or is the question what do they believe will work for them at any given moment?

So we are looking for this up-or-down vote. I don't hear arguments of the unconstitutionality of filibusters now, and I submit to my friends you can't have it both ways. I urge my colleagues to—I know there will be a unanimous consent request offered. I suspect it will be approved. If not, I will return to the floor and have more extensive remarks on this issue.

It is time for this nominee to the Third Circuit Court of Appeals to get a vote, up or down. This is an eminently qualified nominee. My colleague from New Jersey, Senator LAUTENBERG, talked a lot about his history. There is even more. This is a superb nominee. If this nominee can be held up for months, I can only imagine what we are in for as we move forward. At least when it comes to nominees of New Jersey or the district in which New Jersey is involved, I intend to come to the floor each and every time. But I look forward to some success here, at least today, and being able to make our system of justice actually work for our citizens and for that we need judges and justices in place.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, are we in a period of morning business?

The PRESIDING OFFICER. No, we are not.

Mr. CHAMBLISS. I ask unanimous consent to speak as in morning business.

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

(The remarks of Mr. CHAMBLISS pertaining to the introduction of S. 2977 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ENZI. Mr. President, since we are technically under 30 hours of debate on the nomination of Patricia Smith to be Solicitor of Labor, I will rise in opposition to that nomination, as I did yesterday. I will elaborate a little on my concerns about the personal privacy violations in a program she created in 2009 called the Wage and Hour Watch.

The Wage and Hour Watch program recruits and trains union organizers and public interest groups to go into businesses with compliance literature and interview employees to discover violations of wage-and-hour law. The State of New York gives participants materials to disseminate and official cards identifying them and their group as being part of the program for when they enter businesses and speak with employers and employees.

As part of this process, union and community organizers were directed to gather personal telephone numbers, ve-

hicle license plates, and home addresses of business owners, as well as details about the employees working there. These are people with 1 day's training and a special card from the government. Labor organizers and community activists were allowed to use this information for their own organizing activities.

State identification cards were provided to individuals from various unions and community organizing groups to investigate businesses—but the State conducted no background checks on those they trained and provided identification cards to. Is this the kind of program we could expect Ms. Smith to federalize if she is confirmed as Solicitor?

Another deep concern to me is how Ms. Smith described the decision not to conduct any vetting or background checks for Wage and Hour participants who could collect this personal information. When Ms. Smith was questioned about this by the HELP Committee last year, she explained that "there is no formal vetting process for the New York State Department of Labor to partner with any entity. . . . The Department did consider the possibility of background checks on the groups but ultimately rejected that idea after inquiring as to whether Neighborhood Watch groups are subjected to background checks. The Department was informed that the groups participating in this more sensitive crime prevention partnership were not subject to a check."

Ms. Smith explains the lack of a background check because the program is modeled after the National Sheriff Association's Neighborhood Watch program. However, unlike Wage and Hour Watch, Neighborhood Watch is purely an observe-and-report program. Calling the police about suspicious activity in a public area is different than investigating the wages and hours of individual employees and recording their personal contact information and investigating OSHA violations.

For all of these reasons, I have grave concerns about Ms. Smith's decision to allow those who may have criminal records or may not be legal residents of the United States to be trained and gather information under the auspices of New York State authority.

These instances reinforce the serious reservations I hold regarding Ms. Smith's judgment, competency, and ability to lead the Solicitor's Office. I urge my colleagues to oppose this nomination for those reasons.

I want to also elaborate on my concerns about her agency's treatment of small businesses.

Ms. Smith's Wage and Hour Watch program specifically targets small- and medium-size businesses, including, for example, supermarkets, laundromats, nail salons, for State-authorized investigations by unions and community groups. Five trade associations representing small- and medium-size businesses wrote to Ms. Smith to question

her agency's decision to target them and launch her program without any input from them. To quote them:

The image painted by the Department of Labor in its January 26 release is of a posse of activists, duly deputized by the weighty imprimatur of the Department, demanding access to any employer in the state whom they have chosen either at random, or by prejudice.

Notably, the program had been launched and in existence for 2 months before she met with the trade associations. The New York Post characterized the program as "vigilante labor justice" targeting small business.

In documents produced to the committee, we also find that there is a culture in the New York State Department of Labor where bureaucrats often feel little responsibility for treating business fairly. For example, when a reporter misquoted Ms. Smith's Deputy and protégé, Terri Gerstein, she responded in an e-mail:

I never have said that any part of our job is to protect employers against employees who abuse their rights. I have been in this field for 15 years, and I have never said anything like that. Employers have attorneys who can play that role. All the workers have is us.

Small business doesn't just run out and hire attorneys, and they are not used to having people come in at random and flash cards and take a look at their business.

In announcing the Wage and Hour Watch program, Ms. Smith stated her opinion of the business community as follows:

And as the economy continues to reel, businesses find any way they can to cut corners. Unfortunately, this is often at the expense of the workers who keep them going. . . . The future is now, it's here, and today the Labor Department expands its field of battle.

I have found that whether it is employees or employers, there is probably about 1 to 1.5 percent that will do the wrong thing no matter what the law is. We have to set up mechanisms to make sure that doesn't happen and that people are properly treated. But to assume they are all going to cut corners and harm employees is the wrong approach. Moreover, according to internal e-mail, the program was designed for "community enforcement" and created by organized labor, allied public interest groups, and her Deputy without any consideration of small business.

There are also questions whether the State honors its commitments to business. Ms. Smith met with the trade associations concerned about Wage and Hour Watch in March 2009—2 months after it started—and personally committed to banning the pilot participants from promoting their individual organizations simultaneously with Wage and Hour Watch activities. The official documents received from New York, however, do not show this agreement was implemented and, in fact, appear to show the Department allowing the groups to continue these activities.

These instances reinforce the serious reservations I hold regarding Ms.

Smith's judgment, competency, and ability to lead the Solicitor's Office—more reasons I oppose her nomination.

Leaving aside the clear inaccuracies of her testimony to the Senate, you will recall that I spoke extensively on that yesterday, where she gave us testimony and then we gave her a chance in written questions to correct her testimony. She did not. So there are also concerns with Commissioner Smith's ability to be a fair arbitrator and enforcer of our Nation's labor laws. In every instance I am aware of, Ms. Smith has shown herself to be a trusted ally of organized labor and even allows them to participate heavily in the formulation of her agency's initiatives.

Indeed, the State of New York's official records show that two of the pilot groups for Wage and Hour Watch, a senior union organizer and a public interest entity financed in part by unions, were heavily involved in developing all aspects of the Wage and Hour Watch program, including participant eligibility, program documents, training, and press strategies.

One of the union's written work plans stated they were going to use Wage and Hour Watch in "all of our organizing campaigns," including those outside their designated area.

Also, a food and commercial worker union's newsletter states plans to specifically investigate "nonunion" groceries as part of the Wage and Hour Watch.

The cochairman of the State's Wage and Hour Watch program is the president of a union.

Several program expansion applicants have as their sole purpose union organizing.

State officials also planned to ensure upstate trade unions would be eligible.

Documents also show the New York Labor Department allows unions to participate in the wage-and-hour law investigations, including interviews of workers with potential claims.

Ms. Smith's interaction with some of the organized labor allied groups goes back to when she headed the labor bureau for then-New York State Attorney General Elliott Spitzer. Records show these same groups teaming up to coerce neutrality agreements and organize business.

With the Wage and Hour Watch program, union organizers now had official State identification cards they could use to enter any business in New York—possibly allowing them to avoid nonsolicitation laws or policies—to gather information on employers and employees. The unions were allowed to contact employees or employers at their homes or at the business as part of "community organizing."

Ms. Smith twice also attempted to alter a longstanding legal position to restrict charter schools for the benefit of organized labor—once while in the Attorney General's Office in 2007 and again when she became Commissioner of Labor. In both instances she was reversed by a court.

Commissioner Smith also maintains a senior executive for outreach solely to organized labor—currently staffed by someone who worked for 23 years for the AFL-CIO in organizing and with the SEIU. Notably, there is no such equivalent role for outreach to small business or nonunion employees.

While I appreciate that organized labor is an important stakeholder in New York, this record of favoritism, including allowing union organizers to participate in State labor law enforcement, strikes me as clearly inappropriate. Indeed, I cannot imagine how my colleagues would react if a Republican nominee in a future administration deputized trade associations to investigate or enforce laws with regard to unions.

As you can tell, I have grave concerns about this nominee because of these actions. But having also learned that she misled the Senate, and then didn't correct her answers when she got the chance, I cannot support her. I urge my colleagues to oppose Ms. Smith.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

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

#### BUILD AMERICA BONDS

Mr. WYDEN. Mr. President, after holding 20 townhall meetings in my home State of Oregon over the past month, I can certainly report that people are hungry for good economic news, particularly news about job creation growing our economy. Our people want fresh ideas that work, and clearly they are saying, and saying passionately, that it is time to set aside government that doesn't work for them.

That is why I am proud to come to the floor this afternoon and talk about a positive economic development—a development that has far exceeded the projections and the hopes of those who advocated for it—and that is the Build America Bonds program. Build America Bonds works, and it works because it puts our people to work at good-paying, family-wage jobs.

Mr. President, when I started working on Build America Bonds about 6 years ago with a number of colleagues on the other side of the aisle, it was because I believed there was bipartisan support for shoring up our Nation's crumbling infrastructure and, at the same time, getting our economy back to work. It is a fact that investing in infrastructure, dollar for dollar, is one of the best economic multipliers we have in our country, and it is a way to jump-start economic growth.

As communities deal with the recession, I and my colleagues on the other side of the aisle want to give our communities new tools to finance essential construction projects. What Build America Bonds has always been about is not taking any of the tools out of the toolbox we have today, but putting in some additional ones for our communities. Build America Bonds is certainly not a replacement for direct Federal spending on infrastructure, but I think all people who have looked at this subject understand the need is so great for roads and bridges and water systems and schools that we ought to be looking for all cost-effective, efficient ways to fund this essential infrastructure that does have bipartisan support in the Senate.

To report, we thought that maybe getting the Build America Bonds Program off the ground would result in somewhere in the vicinity of \$5 to \$10 billion worth of additional investment in infrastructure. The program was authorized as part of the stimulus legislation. It did not get off the ground until the middle of the next year, and my colleagues and I thought perhaps the \$5 to \$10 billion of Build America Bonds that were authorized would allow us to make the case that when the program expires at the end of this year we could call for its renewal.

When the year wrapped up, the figures showed that almost \$64 billion worth of Build America Bonds had been issued. In fact, a number of independent experts say that Build America Bonds are now the hottest, most attractive vehicle in the municipal bond market.

In my home State of Oregon, it has been proven time and time again that private money follows public investment. People get back to work building a bridge, for example, and all the businesses near the construction site get more activity from the people who need their services. Once the project is finished, private investment follows the public investment. That bridge makes it easier for folks to get to work or take their kids to school, and communities grow.

As I mentioned, this bill has a long bipartisan lineage. Then-Senator Talent joined with me about 6 years ago for this program. The program would have created a Federal tax credit bonding program to fund investment in transportation infrastructure. Since then, our colleague Senator THUNE and four others on both sides of the aisle have joined us to make sure the Senate was on record as saying we can find sensible, commonsense, nonpartisan solutions that address the basic needs this country has to a great extent overlooked.

I have mentioned to date more than \$60 billion worth of these innovative bonds have funded hundreds of projects in 39 States—fixing our roads and bridges, rebuilding our schools, upgrading our utilities. These are projects that have been funded, I advise my

good friend from Delaware, because we had a lot of discussion about exactly what works in infrastructure and what does not.

On top of this \$60 billion of Build America Bonds infrastructure investment, we have seen \$80 billion of direct Federal infrastructure spending that was included in the Recovery Act. So you have a one-two punch now for the first time to mobilize all possible resources to fund infrastructure. You have a significant investment in what is called direct spending. I particularly appreciate what a number of my colleagues on the Appropriations Committee have done in this area, particularly Senator MURRAY, who has championed our cause in the Pacific Northwest with respect to infrastructure. Senator HARKIN, the chairman of the Pensions and Labor Committee, also has done a great job in school construction.

I want it understood that those of us who support Build America Bonds see the bonds as a complement to the outstanding work a number of my colleagues whom I have mentioned are doing. This is not to supplant that kind of direct spending effort but to shore it up, to offer additional assistance, particularly additional assistance when the need is so great.

As our proposal was developed, we had an opportunity to work with Chairman BAUCUS and Senator GRASSLEY, the chair and ranking minority member on the Finance Committee, because we wanted to make sure this effort continued to be bipartisan at every step of the way. I am very grateful that Chairman BAUCUS and Senator GRASSLEY in effect gave us a chance to jumpstart this idea, to get it off the ground.

The reality is, I suggest to my colleague from Delaware, the Federal Government has never bonded in the transportation area. A lot of States and communities wonder if they would even exist without bonds, but the Federal Government had never bonded in the transportation area. We, our bipartisan coalition, believed a tax credit bond could be especially effective. But because Chairman BAUCUS and Senator GRASSLEY were willing to bet on our bipartisan coalition, our coalition that said Build America Bonds are going to be an efficient tool, we saw all the predictions for the success of this program exceeded. The reality of Build America Bonds blew past the predictions like a bullet train. Build America Bonds sold like hotcakes, getting desperately needed funding going into local communities, creating jobs, and helping to strengthen our infrastructure.

As I have suggested, anyone concerned that in some way this bond program would displace current assistance on infrastructure ought to look at the numbers I have cited. Under the Recovery Act, there was \$80 billion for direct Federal infrastructure spending. It has been spent on infrastructure or will be spent within the next year. And Build America Bonds were sold on top of that assistance.

Here are some examples of Build America Bonds quickly putting folks to work. In Oregon's Dayton school district, they used Build America Bonds to employ up to 150 people building and remodeling classrooms. By using Build America Bonds, the school district saved an estimated \$1.2 million in interest costs. It is a small school district. Those kinds of savings make a difference.

Communities in Wisconsin have also used Build America Bonds. One small community used them to lower their financing costs by 2.3 percent, allowing them to turn plans to upgrade roads, sewers, and buildings into reality. One of their leaders told *Business Week* magazine that without Build America Bonds, "some projects might not be done" and "there would be less employment."

Recently a CBO/Joint Tax Committee report highlighted a number of other benefits from Build America Bonds. CBO and the Joint Tax Committee found that tax credit bonds, like our Build America Bonds, are more cost effective than tax-exempt bonds. The report also concludes that because the bonds are more attractive to investors, they are more efficient at raising capital. This saves municipalities time and money and effort that can be spent on other priorities. Aside from the fact that the funds are raised efficiently, what I have heard again and again—and I think this is what colleagues are going to be looking at when it comes to infrastructure investment—Build America Bonds get the job done quickly. Because they have to adhere to Federal spending guidelines, all of the bond funds have to be spent within 2 years of the date the bond is issued. This means that money is not just flowing into projects, it is being spent in the short term, paying to build roads and bridges and other infrastructure and putting folks back to work quickly. That is the kind of bang for our buck that Americans are hungry for right now. That is what Build America Bonds deliver.

Back in the days before Build America Bonds were issued, the market for normal municipal bonds was almost frozen. It was very hard to sell municipal bonds. It certainly didn't mean the need for financing infrastructure was not there, it was just very hard to get them through the traditional bond market. Build America Bonds have changed that. The private sector, folks who represent the country's largest businesses—the Chamber of Commerce and National Association of Manufacturers—have been strong supporters of it. Many of the labor groups, the trades in particular, have been supportive of it because clearly business and working families need a working infrastructure to give businesses the security they need to think long term about their future.

But it is not just businesses that buy Build America Bonds. Nonprofits, like pension funds, have also found Build

America Bonds an attractive investment. Although nonprofits cannot benefit from the tax credits, bond issuers can pass on the value of the tax credits in the form of a higher interest rate for Build America Bonds than other types of bonds. By contrast, traditional tax-exempt municipal bonds are not a good investment for pension funds and other institutional investors that do not pay taxes. So Build America Bonds are especially attractive as a way for nonprofits to invest in American infrastructure that traditional tax-exempt bonds do not provide.

I am not surprised, and I think the judgment I have made would be shared by colleagues on the other side of the aisle because a lot of them have been involved over these last 6 years—we are not surprised that Build America Bonds are reinventing the municipal bond market. They have been a good deal for our communities and for all types of investors. They have freed up financing for badly needed infrastructure construction and ensured long-term economic growth. In some cases these bonds, according to people in communities across this country, make the difference between whether infrastructure projects are actually going to get done. In other cases they lower the cost of the projects and allow communities to reinvest those savings in other projects.

By any scenario you look at with respect to this program, this is one that helps local governments, local businesses, and the people who rely on infrastructure for jobs and economic security. My view is that is exactly the kind of solution folks are asking for from the Congress at this time. It is fine to speculate about programs you wish to have considered and you will look at down the road to see if they actually produce. The Obama administration now wants to make Build America Bonds permanent because they have seen the extraordinary response our country is demonstrating. Build America Bonds have produced, and they have produced exactly what was intended: a prompt infrastructure investment in an efficient fashion.

I express my appreciation to Chairman BAUCUS. Under his leadership the Finance Committee, on which I am honored to serve, is currently looking at expanding and improving Build America Bonds in the upcoming jobs bill. I told Secretary Geithner this morning that I had appreciated his leadership and the administration's leadership on this issue.

We have some questions about how to proceed—for example, whether, as I would like, Build America Bonds should be devoted to new job creation as opposed to assistance for operating expenses and other areas. But the bottom line is those are the kinds of issues that Democrats and Republicans here in the Senate can take on in a bipartisan way. What we know is we have something that is working, that is making a difference in this critical infrastructure area, and that literally

has 6 years worth of bipartisan history where Democrats and Republicans have come together on an issue that is extraordinarily important to our Nation.

If we keep working together on good ideas such as Build America Bonds, by the time the current economic storm passes our country's infrastructure will be finally ready to support a strong, healthy economy that lies ahead for our Nation.

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

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### NOMINATIONS

Mrs. FEINSTEIN. Mr. President, I come to the floor as the chairman of the Select Committee on Intelligence to speak on two nominations that have been before our committee. Both of these nominees have been unanimously passed out by our committee.

The first is the top person for intelligence and analysis at the Department of Homeland Security. Her name is Ms. Caryn Wagner. Second, Ambassador Phil Goldberg, who is nominated to be Assistant Secretary for Intelligence and Research at the Department of State.

These nominations are critically important to the safety and security of this Nation. These are the top intelligence officials in two different departments. There has been an objection to a unanimous request from the other side on the question to confirm these nominees. The majority leader of the Senate has come to the floor twice to implore, to request, to ask that these two nominees be approved because these are top intelligence people for the respective departments.

We just had a national threat hearing, a world threat hearing in the Intelligence Committee, open to the public and press, this afternoon. I asked the question: What is the possibility of an attack against the homeland in the next 3 to 6 months? Is it high? Is it low? Director Blair; Director Panetta; Director Mueller of the FBI; the head of the Defense Intelligence Agency, General Burgess; the acting head of the INR, the intelligence agency of the State Department, Ambassador Dinger—every one of them said that there will be an attempt at an attack. The threat is high. Yet we cannot get confirmed two top people whose job it is to see that the analysis of this intelligence is correct.

Let me speak for a moment about Caryn Wagner. She has had a distinguished career in public and private service that has prepared her to be the Under Secretary of Homeland Security for Intelligence and Analysis.

We just had an attempted Christmas attack on the homeland. Ms. Wagner is

the top person of that Department to deal with the intelligence related to exactly this—protection of the homeland.

You might think, well, is there a problem with the nominee? And the answer to that is no. She is currently an instructor in intelligence resource management for the Intelligence and Security Academy. She was hired from the House Permanent Select Committee on Intelligence. Prior to that, she served as the Assistant Deputy Director of National Intelligence for Management and as the first Chief Financial Officer for the National Intelligence Program. She assumed this position after serving as Executive Director for Intelligence Community Affairs.

She also previously served as the senior Defense Intelligence Agency representative to the U.S. European Command and the North Atlantic Treaty Organization, as well as Deputy Director for Analysis and Production at the Defense Intelligence Agency. She was also formerly staff director of the Subcommittee on Tactical and Technical Intelligence on the House Permanent Select Committee on Intelligence and a signals intelligence and electronic warfare officer in the U.S. Army.

She has been an intelligence official all of her professional life. She is serious. She is capable. She is a good candidate for the position of Under Secretary of Homeland Security.

We held a confirmation hearing on Ms. Wagner's nomination on December 1. Given the overlapping interest of the Homeland Security Committee, the Homeland Security and Government Affairs Committee held a hearing on her confirmation on December 3. There were no issues with her nomination in that committee.

The position to which she is nominated is the top intelligence position in the Department of Homeland Security. The main responsibilities of this office are to ensure that information related to homeland security threats are collected, analyzed, and disseminated to homeland security customers in the department at the State, local, and tribal levels.

So this is an important job. There is no one in it. We have just had an attack, and the chances of another attempted attack in the next 6 months are high. Yet somebody on the other side—I suspect for political reasons—is holding her up. It makes no sense, if you want to protect this Nation, to hold up this position. I hope whoever it is will come to the floor and explain why they are holding up this nominee, a woman who has had a lifetime dedicated to intelligence, who would be the top intelligence person in the Department of Homeland Security. One person holding her up, vetted by two committees, Intelligence and Homeland Security, without a negative vote at Intelligence. Why would someone hold her up? For their own agenda? Is it appropriate to hold her up for someone's

own personal agenda, when you have the top person in that department responsible for intelligence, at a time when we have just had an attempted attack? I think not.

The Under Secretary of the office leads efforts to collect and analyze intelligence, to see that it is shared appropriately and provided to other intelligence community agencies. The Under Secretary provides homeland security intelligence and advice to the Secretary, as well as to other senior officials in the Department, and serves as the Department's senior interagency intelligence representative. They have no one right now. It makes no sense to me.

In short, this individual, the Under Secretary for Intelligence of the Department of Homeland Security, is responsible for ensuring that intelligence relating to a threat to the United States is acted upon. That spot is vacant. From an intelligence point of view, this is quite terrible. It is deleterious. It is not right for this body to hold up this nominee.

Unfortunately, the Office of Intelligence and Analysis has experienced numerous problems in its short tenure. Let me note some: The office's ill-defined planning, programming, and budgeting processes; a gross overreliance on contractors, to the point that 63 percent of the workforce was contracted out as of this summer; and a lack of a strategic plan. These are three major problems for which the Under Secretary needs to get on board. The Under Secretary needs to solve these problems.

On a number of occasions, the office has produced and disseminated finished intelligence that has been based on noncredible, open-source materials or focused intelligence resources on the first amendment-protected activities of American citizens.

So what is my bottom line? The office is in need of strong leadership from an Under Secretary with an extensive background in management of intelligence. The Intelligence Committee is confident Ms. Wagner is such a person. She is up to the challenge. She testified that, if confirmed, among her first tasks will be to review a draft plan to restructure and refine the office's mission, which will be a good first indication of how Ms. Wagner will manage the organization. We should get cracking. We should get it done. We should get this spot filled.

I, respectfully, ask that if there is something we do not know, that the Homeland Security Committee does not know, that the Intelligence Committee does not know, that the person holding her up come to the floor and tell us what it is. It is a significant deficit not to have this position filled.

Let me turn to the nomination of Ambassador Philip Goldberg to be Assistant Secretary for Intelligence and Research at the State Department. Again, the Intelligence Committee had a hearing. We unanimously approved

Ambassador Goldberg's nomination on December 10, the same day we reported out Ms. Wagner's nomination.

Ambassador Goldberg has a distinguished 20-year career in the Foreign Service, where he has served as the charge d'affaires and deputy chief of mission in Santiago, Chile; the chief of mission in Pristina, Kosovo; and in the U.S. Embassies in Bogota, Colombia, and Pretoria, South Africa. Ambassador Goldberg is a graduate of Boston University and, before joining the Foreign Service, he worked for the city of New York.

From 2006 to 2008, he served as Ambassador to Bolivia, during a period of heightened tensions between our two countries.

In mid-September 2008, President Evo Morales accused Ambassador Goldberg of supporting opposition forces, declaring him *persona non grata*, and expelled him from the country.

The Intelligence Committee carefully reviewed Ambassador Goldberg's conduct in Bolivia. We have found he acted appropriately during his tenure and carried out the policies of the U.S. Government. In fact, an inspector general report on the Embassy, published in September of 2008, gave Ambassador Goldberg and his deputy high marks, stating:

The Ambassador and the deputy chief of mission (DCM) provide clear policy guidance and leadership . . . [They gather] input and the advice from their staff, forging an excellent working relationship among all agencies and sections at post.

After Ambassador Goldberg's expulsion from Bolivia, the State Department strongly defended the Ambassador, both in the public press as well as in internal memoranda. In short, the Intelligence Committee believes Ambassador Goldberg acted professionally and bears no blame for the Bolivian decision to expel him.

