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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, April 20, 2010, at 12:30 p.m.

Senate

MONDAY, APRIL 19, 2010

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

Our father God, as our pilgrim feet tread unknown paths, each day we receive revelations of Your wonderful care. Bless our Senators with the awareness of Your presence. Open their eyes to the things that threaten our democracy and give them the wisdom to guard our freedom. Remind them that beyond the appraisal of humanity resides the searching light of Your judgment. Lord, widen their sympathies, expand their understanding, override their mistakes until Your will is done on Earth even as it is done in heaven.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 19, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

MOMENT OF SILENCE

Mr. REID. Mr. President, 15 years ago today, 168 Americans died in a despicable act in a Federal building in Oklahoma City.

I therefore ask the President of the Senate to declare a moment of silence in memory of those who were there that day and many other victims and survivors of terrorism at home and abroad.

The ACTING PRESIDENT pro tempore. Without objection, a moment of silence will be observed for any and all victims of terrorism, at home and abroad.

(Moment of silence.)

The ACTING PRESIDENT pro tempore. Thank you.

The majority leader.

SCHEDULE

Mr. REID. Following leader remarks, the Senate will be in a period of morning business until 3 p.m. today, with Senators allowed to speak for up to 10 minutes each during that time. Following the closing of morning business, the Senate will turn to executive session to debate the nomination of Lael Brainard to be Under Secretary of the Treasury. At 5 p.m. today, there will be a cloture vote on that nomination.

Last week, I filed cloture on five nominations. It is my hope we will be able to work out time agreements on each of these nominations. If we are unable to do so, we will be in session around the clock until we have votes on all these nominations, with speeches and votes taking place during that time. Upon disposition of the nominations, we will turn to the legislation to reform Wall Street.

FINANCIAL REFORM

Holding these huge banks accountable for the enormous economic crisis of recent years is about more than dollars and cents. It is about fairness and justice. It is also about learning lessons from the mistakes of the past so we are not bound to repeat them.

Those who cared only to boost their own holdings and accounts must be held accountable. To those who gamed the system, the game is over. Wall Street's ability to recklessly risk a family's future must be a thing of the past. Those who dealt in deception and benefited from the cover of darkness

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

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must be called out and brought into the daylight. That is why the bill we will bring to the floor includes the strongest protections ever against Wall Street greed. It will also give families more control than ever over their own finances and give consumers more clarity so they can make the right financial decisions.

Our bill will not end taxpayer bailouts—that is what some say, but the fact is, that is what it is all about. It will end taxpayer bailouts. It will hold Wall Street accountable for its excess and the harm it does and make sure banks fully disclose what they are betting on and, for once, make it more clear what people are allowing these banks to do.

Our bill creates an independent agency to protect consumers, and it stops banks from taking excessive risks with families' hard-earned savings. We are cracking down on the subprime mortgage scams and forcing big banks and credit card companies to deal more honestly with their consumers.

It is a good bill. I support it because I support transparency, accountability, and economic security. Those opposed to it favor secrecy, irresponsibility, and reckless risk taking. I am sure my counterpart, the distinguished Republican leader, has some thoughts to share on this reform as well.

When the Senate hears from him, I assume he will continue to make the case, the very weak case he has made for the past week or so in the Chamber and out over the airwaves. This bill is about accountability and honesty, so let's hold the legislators to the same standard when they talk about it. Before my Republican friends repeat more false claims, let's acknowledge some basic facts. The bill that will come on the floor will protect taxpayers, will not leave taxpayers with the tab, as the other side pretends. This bill is not a bailout. Republicans know that, although they refuse to say it, and the Presiding Officer has done remarkably good work in going toward that end.

After all, if this were such a good deal for Wall Street bankers, why are they lobbying so hard against it? This is a bipartisan product and includes many Republican ideas that were proposed during months—I repeat, months—of negotiations with Republican Senators. Chairman DODD has worked for months with Ranking Member SHELBY and Senator CORKER. Senator DODD has led bipartisan working groups and held bipartisan meetings. All these meetings produced solid, bipartisan ideas that will be in the legislation we bring to the floor.

Last November, Senator SHELBY said Democrats and Republicans agreed on nearly 70 percent of the bill. Last month, Senator SHELBY said negotiators agreed on nearly 80 percent. Senator CORKER said the negotiations were constructive and said consensus is in sight.

So the Republican leadership's claim that this is a one-sided effort doesn't pass the laugh test. This plan is not partisan, as the other side pretends. Republicans know that, although again they refuse to say it. They also refuse to admit whose side they are on. Earlier this month, the Republican leader and the head of the Republican Senate Campaign Committee went to Wall Street. They met with the bankers and hedge fund managers who benefited more than anyone from the broken system and, of course, are trying harder than any to stop us from fixing it; that is, the hedge fund managers and the bankers. So every time Republicans make false claims, at this late stage of the process, they are saying they want to protect their special interest friends on Wall Street.