Since June of 2009, Ambassador Goldberg has served as the coordinator for the implementation of United Nations resolution 1874, which imposed economic and commercial sanctions on North Korea. In this position, he has relied on sensitive intelligence reporting to build a diplomatic consensus to search North Korean cargo.

Ambassador Goldberg appeared before the Intelligence Committee for a confirmation hearing on December 1, 2009. Given its jurisdiction over the State Department, the Senate Foreign Relations Committee also held a hearing on Ambassador Goldberg's nomination on November 19, 2009. No problems with the nomination were identified.

The unanimous view is, Ambassador Goldberg is an experienced professional who is very capable and ready to assume his new duties.

The position of Assistant Secretary for Intelligence and Research is a unique one in the intelligence community. The bureau, which we refer to simply as INR, produces all source intelligence analysis to advise the Secretary of State and other senior policy

officials and presents an important viewpoint in the internal deliberations of the intelligence analytic community. INR analysts are highly expert in their fields and often improve the quality of coordinated intelligence assessments by challenging the views of other agencies and, if necessary, dissenting from consensus judgments, if they believe them to be incorrect or unsubstantiated.

I first came to appreciate INR's independent-minded approach in 2002, when its analysts dissented from the official judgment of the intelligence community regarding Iraq's weapons of mass destruction. INR analysts expressed less certainty regarding the claim that Iraq was reconstituting nuclear weapons, believing that Saddam Hussein's pursuit of aluminum tubing was not for nuclear purposes.

History, of course, proved the INR analysts to be correct, as Iraq was not reconstituting a nuclear weapons program.

Bottom line: Ambassador Goldberg is well qualified, and the position for which he has been nominated to fill is an important one within the intelligence community. There has been no reason put forward why he should not be confirmed. Two committees have held hearings. The Intelligence Committee recommended his confirmation unanimously. We did for both these nominees. Yet there is a hold on the other side of the aisle.

As chairman of the Intelligence Committee, I believe it places our Nation at a security disadvantage. I urge that change. I urge that whoever has the hold, if they have something that is consequential against either one of these nominees, do the honorable thing. Come to the floor of the Senate, express your objections. Have the debate and dialog on the ability, the experience, the doings of these two people. They are superbly qualified. Neither one of these was plucked out of some political community and thrust into these positions. They have both been dedicated professionals. That is one of the reasons why this hold is so difficult to understand.

I wish the Senate to know that the Intelligence Committee, which I am proud to chair, takes its responsibility to review the President's nominees to positions requiring Senate confirmation very seriously. Our process is thorough and bipartisan. The staff does an investigation. The documents are reviewed. The hearing is held. Written questions are sent. Written questions are answered. The questions and their answers are read. The committee discusses it and votes. In this case, three committees have reviewed these two nominees. The Intelligence Committee has found them qualified for their positions. Yet they are held up.

Consider that on Christmas Day we had someone who tried to explode a device, a device which will be perfected, which will be used again, which is basically impossible to find by a magne-

tometer in an airport, which will be used again, and that intelligence professionals assess with confidence that we face another attack. We ought to get these positions filled.

Unless there is some reason why these two nominees are faulty, if they are not qualified, if they have done something wrong, then I say come to the floor and oppose them openly. But "time's awastin'." These positions have to be staffed. This country has to be protected. Our intelligence professionals need to be in place. In two departments, we have two high-level positions relating to intelligence that are not filled and should be filled and these nominees are waiting.

So I hope someone is listening. I hope, somehow, somehow, this will make a difference. And I very much hope we will be able to confirm both of these nominees—reviewed by the Foreign Relations Committee, one; by the Homeland Security Committee, the other; and reviewed and approved by the Intelligence Committee, both.

Thank you very much, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. HARKIN. Well, Mr. President, here we are. It is about 5 minutes to 6 p.m. We have been here all day today postcloture on Patricia Smith. Again, to recap why we are here—I am not certain why we are here but to recap the fact that we are here—Patricia Smith was reported out of our committee last year, was held up to be the Solicitor for the Department of Labor, and finally we had to file cloture because she was being filibustered. That cloture motion ripened last night and we had a cloture vote last night. Sixty people voted to end debate and bring her up for a vote. Well, under the rules of the Senate, there is then 30 hours of debate. So we have been here. It has been nearly 30 hours.

We have been here all day today, and, as I understand, only one person showed up today to talk against her nomination. That was my colleague and good friend, Senator ENZI from Wyoming, the ranking member of our committee. I looked at the transcript of what he said, and basically it was just about what was said yesterday. Nothing new came out today. I know Mr. ENZI opposes her nomination. That is no secret. It is his right to do that. But here we are using 30 hours and only one person today has come over to speak against her.

So, again, I just say this to inform the public that here we are, the lights are on, the electricity is running, the bills are going up, and we are here for

no good reason whatsoever. We could have voted on the nominee last night. We could have voted this morning and moved on to other business. There is other business before the Senate that needs to be attended to. But the Republicans have decided under their leadership to slow everything down.

I have heard it said by the leadership on the Republican side that the public wants them to stop bad legislation. That is why they use the filibuster. Well, this is not legislation. This is a person to be the Solicitor for the Department of Labor, and obviously she has more than enough votes to get confirmed. She is eminently well qualified. She has a broad swath of support. Again, they can filibuster, but we had the vote on that last night to end the filibuster. But, again, it is their right under the rules—I am not denying that—it is their right to drag it out for 30 more hours. But to what end? To what purpose? Has more information come out about Ms. Smith that might change somebody's mind on how they are going to vote, whether she should take this position? No, nothing more has come out, no new information. So here we are wasting time, slowing everything down. The public has to know this. People out there are frustrated because we are not getting anything done. This is a perfect example of how the Senate has become dysfunctional—dysfunctional. Here we are for 30 hours doing absolutely nothing, to no end whatsoever.

Usually, as to the 30 hours after a cloture vote has been had, people will say: Well, there is new information. We have to bring out something new. We can maybe change some votes.

Nothing new has come out and nothing new will come out. She has been thoroughly vetted since last April, almost a year. She has responded to every written question. She has responded to any personal request to meet with her. So everything is out there in the open. Yet the Republicans insist on dragging it out for 30 hours. Again, the public has a right to ask why. Again, to what end? To what end are we dragging out the 30 hours? Well, I guess the end is to try to keep us from doing anything else.

As President Obama said in his State of the Union Address, just saying no is not leadership. Just saying no is not leadership. That is all we are hearing from the Republican side—no to everything. Well, it is all right if they want to say no, but at least let's vote. Let's vote.

It is very frustrating—very frustrating. I know they can use the rules, but you can also abuse the rules. The filibuster is being abused. It used to be used only for weighty measures in which there was a true disagreement and for which, perhaps, some could be swayed one way or the other through the debate and arguments that came forward on the floor—not for nominations. So everything is slowed down.

I also wish to say a few more words on behalf of Patricia Smith. Again, we

have not heard anything new during these 30 hours. There was one thing my colleague and friend Senator ENZI said today that I do want to respond to. Again, it was nothing new, but it was just said again today about this Wage Watch that was instituted in New York as a pilot program, about how they were going to investigate and go into businesses and all that kind of stuff. Again, I do not want to repeat what somebody lower down has said. I want to know what Ms. Smith herself said about it.

Here, as shown on this chart, is an e-mail from Commissioner Smith—right now from her—dated January 15, 2009, when they were starting up this program. Here is her e-mail—not some underling's, not some staff person's, but Ms. Smith's, who is the subject of the nomination—

Wage Watch groups will be conducting activities which promote labor law compliance . . . including handing out leaflets about labor laws to workers at community events or supermarkets; giving know-your-rights training to workers; talking to workers at restaurants and other businesses open to the public; and talking with employers about labor law compliance.

Please note that the groups and individuals who participate as Wage Watchers will not be agency employees or official representatives of the Labor Department. They are not replacing staff and they are not going to be conducting investigations of any kind. Their role is limited to doing outreach and community education, and to reporting any violations they encounter to the division.

So that is what the Wage Watch was set up to be. But, again, we keep hearing all of these accusations about vigilantes and all that kind of stuff. They are not empowered to enter any place of business unless the employer lets them or unless it is a place of business where the general public can go such as a restaurant, a Wal-Mart, whatever—stores. Wherever the public can go, they can go, but they cannot enter a business that is not generally accessible to the public. I wanted to set the record straight one more time.

Again, if Ms. Smith were so bad, I would daresay you couldn't find a business group that would support her. I have here a whole bunch of letters from business groups in the State of New York where she is presently the labor commissioner extolling her virtues and her ability to work with the business community. Here is the Business Council of New York State. I won't read it all, but it says:

As the president and CEO of a statewide business trade organization, I believe Ms. Smith is superbly qualified to assume the responsibilities of Solicitor General and urge the Committee's favorable disposition of her nomination.

He goes on to say:

Ms. Smith's long tenure as an Assistant Attorney General of New York leading its Labor Bureau showed her to be thorough, fair, and judicious in the use of the tools at her disposal to ensure compliance with New York's labor law.

Then he goes on further:

What is important to note is that under Ms. Smith's leadership, she made an extra effort to communicate directly with the business community, to elicit feedback, to provide us with a heads-up, and to balance our comments as she framed policy and practice within her Department. Her outreach to us and communication with us was open, honest, candid, and frequent.

I ask unanimous consent that the letter from Kenneth Adams, president and CEO of the Business Council of New York, be printed in the RECORD at this point.

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

THE BUSINESS COUNCIL  
OF NEW YORK STATE, INC.,  
Albany, NY, August 14, 2009.

Re Nomination of M. Patricia Smith, U.S. Department of Labor Solicitor General.

Hon. MICHAEL B. ENZI,  
U.S. Senate, Senate Russell Office Building,  
Washington, DC 20510.

DEAR SENATOR ENZI: On behalf of the 3,000 members of The Business Council of New York State, I write in support of President Obama's nomination of Ms. Patricia Smith for the position of Solicitor General at the United States Department of Labor. As the president and CEO of a statewide business trade organization, I believe Ms. Smith is superbly qualified to assume the responsibilities of Solicitor General and urge the Committee's favorable disposition of her nomination.

As the Committee has the broadest access to Ms. Smith's resume and credentials, I write to add a perspective which often does not translate well from written documents or background checks. Ms. Smith's long tenure as an Assistant Attorney General of New York leading its Labor Bureau showed her to be thorough, fair and judicious in the use of the tools at her disposal to ensure compliance with New York's Labor Law. She carefully balanced the disparate issues before her and sought resolution as opposed to prosecution, when that result would serve the best interests of New York's citizens. And where blatant fraud, abuse and disregard for New York's Labor Law was evident, she did not rush for headlines and photo opportunities, but rather worked closely with appropriate officials to build a legal case which would withstand scrutiny and higher level appeals.

In her tenure as New York's Commissioner of Labor, Ms. Smith continued her vigilance and diligence on behalf of New York's citizens, again balancing the many different roles the Department of Labor serves in New York State. To those not familiar with the responsibilities of that Department, they may not understand the challenge it can be to manage an agency which issues unemployment benefits; must be vigilant about fraud in that \$2.5 billion unemployment system; engages with businesses and individuals to help put people back to work; manages a workforce development system designed to improve skills of our workforce; and, enforces rigorous minimum wage, safety and health, and various labor standards' statutes. At times, a Commissioner is asked to decide between what may seem to be conflicting goals and objectives; Ms. Smith always demonstrated to the business community a willingness to listen, to reflect and to respond.

To be sure, our organization did not always agree with the policy direction taken under Ms. Smith's tenure. But there are well-established processes through which we can pursue changes to policies with which we disagree. What is important to note is that

under Ms. Smith's leadership, she made an extra effort to communicate directly with the business community, to elicit feedback, to provide us with a heads-up, and to balance our comments as she framed policy and practice within her Department. Her outreach to us and communication with us was open, honest, candid and frequent. While some may view her tenure as one of strict enforcement, with little regard to practical day-to-day business realities, our membership would disagree, as we believe she offered an opportunity to the business community to be a part of the solution, rather than just reacting to the problems.

New York's Labor Laws date back a century and reflect the seriousness with which policymakers then and now feel the law should protect workers and be responsive to their needs. That is the statutory and regulatory environment within which New York employers must operate. Where employers engage in fraud and abuse of employees, enforcement of the law is a duty, not an option. Ms. Smith has shown a clear ability to balance her duty as a public official to enforce the law and her obligation as a public official to ensure that the law provides for reasonable application and reasonable solutions.

It is those critical skills—listening, interpreting, and balancing—that make Ms. Smith an ideal candidate to serve as the United States Department of Labor's Solicitor General and I would ask that the Committee move on her nomination upon its return in September.

Should any Committee members benefit from further discussion on her nomination to which I can contribute, please feel free to contact me at your convenience.

Sincerely,

KENNETH ADAMS,  
*President and CEO.*

Mr. HARKIN. Mr. President, here is a letter from the Partnership for New York City. Again, I won't read it all, but it says:

As an advocate for businesses and economic development in New York for more than twenty-five years, I have had the opportunity to interact with many public officials. Ms. Smith stands out as one of the most dedicated and effective of our state commissioners and I consider her to be an excellent choice for the post that the President has selected her for.

That is from the president and CEO of the Partnership for New York City.

I ask unanimous consent that it be printed in the RECORD.

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

SEPTEMBER 1, 2009.

Hon. MICHAEL B. ENZI,  
*U.S. Senate, Senate Russell Office Building,  
Washington, DC.*

DEAR SENATOR ENZI: I am writing in support of President Obama's nomination of M. Patricia Smith for Solicitor General of the United States Department of Labor.

The Partnership for New York City is an organization whose members include many of the nation's most prominent business leaders. Our mission is to work with government, organized labor and the not-for-profit sector to build a stronger city and state, with a focus on education, infrastructure and the economy.

During the past year, we have been particularly concerned about the threat that the global financial crisis and recession have had on the financial services industry, which is a key source of jobs and tax revenues for

New York. Thousands of city businesses and workers, either directly or indirectly, have been casualties of this crisis. As New York State Labor Commissioner, Patricia Smith has been a strong voice and essential partner in addressing the issues arising from this crisis and helping to insure that New York remains the financial capital of the country and the world.

Ms. Smith acted decisively to mobilize New York, Connecticut and New Jersey to collaborate as a region with a shared interest in the recovery of the financial services industry and keeping top talent here. She led efforts to secure a \$20 million National Emergency Grant that is currently helping thousands who have been laid off to train for new careers. She established a New York Early Alert/Retention Team to respond to small businesses in danger of closure, relocation, or financial crisis that would result in mass layoffs.

She has aggressively promoted programs that help employers retain productive workers during downturns and fund employer-sponsored worker training initiatives. She increased employer participation in the federal Work Opportunity Tax Credit (WOTC), which provides incentives to employers to hire people who are hard to employ. The Partnership strongly supports these programs, and every one of them has seen unprecedented success in New York City under Commissioner Smith's leadership.

As an advocate for businesses and economic development in New York for more than 25 years, I have had the opportunity to interact with many public officials. Ms. Smith stands out as one of the most dedicated and effective of our state commissioners and I consider her to be an excellent choice for the post that the President has selected her for.

We hope you will support her nomination and would be happy to answer any questions you might have about her work with the New York business community.

Sincerely,

KATHRYN S. WYLDE,  
*President & CEO.*

Mr. HARKIN. Here is a letter from the Manufacturers Association of Central New York:

The Department of Labor under the leadership of Commissioner Smith has been fully supportive in our mission to enhance and improve our sector's workforce. Commissioner Smith and her team have been informative, helpful, and involved every step of the way, ensuring our membership has the tools, education and skills they need in order to succeed.

It is signed by Randy Wolken, president of the Manufacturers Association of New York.

I ask unanimous consent that this letter be included in the RECORD.

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

MANUFACTURERS ASSOCIATION  
OF CENTRAL NEW YORK,  
*Syracuse, NY, September 11, 2009.*

Re Nomination of M. Patricia Smith as Solicitor General, United States Department of Labor.

Hon. JEFF MERKLEY,  
*U.S. Senate, Russell Senate Office Building,  
Washington, DC.*

DEAR MR. MERKLEY: On behalf of MACNY, the Manufacturers Association and its members, I fully give my support to the nomination of Patricia Smith as Solicitor General of the United States Department of Labor.

MACNY is a trade association representing over 330 member companies with over 55,000

employees within a 19-county region, and we serve and advocate for the growth and development of the manufacturing sector of New York State. Founded in 1913, we pride ourselves on not only being the largest association of manufacturers in New York, but also one of the oldest and most widely recognized associations in the nation.

For Central and Upstate New York to retain its manufacturing base, manufacturers must be able to compete in the global economy. Manufacturing strength is contingent upon the quality of the region's workforce. Manufacturers often cite the quality of the workforce as a key reason for business expansion and the lack of it as a reason for closing and/or relocating. Expanding the trained and educated manufacturing workforce is therefore crucial to the Upstate New York economy. As such, one of MACNY's core mission areas remains workforce development. Training programs help manufacturers educate workers and remain in Central and Upstate New York.

The Department of Labor under the leadership of Commissioner Smith has been fully supportive in our mission to enhance and improve our sector's workforce. Commissioner Smith and her team have been informative, helpful, and involved every step of the way, ensuring our membership has the tools, education and skills they need in order to succeed.

One such example is the partnership between MACNY and DOL on the successful Shared Work Program. Since its inception, MACNY has lent its support and continued to promote this beneficial DOL program. Through this unique and successful partnership, over 34 member companies have utilized and benefited from the Shared Work program, including Revere Copper Products, Endicott Interconnect and Manth Brownell, Inc.

In another similar partnership, in May of 2009, MACNY hosted a Workforce Development partnership meeting for the planning of reemployment services on behalf of Magna Power train, a longtime MACNY member and major market manufacturing employer located in Dewitt, New York. The meeting, in partnership with the Department of Labor, focused on the company's employees and the anticipated downsizings and possible future plant closure. Since economic and labor pool questions are regular inquiries from our membership, MACNY holds a vested interest in the related progress. As a result of this meeting, and with thanks to the expertise and hard work of the Department of Labor, MACNY remains readily available to promote an applicant pool and highly qualified resumes to their membership.

Commissioner Smith has also spent her tenure advocating on the federal level for funding in workforce development initiatives and continued Federal workforce training dollars, a cause that has greatly benefited MACNY's membership. Meeting with editorial boards and local officials, New York's Congressional delegation, as well as key Congressional committee members and staff, Commissioner Smith was able to draw attention to and oppose the 50% cut in New York's Workforce Investment Act (WIA) dollars since 2000. In recent years, MACNY has been grateful in securing federal funding for workforce and training initiatives, allowing members to receive discounted advanced skills training as a way to keep their costs down and advance their workforce. Without Commissioner Smith's tireless efforts in this capacity, this critical program would not be possible.

As earlier stated, for over 95 years MACNY has been tirelessly working to ensure we have the most up-to-date services and information needed to allow our manufacturing

community to grow and prosper. In examples as cited above, plus many more, our collaborative partnership with the Department of Labor allows us to learn and educate our membership on how the state's workforce development programs can best help them. The continued leadership of Commissioner Pat Smith in such instances has been exemplary, and our collective membership is grateful for both her and the Department of Labor's years of dedication to the state's manufacturing community.

It is Commissioner Smith's dedication, leadership, and innovative thinking that make her an exceptional candidate for Solicitor for the United States Department of Labor, and on behalf of MACNY, I fully support her nomination for this position.

If you have any other questions in this capacity, please do not hesitate to contact me. Sincerely,

RANDY WOLKEN,  
*President.*

Mr. HARKIN. Here is a letter from the Plattsburgh North Country Chamber of Commerce. They said:

Since she assumed leadership of the New York State Labor Department in 2007, we have enjoyed not only attention and engagement from Patricia Smith but a genuine working partnership.

It goes on to say:

I could cite additional examples, but the bottom line is this. Patricia Smith has been an outstanding partner as Commissioner of the New York State Labor Dept., and will be an outstanding solicitor for the U.S. Labor Department. We strongly encourage her earliest possible confirmation by the Senate.

This letter is signed by Garry F. Douglas, president and CEO of the Plattsburgh North Country Chamber of Commerce. I ask unanimous consent that it be printed in the RECORD.

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

PLATTSBURGH NORTH COUNTRY  
CHAMBER OF COMMERCE,  
*Plattsburgh, NY, August 10, 2009.*

Re Nomination of Patricia Smith to be DOL Solicitor.

Hon. MICHAEL B. ENZI,  
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR ENZI: Our Chamber is the largest business and economic development alliance in northern New York and one of the five largest in our state, representing more than 3,250 companies. I have had the pleasure of serving as President and CEO since 1993, having previously served as Executive Assistant to former Congressman Gerald Solomon (R-NY 23) for fourteen years.

During my sixteen years of engagement in business and workforce development in this region, I have had many occasions to work with our New York State Labor Department in various efforts to assist employers and to design and implement meaningful workforce training programs. I am writing to tell you firsthand that until Patricia Smith was named Commissioner, we enjoyed an excellent working relationship with our local State Labor Dept. officials but enjoyed little leadership, engagement or even interest from the Commissioner's office.

Since she assumed leadership of the New York State Labor Dept. in 2007, we have enjoyed not only attention and engagement from Patricia Smith but a genuine working partnership.

This includes the design, funding and implementation of a three-year Aerospace,

Transportation Equipment & Green Tech Workforce Strategy for our region, our first multifaceted approach to the creation of a capacity in our region to attract and support employers in these targeted sectors. The creative approach features everything from support for the start-up of Plattsburgh Aeronautical Institute, an FAA-certified A&P mechanics' school, to further development of a new Global Supply Chain Management school at our local university, to the launch of new electronics and alternative energy technology programs at our community college, and more.

And although we are just beginning the second year of implementation under the three-year plan, the results are already tangible. Plattsburgh Aeronautical Institute is set to fully open its doors next month, and is already putting us in play in terms of marketing the former Plattsburgh Air Force Base for future aerospace activities. And Volvo/Nova Bus has just opened a new plant in our community with 300 employees for the production of transit buses in the U.S., a venture that would not have been feasible without the programs she helped us get up and running.

In these and other ways, Patricia Smith has worked with us to give true life to the notion of wedding economic and workforce development. But at the same time, she has also been a partner in serving the current needs of our employers.

A prime example is a major workplace safety training program administered through our Chamber under contract with the State Labor Dept., bringing meaningful safety training to hundreds of small employers who could never access it otherwise.

Even in current tough situations, in which some of our manufacturers have needed to reduce production, she and her team have been there with creative solutions. This includes a Shared Work program now being used by a major railcar assembly plant. Rather than fully lay off a percentage of their workers, they are using this program to reduce their hours, with NYS DOL allowing them to access unemployment insurance benefits for the percentage of hours they are not working while being paid by the company for the remainder. The obvious result is a better economic interim for the employees, and the ability for the company to hold onto skilled employees they want to bring back to fulltime when orders pick up.

I could cite additional examples, but the bottom line is this. Patricia Smith has been an outstanding partner as Commissioner of the New York State Labor Dept., and will be an outstanding Solicitor for the U.S. Labor Department. We strongly encourage her earliest possible confirmation by the Senate.

Please let me know if there are any questions we might be able to answer, and thank you for your consideration.

Sincerely,

GERRY F. DOUGLAS,  
*President and CEO.*

Mr. HARKIN. Here is a letter from the Long Island Forum for Technology. It says:

With a strong record of achievement and leadership, Patricia Smith has been an outstanding Commissioner of the NYS Department of Labor. With her vision and her energy, we believe she will make an outstanding addition to the U.S. Department of Labor's leadership team and we urge her earliest confirmation.

It is signed by the president of the Long Island Forum for Technology.

I ask unanimous consent that it be printed in the RECORD.

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

LONG ISLAND FORUM FOR TECHNOLOGY,  
*Bay Shore, NY, August 21, 2009.*  
Re Nomination of M. Patricia Smith, U.S. Department of Labor Solicitor.

Hon. MICHAEL B. ENZI,  
*U.S. Senate, Senate Russell Office Building, Washington, DC.*

DEAR SENATOR ENZI: As the President of the Long Island Forum for Technology I am writing in support of the nomination of Ms. Patricia Smith for the position of Solicitor General at the United States Department of Labor.

Founded in the 1970's, LIFT is a not-for-profit organization whose focus is on technology-driven economic development throughout the Long Island region. Our success is evidenced by the recognition and responsibilities conferred on us by our partners in the State and Federal Government including:

LIFT serves as the U.S. Department of Commerce Manufacturing Extension Partner (MEP), one of nearly 350 MEP locations across the country;

LIFT serves as the NYS Foundation for Science, Technology and Innovation (NYSTAR) designated Regional Technology Development Center (RIDC) for the region;

LIFT serves as the NYS DOL Sector Intermediary in the Advanced Manufacturing Sector and on the National Governors Association (NGA) Sector Policy Academy.

It was in the last role that we have come into contact and worked with NYS Department of Labor Commissioner Smith and the programs she sponsored on work force transformation in the Manufacturing and Healthcare sectors.

Under Commissioner Smith's able and visionary leadership, the New York State Department of Labor conceived, launched and funded a program known as Regional Workforce Transformation (13N). This program broke new ground in the connectivity between industry and education. With its industry-driven initiative structure it created an environment for innovation, and increasing skill growth, focused on creating Long Island's future workforce.

This program is now entering its 2nd year, with over 600 individuals having gained a wide variety of new and upgraded skills training. This has led to the transformation of many individual lives with the results borne out in job placements and position upgrades.

With a strong record of achievement and leadership, Patricia Smith has been an outstanding Commissioner of the NYS Department of Labor. With her vision and her energy, we believe she will make an outstanding addition to the U.S. Department of Labor's Leadership team and we urge her earliest confirmation by the United States Senate.

Yours truly,

C. KENNETH MORRELL,  
*President.*

Mr. HARKIN. Lastly, here is one from the U.S. Women's Chamber of Commerce:

After learning of Ms. Smith's qualifications, expertise and the law she has worked to uphold, I can clearly see that she is someone who would work with conviction to enforce the laws of the United States of America. Additionally, I am impressed with her out-of-the-box thinking in creating programs that will keep jobs. We especially need these attributes in this time of economic challenge.

Please accept Ms. Patricia Smith's nomination, and confirm Ms. Smith as Solicitor General of the United States Department of Labor.

It is signed by Margot Dorfman, CEO of the U.S. Women's Chamber of Commerce.

I ask unanimous consent that it be printed in the RECORD.

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

U.S. WOMEN'S CHAMBER OF COMMERCE,  
Washington, DC, August 25, 2009.

Re Nomination of M. Patricia Smith, U.S. Department of Labor Solicitor General.

Hon. EDWARD M. KENNEDY,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the U.S. Women's Chamber of Commerce, our 500,000 members and the millions of women nationwide, I am writing to send our strong support for President Obama's nomination of Ms. Patricia Smith, and I urge the Committee to confirm Ms. Smith as Solicitor General at the United States Department of Labor. Ms. Smith has demonstrated that she is well prepared and qualified for the position, and will act on behalf of those who are facing unfair labor practices.

The U.S. Women's Chamber of Commerce represents both working women and women business owners. While one would think that these two constituents would be contradictory in viewpoint, they are not.

From 1997–2006, the number of women-owned firms grew by 42.3% largely due to women leaving Corporate America in droves in search of equal pay, opportunities for promotions and a family friendly work environment. What they found instead was more barriers to opportunity. In fact, during this same time period, the revenues for all women-owned small businesses grew only 4.4%—representing a 38% overall decrease in revenues.

Clearly, women found that business ownership came with a whole new set of challenges including the inability to fairly access federal contracts, capital and affordable health care. And, most profoundly, they are faced by the growing challenge of competing with businesses that undercut their competitiveness by engaging in unfair labor practices.

Those that pay fairly and play fairly do not fear Ms. Smith's no-nonsense approach to labor law enforcement. They, in fact, see that they are being protected.

After learning of Ms. Smith's qualifications, expertise and the laws she has worked to uphold, I can clearly see that she is someone who would work with conviction to enforce the laws of the United States of America. Additionally, I am impressed with her out-of-the-box thinking in creating programs that will keep jobs. We especially need these attributes in this time of economic challenge.

Please accept Ms. Patricia Smith nomination, and confirm Ms. Smith as Solicitor General at the United States Department of Labor.

Sincerely,

MARGOT DORFMAN, CEO.

Mr. HARKIN. Mr. President, it is clear that Patricia Smith is eminently well qualified. She has been thoroughly vetted. We need a Solicitor at the Department of Labor. This nomination has been hanging here since last April. It is time to move on. But, again, the Republicans are exercising their right—although I think it is an abuse of that right—to drag it out for 30 more hours, to keep the Senate in session, for no purpose whatsoever other than to slow things down in this Chamber.

To me, that is not a good enough excuse, when only one person came here today to speak against her, and that person spoke against her yesterday. I read the transcript. Nothing new; same stuff.

I would hope we could collapse this timeframe and vote on it, but evidently the Republicans are intent on stretching this out to the maximum 30 hours. As I said, it may be their right, but I think it is an abuse of that right.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### SANCTIONS AGAINST IRAN

Mr. SPECTER. Mr. President, I have sought recognition to express my views on the issue of sanctions against Iran. The Senate, on the unanimous consent calendar last Thursday, passed legislation calling for sanctions against Iran. This was the first opportunity I have had to address the subject. I wish to do so now.

The threat posed by Iran armed with nuclear weapons is obvious and very serious. It is a threat which applies for the region, for the world. It is a vital national security interest of the United States that Iran not be armed with nuclear weapons. It is obviously of great importance to Israel that Iran not have nuclear weapons in light of the history—the fact that the Iranian President has called for wiping Israel off the face of the Earth.

I have prepared a comprehensive statement of my views on this subject in anticipation of the matter coming to the Senate floor. I will ask unanimous consent to have it printed in the RECORD.

I have been reluctant to call for sanctions because I am a firm believer in diplomacy and have undertaken a number of steps to try to encourage a parliamentary exchange between Iranian Parliamentarians and Members of Congress. I have been working on that for the better part of a decade. The extensive written statement summarizes in some detail those efforts.

I have met with the last three Iranian Ambassadors to the United Nations. I found them all to be highly intelligent, to be articulate, to be cordial, and to be interested in a dialog and in conversations. I believe if their views were reflected by the Iranian Government, it would be a very different picture than it is at the present time.

One year I got permission from the State Department to have the Iranian Ambassador to the U.N. come to Washington at my so-called hideaway office a few feet away from the floor and have dinner with Members of Congress and the Iranian Ambassador to talk about

these issues. At one time, there was a meeting set between Iranian Parliamentarians and Members of Congress in Geneva that was canceled by the Iranian Government. My detailed statement specifies the efforts I have made over that period of time. But I think we have come to a point now where we have to get candidly tough, and we have to impose sanctions.

President Obama said he would give Iran until the end of the year—referring to the year 2009—to come to the table. There were some indications that Iran would do so. British Prime Minister Gordon Brown has made a similar statement and, in a sense, they have drawn a line in the sand.

My own personal assessment is that we are approaching the point of clear and present danger that Iran poses as a threat to the region, especially to Israel, to the national security interests of the United States, and to the world. So I think it is time that firm action be taken.

We have seen it evolve that gradually Russia has moved to join the United States, Great Britain, France, Germany, and other nations in moving toward sanctions. China, regrettably, has not done so.

Comments by Secretary of State Hillary Clinton just last week are important on this subject. The Secretary of State said:

China will be under a lot of pressure to recognize the destabilizing effect that a nuclear-armed Iran would have in the Persian Gulf from which they receive a significant percentage of their oil.

Secretary of State Clinton further remarked that a nuclear-armed Iran would risk setting off an arms race in the Persian Gulf and that it could provoke a military strike from Israel which she said she would regard a nuclear Iran as an existential threat.

It has long been articulated that the military option is on the table. Israel has demonstrated its resoluteness—a small nation surrounded by, vastly outnumbered by the Arab population, still technically at war with many of the Arab countries, peace treaties only with Egypt and Jordan. Israel demonstrated its capability and willingness to take out the Iraq reactor in June of 1981 and more recently the Syrian installation which is believed to have been working on nuclear weapons.

Secretary of State Clinton is blunt in the grave threat posed by the situation that Israel is concerned about with Iran becoming a nuclear force.

I think the time has come to act. In the course of my statement, I have gone into some detail as to the sanctions and how effective they could be. But I think there is no doubt that if China joined the United States, Russia, Great Britain, France, Germany, India, and other nations in imposing tight sanctions, financial sanctions on the financial institutions, on trade, on supplying gasoline, on supplying Iranian needs that the world could make its

point. I think Iran would have to capitulate. How much better it is to use economic sanctions than to take the military option off the table.

I do believe if the United Nations, with China's concurrence, showed its determination to impose sanctions that it would have the potential to bring compliance by Iran. Russia has made a proposal that it would enrich Iran's uranium. If Iran is sincere that it does not want enriched uranium for military purposes, for a bomb, but only wants it for civilian purposes, well, take up Russia's offer to have the uranium enriched by Russia. At one point, Iran appeared to be willing to do that. Then they revoked the indication of willingness. That is still a possibility.

I had occasion to visit Vienna on two occasions—met with the International Atomic Energy Agency head, Mohamed ElBaradei—to discuss the activities he has undertaken. He is a very able, skilled international diplomat who recently left that position, which he held for years. But Mr. ElBaradei was very pessimistic as to what Iran was prepared to do and resisted efforts to have the kind of inspections which would give assurance.

I was very reluctant to see sanctions imposed on Syria, in the hope that diplomacy might work there, but did join in those efforts a few years back when the matter came up for a vote.

I had been trying to visit Iran personally since 1989, at the end of the Iran-Iraq war, and in 1989 made my first trip to Iraq. In 1990, Senator SHELBY and I had a talk with Saddam Hussein, and it was a very professional conversation. Iraq, at that time, had just launched a three-power rocket system, and I led the conversation by asking President Saddam Hussein if he would be willing to negotiate with Israel because they would take out his new weapons, just as they had taken out his reactor in June of 1981. He dismissed it, saying: No, he wouldn't negotiate with Israel; they weren't a border state. Then he asked me a question. He wanted to know why all the Russian Jews were going to Israel. I saw him shuffling some papers, and I knew he knew I was Jewish. I wanted him to know I knew that he knew that I knew, and so I said: My father was a Russian Jew who immigrated to the United States, and I believe the Russian Jews ought to go wherever they want to go. There was a 50,000 limit at the time on Russian Jews who could come into the United States.

In the course of an hour-and-a-quarter discussion, it was a substantive talk, and I came back and told a number of my colleagues that I thought we ought to have more discussions with Saddam Hussein. I don't know if anything could have deterred him from his aggression against Kuwait or his later activities, but I have long been a believer in the maxim that you make peace with your enemies and not with your friends.

In my work as chairman of the Intelligence Committee in the 104th Con-

gress and work on the Foreign Operations Subcommittee, I have had the privilege of traveling extensively in foreign countries and sought out the people who might be categorized as our enemies. I had a useful talk a few years back with Chavez in Venezuela; several visits to Fidel Castro in Cuba; conversations with Arafat, both in Ramallah, Gaza, and when he came to Washington, to my office downstairs, looking for money from the Foreign Operations Subcommittee. I have made many trips to Syria, gotten to know Hafez al-Assad and Bashar al-Assad; had cordial conversations, as one of six Senators who visited Syria about a month ago to talk to Bashar al-Assad about the possibility of a peace treaty.

I believe Syria could hold the key to a peace in the Mideast. Only Israel could decide if Israel wants to give up the Golan, and they ought to make that decision without any pressure from the United States or anyone. But if Israel should make that decision, there could be a great deal gained in terms of having Syria stopping the destabilization of Lebanon, stopping the support of Hamas, stopping the support of Hezbollah. It is a different world today than it was in 1967, when Israel took the Golan. It is an era of rockets. It is not the same strategic importance.

But the point I make is, I think diplomacy is the way out. But sometimes there has to be a carrot and a stick, and I think we have come to the point where sanctions do need to be imposed, and that is why I have joined the effort. I think the President has given fair notice to Iran that they come to the table by the end of the year, and we are a little past that.

We, obviously, have problems with China on a number of fronts. We have problems on the Taiwan issue and our sale of arms to Taiwan. We have problems with them with respect to Tibet and our issue of human rights. We have very serious problems on trade, and we have broader issues on human rights. China is emerging as a tremendous world power, and we are challenged at every line, but I do believe the logic of the situation is, it is in China's interest not to have a nuclear Iran.

Our CODEL, after visiting in Syria, went on to India and talked to Prime Minister Singh, who was emphatic in agreement that it is not in India's interest or the world's interest to have an Iran which is armed with nuclear weapons. So it is my hope the action by the Senate, in voting for sanctions, will increase the momentum for sanctions from the United Nations. It can only be done in an effective way if China is persuaded to go along.

Mr. President, I ask unanimous consent to have printed in the RECORD my full written statement and ask that the CONGRESSIONAL RECORD recite the language I am using now.

Usually, when summary is concluded and the formal statement is put in the RECORD, it is changed. If anybody reads

the CONGRESSIONAL RECORD—and I think there is a chance somebody does—they wonder why Senator SPECTER is making this repetitious statement; that he has made this statement, and here is all this repetition. If you put this explanation in, as I have said, the reader will know I have summarized and amplified, to some extent, and that what follows now is not a repetition as such but the formal statement which was prepared in advance.

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

STATEMENT OF SENATOR ARLEN SPECTER:  
ENHANCEMENT OF SANCTIONS AGAINST IRAN

Mr. President: There is no question that a nuclear armed Iran poses a direct threat to the security of the U.S. and its allies, particularly Israel. It is for this reason that preventing such a situation remains a principal focus of mine. Although Iran claims that its nuclear program is directed solely toward peaceful energy production, the fact that this program has been conducted in secret and that Iran is a known supporter of certain terrorist organizations betrays that assertion.

I have long been an advocate of the proposal, currently offered to Iran, to have Russia enrich Iran's uranium. If Iran's interests with enrichment are benign, as it claims, then it should have no problem with Russia enriching the uranium to the low levels required for civilian nuclear power and medical uses. Iran's refusal suggests otherwise. At an Appropriations Committee hearing on April 9, 2008, I questioned Secretary of State Condoleezza Rice on this proposal:

Sen. Specter: "Let me move to . . . President Putin's proposal to have the Russians enrich [Iran's] uranium. That apparently would provide an answer. . . . To what extent has the Putin proposal been pressed? In a sense, if we join Putin and they refuse what is really a good offer to have somebody else enrich their uranium so that they have it for peaceful purposes, but there is a check on using it for military purposes—why hasn't that worked?"

Sec. Rice: "Well, we are fully supportive of it, and the president just told President Putin that again at Shchuchye, that he is fully supportive of the Russian proposal. And in fact, not only did President Putin himself put that proposal to the Iranians when he was in Tehran, his foreign minister went back within a few days and put the same proposition to the Iranians, which makes people suspicious, Senator, that this is not about civil nuclear power but rather about the development of the capabilities for a nuclear weapon. . . . So I think this really speaks to the intentions of the Iranians."

Sen. Specter: "Well, we agree on that. My suggestion would be to try to elevate it. It's been in the media and the press a little, but not very much. So if we could elevate that, I think you'd really put Iran on the spot that they deserve to be on."

Then, in a May 20, 2009 Appropriations Committee hearing, I questioned Secretary of State Hillary Clinton on the proposal:

Sen. Specter: "Let me come to a question with respect to Iran. Prime Minister Netanyahu was very pleased with the meeting with President Obama, and the timetable which the president has set, looking to the Iranian elections as the potential for dialogue and holding out the possibility of bilateral dialogue, and I hope you will pursue that, and putting a timetable for the first time on not waiting indefinitely with all the options on the table. And I speak in generalities not to beat a tom-tom unnecessarily."

"The offer that the Russians made some time ago to enrich the uranium, I think, has never been pursued or publicized. Perhaps it has been pursued, but not known and not publicized. But that seems to me to be a perfect line. When Iran insists that they're developing—enriching uranium for peaceful purposes and the Russians can provide for them, what conceivable excuse? When they resist something so obvious as that, it seems that that would be a good wedge to get more cooperation from China, Russia and other countries. What can be done to pursue Russian enrichment of their uranium?"

Sec. Clinton: "Well, Senator Specter, that is an option that is being considered within the P-5 plus one as well as within our own deliberations. We have a broad range of issues to discuss with the Iranians if they respond affirmatively to the president's invitation to do so. And obviously they are in the midst of election season. We know what that means. So it's unlikely that we'll get a response or a dialogue going until there is some settling of the political scene. But your reference to the enrichment potential is one that we are exploring."

Finally, on June 9, 2009, I raised the issue with Secretary of Defense Robert Gates at an Appropriations Committee hearing:

Sen. Specter: "Mr. Secretary, I was intrigued with one of the points you made in testifying before the Appropriations Committee on the war supplemental, where you said that it would be useful in our dealings with Iran to have a missile defense that is aimed only at Iran."

"And that played into the relationship that we have with Russia, and it is generally recognized that if we're to be successful in dealing with Iran, we're going to have to have cooperation with other countries, perhaps mostly Russia. We've talked before about the issue of having Russia enrich Iran's uranium, which Russia has offered to do and Iran has declined, as a way of being sure that Iran is not moving toward the use of enriched uranium for military purposes."

"A two-part question. Number one, is any progress being made on publicizing Russia's offer, which I think has gotten scant—little attention? And the Iranian refusal really shows—raises the inference of potential bad faith."

"And secondly, where do we stand on efforts to pick up your suggestion that missile defense be aimed only at Iran and not at Russia, which has given so many political problems?"

Sec. Gates: "First, I think that although it's certainly not been a secret, it has not been, I think, widely enough publicized—Russia's offer and Iran's turn-down of it. And I think equally not publicized was the fact that the United States indicated that we thought that was a pretty good idea and would be supportive."

"With respect to the missile defense, I think that the Russian—I still have hope that we can get the Russians to partner with us on missile defense directed against Iran."

But, in remarks reported by the New York Times on November 18, 2009, Iran's foreign minister, Manouchehr Mottaki, said "We will definitely not send our 3.5-percent-enriched uranium out of the country." Then, on December 2, 2009, the New York Times reported that Iran's president, Mahmoud Ahmadinejad, said on December 1, "Friendly relations with the [International Atomic Energy Agency] are over," and that Iran has no duty to report to the United Nations about its recently announced plan to build 10 new nuclear sites.

To this point I have resisted calling for increased sanctions because I did not think it constructive given the diplomatic climate;

however, considering Iran's growing avowals that it will not cooperate with the International Atomic Energy Agency or allow foreign countries to process its uranium, I think it is time to enhance sanctions. The international community has offered Iran a deal which is more than fair; Iran refuses to consent. We cannot make ourselves a toothless tiger.

I did not come to my decision to support the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009 (S. 2799) lightly. During my tenure in the Senate, I have been among Congress' most ardent advocates for aggressive diplomacy, believing it holds the key to resolving international disputes. As I noted in my December 2006 article in *The Washington Quarterly* titled "Dialogue with Adversaries":

"My Senate assignments on the Intelligence Committee and Appropriations Subcommittee on Foreign Operations have provided me the opportunity to meet with Syrian President Hafiz al-Assad, Palestinian Chairman Yasser Arafat, Iraqi President Saddam Hussein, Cuban President Fidel Castro, Venezuelan President Hugo Chavez, and others."

"Those meetings have shown me that people are people, even at the highest levels of government. They are interested in a candid dialogue. They accept differences and disagreements as long as the tone is courteous."

"Sun-tzu's advice to 'keep your friends close and your enemies closer' is a good admonition to keep in mind as we approach our relationships in the world. . . . It may not work, but it is certainly worth a try when the stakes are so high and our other strenuous efforts are not bearing fruit" (p. 9).

Diplomacy has produced some results many thought impossible. Negotiations with North Korea have reduced that nation's nuclear threat although that situation remains volatile and uncertain. Negotiations have moved Libya's Muammar Qaddafi, with whom I met in August 2006, from horrendous acts of terrorism, including the bombing of Pan Am 103 and a Berlin discotheque, resulting in the murder of US military personnel, to a willingness to negotiate and reform. Libya made reparations in excess of \$1,000,000,000 and abandoned plans to design nuclear weapons in order to be admitted to the family of nations.

This is not the first time I have supported sanctions in the region. On November 11, 2003, I voted for the Syria Accountability and Lebanese Sovereignty Restoration Act, a bill to impose sanctions on Syria to hold Damascus accountable for its support for terrorism, its occupation of Lebanon, its illegal shipment of arms to Iraq, and its efforts to develop weapons of mass destruction. The bill became law in December 2003. Regarding my vote, I said on the Senate floor on November 11, 2003:

"Sanctions are imposed by Congress with some frequency. At first blush, this appears to be a straightforward affirmative vote, but I believe the matter is more complicated than that, and I have come to the view after having traveled to Syria almost every year since 1984, and after having had considerable contact with the Syrian Government. After considering the matter at some length, I have decided that I will vote in favor of the Syrian Accountability Act because the problems of terrorism are so serious and because I believe that Syria needs to do more" (p. S14403).

Prior to my vote on the Syrian Accountability Act, I wrote to Syrian President Bashar al-Assad on September 17, 2003:

WASHINGTON, DC,  
SEPTEMBER 17, 2003.

His Excellency BASHAR AL-ASSAD,  
President, Syrian Arab Republic,  
Damascus, Syria.

DEAR PRESIDENT ASSAD: I write to inform you of growing concern in the United States Senate about Syria and the fact that the Syrian Accountability Act now has 76 co-sponsors. I had discussed this proposed legislation some time ago with your Ambassador to the United States. I had refrained from co-sponsoring the Syrian Accountability Act on the premise that we should try to work out the problems without resorting to legislation calling for sanctions.

Yesterday, Undersecretary of State John R. Bolton submitted testimony to the House of Representatives' International Relations Committee that Syria is permitting "volunteers" to pass over your border into Iraq where those so-called volunteers are intent on killing U.S. troops. This follows Administrator L. Paul Bremer's statement on August 20th that Syria is allowing "foreign terrorists" to cross Syria's borders into Iraq.

When you met with Secretary of State Powell last May, there was an understanding that Syria would shut Damascus offices of Hamas, Islamic Jihad and other terrorist groups. In June, Secretary Powell stated that Syria's efforts to shut these offices were "totally inadequate". The Bush Administration which had opposed the Syrian Accountability Act now is neutral, taking no position.

After extensive dealings with your father, President Hafez al-Assad, since the 1980s and with you on our meetings in the past several years, I have tried to assist in finding answers to these difficult problems. With the Syrian Accountability Act gaining so much support, it is my hope that your Government will respond to the concerns outlined in this letter before the U.S. Government resorts to sanctions.

I call these matters to your personal attention with the hope that prompt action can be taken by Syria to resolve these problems. The United States greatly appreciated the help that Syria provided to our intelligence services after September 11, 2001 in our fight against al-Qaeda.

Sincerely,

ARLEN SPECTER.

It is my hope that Congress' passage of the Comprehensive Iran Sanctions, Accountability, and Divestment Act would effect change in Tehran before the implementation of additional sanctions would be necessary, as sanctions invariably impact more people than just the leaders responsible for shaping a country's policy.

During my time in the Senate, I have pushed hard to engage Iran diplomatically. I have tried to visit Iran since the Iran-Iraq War ended in 1988, with my first attempts coming during my visits to Iraq in January 1989 and January 1990, but I have not yet succeeded. Going back to 2000, I have met repeatedly with Iranian officials in an effort to foster an exchange of visits by members of Congress to Iran and Iranian parliamentarians to the United States to try to open dialogue between our two countries. On May 11, 2000, I joined nine other senators in writing to Iranian Ambassador Hadi Nejad Hosseinian proposing such an exchange (attached). I followed this with a meeting with Ambassador Hosseinian on May 31, 2000. On October 17, 2001, I hosted Ambassador Hosseinian in my Senate hideaway with Senator Mike DeWine, former Representative Lee Hamilton, Ambassador William Miller, and Representative Bob Ney. On November 18, 2002, I had lunch with Ambassador Zarif at the Wilson Center at an event hosted by former Representative Lee Hamilton.

As I wrote in the Washington Quarterly in December 2006, “I thought my efforts finally came to fruition in January 2004 when plans were made for U.S. members of Congress to meet with Iranian parliamentarians in Geneva. Unfortunately, Tehran later rescinded the invitation, declaring it was ‘not on their agenda’” (p. 10). I met in New York City with Ambassador Hosseinian’s successor, Ambassador Javad Zarif, in October 2006 and February 2007. On May 3, 2007, I joined eight colleagues in Congress writing to Gholam Ali Haddad Adel, then the speaker of Iran’s parliament, to propose again “a diplomatic exchange between members of the United States Congress and Parliamentarians from the Islamic Republic of Iran” (attached). I followed this with a personal letter to Ayatollah Khamenei on October 16, 2007 (attached). Again, the offer was rebuffed (attached). My efforts to facilitate engagement continued with meetings with the current Iranian ambassador to the UN, Mohammed Khazaei, in February and December 2008.

On January 2, 2008, I traveled to the headquarters of the International Atomic Energy Agency in Vienna with IAEA Director General Mohamad ElBaradei to discuss the Iranian issue. On January 22, 2008 I discussed my meeting with Mr. ElBaradei on the Senate floor:

“When solicited about his views on President Putin’s idea to have Russia handle Iran’s nuclear material, he stated that Iran did not reject it but that they wanted their own capability. He suggested that an acceptable security structure must be negotiated with Iran to deter them. The [Director General] agreed that it is not acceptable for Iran to have nuclear weapons and that his job was to verify that the program is clean and under IAEA inspections.

“I pressed him on Iran’s devious behavior in the past to conceal nuclear efforts and asked if we can ever be 100 percent sure. He stated that you can never be 100 percent sure but that he thinks Iran has things to tell him and that he has told them they should come clean.

“The Director General suggested that direct U.S.-Iranian negotiations should begin immediately to resolve the impasse. The U.S. and international community need to understand what the nuclear issue means to Iran with respect to its position in the region and the world, that there needs to be an understanding of the repercussions and that it must be done in a manner that allows all sides to save face.

“We discussed Secretary Rice’s precondition that the U.S. would only meet with Iran if they halt enrichment. He said there must be middle ground to bring the parties together on this issue. He emphasized that sanctions alone won’t resolve the situation and only makes people more hawkish. Iran’s concealment of its [research and development] program, according to the Director, led to a confidence deficit in the international community.

“I asked about the capabilities of an inspection regime given Iran’s substantial size. He confirmed the need to have a robust verification system on the ground. [El]Baradei stated that the Additional Protocol to the Nuclear Non-Proliferation Treaty (NPT) was helpful but that Iran stopped implementing it. The Additional Protocol was the result of an IAEA initiative to better constrain NPT member-states’ ability to illicitly pursue nuclear weapons after secret nuclear weapons programs in Iraq and North Korea exposed weaknesses in existing agency safeguards. That effort eventually produced a voluntary Additional Protocol, designed to strengthen and expand existing IAEA safeguards for verifying that non-nuclear-weap-

on states-parties to the nuclear Non-proliferation Treaty (NPT) only use nuclear materials and facilities only for peaceful purposes. He stated that the Protocol gives him a good handle on Iran’s nuclear program in that it provides access to additional facilities and information” (p. S74).

Following up on this conversation, I spoke with Mr. ElBaradei over the phone when I was in Vienna in January 2009, again following travels in the Middle East. On January 12, 2009, I said on the Senate floor:

“A year ago, I had an opportunity to meet with IAEA Director Mohamed ElBaradei. He was out of town when we were there [in 2009]. I had a conversation with him by telephone on the issue of the efforts by the IAEA to conduct the inspections and that at the moment Iran is not cooperating and, further, international action needs to be taken to be sure Iran does meet its obligations under international agreements and that there are adequate safeguards to prevent Iran from developing a nuclear weapon.”

On November 26, 2009, shortly before stepping down from his position at the IAEA, Mr. ElBaradei said, “I am disappointed that Iran so far has not agreed” to proposals to ship nuclear material out of Iran, “[W]hich I believe are balanced and fair and would greatly alleviate the concerns relating to Iran’s nuclear program” (Reuters, 11/26/09).

Our offers of diplomatic engagement, and the limited United Nations sanctions enacted to date, have not ended Iran’s nuclear ambitions. I voted on September 26, 2007 in favor of an amendment to the Fiscal Year 2008 Department of Defense Authorization Bill to encourage the U.S. State Department to place the Islamic Revolutionary Guards Corps on its list of foreign terrorist organizations, as well as to expedite the enforcement of U.N. Sanctions mandated by December 2006 and March 2007 United Nations Security Council Resolutions, in the hope that this could bring about positive change. Unfortunately these efforts have not done enough, and for that reason, with the desire to avoid greater military conflict in the Middle East, I think more comprehensive sanctions are necessary.

If any sanctions are to be effective, they will need to be supported by the other permanent members of the UN Security Council, particularly Russia and China. While “Neither [Russia nor China] thinks Iran’s missiles are aimed at them,” as the Economist noted in a December 5, 2009 editorial, both would suffer from the instability that a nuclear armed Iran would bring about. The Economist editorial concluded, “Do nothing to give Iran pause and one way or another its illicit ambitions will eventually destabilize the entire Middle East.”

It is important that the next round of sanctions be measured. As RAND scholar Alireza Nader noted in a September 30, 2009 paper, “Additional sanctions may create popular resentment against the government, and may even increase protests and opposition stemming from Iran’s disputed presidential election.” The New York Times highlighted this dissent on December 8, 2009 when it ran a headline stating, “Thousands Defy Iranian Authorities in Protests and Clashes at Campuses.” Edward Alden, a trade expert at the Council on Foreign Relations, told Politico on September 29, 2009:

“A coordinated sanctions effort by the U.S. and Europe could put tremendous pressure on Iran. After 9/11, the Treasury developed new tools that forced banks and other financial companies around the world to cut ties to charities that were deemed to be supporting terrorist groups. Those same tools were turned against North Korea in 2005, effectively cutting off what little capability

the regime had to engage in foreign commercial transactions. For a country like Iran that depends so heavily on oil exports, similar actions against the companies that insure outgoing shipments from Iran could have a devastating economic impact.”

On July 22, 2009, Patrick Clawson of the Washington Institute for Near East Policy told the House Committee on Foreign Affairs:

“For several years, Iran’s economy was cushioned from foreign pressure by the high price of oil. That has changed as oil prices have declined and Tehran’s poor policies have exacerbated serious structural weaknesses. The most likely prospect is that during the next few years, Iran’s economy will face serious problems. Foreign economic pressure could add to those problems. Furthermore, Iranian public opinion is likely to exaggerate the impact of the foreign pressure and to blame the Ahmadinejad government’s hardline stance for the country’s economic difficulties” (1).

“[T]here is every reason to expect public opinion to lay the blame for the economic problems on the Ahmadinejad government. Already, reform politicians blame that government for isolating Iran from the world. If Iran is forced to reduce imports substantially, the most likely popular reaction will be to blame hardliners for the problems.” (6).

“Foreign pressure cannot cause Iran’s economy to collapse, nor should that be our goal. But such pressure may well be able to contribute to what is becoming an intense debate inside Iran about the wisdom of a confrontational and isolationist policy towards the international community. That debate offers the best prospect for a fruitful resolution of the nuclear impasse, because those who want Iran to join the world are not willing to pay a high price for a nuclear program which they increasingly see as part of the Ahmadinejad agenda, not part of a national project” (6).

We must be careful with sanctions so as to not play into the hands of the Iranian leadership, who would very much like to blame Iran’s current economic struggles on the West. As the Economist noted on December 5, 2009, “. . . Mr. Ahmadinejad is just now having to contemplate ending ruinous petrol subsidies to balance his books and would be delighted to blame the pain on foreigners . . . [A] UN-backed embargo on investment in Iran’s oil and gas industries would hurt badly, and signal resolve. So would a ban on weapons imports. And Iran’s repeated breach of nuclear safeguards is surely justification for ending nuclear trade with its regime.”

Time to find a diplomatic solution is running out. On September 25, 2009, United Kingdom Prime Minister Gordon Brown said, “Confronted by the serial deception of many years, the international community has no choice today but to draw a line in the sand.” On the same day, President Barack Obama said, “We weren’t going to duplicate what has happened in North Korea, in which talks just continue forever without any actual resolution to the issue.” “[T]he Iranian government,” President Obama said, “must now demonstrate through deeds its peaceful intentions or be held accountable to international standards and international law.”

On November 30, 2009, United States Ambassador to the United Nations, Susan Rice, told reporters:

“There has been an engagement track which we have been very actively engaged in, but there is also a pressure track. And as Iran makes choices that seem to indicate that it is not at this stage ready and willing to take up the offers on the engagement track then we will put greater emphasis on the pressure track. Time is short, and we are

serious about implementing to the fullest extent that dual track policy.”

“We will continue . . . to consult with our P5 + 1 colleagues both in capitals and elsewhere. I think the President and other leaders have been quite clear that we would take stock at the end of the year and see where we are. And I think as the indications mount that Iran is not yet in a position to take up the very concrete and constructive offers that have been put to it by the P5+1 and by the IAEA, it seems more likely that we will be on the pressure track, even as the door remains open to Iran to accept those offers.”

On December 7, 2009, Israeli Prime Minister Binyamin Netanyahu told members of the Knesset, “In the last year, two things have happened: Iran has advanced its military nuclear program, and Iran has lost its legitimacy in the eyes of the international community,” adding that preventing Iran from securing a nuclear arsenal was Israel’s “central problem,” according to a December 8, 2009 article in the Jerusalem Post.

Israel did not agree with the 2007 US National Intelligence Estimate on Iran’s nuclear program which concluded that Iran halted its nuclear weapons program in 2003. The New York Times noted on December 5, 2007 that then Israeli Defense Minister Ehud Barak rejected the American assessment of “moderate confidence” that Tehran had not restarted its nuclear weapons program by mid-2007 and that the end of the program “represents a halt to Iran’s entire nuclear weapons program.” Defense Minister Barak said, “It is our responsibility to ensure that the right steps are taken against the Iranian regime.” “As is well known, words don’t stop missiles,” he continued. Assessments may differ, Mr. Barak said, “but we cannot allow ourselves to rest just because of an intelligence report from the other side of the

Earth, even if it is from our greatest friend.” According to a December 11, 2007 New York Times article, “Israeli intelligence estimates say Iran stopped all its nuclear weapons activities for a time in 2003, nervous after the American invasion of Iraq, but then resumed those activities in 2005, accelerating enrichment and ballistic missile development and constructing a 40-megawatt heavy-water reactor in Arak that could produce plutonium.”

According to a December 5, 2009 article in the Economist, “Last year Israel carried out a long-distance military air exercise over Greece that looked like a rehearsal for action in Iran. In June [2009] a missile-carrying Israeli submarine ostentatiously sailed through the Suez Canal.” These military exercises, coupled with Israel’s public disagreement with the US over intelligence estimates on Iran’s nuclear program and Prime Minister Netanyahu’s recent public comments, show that Israel’s security calculus differs from our own. Time to find a diplomatic solution is running short; Israel—like every other nation—will act in defense of what it sees to be its own best interests.

Iran’s continued nuclear program is a ticking time bomb. All parties—Iran included—will benefit from its end. On this state of the record, enhanced sanctions, with the goal of ending Iran’s nuclear program and preventing wider conflict in the Middle East, are our best option.

Mr. SPECTER. Mr. President, I yield the floor, and in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

JOB LOSS

Mr. CASEY. Mr. President, I rise to speak about job loss in the United States but in particular some of the individuals—the real people and real families—across our State whom I have met in the last couple weeks and who have told some of their stories about how they are struggling in this recession.

Unfortunately, just in terms of numbers, they have not gotten better in our State. We went a long period of time, when at least as a percentage of those who were out of work, we were fortunately in the bottom tier or in the middle. At least we didn’t have double-digit unemployment. That is changing, to a large extent. We are not in the 10 percent number that most of the country is, but we are at about 8.9 percent right now. We got some regional numbers today. Our State is divided into 14 labor markets and, unfortunately, in almost every one of them, that number keeps going up.

Mr. President, I ask unanimous consent to have printed in the RECORD a two-page summary of the unemployment data from Pennsylvania.

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

REGIONAL LABOR MARKET DATA  
[Seasonally Adjusted—December 2009]

	Labor force	Employment	Unemployment	Rate (percent)
United States (Civilian—Dec 2009)	154,235,000	139,339,000	14,895,000	10.01
Pennsylvania (Dec 2009)	6,310,100	5,750,600	559,500	8.9
Allentown-Bethlehem-Easton-NJ (Carbon, Lehigh, Northampton plus Warren County, NJ)	416,100	375,300	40,700	9.8 (+.5)
Altoona (Blair)	63,400	58,400	5,000	7.9 (+.3)
Erie (Erie)	138,000	124,200	13,800	10 (+.6)
Harrisburg-Carlisle (Cumberland, Dauphin, Perry)	280,500	258,200	22,300	7.9 (+.4)
Johnstown (Cambria)	67,700	61,300	6,400	9.4 (+.3)
Lancaster (Lancaster)	262,400	242,200	20,200	7.7 (+.2)
Lebanon (Lebanon)	70,200	65,200	5,000	7.1 (+.1)
Philadelphia Metro (Not full MSA; excludes non-PA: Bucks, Chester, Delaware, Montgomery, Philadelphia)	1,945,200	1,781,100	164,100	8.5 (+.1)
Pittsburgh (Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, Westmoreland)	1,199,600	1,104,100	95,300	7.9
Reading (Berks)	199,900	181,100	18,800	9.4 (+.3)
Scranton/W-B (Lackawanna, Luzerne, Wyoming)	278,800	251,700	27,100	9.7 (+.3)
State College (Centre)	74,200	69,700	4,500	6.0 (+.1)
Williamsport (Lycoming)	53,900	53,100	5,800	9.8 (+.6)
York-Hanover (York)	224,000	204,200	19,800	8.9 (+.3)
Philadelphia	624,800	556,800	67,900	10.9
Pittsburgh (not seasonally-adjusted)	151,100	139,000	11,100	7.4 (−.1)
Allegheny County	628,600	581,500	47,100	7.5 (+.1)
Lackawanna County	105,900	96,100	9,800	9.2 (+.2)
Luzerne County	158,700	142,700	16,000	10.1 (+.4)
Lehigh County	174,700	157,800	16,800	9.6 (+.2)
Dauphin County	134,300	123,300	10,700	8.0 (+.2)

Mr. CASEY. Mr. President, I will highlight one or two regions to give a sense of the gravity of the problem.

In southeastern Pennsylvania, we have two major regions that have had very strong economies over time. The Philadelphia metropolitan region—the city of Philadelphia—and the suburban counties have done well economically, but that number is going up. The total number of unemployed is over 164,000 Pennsylvanians in that corner of the State. That is about 5 counties—164,000 people.

Just above that and north of that in the Lehigh Valley—the Allentown, Bethlehem region—they are at 9.8 per-

cent, with some 40,700 people out of work. In my home area of northeastern Pennsylvania—north of the Lehigh Valley—we received reports today of the job market going up to 9.7 percent unemployment, the highest in 17 years. You could go across the State and hear the same story.

So the numbers are going higher. Of course, that means the challenges, the misery, and the heartache for those who have lost their jobs are only rising.

We have to meet that challenge. Part of meeting that challenge is not just addressing it in terms of policy—I will talk about that tonight for a couple of

minutes—but also to try to understand as best we can from the distance of Washington, but even when you are, as I was, sitting in the same room more than a week ago with eight of our unemployed Pennsylvanians. I will just give two examples.

One individual sitting right across from me, his name was Ron. He was laid off last April. He is 61 years old. His was one of the most compelling stories in terms of where he was with a job and where he is today. Before he was laid off, he managed a staff of 12 people. Over the course of his long and successful career, he worked in various

management positions, at international trade groups, manufacturing facilities, and rental companies.

During my conversation with Ron, he talked about his fear that his wide experience seemed to be working against him in this labor market. Ron was earning more than \$100,000 before he was laid off. Today he and his wife are currently getting by with her earnings in a clerical job and his unemployment compensation, which amounts to just \$40,000. In his life it is a \$100,000 income versus now a \$40,000 income.

I also met Annetta. She was just on my right as we were talking to these eight individuals. She had a lot of energy and vigor. You could tell she was a very good employee. She worked for a retirement home until she was laid off. Annetta has been using her time to study to be a CNA, certified nurses aide, through the Yorktown School of Technology. In order to obtain her certification, Annetta had to pay for a final exam and a physical. She didn't have the money to up-front the costs of those tests and thus could not obtain her certified nurses assistant certification.

According to Annetta, the most frustrating part of her situation is that she has the experience of a certified nurse from a previous employer who did not require formal certification. But I was particularly touched by her comments that, as a single person, Annetta fears having no one to fall back on in these tough times. Also, her embarrassment. We would always say to her or anyone in this situation: You shouldn't be embarrassed. You are in a very difficult situation. You have lost a job through no fault of your own.

But, of course, that is not the way she sees it in terms of what she feels in her heart. She does feel a sense of embarrassment over having to turn to churches for food. That is why we have an increase in food stamps. We legislate to do that because it is not only good for that individual, taxpayers have an added economic benefit from an increase in food stamps and an increase in unemployment insurance, just to name two examples.

What strikes me most about the stories that each of these individuals told, but in particular as I cite them tonight, Ron and Annetta, they are looking for work in the worst job market in modern times, but they speak very candidly about their fears. But mostly they talk about the incredible efforts they have made to get back to work.

I know the Presiding Officer would remember the presentation that President Obama made to us in December, on a Sunday. We were meeting in a caucus about health care and he came over to talk to us. He talked about meeting individuals who were out of work in another part of Pennsylvania, in Allentown, at a job site. What he said in early December was very similar to what I heard in late January, and that is these are individuals who are out of work through no fault of

their own. They are working and struggling, leading lives of tremendous struggle and sacrifice and heartache, but they are not complaining. They are determined to get a job. They are filling out scores and scores of applications—sometimes being rejected formally and sometimes hearing nothing at all. That is the life they are leading.

I think the President's visit and other visits by some of us in the Senate are confirming that sense of determination, that sense of gratitude they have that there are programs to help them while they are unemployed, but also a tremendous resilience and ability to live and work through this struggle.

What do we do? We could cite their cases and say how much we hope their prospects will improve. We could continue to enlarge and expand, as we must and we should, a safety net. We could pass other legislation. But I think one of the best ways to jump-start job creation is to provide significant tax incentives to employers, lots of employers out there who want to hire, who want to invest in their business, who want to maybe move people up who have done a good job and increase their payroll in that way—but especially to hire more people, to hire folks who are out of work.

I believe the best way to do that, not the only way but the best way, is to pass legislation like the bill I introduced yesterday, the Small Business Job Creation Tax Credit Act. It is rather simple, but I think the impact of it could be substantial—a very substantial number of jobs created. What this act does is provide a nonrefundable quarterly payroll tax credit based upon an increase in the employer's wages that are paid. It would be a 1-year bill. It would be in effect for 1 year so it is very targeted in terms of the time. The credit would apply to an employee's wages up to the Social Security base of \$106,800—that would be the limit of what you could count for the tax credit. If you had fewer than 100 employees, you would get a 20-percent credit; more than 100 employees, 15 percent.

We know as we have heard today and on so many other occasions that the driver of our economy tends to be almost overwhelmingly small business. In Pennsylvania, if you look at a 3-year period from 2003 to 2006, small businesses accounted for more than 91 percent of the job creation. So we know that by giving small businesses a 20-percent tax credit for those with under 100 employees, that can have a substantial benefit for those employers, obviously, for those who can obtain work, and I think in a larger way our economy. We put a limit on the credit. One company could not have more than \$½ million by way of a credit. You would basically compare one quarter in 2010, for example, versus that corresponding quarter in 2009.

We know one of the referees around here is the Congressional Budget Office, maybe the main referee, in terms

of how legislation is given a price or a score or a number, so to speak. The Congressional Budget Office has said that a tax credit based upon an increase in payroll would have the greatest positive impact on America's gross domestic product and employment, when compared to other job creation strategies.

I believe Congress should pass a job creation tax credit to reduce up-front labor costs. This credit could provide for one small business, just one business alone, a 20-percent job creation tax credit.

Other economists across the board, the Economic Policy Institute as well as others, have estimated that a job creation tax credit would create approximately 40 percent more jobs than other proposals.

Finally, I would make a point about how it works. Sometimes we pass legislation around here and we do not often think about how it works in the real world—the real world of being an employer, the real world of hiring people and making ends meet, meeting your bottom line, getting your product out the door, all of the real-world challenges our employers face.

The way this would work is, every employer is familiar with what the IRS calls form 941. It is just one of many forms we hear about. But all we would need to do, if we pass this tax credit, is to have a line or two added to that form. The employer would fill it out quarterly and see it right in front of him. He wouldn't have to hire a team of lawyers or tax accountants or other experts, he would just fill that in and be eligible and receive the credit.

It is vitally important that we take these steps for people such as Ron, whom I spoke of before, and others as well, such as Annetta and those individuals I have met. I know the Presiding Officer has met individuals in the State of Colorado and across our country who are facing similar challenges.

Especially when we see more and more the rise in these job loss indicators, to have headline after headline say: Highest job loss in 17 Years, highest job loss in 20, in 23, in 25 years—these are just headlines I have seen over the last couple of weeks in Pennsylvania. To see that, it is not enough to say we will weather the storm and we will try to provide a safety net. We have to have a safety net, but I believe we have to have very targeted and focused strategies that are not theoretical.

We know this will work. We have prior evidence and experience with it. We need to pass the Job Creation Tax Credit to jump-start the creation of jobs this year, in 2010, in the next couple of months and throughout the year.

Mr. 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.

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

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

## ORDER OF PROCEDURE

Mr. CASEY. Mr. President, I ask unanimous consent that on Thursday, February 4, after the opening of the Senate and the Senate proceeds to executive session and resumes consideration of Calendar No. 474, the nomination of Patricia Smith to be Solicitor of the Department of Labor, all postcloture time be considered expired except for 20 minutes, with that time equally divided and controlled between Senators HARKIN and ENZI or their designees; that upon the use or yielding back of time, the Senate then proceed to a vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table, no further motions be in order, and the President be immediately notified of the Senate's action; that there be 2 hours of debate prior to a cloture vote with respect to Calendar No. 188, the nomination of Martha Johnson to be Administrator of the GSA, with the time equally divided and controlled between the leaders or their designees; that upon the use of time, the Senate then proceed to a vote on the motion to invoke cloture on the nomination; that if cloture is invoked, all postcloture time be yielded back and the Senate then immediately vote on confirmation of the nomination; that upon confirmation, the motion 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 the Senate then resume legislative session.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. CASEY. I ask unanimous consent that the Senate proceed en bloc to Executive Calendar Nos. 654, 661, 667, to and including 685, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

## DEPARTMENT OF JUSTICE

Robert William Heun, of Alaska, to be United States Marshal for the District of Alaska for the term of four years.

Willie Lee Richardson, Jr., of Georgia, to be United States Marshal for the Middle District of Georgia for the term of four years.

## IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Kory G. Cornum

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. Carol A. Lee

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brigadier General Eric W. Crabtree  
Brigadier General Wallace W. Farris, Jr.  
Brigadier General Craig N. Gourley  
Brigadier General David S. Post  
Brigadier General Donald C. Ralph  
Brigadier General Jon R. Shasteen  
Brigadier General Richard A. Shook, Jr.  
Brigadier General James N. Stewart  
Brigadier General Lance D. Undhjem

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Dixie A. Morrow

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Paul S. Dwan

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Daniel B. Fincher  
Col. David C. Wesley

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Colonel Gary C. Blaszkievicz  
Colonel Arthur C. Haubold  
Colonel Michael D. Kim  
Colonel Linda S. Marchione  
Colonel Richard O. Middleton, II  
Colonel Robert N. Polumbo  
Colonel Jane C. Rohr  
Colonel Patricia A. Rose  
Colonel Peter Sefcik, Jr.  
Colonel James F. Smith  
Colonel Edmund D. Walker  
Colonel William O. Welch

The following named officer for appointment as Deputy Judge Advocate General of the Air Force and appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 8037:

*To be major general*

Brig. Gen. Steven J. Lepper

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 8081:

*To be major general*

Col. Gerard A. Caron

The following named officer for appointment in the United States Air Force to the grade indicated and for appointment as the Judge Advocate General of the Air Force under title 10, U.S.C., section 8037:

*To be lieutenant general*

Brig. Gen. Richard C. Harding

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., sections 12203 and 12212:

*To be major general*

Brigadier General Samuel C. Heady  
Brigadier General William E. Hudson  
Brigadier General Gary T. Magonigle  
Brigadier General James M. McCormack  
Brigadier General Alex D. Roberts  
Brigadier General Gregory J. Schwab

*To be brigadier general*

Colonel Carl F. Bess, Jr.  
Colonel Gregory J. Biernacki  
Colonel James C. Blaydon  
Colonel Francis X. Carrillo  
Colonel Deborah L. Carter  
Colonel Robert F. Cayton  
Colonel William J. Crisler, Jr.  
Colonel Gregory L. Ferguson  
Colonel James E. Fredregill  
Colonel Anthony P. German  
Colonel Ann M. Greenlee  
Colonel Mark D. Hammond  
Colonel Richard N. Harris, Jr.  
Colonel Mark E. Jannitto  
Colonel Larry R. Kauffman  
Colonel Jon K. Kelk  
Colonel David T. Kelly  
Colonel John E. Kent  
Colonel Donald M. Lagor  
Colonel Michael E. Loh  
Colonel Constance C. McNabb  
Colonel Clayton W. Moushon  
Colonel Phillip E. Murdock  
Colonel John E. Murphy  
Colonel Gerald E. Otterbein  
Colonel Martin J. Park  
Colonel Nicholas S. Rantis  
Colonel Robert L. Shannon, Jr.  
Colonel Cassie A. Strom  
Colonel Gregory N. Stroud  
Colonel Thomas A. Thomas, Jr.  
Colonel Carol A. Timmons  
Colonel Steven J. Verhelst  
Colonel Tony L. West  
Colonel Robert S. Williams  
Colonel Michael A. Webbema

## IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Mary A. Legere

The following named officer for appointment in the United States Army 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. Thomas P. Bostick

The following named officer for appointment in the United States Army 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. Robert L. Caslen, Jr.

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. Steven W. Smith

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. William D. Frink, Jr.

The following named officers for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

*To be brigadier general*

Colonel Jeffrey N. Colt  
Colonel Peter A. Deluca  
Colonel Robert M. Dyess, Jr.  
Colonel Donald M. MacWillie

IN THE NAVY

The following named officers for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral (lower half)*

Captain Douglas J. Asbjornsen  
Captain Charles K. Carodine  
Captain Anatolio B. Cruz, III  
Captain John E. Jolliffe  
Captain Robert J. Kamensky

the following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. David Architzel

NOMINATIONS PLACED ON THE SECRETARY'S  
DESK

IN THE AIR FORCE

PN1233 AIR FORCE nomination of Joseph E. Sanders, which was received by the Senate and appeared in the Congressional Record of December 2, 2009.

PN1234 AIR FORCE nomination of Chinmoy Mishra, which was received by the Senate and appeared in the Congressional Record of December 2, 2009.

PN1235 AIR FORCE nomination of Charles F. Kimball, which was received by the Senate and appeared in the Congressional Record of December 2, 2009.

PN1236 AIR FORCE nominations (2) beginning MINH THU NGOC LE, and ending ROBERT C. POPE, which nominations were received by the Senate and appeared in the Congressional Record of December 2, 2009.

PN1272 AIR FORCE nominations (32) beginning NOEMI ALGARINLOZANO, and ending PATRICK J. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1273 AIR FORCE nominations (18) beginning DAVID W. BOBB, and ending ROBERT W. WISHTISCHIN, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1275 AIR FORCE nominations (13) beginning SEAN W. DIGMAN, and ending DAVID L. ROBINSON, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1276 AIR FORCE nominations (54) beginning ALBERT H. BONNEMA, and ending GIANNA R. ZEH, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1277 AIR FORCE nominations (33) beginning ERIC R. BAUGH JR., and ending KARYN E. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1278 AIR FORCE nominations (135) beginning ADAM M. ANDERSON, and ending SHAHID A. ZAIDI, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1279 AIR FORCE nominations (46) beginning BRIAN J. ALENT, and ending RACHEL A. WEBER, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1280 AIR FORCE nominations (277) beginning ERIC E. ABBOTT, and ending

ETHAN EVERETT ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1290 AIR FORCE nomination of Lawrence W. Steinkraus Jr., which was received by the Senate and appeared in the Congressional Record of December 15, 2009.

PN1291 AIR FORCE nominations (4) beginning KRISTI L. JONES, and ending BRUNO A. SCHMITZ, which nominations were received by the Senate and appeared in the Congressional Record of December 15, 2009.

PN1292 AIR FORCE nominations (3) beginning RAYMOND KING, and ending BERNHARD K. STEPKE, which nominations were received by the Senate and appeared in the Congressional Record of December 15, 2009.

PN1317 AIR FORCE nominations (92) beginning FRANK R. AFLAGUE, and ending WILLIAM T. YATES, which nominations were received by the Senate and appeared in the Congressional Record of December 21, 2009.

PN1392 AIR FORCE nominations (5) beginning ANTHONY N. DILLS, and ending MICHAEL D. MILLER, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1393 AIR FORCE nominations (5) beginning MATTHEW A. BAACK, and ending ROCKY ZACCHEUS, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1407 AIR FORCE nomination of David A. Nordstrand, which was received by the Senate and appeared in the Congressional Record of January 26, 2010.

PN1408 AIR FORCE nominations (2) beginning HELEN K. CROUCH, and ending MICKRA H. KING, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

PN1409 AIR FORCE nominations (2) beginning RANDALL B. DELL, and ending EDDIE P. SANCHEZ, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

PN1410 AIR FORCE nominations (4) beginning CHARLES T. HUGUELET, and ending MICHAEL E. SAVAGE, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

PN1411 AIR FORCE nominations (5) beginning GLENDA K. M. GRONES, and ending NANCY A. WESTBROOK, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

PN1412 AIR FORCE nominations (15) beginning FRANK J. ARCHER, and ending EDUARDO SAN MIGUEL, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

PN1413 AIR FORCE nominations (3) beginning THOMAS J. PIZZOLO, and ending CLIFFORD ZDANOWICZ JR., which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

PN1414 AIR FORCE nominations (97) beginning TARN M. ABELL, and ending JOHN B. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

IN THE ARMY

PN1266 ARMY nominations (19) beginning JAMES R. AGAR II, and ending KERRY M. WHEELAHAN, which nominations were received by the Senate and appeared in the Congressional Record of December 9, 2009.

PN1281 ARMY nominations (36) beginning OLGA M. ANDERSON, and ending D004179, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1293 ARMY nomination of Dawn Y. Taylor, which was received by the Senate and

appeared in the Congressional Record of December 15, 2009.

PN1294 ARMY nominations (2) beginning WALTER COFFEY, and ending RUSSELL P. REITER, which nominations were received by the Senate and appeared in the Congressional Record of December 15, 2009.

PN1295 ARMY nominations (4) beginning DEAN A. AMBROSE, and ending JOHN W. TROGDON, which nominations were received by the Senate and appeared in the Congressional Record of December 15, 2009.

PN1296 ARMY nominations (6) beginning PATRICK R. BOSSETTA, and ending JOHN R. WHITFORD, which nominations were received by the Senate and appeared in the Congressional Record of December 15, 2009.

PN1394 ARMY nomination of Bess J. Pierce, which was received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1395 ARMY nominations (2) beginning JANINE G. ALLBRITTON, and ending SCOTT J. PIECEK, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1396 ARMY nomination of Juan G. Lopez, which was received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1397 ARMY nomination of Jeri R. Regan, which was received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1398 ARMY nomination of Robin T. Worch, which was received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1399 ARMY nominations (4) beginning TYLER E. HARRIS, and ending KELLY A. SUPPLE, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1400 ARMY nominations (19) beginning SCOTT D. DEBOLT, and ending AUDREY D. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1415 ARMY nomination of Louis Gevirtzman, which was received by the Senate and appeared in the Congressional Record of January 26, 2010.

PN1416 ARMY nominations (5) beginning BRENDA M. ARZU, and ending JOHN R. MILLS, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

IN THE MARINE CORPS

PN1282 MARINE CORPS nomination of Brian J. Dix, which was received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1297 MARINE CORPS nomination of William J. Mitchell, which was received by the Senate and appeared in the Congressional Record of December 15, 2009.

PN1298 MARINE CORPS nominations (5) beginning SAM B. CLONTS JR., and ending RALPH L. PRICE III, which nominations were received by the Senate and appeared in the Congressional Record of December 15, 2009.

IN THE NAVY

PN1041 NAVY nomination of Donald J. Sheehan Jr., which was received by the Senate and appeared in the Congressional Record of September 30, 2009.

PN1237 NAVY nomination of Matthew S. Flemming, which was received by the Senate and appeared in the Congressional Record of December 2, 2009.

PN1385 NAVY nomination of Richard K. Dougherty, which was received by the Senate and appeared in the Congressional Record of January 20, 2010.

PN1401 NAVY nomination of Roldan C. Mina, which was received by the Senate and

appeared in the Congressional Record of January 21, 2010.

PN1402 NAVY nominations (4) beginning JACOB R. HILL, and ending WILLIAM R. WOODFIN, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1417 NAVY nominations (11) beginning DAVID W. TERHUNE, and ending DET R. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

PN1418 NAVY nominations (30) beginning ERIC R. AKINS, and ending SCOTT T. WILBUR, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### MORNING BUSINESS

Mr. CASEY. Mr. 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.

#### CERVICAL CANCER AWARENESS

Mr. CARDIN. Mr. President, I rise today to call attention to a disease that is devastating to women nationwide. In 2009, the National Cancer Institute at NIH reported that cervical cancer was diagnosed in 11,250 women, and more than 4,000 women died from the disease. The U.S. Centers for Disease Control and Prevention, CDC, estimates that \$2 billion per year is spent on treatment of cervical cancer. Access to regular screening would not only prevent the disease in most cases, but would be a mere fraction of the cost of treatment.

Cervical cancer is mainly caused by HPV, a virus that currently infects about 20 million Americans. Another 6 million people become newly infected each year. By educating women and making regular Pap tests, HPV tests and the HPV vaccine affordable and accessible, we can significantly decrease the number of cases of cervical cancer in this Nation.

This message was brought to me last week by one of my constituents, Ms. Tamika Felder, and her "friends," a remarkable group of women who visited Capitol Hill to promote awareness of cervical cancer. Tamika was a successful young television producer in Washington, DC. At the age of 25, Tamika went to the doctor for a routine Pap test. She hadn't been to the doctor for a few years, partly due to a lack of health insurance. Her results came back, and the diagnosis was what she calls "the shock of her life"—advanced cervical cancer. As Tamika struggled to come to terms with her diagnosis, she became depressed and retreated from most of her friends. She could

only think about the end of her life, and the dreams that would go unfulfilled.

Doctors recommended a radical hysterectomy, which left Tamika heartbroken, knowing that she would never be able to give birth to children. Rounds of chemotherapy and radiation followed, and Tamika struggled to stay positive. She credits amazing family, friends, and coworkers with helping her through this difficult time. She emerged cancer-free, and is a 5-year survivor.

As Tamika was undergoing treatment, she spent a lot of time educating herself about HPV and cervical cancer, and her friends did the same. They learned that the disease was preventable, and they needed to get that message out to women around the country. Thus, the nonprofit organization Tamika and Friends was born. Tamika and Friends is based in Upper Marlboro, MD, and is dedicated to raising awareness about cervical cancer and its links to HPV.

Using the network of survivors and friends that they have established, they spread the essential message that through education, prevention, and treatment, cervical cancer can be entirely eliminated. They share their message in creative ways, including house parties that create a comfortable environment for women to have open discussions about HPV and cervical cancer and its causes. Their Web site has many survivors' stories to encourage other women that share their diagnosis.

When I learned that one of the reasons that Tamika did not have a regular Pap test was that she lacked health insurance, my conviction that we must achieve universal health coverage was strengthened. Her story is one of many that we have heard over the past year that emphasizes the critical need to cover the uninsured. If Tamika had had access to proper preventive testing, then her cancer might have been caught at an earlier stage. She may not have needed a radical hysterectomy, and her ability to have children, which she held so dear, might have been preserved.

The health care reform legislation passed by the Senate would ensure that women can afford a yearly Pap test. In the bill, preventive services for women, including a yearly exam and cervical cancer screenings are covered at no cost to patients. In addition, as part of the managers' amendment, the provision that I introduced as part of a Patients' Bill of Rights will allow women to designate an OB-GYN as their primary care physician. This will enable women to receive care from a physician that specializes in women's health and can reinforce efforts to educate women about the causes of cervical cancer and the importance of getting regular Pap and HPV tests.

To successfully eradicate cervical cancer, we must acknowledge and address that racial and ethnic minorities

are disproportionately affected. Cervical cancer is diagnosed at an early stage more often in Whites than in Blacks, and Black women have higher rates of mortality from cervical cancer than White women. According to the Centers for Disease Control and Prevention, Hispanic women were twice as likely as White women to be diagnosed with cervical cancer, and the rates of cervical cancer among Vietnamese American women are higher than those for any other ethnicity—more than five times higher than White women. These statistics highlight why it is so important to codify the Offices of Minority Health within HHS and its agencies. I advocated for this to be part of the managers' amendment to the Senate health care bill, and I will continue to push for it to be included in the health care reform legislation that is signed by President Obama.

I come to the floor today to raise awareness about cervical cancer and the need to cover preventive services for women, and to commend and thank Tamika and her friends for their efforts to educate all women about what they can do to remain healthy. Tamika's story could have been one of tragedy, but instead, she has turned it into a story of inspiration, strength, and hope.

In one of the informational brochures that Tamika and Friends hands out to women is a message from Tamika herself. It says "No matter how busy or broke you think you are—whether you have insurance or not—you must never, ever skip your Pap test and HPV test." As Members of the U.S. Senate, it is within our power to help women like Tamika and make sure that a lack of health insurance is not a barrier for women's health. We can all do our part to prevent cervical cancer and other diseases that can be caught early with proper preventive care.

#### SMALL BUSINESS CONTRACTING REVITALIZATION ACT

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I rise today to discuss the Small Business Contracting Revitalization Act of 2010. This critical piece of legislation is the direct result of consensus-building and compromise, and continues the bipartisan tradition of the Small Business Committee. I also wish to thank Chair LANDRIEU for her partnership with me in forging this truly crucial measure as we work toward contracting parity for small business, and for her tireless leadership on all concerns confronting small businesses today.

The Small Business Revitalization Act of 2010 retains critical procurement provisions that originate in the comprehensive contracting bills I introduced or cosponsored in the 109th and 110th Congresses which were unanimously voted out of the Small Business Committee. This particular legislation

will serve to minimize the use of contract bundling and consolidation of contracts by the Federal Government, and increase the ability of small businesses to fairly compete for such contracts through a host of key improvements, including allowing small businesses to join together in teams to bid on certain procurement opportunities. Additional requirements will help to ensure prompt payment from prime contractors to subcontractors, and make it easier for the Federal government to prosecute businesses who fraudulently identify themselves as small companies.

Since the mid-1990s, with the enactment of acquisition streamlining reforms and the downsizing of the Federal procurement workforce, small businesses have faced a litany of hurdles that have deprived them of Federal contracting dollars. One such impediment is contract bundling which takes contracting opportunities out of the hands of deserving small businesses by grouping numerous small contracts and bundling them into one large award. Ill-equipped to manage the demands of these consolidated awards due to a lack of resources, small business owners again find themselves crowded out of the Federal contracting process. Consequently, the bipartisan measure we are introducing reflects the recommendations made by the Government Accountability Office, GAO, to impose stricter reviews and more comprehensive reporting of bundled contracts, encourages small business teaming to bid on larger contracts, and promotes Federal agency publishing and use of best practices. Additional obstacles to successful small business contracting include “bait and switch” tactics used by prime contractors who use small firms in developing bids but do not subcontract with them once a contract has been awarded. Our bill will address this concern as well as other ongoing problems such as large businesses posing as small businesses, flawed reporting data, and agencies who fail to meet their small business contracting goals.

As ranking member of the Senate Committee on Small Business and Entrepreneurship, I am further dismayed by the myriad ways that government agencies have time and again egregiously failed to meet the vast majority of their small business statutory “goalings” requirements. It is unconscionable that the statutory goal for only one category of small business—small disadvantaged businesses—has been met, and that goals for the three other programs HUBZones, women-owned small businesses, and service-disabled veterans-owned businesses—have never been achieved.

Consider that, in 2007, small businesses were eligible for \$378 billion in Federal contracting awards, yet received only \$83 billion. This blatant failure to utilize small businesses, thus preventing them to secure their fair share of Federal contracting dollars,

has resulted in firms losing billions of dollars in contracting opportunities. But 23 percent is only a base goal. We must strive to exceed it, not just meet it.

In the last 2 years alone, the Small Business Committee has held numerous hearings and roundtables to identify and explain small business’ contracting concerns. In addition, the GAO and the Small Business Administration’s, SBA, inspector general have issued multiple reports addressing small business Federal contracting deficiencies. Our legislation builds on the contracting provisions of previous Small Business Committee contracting bills by endowing the SBA with additional tools to meet the demands of an ever-changing 21st century contracting environment.

That said, I am greatly encouraged by the latest statistics relating to Federal contracting dollars awarded to small businesses from the funds appropriated under the American Recovery and Reinvestment Act, ARRA. Preliminary reports show that as of February 1, 2010, small businesses have received over 29 percent of the ARRA Federal contracting dollars, well exceeding the imposed 23 percent statutory goal. This begs the question, if the Federal Government can not only meet but exceed these requirements for the Recovery Act, why can’t these goals be met year in and year out? The simple answer is they can. I am hopeful this administration will make a conscious effort to reverse the government-wide failure to meet small business goals on a consistent basis.

I am confident that this legislation will result in the changes necessary to reduce fraud and waste while paving the way for the Federal Government to maximize the use of America’s innovative small businesses in the contracting arena. Again, I want to recognize Senator LANDRIEU for her leadership in this matter and for her continuing commitment to the small business community.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING THE ALBANY AREA YMCA

• Mr. CHAMBLISS. Mr. President, today I wish to congratulate the Albany Area YMCA on the occasion of its 100th anniversary.

On October 25, 1909, 100 businessmen met at the New Albany Hotel for the purpose of establishing and building a YMCA in Albany. Five days later, the campaign, led by Judge F.F. Putney, was successful in raising \$30,000.

Just 1 year later, the vision became a reality, and the first YMCA building in Albany opened its doors at the corner of Pine and Jefferson.

Since its inception in 1910, the Albany Area YMCA has been an important part of life for residents of southwest Georgia.

Just last year, more than 30,000 people were involved in the YMCA, wheth-

er it was coaching baseball, participating in the 5K runs or volunteering at the food drives.

I have been to the Albany Area YMCA several times and I am always impressed by the new community initiatives and programs taking place there.

The YMCA has always been committed to challenging boys and girls to think beyond themselves and to set goals—and it is this focus on character development that has helped strengthen the community.

As a former volunteer and past president of the Moultrie YMCA, I have a special appreciation for the great work the volunteers are doing. And they ought to be commended for their tremendous efforts.

For 100 years, YMCA volunteers have helped children develop themselves as honest, respectful, caring and responsible individuals.

Additionally, I would be remiss if I did not mention Dave Wallace, who has made a tremendous impact on the Albany Area YMCA while serving as the executive director.

I have had the good fortune of knowing Dave for several years. The YMCA has flourished under his leadership—and I have no doubt he has touched many lives throughout his tenure there.

Over the years, the Albany Area YMCA has relocated, expanded and changed in many aspects, but it has never steered away from its mission “to put Christian principles into practice through programs that build a healthy spirit, mind and body for all.”

Once again, I would like to offer my congratulations and appreciation to the Albany Area YMCA on this very special occasion. ●

##### RECOGNIZING THE NORRIS STEVENS FAMILY

• Mrs. LINCOLN. Mr. President, today I congratulate the Norris Stevens family for being named the Drew County Farm Family of the Year for 2009.

I have felt a long kinship with Drew County, and I am grateful for the friendships I have made there. I have many fond memories visiting the Drew County Courthouse, where my southern Arkansas field office was located when I was first elected to the U.S. Senate.

As a seventh-generation Arkansan and farmer’s daughter, and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our farm families. Agriculture is the backbone of Arkansas’s economy, creating more than 270,000 jobs in the State and providing \$9.1 billion in wages and salaries. In total, agriculture contributes roughly \$15.9 billion to the Arkansas economy each year.

Mr. President, our farm families are critical to our Nation’s economic stability. We must work to continue the farm family tradition, so families such

as the Stevens family are able to maintain their livelihoods and continue to help provide the safe, abundant, and affordable food supply that feeds our own country and the world and that is essential to our own economic stability.

I salute the Stevens and all Arkansas farm families for their hard work and dedication.●

#### RECOGNIZING SHAY AND SHERRIE GILLESPIE

● Mrs. LINCOLN. Mr. President, today I congratulate Shay and Sherrie Gillespie of Monticello as the 2009 Man and Woman of the Year, as named by the Monticello-Drew County Chamber of Commerce and Monticello Economic Development Commission.

I have felt a long kinship to Monticello, and I am grateful for the friendships I have made there. I have many fond memories visiting the Drew County Courthouse, where my southern Arkansas field office was located when I was first elected to the U.S. Senate.

Monticello is a community with a great spirit of volunteerism and caring, as evidenced by the Gillespies. Owners of Head of the Class Childcare and Learning Center, the Gillespies are known throughout the community for their work with youth, their church and community activities, and their service on the Monticello City Council. Sherrie is a current city alderman and Shay is a former alderman.

According to those who know her best, Sherrie is quick to open up her home to the youth in her church and community, using her personal finances to help feed senior citizens and provide clothing for the needy. She was instrumental in forming a community action organization that provides tutoring to African-American students to help them make the most of their future.

Mr. President, we should all embrace the spirit of service and volunteerism on display by these deserving individuals. I send my heartfelt congratulations to both Shay and Sherrie.●

#### RECOGNIZING SEAARK MARINE AND RAY'S RESTAURANT

● Mrs. LINCOLN. Mr. President, today I proudly join all Monticello residents to congratulate SeaArk Marine and Ray's Restaurant as the Monticello-Drew County Industry and Business of the Year, respectively, as named by the Chamber of Commerce and Monticello Economic Development Commission.

I have felt a long kinship to Monticello, and I am grateful for the friendships I have made there. I have many fond memories visiting the Drew County Courthouse, where my southern Arkansas field office was located when I was first elected to the U.S. Senate.

Industry of the Year SeaArk Marine is one of the Nation's leading commercial and military boat builders. Known for its commitment to customers and quality, SeaArk has been under the

same ownership for over 51 years, with many of their key craftspeople employed for more than 30 years.

Business of the Year Ray's has been a local icon since 1951, when the restaurant first began serving burgers at what was then known as C.L. and Ruth Ray's Anchor Drive In on Hyatt Street. Ray's now serves a diverse menu of Arkansas favorites, including burgers, catfish and hickory-smoked barbeque.

Mr. President, I salute these Arkansas businesses for their hard work and dedication in serving our State.●

#### RECOGNIZING THE TONGUE POINT JOB CORPS CENTER

● Mr. MERKLEY. Mr. President, today I recognize Tongue Point's 45 years of tireless dedication to helping Oregonians improve the quality of their lives. In 1965, the Tongue Point Job Corps Center began teaching young people the skills to become employable and independent. Since then, the center has remained devoted to its mission of helping its graduates find work or pursue additional education. Last year, an amazing 90 percent of Job Corps graduates found work, enrolled in higher education programs, or enlisted in the military.

During these tough economic times, Tongue Point's contribution to our communities helps strengthen the quality of our workforce and ensures that those who want to succeed can. The center provides 16- to 24-year-olds with technical and academic training at no cost to the student, guaranteeing a safe and encouraging space for professional advancement.

In recognition of Tongue Point's 45th birthday, I wish to express my sincere appreciation for the work they have done helping young Oregonians find a career path. This center, like all Job Corps Centers nationwide, provides a tremendous service to our Nation, and I wish it all the best in the years to come.●

#### REMEMBERING COLONEL JACK PITCHFORD

● Mr. WICKER. Mr. President, on December 2, 2009, retired Air Force COL Jack Pitchford died at the age of 82 after a long battle with a brain tumor. The Natchez, MS, native was a decorated fighter pilot, a survivor of the Hanoi Hilton, and a true hero. Our country will miss him.

John Joseph Pitchford was born in 1926 in Natchez. The second of 12 children and the eldest boy, Pitchford enlisted in the Army Air Corps after graduating from high school in 1944. He served as an aircraft and engine mechanic through the end of World War II.

He then attended Louisiana State University from 1949 to 1952, graduating with a bachelor of science degree in forestry and receiving a Reserve Officer Training Corps commission in the Air Force. After entering

pilot training in August 1952 at Bartow Air Force Base, Pitchford went on to receive his wings in September 1953.

As the war in Vietnam escalated, Pitchford volunteered for the Wild Weasel program, tasked with flying low-altitude missions to hunt and destroy surface-to-air missiles. On December 20, 1965, during his third combat mission of the war, Colonel Pitchford's F-100F Super Sabre aircraft was hit by a North Vietnamese missile. He suffered a dislocated right shoulder during his ejection from the aircraft and three gunshot wounds to his right arm when his captors opened fire. Colonel Pitchford was the first Wild Weasel to be taken prisoner in Vietnam. He spent the next 7 years in various North Vietnamese prisoner-of-war camps, including the infamous Hanoi Hilton. After 373 weeks of hellish captivity and torture, Colonel Pitchford was finally released on February 12, 1973.

In recognition of his tremendous service and sacrifice, Colonel Pitchford was awarded the Purple Heart, the Silver Star, and Legion of Merit. Upon retirement from the Air Force, he returned to Natchez where he became an active member of the community. In discussing his time as a POW, Colonel Pitchford once said:

The one thing I would like to convey to the American people is that no matter what happens in one's lifetime, one must never lose faith in the United States of America. Ours is a great country indeed. We must continue to rededicate ourselves to the principles that have made it great. I, as a POW, was maintained by my faith in God, country and by the hardships much worse than my own that were endured by many of my fellow POWs.

I recently returned from Afghanistan. Many of the qualities Jack Pitchford exhibited in his life can be seen in our men and women who are serving our country there today. Their service and sacrifice ensures that Jack Pitchford's legacy will live on.●

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

#### REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED IN EXECUTIVE ORDER 13396 ON FEBRUARY 7, 2006, WITH RESPECT TO THE SITUATION IN OR IN RELATION TO CÔTE D'IVOIRE—PM 44

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency, unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13396 of February 7, 2006, with respect to the situation in or in relation to Côte d'Ivoire is to continue in effect beyond February 7, 2010.

The situation in or in relation to Côte d'Ivoire, which has been addressed by the United Nations Security Council in Resolution 1572 of November 15, 2004, and subsequent resolutions, has resulted in the massacre of large numbers of civilians, widespread human rights abuses, significant political violence and unrest, and fatal attacks against international peacekeeping forces. In March 2007, the Ouagadougou Political Agreement was signed by the two primary protagonists in Côte d'Ivoire's conflict. Although considerable progress has been made in implementing this agreement, the situation in or in relation to Côte d'Ivoire poses a continuing unusual and extraordinary threat to the national security and foreign policy of the United States.

For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons contributing to the conflict in Côte d'Ivoire.

BARACK OBAMA.

THE WHITE HOUSE, February 2, 2010.

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-4613. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13441 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC-4614. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Belarus Sanctions Regulations" (31 CFR Part 548) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4615. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of

a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on January 27, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4616. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4617. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Community Disaster Loan" ((44 CFR Part 206)(Docket No. FEMA-2005-0051)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4618. 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 "Haiti Earthquake Occurring in January 2010 Designated as a Qualified Disaster Under Section 139 of the Internal Revenue Code" (Notice No 2010-16) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Finance.

EC-4619. 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 "Applicable Federal Rates—February 2010" (Rev. Rul. 2010-6) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Finance.

EC-4620. 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 "Tier I Issue—Industry Director Directive on the Planning and Examination of Repairs vs. Capitalization Change in Accounting Method (CAM) No. 1" (LMSB-4-0110-001) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Finance.

EC-4621. 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 "Miscellaneous HEART Act Changes" (Notice No. 2010-15) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Finance.

EC-4622. A communication from the Deputy Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of the confirmation of a nomination in the position of Administrator, received on January 29, 2010; to the Committee on Foreign Relations.

EC-4623. A communication from the Office Manager, Office of the National Coordinator for HIT, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Health Information Technology: Initial Set of Standards, Implementation Specifications, and Certification, Criteria for Electronic Health Record Technology" (RIN0991-AB58) received in the Office of the President of the Senate on January 15, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4624. A communication from the Program Manager, Health Resources and Services Administration, Department of Health

and Human Services, transmitting, pursuant to law, the report of a rule entitled "National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners: Reporting on Adverse and Negative Actions" (RIN0906-AA57) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4625. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4626. A communication from the Director, Office of Labor-Management Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Trust Annual Reports, Final Rule Extending Filing Due Date" (RIN1215-AB75) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4627. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Worker Visibility" (RIN1215-AF28) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4628. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standard No. 121; Air Brake Systems" (RIN2127-AK44) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4629. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (113); Amdt. No. 3356" (RIN1210-AA65) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4630. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (10); Amdt. No. 3357" (RIN1210-AA65) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4631. A communication from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Report and Order, In the Matter of International Fixed Public Radiocommunication Services" (IB Docket No. 05-216) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4632. A communication from the Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Employee Protection Program; Removal" (RIN2105-AD94) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4633. A communication from the Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Reimbursement of General Aviation Operators and Service Providers in the Washington, DC Area; Removal" (RIN2105-AD93) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4634. A communication from the Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "OST Technical Corrections" (RIN2105-AD82) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4635. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and E Airspace and Modification of Class E Airspace; State College, PA" ((RIN2120-AA66)(Docket No. FAA-2009-0750)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4636. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and Class E Airspace, Modification of Class E Airspace; Ocala, FL" ((RIN2120-AA66)(Docket No. FAA-2009-0326)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4637. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Anniston, AL" ((RIN2120-AA66)(Docket No. FAA-2009-0653)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4638. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Saluda, SC" ((RIN2120-AA66)(Docket No. FAA-2009-0603)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4639. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Tompkinsville, KY" ((RIN2120-AA66)(Docket No. FAA-2009-0604)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4640. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Hertford, NC" ((RIN2120-AA66)(Docket No. FAA-2009-0705)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4641. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Clayton, GA" ((RIN2120-AA66)(Docket No.

FAA-2009-0605)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4642. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Lewisport, KY" ((RIN2120-AA66)(Docket No. FAA-2009-0706)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4643. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-100B SUD, -200B, -300, -400, and -400D Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0636)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4644. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0865)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4645. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Thrush Aircraft, Inc. Model 600 S2D and S2R Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-27862)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4646. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. (Agusta) Model AB139 and AW139 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2009-1125)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4647. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Turmo IV A and IV C Turboshaft Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0009)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4648. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0713)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4649. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sigma Aero Seat 90xx Series Passenger Seats, In-

stalled on, but not Limited to ATR—GIE Avions de Transport Regional Model ATR42 Airplanes and Model ATR72 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-27346)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4650. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; AVOX Systems and B/E Aerospace Oxygen Cylinder Assemblies, as Installed on Various Transport Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0029)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4651. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Engine Components, Inc. (ECI) Reciprocating Engine Cylinder Assemblies" ((RIN2120-AA64)(Docket No. FAA-2008-0052)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4652. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, -900, and -900ER Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0657)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4653. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0610)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4654. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A340-200 and A340-300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1251)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4655. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0763)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4656. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CFM International, S.A. CFM56-7B Series Turboprop Engines" ((RIN2120-AA64)(Docket No. FAA-2009-0236)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4657. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Airworthiness Directives; Turbomeca S.A. Model Arriel 1B, 1D, and 1D1 Turboshift Engines" ((RIN2120-AA64)(Docket No. FAA-2009-0503)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4658. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, A340-300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0309)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4659. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drug and Alcohol Testing Program; Correction" ((RIN2120-AJ37)(Docket No. FAA-2008-0937)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4660. 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 Zones: Fireworks Displays in the Captain of the Port, Portland Zone" ((RIN1625-AA00)(Docket No. USG-2008-1096)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4661. 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 and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL" ((RIN1625-AA00)(Docket No. USG-2009-1080)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4662. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety and Security Zone, Chicago Sanitary and Ship Canal, Romeoville, IL" ((RIN1625-AA00; RIN1625-AA87)(Docket No. USG-2009-1052)) received in the Office of the President of the Senate on January 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4663. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Amendment to the list of MARPOL Annex V Special Areas That Are Currently in Effect to Add the Gulfs and Mediterranean Sea Special Areas" ((RIN1625-AB41)(Docket No. USG-2009-0273)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4664. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability—Vessels and Deepwater Ports" ((RIN1625-AB25)(Docket No. USG-2008-0007)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4665. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Spe-

cial Local Regulation for Marine Events; Recurring Marine Events in the Fifth Coast Guard District" ((RIN1625-AA08)(Docket No. USG-2009-0430)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4666. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Atlantic Intracoastal Waterway, Oak Island, NC" ((RIN1625-AA00)(Docket No. USG-2009-1067)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4667. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations: Harlem River, New York, NY" ((RIN1625-AA09)(Docket No. USG-2008-0456)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4668. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; San Diego Parade of Lights Fireworks, San Diego Bay, CA" ((RIN1625-AA00)(Docket No. USG-2009-0484)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4669. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Bonfouca Bayou, Slidell, LA" ((RIN1625-AA09)(Docket No. USG-2009-0863)) received in the Office of the President of the Senate on January 27, 2010; to the Committee on Commerce, Science, and Transportation.

#### 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. 1733. A bill to create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a clean energy economy (Rept. No. 111-121).

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1524. A bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes (Rept. No. 111-122).

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 369, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market (Rept. No. 111-123).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 1749. A bill to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

\*Mary Sally Mattiella, of Arizona, to be an Assistant Secretary of the Army.

\*Paul Luis Oostburg Sanz, of Maryland, to be General Counsel of the Department of the Navy.

\*Malcolm Ross O'Neill, of Virginia, to be an Assistant Secretary of the Army.

\*Jackalyn Pfannenstiel, of California, to be an Assistant Secretary of the Navy.

\*Douglas B. Wilson, of Arizona, to be an Assistant Secretary of Defense.

Air Force nomination of Col. Kory G. Cornum, to be Brigadier General.

Air Force nomination of Brig. Gen. Carol A. Lee, to be Major General.

Air Force nominations beginning with Brigadier General Eric W. Crabtree and ending with Brigadier General Lance D. Undhjem, which nominations were received by the Senate and appeared in the Congressional Record on December 9, 2009.

Air Force nomination of Col. Dixie A. Morrow, to be Brigadier General.

Air Force nomination of Col. Paul S. Dwan, to be Brigadier General.

Air Force nominations beginning with Col. Daniel B. Fincher and ending with Col. David C. Wesley, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nominations beginning with Colonel Gary C. Blazkiewicz and ending with Colonel William O. Welch, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nomination of Brig. Gen. Steven J. Lepper, to be Major General.

Air Force nomination of Col. Gerard A. Caron, to be Major General.

Air Force nomination of Brig. Gen. Richard C. Harding, to be Lieutenant General.

Air Force nominations beginning with Brigadier General Samuel C. Heady and ending with Colonel Michael A. Wobbema, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2010.

Army nomination of Brig. Gen. Mary A. Legere, to be Major General.

Army nomination of Maj. Gen. Thomas P. Bostick, to be Lieutenant General.

Army nomination of Maj. Gen. Robert L. Caslen, Jr., to be Lieutenant General.

Army nomination of Brig. Gen. Steven W. Smith, to be Major General.

Army nomination of Brig. Gen. William D. Frink, Jr., to be Major General.

Army nominations beginning with Colonel Jeffrey N. Colt and ending with Colonel Donald M. MacWillie, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Navy nominations beginning with Captain Douglas J. Asbjornsen and ending with Captain Robert J. Kamensky, which nominations were received by the Senate and appeared in the Congressional Record on April 2, 2009.

Navy nomination of Vice Adm. David Architzel, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Joseph E. Sanders, to be Colonel.

Air Force nomination of Chinmoy Mishra, to be Lieutenant Colonel.

Air Force nomination of Charles F. Kimball, to be Major.

Air Force nominations beginning with Minh Thu Ngoc Le and ending with Robert C. Pope, which nominations were received by the Senate and appeared in the Congressional Record on December 2, 2009.

Air Force nominations beginning with Noemi Algarinlozano and ending with Patrick J. Williams, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nominations beginning with David W. Bobb and ending with Robert W. Wisnitsch, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nominations beginning with Sean W. Digman and ending with David L. Robinson, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nominations beginning with Albert H. Bonnema and ending with Gianna R. Zeh, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nominations beginning with Eric R. Baugh, Jr. and ending with Karyn E. Young, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nominations beginning with Adam M. Anderson and ending with Shahid A. Zaidi, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nominations beginning with Brian J. Alent and ending with Rachel A. Weber, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nominations beginning with Eric E. Abbott and ending with Ethan Everett Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nomination of Lawrence W. Steinkraus, Jr., to be Colonel.

Air Force nominations beginning with Kristi L. Jones and ending with Bruno A. Schmitz, which nominations were received by the Senate and appeared in the Congressional Record on December 15, 2009.

Air Force nominations beginning with Raymond King and ending with Bernhard K. Stepke, which nominations were received by the Senate and appeared in the Congressional Record on December 15, 2009.

Air Force nominations beginning with Frank R. Aflague and ending with William T. Yates, which nominations were received by the Senate and appeared in the Congressional Record on December 21, 2009.

Air Force nominations beginning with Anthony N. Dills and ending with Michael D. Miller, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2010.

Air Force nominations beginning with Matthew A. Baack and ending with Rocky Zacheus, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2010.

Air Force nomination of David A. Nordstrand, to be Colonel.

Air Force nominations beginning with Helen K. Crouch and ending with Mickra H. King, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Air Force nominations beginning with Randall B. Dell and ending with Eddie P. Sanchez, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Air Force nominations beginning with Charles T. Huguélet and ending with Michael E. Savage, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Air Force nominations beginning with Glenda K. M. Grones and ending with Nancy A. Westbrook, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Air Force nominations beginning with Frank J. Archer and ending with Eduardo San Miguel, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Air Force nominations beginning with Thomas J. Pizzolo and ending with Clifford Zdanowicz, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Air Force nominations beginning with Tarn M. Abell and ending with John B. Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Army nominations beginning with James R. Agar II and ending with Kerry M. Wheelehan, which nominations were received by the Senate and appeared in the Congressional Record on December 9, 2009.

Army nominations beginning with Olga M. Anderson and ending with D004179, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Army nomination of Dawn Y. Taylor, to be Major.

Army nominations beginning with Walter Coffey and ending with Russell P. Reiter, which nominations were received by the Senate and appeared in the Congressional Record on December 15, 2009.

Army nominations beginning with Dean A. Ambrose and ending with John W. Trogdon, which nominations were received by the Senate and appeared in the Congressional Record on December 15, 2009.

Army nominations beginning with Patrick R. Bossetta and ending with John R. Whitford, which nominations were received by the Senate and appeared in the Congressional Record on December 15, 2009.

Army nomination of Bess J. Pierce, to be Lieutenant Colonel.

Army nominations beginning with Janine G. Allbritton and ending with Scott J. Piecek, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2010.

Army nomination of Juan G. Lopez, to be Major.

Army nomination of Jeri R. Regan, to be Major.

Army nomination of Robin T. Worch, to be Major.

Army nominations beginning with Tyler E. Harris and ending with Kelly A. Supple, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2010.

Army nominations beginning with Scott D. Debolt and ending with Audrey D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2010.

Army nomination of Louis Gevirtzman, to be Colonel.

Army nominations beginning with Brenda M. Arzu and ending with John R. Mills, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Marine Corps nomination of Brian J. Dix, to be Major.

Marine Corps nomination of William J. Mitchell, to be Major.

Marine Corps nominations beginning with Sam B. Clonts, Jr. and ending with Ralph L.

Price III, which nominations were received by the Senate and appeared in the Congressional Record on December 15, 2009.

Navy nomination of Donald J. Sheehan, Jr., to be Captain.

Navy nomination of Matthew S. Flemming, to be Commander.

Navy nomination of Richard K. Dougherty, to be Commander.

Navy nomination of Roldan C. Mina, to be Lieutenant Commander.

Navy nominations beginning with Jacob R. Hill and ending with William R. Woodfin, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2010.

Navy nominations beginning with David W. Terhune and ending with Det R. Smith, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Navy nominations beginning with Eric R. Akins and ending with Scott T. Wilbur, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### 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. LUGAR (for himself and Mr. LEAHY):

S. 2974. A bill to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. NELSON of Florida, Ms. KLOBUCHAR, Mr. DURBIN, Mrs. GILLIBRAND, Mr. BROWN, and Mr. FRANKEN):

S. 2975. A bill to prohibit the manufacture, sale, or distribution in commerce of children's jewelry containing cadmium, barium, or antimony, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEVIN: (for himself and Ms. STABENOW):

S. 2976. A bill to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. LIEBERMAN, Mr. WEBB, Mr. MCCAIN, Mrs. LINCOLN, Mr. BENNETT, Mr. CHAMBLISS, Ms. COLLINS, Mr. MCCONNELL, Mr. CORNYN, Mr. SESSIONS, Mr. BARRASSO, Mr. CORKER, Mr. KYL, Mr. COBURN, Mr. GRASSLEY, Mr. VITTER, Mr. HATCH, Mr. JOHANNIS, Mr. ROBERTS, Mr. ALEXANDER, Mr. PRYOR, and Mr. THUNE):

S. 2977. A bill to prohibit the use of Department of Justice funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001 terrorist attacks; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. NELSON of Florida):

S. 2978. A bill to extend the Caribbean Basin Economic Recovery Act, to extend the trade preferences made available to Haiti under that Act, to encourage foreign investment in Haiti, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. KAUFMAN):

S. 2979. A bill to amend title 18, United States Code, to provide accountability for the criminal acts of Federal contractors and employees outside the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BENNETT (for himself, Mr. CORNYN, Mr. WICKER, Mr. VITTER, Mr. ENZI, Mr. BROWNBACK, Mr. INHOFE, Mr. ROBERTS, and Mr. HATCH):

S. 2980. A bill to protect the democratic process and the right of the people of the District of Columbia to define marriage; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Mr. THUNE):

S. 2981. A bill to reevaluate and redirect the stimulus; to the Committee on Appropriations.

(Mrs. LINCOLN) was added as a cosponsor of S. 827, a bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds.

S. 841

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 891

At the request of Mr. BROWNBACK, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite—tantallite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 938

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 938, a bill to require the President to call a White House Conference on Children and Youth in 2010.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Wyoming (Mr. BARRASSO), the Senator from Georgia (Mr. ISAKSON) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1147

At the request of Mr. KOHL, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1147, a bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1153

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1518

At the request of Mr. BURR, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1518, a bill to amend

title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune.

S. 1606

At the request of Mr. WHITEHOUSE, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1606, a bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes.

S. 1628

At the request of Mr. UDALL of Colorado, the names of the Senator from Indiana (Mr. BAYH) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1628, a bill to amend title VII of the Public Health Service Act to increase the number of physicians who practice in underserved rural communities.

S. 1682

At the request of Ms. CANTWELL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1682, a bill to provide the Commodity Futures Trading Commission with clear antimarket manipulation authority, and for other purposes.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2801

At the request of Mr. FRANKEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2801, a bill to provide children in foster care with school stability and equal access to educational opportunities.

S. 2913

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2913, a bill to establish a national mercury monitoring program, and for other purposes.

S. 2924

At the request of Mr. LEAHY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN:

S. 2976. A bill to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KAUFMAN (for himself, Mr. BROWNBACK, Mr. CASEY, Mr. KYL, Mr. FEINGOLD, Mr. WEBB, Mr. LIEBERMAN, Mr. SPECTER, Mr. MCCAIN, and Mr. CORNYN):

S. Res. 405. A resolution reaffirming the centrality of freedom of expression and press freedom as cornerstones of United States foreign policy and United States efforts to promote individual rights, and for other purposes; considered and agreed to.

By Mr. VITTER (for himself, Ms. LANDRIEU, Mr. BUNNING, Mr. CASEY, and Mr. JOHANNIS):

S. Res. 406. A resolution recognizing the goals of Catholic Schools Week and honoring the valuable contributions of Catholic schools in the United States; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 570

At the request of Mr. VITTER, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 570, a bill to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

S. 753

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 753, a bill to prohibit the manufacture, sale, or distribution in commerce of children's food and beverage containers composed of bisphenol A, and for other purposes.

S. 827

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas

Mr. LEVIN. Mr. President, today I am introducing with Senator STABENOW the Sleeping Bear Dunes National Lakeshore Conservation and Recreation Act, which would permanently protect 32,557 acres within the extraordinarily beautiful Sleeping Bear Dunes National Lakeshore located in the Michigan counties of Leelanau and Benzie. This legislation reflects the 2008 National Park Service wilderness proposal, which was the result of a lengthy public process beginning in 2006, and culminating in broad public support for the proposal. The wilderness designation improves upon a 1981 recommendation by ensuring that access to recreational areas is provided while protecting lands in their natural condition.

While there currently are no areas in the Lakeshore formally designated as wilderness, the National Park Service has been managing 30,903 acres as wilderness since 1982, when an amendment to the park's enabling legislation required the Park Service to manage land recommended as wilderness in 1981 in this manner "until Congress determines otherwise." The legislation I am introducing today would modify somewhat which areas would be managed as wilderness to ensure visitors continue to have access to these lands. The bill specifically excludes developed county roads and State highways from the wilderness area such that access is not impeded for recreation and other purposes. Several areas for boat launching and historic structures have also been excluded from the wilderness designation. Even with these exclusions, the overall acreage that would be designated as wilderness is slightly more than the area currently managed as wilderness because Sleeping Bear Plateau would be protected. Importantly, the wilderness designation would still allow hunting and fishing, trail-use, and camping at Sleeping Bear Dunes National Lakeshore. Also, motor boats would still be allowed in Lake Michigan, and boaters would be allowed to beach their craft on beaches adjacent to the wilderness area.

The bill was carefully crafted to ensure that the wilderness designation would apply only to areas currently undeveloped and possessing natural characteristics and values. There are five areas that would be designated as wilderness by this legislation. Most of North and South Manitou Islands would be designated as wilderness, with some exclusions for boat launching, roads, and historic structures. Wilderness would also be designated in the north, central, and southern parts of the Lakeshore on the mainland. In the mainland areas there are also exclusions for roads and recreational and historic features.

The dramatic dunes, sandy beaches, steep bluffs, forests, inland lakes, agricultural lands, and historic structures of Sleeping Bear Dunes National Lakeshore embody the rich natural and cultural history of Michigan. This wilder-

ness designation would ensure that current and future generations will be able to enjoy solitude and recreation in these treasured areas. Even as the Sleeping Bear dunes are ever-changing as they are sculpted by the wind, it is critical that we protect these and other natural assets from being altered by development. I hope we can have prompt consideration of this bill by the Senate.

By Mr. GRAHAM (for himself, Mr. LIEBERMAN, Mr. WEBB, Mr. MCCAIN, Mrs. LINCOLN, Mr. BENNETT, Mr. CHAMBLISS, Ms. COLLINS, Mr. MCCONNELL, Mr. CORNYN, Mr. SESSIONS, Mr. BARRASSO, Mr. CORKER, Mr. KYL, Mr. COBURN, Mr. GRASSLEY, Mr. VITTER, Mr. HATCH, Mr. JOHANNES, Mr. ROBERTS, Mr. ALEXANDER, Mr. PRYOR, and Mr. THUNE):

S. 2977. A bill to prohibit the use of Department of Justice for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001 terrorist attacks; to the Committee on the Judiciary.

Mr. CHAMBLISS. Mr. President, I rise to speak about this administration's decision to try the 9/11 conspirators and the Christmas bomber in our civilian criminal justice system.

Prosecuting the five 9/11 conspirators currently detained at the Guantanamo Bay detention facility, as well as the Christmas bomber, Umar Farouk Abdulmutallab, in article III criminal court indicates a disturbing tendency by this administration to make terrorism a law enforcement priority rather than an intelligence priority. It is a mistake to treat terrorism as a law enforcement problem alone, a mistake that is only compounded by the fact that the intelligence community was not even consulted before they were prevented from gathering any intelligence from Abdulmutallab, a member of a terrorist organization sworn to be at war with America. As the 9/11 Commission found:

An unfortunate consequence of this superb investigative and prosecutorial effort was that it created an impression that the law enforcement system was well equipped to cope with terrorism.

As we know from an examination of events before 9/11, law enforcement means alone cannot eliminate the threat from al-Qaida.

After Abdulmutallab failed to detonate an explosive device on Northwest flight 253, he was taken into custody by law enforcement. Other than the Federal Bureau of Investigation, no member of the intelligence community—in particular, the Central Intelligence Agency—had the opportunity to question Abdulmutallab and gather intelligence. The Department of Justice should have foreseen that a dedicated terrorist, intent on committing suicide and harming Americans, would not be willing to cooperate with U.S. law enforcement, especially after being in-

formed of his rights under our criminal code, including the right to remain silent. Without consulting the intelligence community, the Department of Justice limited the tools used to gather intelligence and potentially prevent future terrorist attacks.

The administration is returning to the idea that terrorism can be investigated by the FBI and prosecuted rather than relying on our intelligence community and military to disrupt attacks. The United States should not revert to the days where we waited for an attack to occur, then investigated it and prosecuted it. We must work actively to disrupt terrorist attacks before they take the lives of Americans. We must work actively to deny terrorist safe havens and financing. The most successful way to disrupt and deny terrorist activity is through the intelligence we gather on individuals prior to a criminal or terrorist act occurring or from those individuals after they have made such an attempt.

Treating these terrorists as common criminals will put our communities in danger, toll the taxpayers, and cause the government to miss valuable intelligence collection opportunities. For example, bringing the five 9/11 conspirators to New York City is estimated to cost over \$200 million per year just in enhanced security. This does not include the cost to millions of New Yorkers and businesses who will have to adjust their way of life to accommodate these trials. Meanwhile, this will allow terrorists to mock our justice system and use it as a stage to espouse their jihadist beliefs and expose our intelligence sources and methods. We have already seen Zacarias Moussaoui use his trial in Virginia to spout al-Qaida propaganda and to try to portray himself as a martyr. Meanwhile, terrorism trials during the 1990s in our criminal courts exposed sensitive and classified information to, among others, Osama bin Laden, including the fact that the U.S. intelligence community was targeting his communications.

Let me be clear. These are not common criminals, and they should not be treated as such. The five terrorists responsible for planning and organizing the September 11, 2001, terrorist attacks—including self-proclaimed 9/11 mastermind Khalid Shaikh Mohammed—should not be entitled to receive the same legal treatment as our Constitution gives to common criminals in this country. These terrorists committed an act of war, an act that led us to an armed conflict in Afghanistan, where, today, more than 8 years later, our troops are still battling al-Qaida. These terrorists should face justice through the military commission process for the atrocities they committed—the same process that had already charged these five terrorists and began over a year ago; the same process that KSM already pleaded guilty under but that the President abolished as soon as he took office.

For these reasons, I joined a bipartisan group of Senators, today, in introducing legislation that would prohibit funding for the prosecuting of the 9/11 conspirators in our U.S. criminal article III courts.

Under his Constitutional authority as Commander in Chief, along with the Congressional Authorization for the Use of Military Force, the President has the authority—and the responsibility—to detain the 9/11 conspirators and Abdulmutallab because of their actions on behalf of al-Qaida, and to pursue trial by military commission—an option the President determined appropriate for other terrorists, such as Abd al-Rahim al-Nashiri, who was responsible for the USS *Cole* bombing. Instead, by prosecuting Abdulmutallab and the 9/11 conspirators in criminal court, and Nashiri and others by military commission, it creates the impression that terrorists are rewarded with the full complement of rights and privileges of an American if they attack defenseless civilians at home, but not if they attack our government or military interests abroad. This will only further incentivize terrorists to attack our homeland.

As the attempted terrorists attack on Christmas Day illustrates, al-Qaida does not need further incentive to attack America. They are focused on and engaged in harming Americans here and abroad. As such, it is critical that our intelligence community have every opportunity to gain information so we can stay one step ahead of any related terrorists threats. Obtaining intelligence first rather than affording constitutional rights to a foreign terrorist is an obvious solution. Treating members of al-Qaida the same as we treat others captured on the battlefield is another.

By Mr. WYDEN (for himself and Mr. NELSON of Florida):

S. 2978. A bill to extend the Caribbean Basin Economic Recovery Act, to extend the trade preferences made available to Haiti under that Act, to encourage foreign investment in Haiti, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am pleased to introduce legislation to help encourage Haitian economic development, by promoting U.S.-Haitian trade and investment. The legislation, the Renewing Hope for Haitian Trade and Investment Act of 2010, would in part renew provisions of U.S. trade law that are currently scheduled to expire and which have been critical to the growth of the Haitian apparel sector, which sustains tens of thousands of jobs in Haiti.

Apparel is a core industry sector in Haiti, accounting for an estimated 25,000 jobs and 75–80 percent of Haiti's export earnings.

The devastating January 12 earthquake in Haiti caused widespread damage to the industry. The damage has caused transportation and assembly

production bottlenecks, and compounded existing challenges such as lack of industrial space, poor road and port conditions, unreliable electricity, and the high cost of capital.

As of January 2010, Haiti's apparel industry is reportedly running at 50 percent of capacity as a result of the earthquake. Producers hope to increase production to 70 percent of capacity in the next 4–6 weeks, depending on improvements to electricity and water supplies.

Most apparel imports from Haiti come into the U.S. free of duties, because of provisions in the Caribbean Basin Trade Partnership Act, CBTPA. Unfortunately, these provisions expire in September of this year. This expiration is dampening interest in placing additional apparel orders, so it is critical that Congress extend this important program, and do so expeditiously. The Renewing Hope for Haitian Trade and Investment Act of 2010 would extend CBTPA for an additional 3 years.

Increasingly, producers are using a new program called the Hemispheric Opportunity through Partnership Encouragement, HOPE, program to send Haitian apparel to the U.S. free of duty. While utilization of this program, which began in 2006, is growing, it faced early challenges and has since been amended. The amendments have been helpful, but extending this program would help send a signal to potential investors to go into Haiti and build the factories that will employ hundreds or thousands more Haitian workers. The Renewing Hope for Haitian Trade and Investment Act would “restart the clock” on the HOPE program and extend it through 2022.

Furthermore, a challenging investment climate and cumbersome Customs procedures for moving goods in and out of Haiti are imposing significant challenges to private-sector Haitian producers. The Renewing Hope for Haitian Trade and Investment Act would help in these areas, too.

Over the past few weeks, I have reached out to a broad group of stakeholders in order to identify the near-term challenges that face Haiti's apparel production industry. We focused on identifying short-term constraints that exist because of the January earthquake. I look forward to continuing to work with these stakeholders going forward in order to ensure quick passage of a bill that has a maximum amount of consensus between U.S. and Haitian producers, non-governmental organizations, and others.

I would particularly like to acknowledge the leadership of Senator BILL NELSON on this proposal. His keen understanding of Haiti and how U.S. trade laws work to help Haitian economic development was critical to constructing this legislation. I look forward to working with Senators NELSON, BAUCUS, GRASSLEY, and Chairmen RANGEL and LEVIN on this proposal and other ideas to spur Haiti's economy.

Each of these members is a vociferous champion of Haitian economic development, promoted in part by thoughtful trade and investment policies.

I encourage all my colleagues to join in supporting this critical legislation to help Haitians who were flattened both economically and literally by last month's earthquake get back on their feet.

By Mr. LEAHY (for himself and Mr. KAUFMAN):

S. 2979. A bill to amend title 18, United States Code, to provide accountability for the criminal acts of Federal contractors and employees outside the United States, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, over the past year, President Obama has been working hard to restore America's credibility in the world and our reputation for justice and our commitment to the rule of law. A key component of that important mission is ensuring accountability for American contractors and employees overseas. Accountability is crucial, not just for our image abroad and our diplomatic relations, but for ensuring our national security.

To restore accountability, Congress must make sure that our criminal laws reach serious misconduct by American government employees and contractors wherever they act. Today, I join with Senator KAUFMAN to introduce the Civilian Extraterritorial Jurisdiction Act, CEJA, to accomplish this important and common sense goal.

Tragic events in Iraq in 2007 made clear the need to strengthen the laws providing for jurisdiction over American government employees and contractors working abroad. In September 2007, Blackwater security contractors working for the State Department shot more than 20 unarmed civilians on the streets of Baghdad, killing at least 14 of them, and causing an international incident with the Iraqi government.

The Federal Bureau of Investigation, FBI, conducted a full-scale criminal investigation of the Blackwater shootings, and prosecutors brought indictments against five contractors. Last month, a Federal district judge dismissed all the charges because of an order from the past administration immunizing Blackwater contractors under Iraqi law and immunity commitments by the prior administration to obtain the testimony of some. Although the Justice Department is expected to appeal the dismissals, this could mean that those who perpetrated this act will not be held accountable. I believe that, had jurisdiction for these offenses been clear, FBI agents would have been on the scene immediately, which could well have prevented the problems that have plagued the case.

Other incidents have made all too clear that the Blackwater case was not an isolated incident of contractor misconduct, and accountability for U.S. Government contractors and employees is essential. Private security contractors have been involved in violent

incidents in Iraq, including other shooting incidents in which civilians have been seriously injured or killed. In these cases too, there have not been prosecutions.

Last fall, the Senate Judiciary Committee heard testimony from Jamie Leigh Jones, a young woman from Texas who took a job with Halliburton in 2005 when she was 20 years old. In her first week on the job, she was drugged and gang-raped by co-workers. When she reported this assault, her employers moved her to a locked trailer, where she was kept by armed guards and denied even access to a phone.

Only after pleading with her captors was she eventually given use of a phone. She called her father, who contacted her Congressman, who in turn contacted the State Department. State Department officials were able to free her. Ms. Jones testified about the arbitration clause in her contract that prevented her from suing Halliburton for this outrageous conduct, and Congress has moved to change the civil law to prevent that kind of injustice. Today we seek to fix the outdated criminal laws that have also contributed to the failure to bring those who perpetrated this heinous crime to justice.

Unfortunately, many other women have encountered similar abuse and have similarly seen their attackers escape any accountability. Also last year, we learned that contractors hired to secure the American Embassy in Afghanistan engaged in various forms of outrageous conduct but there, too, there have been no prosecutions. It is time to correct this injustice.

I worked with Senator SESSIONS and others in 2000 to pass the Military Extraterritorial Jurisdiction Act, MEJA, and then again to amend it in 2004, so that U.S. criminal laws would extend to all members of the U.S. military, to those who accompany the military, and to all contractors who support the Defense Department mission overseas. We wanted to make sure that all contractors working alongside the U.S. military or protecting U.S. interests overseas were held to the same standard that they would be at home. We pay these contractors with taxpayers' money, they represent the U.S. overseas, and they should be held to the same standards as our military.

In 2007, I worked with then-Senator Obama and with Senators SESSIONS and SPECTER on further legislation which would have amended MEJA to make sure that all security contractors, not just those supporting the Defense Department, are accountable under U.S. law.

Today, we introduce a bill that would finally address this issue in a comprehensive way, establishing clearly that all U.S. Government employees and contractors who commit crimes while working abroad can be charged and tried in the United States under U.S. law. The State Department, the U.S. Agency for International Development, and numerous other Government

agencies have employees, and in recent years, more and more private contractors, working abroad. There must be accountability for all of these people who represent our Government overseas. In those instances where the local justice system may be less fair, this explicit jurisdiction will also protect Americans by providing the option of prosecuting them in the U.S., rather than leaving them subject to hostile and unpredictable local courts.

Not only will this bill help to provide justice in cases where there has been none, it will improve our national security by allowing prosecution of those who undermine our efforts to create stability and improve foreign relations. By ensuring accountability in cases of wrongdoing against citizens of the host country, as in the Blackwater case, we will increase international trust and cooperation, including from those countries most essential to our counter-terrorism and national security efforts. The current lack of accountability reduces international confidence in our military and our Government, which undermines our national defense. Moreover, the talented men and women we need to advance our national security efforts will be more likely to step forward and serve if we stamp out the lawless atmosphere in places like Iraq and Afghanistan.

The legislation we introduce today would further increase accountability by providing additional resources and creating new units to investigate wrongdoing by contractors and employees abroad and by calling on the Attorney General and the Justice Department's Inspector General to report to Congress on investigations under this bill.

In the past, legislation in this area has been bipartisan. I hope it will be again. Senator KAUFMAN and I are willing to work to address any concerns with this legislation and to ensure that it promises justice in a way that strengthens, rather than weakens, our national security. Congressman PRICE is introducing a companion bill in the House. I hope that we will be able to rapidly pass this important reform into law.

As we seek to restore our Nation's historic role as one of responsible leadership in the world, we must ensure that the values that brought us to that leadership are firmly in place. One of those great American values is the rule of law. No one should be above the law, certainly not American employees and contractors representing this great nation throughout the world. This common sense bill would promote the rule of law throughout the world and make us stronger in the process. I hope Senators on both sides of the aisle will join us.

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. 2979

*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 "Civilian Extraterritorial Jurisdiction Act (CEJA) of 2010".

**SEC. 2. ACCOUNTABILITY FOR CRIMINAL ACTS OF FEDERAL CONTRACTORS AND EMPLOYEES OUTSIDE THE UNITED STATES.**

(a) EXTRATERRITORIAL JURISDICTION OVER FEDERAL CONTRACTORS AND EMPLOYEES.— Chapter 212A of title 18, United States Code, is amended—

(1) by transferring the text of section 3272 to the end of section 3271, redesignating such text as subsection (c) of section 3271, and, in such text, as so redesignated, by striking "this chapter" and inserting "this section";

(2) by striking the heading of section 3272; and

(3) by adding after section 3271, as amended by this subsection, the following new sections:

**"§ 3272. Offenses committed by Federal contractors and employees outside the United States**

"(a) Whoever, while employed by or accompanying any department or agency of the United States other than the Armed Forces, knowingly engages in conduct (or conspires or attempts to engage in conduct) outside the United States that would constitute an offense enumerated in subsection (c) had the conduct been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

"(b) No prosecution for an offense may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting the offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

"(c) The offenses covered by subsection (a) are the following:

"(1) Any offense under chapter 5 (arson) of this title.

"(2) Any offense under section 111 (assaulting, resisting, or impeding certain officers or employees), 113 (assault within maritime and territorial jurisdiction), or 114 (maiming within maritime and territorial jurisdiction) of this title, but only if the offense is subject to a maximum sentence of imprisonment of one year or more.

"(3) Any offense under section 201 (bribery of public officials and witnesses) of this title.

"(4) Any offense under section 499 (military, naval, or official passes) of this title.

"(5) Any offense under section 701 (official badges, identifications cards, and other insignia), 702 (uniform of armed forces and Public Health Service), 703 (uniform of friendly nation), or 704 (military medals or decorations) of this title.

"(6) Any offense under chapter 41 (extortion and threats) of this title, but only if the offense is subject to a maximum sentence of imprisonment of three years or more.

"(7) Any offense under chapter 42 (extortionate credit transactions) of this title.

"(8) Any offense under section 924(c) (use of firearm in violent or drug trafficking crime) or 924(o) (conspiracy to violate section 924(c)) of this title.

"(9) Any offense under chapter 50A (genocide) of this title.

"(10) Any offense under section 1111 (murder), 1112 (manslaughter), 1113 (attempt to

commit murder or manslaughter), 1114 (protection of officers and employees of the United States), 1116 (murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1117 (conspiracy to commit murder), or 1119 (foreign murder of United States nationals) of this title.

“(11) Any offense under chapter 55 (kidnaping) of this title.

“(12) Any offense under section 1503 (influencing or injuring officer or juror generally), 1505 (obstruction of proceedings before departments, agencies, and committees), 1510 (obstruction of criminal investigations), 1512 (tampering with a witness, victim, or informant), or 1513 (retaliating against a witness, victim, or an informant) of this title.

“(13) Any offense under section 1951 (interference with commerce by threats or violence), 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), 1956 (laundering of monetary instruments), 1957 (engaging in monetary transactions in property derived from specified unlawful activity), 1958 (use of interstate commerce facilities in the commission of murder for hire), or 1959 (violent crimes in aid of racketeering activity) of this title.

“(14) Any offense under section 2111 (robbery or burglary within special maritime and territorial jurisdiction) of this title.

“(15) Any offense under chapter 109A (sexual abuse) of this title.

“(16) Any offense under chapter 113B (terrorism) of this title.

“(17) Any offense under chapter 113C (torture) of this title.

“(18) Any offense under chapter 115 (treason, sedition, and subversive activities) of this title.

“(19) Any offense under chapter 118 (war crimes) of this title.

“(20) Any offense under section 401 (manufacture, distribution, or possession with intent to distribute a controlled substance) or 408 (continuing criminal enterprise) of the Controlled Substances Act (21 U.S.C. 841, 848), or under section 1002 (importation of controlled substances), 1003 (exportation of controlled substances), or 1010 (import or export of a controlled substance) of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 960), but only if the offense is subject to a maximum sentence of imprisonment of 20 years or more.

“(d) In this section:

“(1) The term ‘employed by any department or agency of the United States other than the Armed Forces’ means—

“(A) employed as a civilian employee, a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Armed Forces;

“(B) present or residing outside the United States in connection with such employment;

“(C) in the case of such a contractor, contractor employee, grantee, or grantee employee, such employment supports a program, project, or activity for a department or agency of the United States other than the Armed Forces; and

“(D) not a national of or ordinarily resident in the host nation.

“(2) The term ‘accompanying any department or agency of the United States other than the Armed Forces’ means—

“(A) a dependant of—

“(i) a civilian employee of any department or agency of the United States other than the Armed Forces; or

“(ii) a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Armed Forces, which contractor, contractor employee, grantee, or grantee employee is supporting a program, project, or activity for a department or agency of the United States other than the Armed Forces;

“(B) residing with such civilian employee, contractor, contractor employee, grantee, or grantee employee outside the United States; and

“(C) not a national of or ordinarily resident in the host nation.

“(3) The term ‘grant agreement’ means a legal instrument described in section 6304 or 6305 of title 31, other than an agreement between the United States and a State, local, or foreign government or an international organization.

“(4) The term ‘grantee’ means a party, other than the United States, to a grant agreement.

“(5) The term ‘Armed Forces’ has the meaning given the term ‘armed forces’ in section 101(a)(4) of title 10.

#### “§ 3273. Regulations

“The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, shall prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3271 and 3272 of this title.”.

(b) CONFORMING AMENDMENT.—The heading of chapter 212A of such title is amended to read as follows:

#### “CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER OFFENSES OF CONTRACTORS AND CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT”.

(c) CLERICAL AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 212A of title 18, United States Code, is amended by striking the item relating to section 3272 and inserting the following new items:

“3272. Offenses committed by Federal contractors and employees outside the United States.

“3273. Regulations.”.

(2) TABLE OF CHAPTERS.—The item relating to chapter 212A in the table of chapters at the beginning of part II of such title is amended to read as follows:

#### “212A. Extraterritorial Jurisdiction Over Offenses of Contractors and Civilian Employees of the Federal Government ..... 3271”.

#### SEC. 3. INVESTIGATIVE UNITS FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.

(a) ESTABLISHMENT OF INVESTIGATIVE UNITS FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the heads of any other departments or agencies of the Federal Government responsible for employing contractors or persons overseas—

(A) shall assign adequate personnel and resources through the creation of units (to be known as “Investigative Units for Contractor and Employee Oversight”) to investigate allegations of criminal offenses under chapter 212A of title 18, United States Code (as amended by section 2(a) of this Act), and may authorize the overseas deployment of

law enforcement agents and other government personnel for that purpose; and

(B) shall include in the regulations prescribed under section 3273 of title 18, United States Code (as added by section 2(a) of this Act), provisions setting forth responsibility for the investigation of any incident in which—

(i) a weapon is allegedly discharged unlawfully by a person, while employed by or accompanying any department or agency of the United States other than the Armed Forces; or

(ii) a person or persons are killed or seriously injured, or property valued greater than \$10,000 is destroyed, as a result of conduct by a person, while employed by or accompanying any department or agency of the United States other than the Armed Forces.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit any authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) RESPONSIBILITIES OF ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have principal authority for the enforcement of chapter 212A of title 18, United States Code (as so amended), and shall have the authority to initiate, conduct, and supervise investigations of any alleged offenses under such chapter.

(2) ARREST.—The Attorney General may designate and authorize any person serving in a law enforcement position in the Department of Justice or any person serving in a law enforcement position in any other department or agency of the Federal Government, including a member of the Diplomatic Security Service of the Department of State or a military police officer of the Armed Forces, to arrest outside the United States, in accordance with applicable international treaties, any person described in section 3271 or 3272 of title 18, United States Code (as so amended), if there is probable cause to believe such person committed an offense or offenses in such section 3271 or 3272.

(3) PROSECUTION.—The Attorney General may establish such procedures the Attorney General considers appropriate to ensure that Federal law enforcement agencies refer offenses under section 3271 or 3272 of title 18, United States Code (as so amended), to the Attorney General for prosecution in a uniform and timely manner.

(4) ASSISTANCE ON REQUEST OF ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive agency to enforce section 3271 or 3272 of title 18, United States Code (as so amended). The assistance requested may include the following:

(A) The assignment of additional personnel and resources to an Investigative Unit for Contractor and Employee Oversight established by the Attorney General under subsection (a).

(B) An investigation into alleged misconduct or arrest of an individual suspected of alleged misconduct by agents of the Diplomatic Security Service of the Department of State present in the nation in which the alleged misconduct occurs.

(5) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the Attorney General shall, in consultation with the Secretary of Defense and the Secretary of State, submit to Congress a report containing the following:

(A) The number of offenses under chapter 212A of title 18, United States Code (as so amended), received, investigated, and referred for prosecution by Federal law enforcement authorities during the previous year.

(B) The number of prosecutions under chapter 212A of title 18, United States Code (as so amended), including the nature of the offenses and any dispositions reached, during the previous year.

(C) The number, location, and any deployments of Investigative Units for Contractor and Employee Oversight to investigate offenses under chapter 212A of title 18, United States Code (as so amended), during the previous year.

(D) Such recommendations for legislative or administrative action as the Attorney General considers appropriate to enforce chapter 212A of title 18, United States Code (as so amended), and the provisions of this section.

(c) EXECUTIVE AGENCY.—In this section, the term “Executive agency” has the meaning given that term in section 105 of title 5, United States Code.

#### SEC. 4. EFFECTIVE DATE.

(a) IMMEDIATE EFFECTIVENESS.—This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other department or agency of the Federal Government to which this Act applies shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this Act.

#### SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or any amendment made by this Act shall be construed to limit or affect the application of extraterritorial jurisdiction related to any other Federal law.

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

For each of the fiscal years 2010 through 2015, there are authorized to be appropriated to the Attorney General such sums as are necessary to carry out this Act.

By Ms. SNOWE (for herself and Mr. THUNE):

S. 2981. A bill to reevaluate and redirect the stimulus; to the Committee on Appropriations.

Ms. SNOWE. Mr. President, I rise today with my friend and colleague Senator THUNE to introduce the Reevaluate and Redirect the Stimulus Act of 2010 that would require the Obama Administration’s Office of Management and Budget, OMB, to make proposals to redirect stimulus funds approved in last year’s \$787 billion American Recovery and Reinvestment Act. Although I supported the stimulus and favor the continuation of pro-growth policies, given that the federal deficit for Fiscal Year 2009 was a staggering \$1.4 trillion and that the Congressional Budget Office announced on January 26 that it is projecting a baseline deficit of \$6.047 trillion over the next 10 years, Congress must do more to pair the resources targeted for job creation with reductions in other areas.

Before I describe the provisions of the legislation I am introducing today, I must say that it is regrettable that I feel compelled to offer a bill at all. The fact is, I wrote a letter last December 11 to OMB Director Peter Orszag urg-

ing him to analyze unobligated funds in the American Recovery and Reinvestment Act to determine whether they should be reprogrammed to offset the cost of future stimulus legislation. Although my letter requested a response by January 1, the administration, who is solely responsible for distributing stimulus spending, has declined to do so. The Administration also opted against including any related proposals in its just-released Fiscal Year 2011 Budget. I find it inconceivable that there are no funds that should be redirected, and thus the Administration has concluded that every dollar we approved last February is working precisely as intended. Additionally, I am particularly concerned by proposals to pay for additional stimulus by reducing the authorization level for the Troubled Asset Relief Program, TARP, as the House did last December. The fact is that further stimulus spending claimed to be offset by reducing TARP’s authorization level would still increase the deficit relative to simply not using additional TARP funds at all.

Despite OMB’s inattention to my request, the administration and Congress both remain accountable to ensure that each dollar we spend on stimulus either creates jobs at a greater rate or protects displaced individuals at a lower cost than competing policies on the table. To the degree that either the tax or spending proposals President Obama has or that members of Congress want to pursue are more beneficial than proceeding to obligate funds still available in the American Recovery and Reinvestment Act, the administration and Congress should assess the possibility of redirecting those resources. We simply cannot afford to be poor fiscal stewards and engage in wasteful spending that will rob future generations of prosperity.

To fulfill this fundamental obligation, the legislation I am offering today would make it a statutory requirement for OMB, within the next 15 days, to provide Congress with a list of provisions from the stimulus for which there remain funds that have not yet been obligated. Second, OMB would be required to provide Congress with a list of programs included in the stimulus with remaining unobligated funds that it recommends be redirected toward more effective programs to either assist the displaced, or spur job creation. Once Congress receives the administration’s proposals, all Members, as well as the appropriate Congressional committees, can evaluate their suitability with an eye toward using them as offsets for forthcoming legislation.

I hope that my colleagues will join me in supporting this legislation and help to swiftly make it law. The administration and Congress must work together to address our tremendous budget deficit and insist that every dollar we spend promotes its objective. Given that it oversees stimulus spending and has the capacity to evaluate

whether programs are working as intended, it is only appropriate that the administration complete the first step of this process and provide Congress with a list of spending that could be redirected. Once it does so, I will certainly insist that Congress discharge its responsibility of carefully evaluating the administration’s proposals. Individuals seeking relief from the recession that has so ravaged our economy expect nothing less as it is unfair to waste dollars that could be more beneficial elsewhere, and future generations who will have to repay today’s deficits will thank us as well.

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. 2981

*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 “Reevaluate and Redirect the Stimulus Act of 2010”.

#### SEC. 2. OMB CERTIFICATION.

Not later 15 days after the date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this Act as the “Director”) shall provide to Congress—

(1) a list of programs that have unobligated stimulus funds provided under the American Reinvestment and Recovery Act of 2009 and the amounts that are unobligated; and

(2) a list of stimulus funds that remain unobligated that the Director recommends be redirected toward more effective programs to either assist displaced workers or spur job creation in 2010 with a breakdown of the amounts of unobligated funds that could be reprogrammed by program.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 405—RE-AFFIRMING THE CENTRALITY OF FREEDOM OF EXPRESSION AND PRESS FREEDOM AS CORNERSTONES OF UNITED STATES FOREIGN POLICY AND UNITED STATES EFFORTS TO PROMOTE INDIVIDUAL RIGHTS, AND FOR OTHER PURPOSES

Mr. KAUFMAN (for himself, Mr. BROWNBACK, Mr. CASEY, Mr. KYL, Mr. FEINGOLD, Mr. WEBB, Mr. LIEBERMAN, Mr. SPECTER, Mr. MCCAIN, and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 405

Whereas Google announced on January 12, 2010, the mid-December 2009 discovery that it had been victimized by a highly sophisticated and targeted cyber attack on its corporate infrastructure originating from China that resulted in the theft of its intellectual property;

Whereas Google also announced it had evidence to suggest that a primary goal of the attackers was accessing the Gmail accounts of Chinese human rights activists, and that the evidence revealed separate attempts to penetrate Gmail accounts of Chinese human

rights activists, journalists, and dissidents in the United States, Europe, and China;

Whereas the targeting of Google is believed to be part of a larger effort to access the computer networks of at least 34 companies, including major financial, defense, media, and technology firms and research institutions in the United States;

Whereas this attack was one in a series of attempts to exploit security flaws and illegally access computer networks of individuals and institutions through the clandestine installation of phishing and malware technology;

Whereas the 2009 "Report to Congress of the US-China Economic and Security Review Commission" stated that "a significant and increasing body of circumstantial and forensic evidence strongly indicates the involvement of Chinese state and state-supported entities" in malicious computer activities against the United States;

Whereas approximately 338,000,000 Internet users in China represent the largest population of Internet users worldwide, and the Government of China employs a sophisticated, multi-layered, and wide-ranging apparatus to curtail Internet freedom, as detailed in the 2009 "Freedom on the Net" report by the Freedom House organization;

Whereas Article 35 of the constitution of the People's Republic of China guarantees freedom of speech, assembly, association, and publication;

Whereas authorities in China employ legal and economic means to coerce Internet service providers, web hosting firms, and mobile phone companies to delete and censor online content and discussions created by Chinese users;

Whereas the Government of China requires domestic Chinese and foreign companies with subsidiaries in China, including Google, to adjust their business practices to allow increased filtering and supervision by the Government of China, restricting content allowed by technology-based products, and censoring data available on search engines;

Whereas, in 2003, the Government of China implemented the Golden Shield Project to control access and information on the Internet on grounds of public safety, including through protocol address blocking, domain name system filtering and redirection, uniform resource locator filtering, packet filtering, connection resets, and other online methods that could amount to censorship of high-value speech;

Whereas the Government of China frequently blocks United States international broadcasting by Radio Free Asia (RFA) and Voice of America (VOA), despite the unimpeded broadcast in the United States of state-run media outlets in China, China Central Television, and China Radio International;

Whereas, as of December 1, 2009, China had imprisoned 24 traditional and online journalists, accounting for nearly 20 percent of all imprisoned journalists worldwide at that time, according to the annual prison census of the Committee to Protect Journalists;

Whereas, following riots in the Xinjiang region of China in July 2009, more than 50 Uighur-language Internet forums were closed and communications were cut in Urumqi, China, and foreign journalists visiting the area were closely monitored by the authorities;

Whereas, during the Summer 2008 Olympics in Beijing, limits were placed on freedom of expression and media coverage, contrary to previous commitments made by the Government of China to the International Olympic Committee;

Whereas ill-defined charges such as "subversion of the government" and "dissemi-

nating rumors" serve as the legal basis to sentence journalists, bloggers, and others who express or disseminate views critical of the Government of China; and

Whereas, on January 21, 2010, Secretary of State Hillary Clinton pledged enhanced United States support for Internet freedom, saying, "We stand for a single internet where all of humanity has equal access to knowledge and ideas . . . countries that restrict free access to information or violate the basic rights of internet users risk walling themselves off from the progress of the next century." Now, therefore, be it

*Resolved*, That the Senate—

(1) reaffirms the centrality of freedom of expression and press freedom as cornerstones of United States foreign policy and United States efforts to promote individual rights;

(2) expresses serious concern over ongoing official efforts in many countries to restrict speech and expression, including attempts to censor, restrict, and monitor access to the Internet;

(3) welcomes the diplomatic initiative announced by Secretary of State Hillary Clinton on January 21, 2010, to encourage Internet freedom globally by "supporting the development of new tools that enable citizens to exercise their rights of free expression by circumventing politically motivated censorship . . . with a focus on implementing these programs as efficiently and effectively as possible";

(4) condemns the far-reaching cyber attacks allegedly launched from China against Google, at least 34 other companies, and numerous individuals discovered in December 2009;

(5) calls on the Government of China to conduct a thorough review of these cyber intrusions, and to make the investigation and its results transparent;

(6) pays tribute to the professional and citizen journalists who persevere in their dedication to report in China;

(7) urges companies to engage in responsible business practices in the face of efforts by foreign governments to restrict the free flow of information by refusing to aid in the curtailment of free expression; and

(8) calls on the President and the Secretary of State to develop means by which the United States Government can more rapidly identify, publicize, and respond to threats against freedom of press and freedom of expression around the world, including through support of new and existing censorship circumvention technology.

**SENATE RESOLUTION 406—RECOGNIZING THE GOALS OF CATHOLIC SCHOOLS WEEK AND HONORING THE VALUABLE CONTRIBUTIONS OF CATHOLIC SCHOOLS IN THE UNITED STATES**

Mr. VITTER (for himself, Ms. LANDRIEU, Mr. BUNNING, Mr. CASEY, and Mr. JOHANNIS) submitted the following resolution; which was considered and agreed to:

S. RES. 406

Whereas Catholic schools in the United States have received international acclaim for academic excellence while providing students with lessons that extend far beyond the classroom;

Whereas Catholic schools present a broad curriculum that emphasizes the lifelong development of moral, intellectual, physical, and social values in the young people of the United States;

Whereas Catholic schools in the United States today educate 2,192,531 students and maintain a student-to-teacher ratio of 14 to 1;

Whereas the faculty members of Catholic schools teach a highly diverse body of students;

Whereas the graduation rate for all Catholic school students is 99 percent;

Whereas 97 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual character and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives." Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the goals of Catholic Schools Week, an event cosponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops that recognizes the vital contributions of thousands of Catholic elementary and secondary schools in the United States; and

(2) commends Catholic schools, students, parents, and teachers across the United States for their ongoing contributions to education, and for the vital role they play in promoting and ensuring a brighter, stronger future for the United States.

**NOTICE OF HEARING**

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, February 15, 2010 at 2:30 p.m., at the Corbett Center (Ballroom-Eastside) on the campus of New Mexico State University, in Las Cruces, New Mexico.

The purpose of the hearing is to receive testimony on S. 1689, the Organ Mountains-Desert Peaks Wilderness Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact David Brooks at (202) 224-9863 or Allison Seyferth at (202) 224-4905.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON ARMED SERVICES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 2, 2010, at 9 a.m.

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

## COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 2, 2010, at 2:30 p.m., to conduct a hearing entitled "Prohibiting Certain High-Risk Investment Activities by Banks and Bank Holding Companies."

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

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on February 2, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

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

## COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 2, 2010.

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

## COMMITTEE ON FINANCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 2, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "The President's Fiscal Year 2011 Budget."

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

## COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 2, 2010, at 10:30 a.m.

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 2, 2010, at 2:30 p.m.

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 2, 2010, at 3:30 p.m.

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

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Com-

mittee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Hearing on the Nomination of Harold Craig Becker to be a Member of the National Labor Relations Board" on February 2, 2010. The hearing will commence at 4 p.m. in room 430 of the Dirksen Senate Office Building.

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

## COMMITTEE ON RULES AND ADMINISTRATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on February 2, 2010, at 10 a.m., to conduct a hearing entitled "Corporate America vs. The Voter: Examining the Supreme Court's Decision to Allow Unlimited Corporate Spending in Elections."

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

## SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet, during the session of the Senate on February 2, 2010 at 2:30 p.m.

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

## REAFFIRMING THE CENTRALITY OF FREEDOM OF EXPRESSION AND PRESS FREEDOM

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 405 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 405) reaffirming the centrality of freedom of expression and press freedom as cornerstones of United States foreign policy and United States efforts to promote individual rights, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon 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. 405) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 405

Whereas Google announced on January 12, 2010, the mid-December 2009 discovery that it had been victimized by a highly sophisticated and targeted cyber attack on its corporate infrastructure originating from China that resulted in the theft of its intellectual property;

Whereas Google also announced it had evidence to suggest that a primary goal of the attackers was accessing the Gmail accounts of Chinese human rights activists, and that the evidence revealed separate attempts to penetrate Gmail accounts of Chinese human rights activists, journalists, and dissidents in the United States, Europe, and China;

Whereas the targeting of Google is believed to be part of a larger effort to access the computer networks of at least 34 companies, including major financial, defense, media, and technology firms and research institutions in the United States;

Whereas this attack was one in a series of attempts to exploit security flaws and illegally access computer networks of individuals and institutions through the clandestine installation of phishing and malware technology;

Whereas the 2009 "Report to Congress of the US-China Economic and Security Review Commission" stated that "a significant and increasing body of circumstantial and forensic evidence strongly indicates the involvement of Chinese state and state-supported entities" in malicious computer activities against the United States;

Whereas approximately 338,000,000 Internet users in China represent the largest population of Internet users worldwide, and the Government of China employs a sophisticated, multi-layered, and wide-ranging apparatus to curtail Internet freedom, as detailed in the 2009 "Freedom on the Net" report by the Freedom House organization;

Whereas Article 35 of the constitution of the People's Republic of China guarantees freedom of speech, assembly, association, and publication;

Whereas authorities in China employ legal and economic means to coerce Internet service providers, web hosting firms, and mobile phone companies to delete and censor online content and discussions created by Chinese users;

Whereas the Government of China requires domestic Chinese and foreign companies with subsidiaries in China, including Google, to adjust their business practices to allow increased filtering and supervision by the Government of China, restricting content allowed by technology-based products, and censoring data available on search engines;

Whereas, in 2003, the Government of China implemented the Golden Shield Project to control access and information on the Internet on grounds of public safety, including through protocol address blocking, domain name system filtering and redirection, uniform resource locator filtering, packet filtering, connection resets, and other online methods that could amount to censorship of high-value speech;

Whereas the Government of China frequently blocks United States international broadcasting by Radio Free Asia (RFA) and Voice of America (VOA), despite the unimpeded broadcast in the United States of state-run media outlets in China, China Central Television, and China Radio International;

Whereas, as of December 1, 2009, China had imprisoned 24 traditional and online journalists, accounting for nearly 20 percent of all imprisoned journalists worldwide at that time, according to the annual prison census of the Committee to Protect Journalists;

Whereas, following riots in the Xinjiang region of China in July 2009, more than 50 Uighur-language Internet forums were closed and communications were cut in Urumqi, China, and foreign journalists visiting the area were closely monitored by the authorities;

Whereas, during the Summer 2008 Olympics in Beijing, limits were placed on freedom of expression and media coverage, contrary to

previous commitments made by the Government of China to the International Olympic Committee;

Whereas ill-defined charges such as “subversion of the government” and “disseminating rumors” serve as the legal basis to sentence journalists, bloggers, and others who express or disseminate views critical of the Government of China; and

Whereas, on January 21, 2010, Secretary of State Hillary Clinton pledged enhanced United States support for Internet freedom, saying, “We stand for a single internet where all of humanity has equal access to knowledge and ideas . . . countries that restrict free access to information or violate the basic rights of internet users risk walling themselves off from the progress of the next century.”; Now, therefore, be it

*Resolved*, That the Senate—

(1) reaffirms the centrality of freedom of expression and press freedom as cornerstones of United States foreign policy and United States efforts to promote individual rights;

(2) expresses serious concern over ongoing official efforts in many countries to restrict speech and expression, including attempts to censor, restrict, and monitor access to the Internet;

(3) welcomes the diplomatic initiative announced by Secretary of State Hillary Clinton on January 21, 2010, to encourage Internet freedom globally by “supporting the development of new tools that enable citizens to exercise their rights of free expression by circumventing politically motivated censorship . . . with a focus on implementing these programs as efficiently and effectively as possible”;

(4) condemns the far-reaching cyber attacks allegedly launched from China against Google, at least 34 other companies, and numerous individuals discovered in December 2009;

(5) calls on the Government of China to conduct a thorough review of these cyber intrusions, and to make the investigation and its results transparent;

(6) pays tribute to the professional and citizen journalists who persevere in their dedication to report in China;

(7) urges companies to engage in responsible business practices in the face of efforts by foreign governments to restrict the free flow of information by refusing to aid in the curtailment of free expression; and

(8) calls on the President and the Secretary of State to develop means by which the United States Government can more rapidly identify, publicize, and respond to threats against freedom of press and freedom of expression around the world, including through support of new and existing censorship circumvention technology.

#### RECOGNIZING AND HONORING THE GOALS AND CONTRIBUTIONS OF CATHOLIC SCHOOLS

Mr. CASEY. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 406, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 406) recognizing the goals of Catholic Schools Week and honoring the valuable contribution of Catholic schools in the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. I ask unanimous consent that the resolution be agreed to, the

preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 406) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 406

Whereas Catholic schools in the United States have received international acclaim for academic excellence while providing students with lessons that extend far beyond the classroom;

Whereas Catholic schools present a broad curriculum that emphasizes the lifelong development of moral, intellectual, physical, and social values in the young people of the United States;

Whereas Catholic schools in the United States today educate 2,192,531 students and maintain a student-to-teacher ratio of 14 to 1;

Whereas the faculty members of Catholic schools teach a highly diverse body of students;

Whereas the graduation rate for all Catholic school students is 99 percent;

Whereas 97 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual character and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, “Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.”; Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the goals of Catholic Schools Week, an event cosponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops that recognizes the vital contributions of thousands of Catholic elementary and secondary schools in the United States; and

(2) commends Catholic schools, students, parents, and teachers across the United States for their ongoing contributions to education, and for the vital role they play in promoting and ensuring a brighter, stronger future for the United States.

#### ORDERS FOR THURSDAY, FEBRUARY 4, 2010

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon on Thursday, February 4; that following the prayer and 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 the Senate proceed to executive session to resume consideration of the Smith nomination, as provided for under the previous order.

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

#### PROGRAM

Mr. CASEY. Mr. President, the Senate will not be in session tomorrow in order to accommodate the Democratic issues conference. We were, however, able to reach an agreement to vote at approximately 12:30 p.m. Thursday on confirmation of the nomination of Patricia Smith to be Solicitor for the Department of Labor. Following disposition of the Smith nomination, there will be 2 hours for debate prior to a vote on the motion to invoke cloture on the nomination of Martha Johnson to be Administrator for General Services. Also under the agreement, if cloture is invoked on the Johnson nomination, the Senate would immediately proceed to vote on confirmation. Therefore, there would be up to two additional votes in the 3 p.m. range. So that would mean one vote around 12:30 p.m. and up to two votes around 3 p.m. Thursday.

#### ADJOURNMENT UNTIL THURSDAY, FEBRUARY 4, 2010

Mr. CASEY. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7:20 p.m., adjourned until Thursday, February 4, 2010, at 12 noon.

#### NOMINATIONS

Executive nomination received by the Senate:

##### DEPARTMENT OF JUSTICE

MICHELE MARIE LEONHART, OF CALIFORNIA, TO BE ADMINISTRATOR OF DRUG ENFORCEMENT, VICE KAREN P. TANDY, RESIGNED.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, Tuesday, February 2, 2010:

##### DEPARTMENT OF JUSTICE

ROBERT WILLIAM HEUN, OF ALASKA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF ALASKA FOR THE TERM OF FOUR YEARS.

WILLIE LEE RICHARDSON, JR., OF GEORGIA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

##### IN THE AIR FORCE

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

*To be brigadier general*

COL. KORY G. CORNUM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 1203:

*To be major general*

BRIG. GEN. CAROL A. LEE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIGADIER GENERAL ERIC W. CRABTREE  
BRIGADIER GENERAL WALLACE W. FARRIS, JR.  
BRIGADIER GENERAL CRAIG N. GOURLEY  
BRIGADIER GENERAL DAVID S. POST  
BRIGADIER GENERAL DONALD C. RALPH  
BRIGADIER GENERAL JON R. SHASTEN  
BRIGADIER GENERAL RICHARD A. SHOOK, JR.

BRIGADIER GENERAL JAMES N. STEWART  
BRIGADIER GENERAL LANCE D. UNDHJEM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. DIXIE A. MORROW

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. PAUL S. DWAN

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

*To be brigadier general*

COL. DANIEL B. FINCHER  
COL. DAVID C. WESLEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COLONEL GARY C. BLASZKIEWICZ  
COLONEL ARTHUR C. HAUBOLD  
COLONEL MICHAEL D. KIM  
COLONEL LINDA S. MARCHIONE  
COLONEL RICHARD O. MIDDLETON II  
COLONEL ROBERT N. POLUMBO  
COLONEL JANE C. ROHR  
COLONEL PATRICIA A. ROSE  
COLONEL PETER SEFCIK, JR.  
COLONEL JAMES F. SMITH  
COLONEL EDMUND D. WALKER  
COLONEL WILLIAM O. WELCH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

*To be major general*

BRIG. GEN. STEVEN J. LEPPER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8081:

*To be major general*

COL. GERARD A. CARON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED AND FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 8037:

*To be lieutenant general*

BRIG. GEN. RICHARD C. HARDING

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be major general*

BRIGADIER GENERAL SAMUEL C. HEADY  
BRIGADIER GENERAL WILLIAM E. HUDSON  
BRIGADIER GENERAL GARY T. MAGONIGLE  
BRIGADIER GENERAL JAMES M. MCCORMACK  
BRIGADIER GENERAL ALEX D. ROBERTS  
BRIGADIER GENERAL GREGORY J. SCHWAB

*To be brigadier general*

COLONEL CARL F. BESS, JR.  
COLONEL GREGORY J. BIERNACKI  
COLONEL JAMES C. BLAYDON  
COLONEL FRANCIS X. CARILLO  
COLONEL DEBORAH L. CARTER  
COLONEL ROBERT F. CAYTON  
COLONEL WILLIAM J. CHRISLER, JR.  
COLONEL GREGORY L. FERGUSON  
COLONEL JAMES E. FREDREGILL  
COLONEL ANTHONY P. GERMAN  
COLONEL ANN M. GREVILLE  
COLONEL MARK D. HAMMOND  
COLONEL RICHARD N. HARRIS, JR.  
COLONEL MARK E. JANNITTO  
COLONEL LARRY R. KAUFFMAN  
COLONEL JON K. KELK  
COLONEL DAVID T. KELLY  
COLONEL JOHN E. KENT  
COLONEL DONALD M. LAGOR  
COLONEL MICHAEL E. LOH  
COLONEL CONSTANCE A. MCNABB  
COLONEL CLAYTON W. MOUSHON  
COLONEL PHILIP E. MURDOCK  
COLONEL JOHN E. MURPHY  
COLONEL GERALD E. OTTERBEIN  
COLONEL MARTIN J. PARK  
COLONEL NICHOLAS S. RANTIS  
COLONEL ROBERT L. SHANNON, JR.  
COLONEL CASSIE A. STROM  
COLONEL GREGORY N. STROUD  
COLONEL THOMAS A. THOMAS, JR.  
COLONEL CAROL A. TIMMONS  
COLONEL STEVEN J. VERHELST  
COLONEL TONY L. WEST  
COLONEL ROBERT S. WILLIAMS  
COLONEL MICHAEL A. WOBEMA

IN THE ARMY

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

*To be major general*

BRIG. GEN. MARY A. LEGERE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. THOMAS P. BOSTICK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. ROBERT L. CASLEN, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. STEVEN W. SMITH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. WILLIAM D. FRINK, JR.

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

*To be brigadier general*

COLONEL JEFFREY N. COLT  
COLONEL PETER A. DELUCA  
COLONEL ROBERT M. DYESS, JR.  
COLONEL DONALD M. MACWILLIE

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPTAIN DOUGLAS J. ASBJORNSEN  
CAPTAIN CHARLES K. CARODINE  
CAPTAIN ANATOLIO B. CRUZ III  
CAPTAIN JOHN E. JOLLIFFE  
CAPTAIN ROBERT J. KAMENSKY

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

*To be vice admiral*

VICE ADM. DAVID ARCHITZEL

IN THE AIR FORCE

AIR FORCE NOMINATION OF JOSEPH E. SANDERS, TO BE COLONEL.

AIR FORCE NOMINATION OF CHINMOY MISHRA, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF CHARLES F. KIMBALL, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH MINH THU NGOC LE AND ENDING WITH ROBERT C. POPE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 2, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH NOEMI ALGARINLOZANO AND ENDING WITH PATRICK J. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID W. BOBB AND ENDING WITH ROBERT W. WISHTISCHIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH SEAN W. DIGMAN AND ENDING WITH DAVID L. ROBINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH ALBERT H. BONNEMA AND ENDING WITH GLANNA R. ZEH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH ERIC R. BAUGH, JR. AND ENDING WITH KARYN E. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH ADAM M. ANDERSON AND ENDING WITH SHAHID A. ZAIDI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN J. ALENT AND ENDING WITH RACHEL A. WEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH ERIC E. ABOTT AND ENDING WITH ETHAN EVERETT ZIMMERMAN,

WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.

AIR FORCE NOMINATION OF LAWRENCE W. STEINKRAUS, JR., TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH KRISTI L. JONES AND ENDING WITH BRUNO A. SCHMITZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 15, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH RAYMOND KING AND ENDING WITH BERNHARD K. STEPKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 15, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH FRANK R. AFLAGUE AND ENDING WITH WILLIAM T. YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 21, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH ANTHONY N. DILLS AND ENDING WITH MICHAEL D. MILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH MATTHEW A. BAAK AND ENDING WITH ROCKY ZACCHAEUS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2010.

AIR FORCE NOMINATION OF DAVID A. NORDSTRAND, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH HELEN K. CROUCH AND ENDING WITH MICKRA H. KING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH RANDALL B. DELL AND ENDING WITH EDDIE P. SANCHEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH CHARLES T. HUGULET AND ENDING WITH MICHAEL E. SAVAGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH GLENDA K. M. GRONES AND ENDING WITH NANCY A. WESTBROOK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH FRANK J. ARCHER AND ENDING WITH EDUARDO SAN MIGUEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH THOMAS J. PIZZOLO AND ENDING WITH CLIFFORD ZDANOWICZ, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH TARN M. ABELL AND ENDING WITH JOHN B. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH JAMES R. AGAR II AND ENDING WITH KERRY M. WHEELERHAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 9, 2009.

ARMY NOMINATIONS BEGINNING WITH OLGA M. ANDERSON AND ENDING WITH D004179, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.

ARMY NOMINATION OF DAWN Y. TAYLOR, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH WALTER COFFEY AND ENDING WITH RUSSELL P. REITER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 15, 2009.

ARMY NOMINATIONS BEGINNING WITH DEAN A. AMBROSE AND ENDING WITH JOHN W. TROGDON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 15, 2009.

ARMY NOMINATIONS BEGINNING WITH PATRICK R. BOSSETTA AND ENDING WITH JOHN R. WHITFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 15, 2009.

ARMY NOMINATION OF BESS J. PIERCE, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH JANINE G. ALLBRITTON AND ENDING WITH SCOTT J. PIECEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2010.

ARMY NOMINATION OF JUAN G. LOPEZ, TO BE MAJOR.

ARMY NOMINATION OF JERI R. REGAN, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH TYLER E. HARRIS AND ENDING WITH KELLY A. SUPPLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2010.

ARMY NOMINATIONS BEGINNING WITH SCOTT D. DEBOLT AND ENDING WITH AUDREY D. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2010.

ARMY NOMINATION OF LOUIS GEVIRTZMAN, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH BRENDA M. ARZU AND ENDING WITH JOHN R. MILLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF BRIAN J. DIX, TO BE MAJOR.

MARINE CORPS NOMINATION OF WILLIAM J. MITCHELL, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH SAM B. CLONTS, JR. AND ENDING WITH RALPH L. PRICE III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE

AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 15, 2009.

IN THE NAVY

NAVY NOMINATION OF DONALD J. SHEEHAN, JR., TO BE CAPTAIN.

NAVY NOMINATION OF MATTHEW S. FLEMMING, TO BE COMMANDER.

NAVY NOMINATION OF RICHARD K. DOUGHERTY, TO BE COMMANDER.

NAVY NOMINATION OF ROLDAN C. MINA, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JACOB R. HILL AND ENDING WITH WILLIAM R. WOODFIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2010.

NAVY NOMINATIONS BEGINNING WITH DAVID W. TERHUNE AND ENDING WITH DET R. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

NAVY NOMINATIONS BEGINNING WITH ERIC R. AKINS AND ENDING WITH SCOTT T. WILBUR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.