Rather than stand for taxpayers and shareholders, they want to stand with the same bankers who cost 8 million American workers their jobs, devastated so many families' economic security, and jeopardized our Nation's economic stability. Every time Republicans repeat their tired talking points, what they are saying is they want to stop reform.

The American people who bore the burden of Wall Street's greed couldn't disagree more. We learned recently that the SEC is investigating Goldman-Sachs for its role in the financial meltdown. I am glad the Government is looking at Goldman and other firms involved in this disaster, but this is not just about executives or the traders. It is not just about familiar faces and bold names. This is about our ability to trust in the financial system. It is about families keeping their homes and knowing their savings will be safe. It is about right and wrong. Again, it is our job to get to the root of the problem. The culprits are shortsightedness and selfishness. They are greed, deception, and irresponsibility. Wall Street looked out for only their immediate, fleeting gain. So far, the same is guiding our Republican colleagues. Wall Street adjourned itself with short-term success rather than to think about what is right for our economy in the long run.

So far, Republicans in the Senate have shown they share that same concern, that callous concern. Wall Street dealt in myths and misinformation and with disregard for hard-working families. So far, Republican Senators are following the same game plan. Wall Street sees no need to ensure this kind of crisis never happens again. So far, neither do our Republican friends. Wall Street ran wild because there was no transparency.

The Senate Republican strategy has been transparent as can be; all they want is to stop necessary reform in its tracks. I agree with Paul Krugman, Nobel Prize-winning economist, who last week called Republican tactics ''a shameless performance.''

We have seen them run these plays before on health care and other issues. They didn't work then and they will not work now. The system is broken. Consumers need better protection, taxpayers need our guarantee that they will never again be called on to bail out a big bank. That is plain to see. You can draw a straight line from the lax oversight and excess greed on Wall Street to the collapse of the housing market on Main Street, throughout Nevada and across America. Here is the difference. We want to change the rules. Republicans want to change the subject.

EXECUTIVE NOMINATIONS

As I indicated, we now have five nominations before us. I wish I could say Wall Street reform is the only arena in which Republicans are playing partisan games, but that is not true. It is a matter of fact, not opinion, that Democrats treated President Bush's nominations far better than Senate Republicans are treating President Obama's. In fact, no President has been treated such as President Obama has been treated as far as his nominations—no President.

President Obama has 99 administration nominees awaiting confirmation by the full Senate. At this point in President Bush's first term—take that as an example—the Senate had confirmed all but five. We have confirmed all but 99, 99 to 5. Many Americans have never heard these nominees' names before, but that doesn't make their jobs any less critical to our country. This is about one party deciding government should not work and deciding they should not have to work either. They are preventing people from going to work to make our country better. They are outright abdicating their constitutional responsibility to confirm or deny the President's nominees. Their decisions are grounded in reflexive partisanship, not principled argument. Republicans are treating judicial nominees the same way. President Obama had 22 judicial nominees awaiting confirmation—22 are awaiting it right now. At this point in President Bush's first term, the Senate had confirmed all but 7, 22 to 7. That means Republicans have stalled more judicial nominations than they have allowed us to vote on. Many of these nominations reported by the Judiciary Committee, many without dissent, have been pending for months and months. Every time Republicans stand in the way of our judicial system's ability to do its job, the public pays the price.

This is not how the Senate is meant to operate nor how it has operated in the past. This is unique. This is unprecedented and indefensible.

RECOGNITION OF THE MINORITY LEADER

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

OKLAHOMA CITY BOMBING

Mr. MCCONNELL. Mr. President, I wish to join the majority leader in recognizing the 15th anniversary of the

Oklahoma City bombing and add my voice to the others who have remembered the loss of life we suffered on that terrible day. I also extend my sympathy to the survivors and to the families of the lost.

It is impossible for most of us to understand how someone could commit such a terrible act. It is impossible for most of us to appreciate the pain of losing a loved one to such a violent, senseless act. But we can try to console them and we can work tirelessly to prevent other terrorist acts against other innocent men and women, both here and abroad.

So on this solemn anniversary, we resolve once again to fight terrorism wherever we find it and to never forget the people who have suffered from it. We will never forget Oklahoma City or the people who lost their lives on that day.

FINANCIAL REGULATORY REFORM

Mr. President, turning my attention to the financial services bill, as we know, it came out of the Banking Committee on a party-line vote, without any Republican support. So where are we? The debate over financial regulatory reform continues this week, so let me recap where we are, the progress we are making, as well as some of the more unhelpful things we have seen.

Over the past year or so, Democrats and Republicans alike worked long and hard to construct a bill aimed at preventing the kind of financial crisis we saw in the fall of 2008, and, just as crucially, to prevent any future bailouts of the biggest Wall Street firms. That was the goal.

Progress was made. But then, in a rush to get the bill to the floor, these talks stopped. So last week, I came to the floor to point out the flaws that resulted from this partisan approach.

One of the biggest of these was the creation of a $50 billion bailout fund. It seemed to me and many others that the very existence of this fund would perpetuate the same kind of risky behavior that led to the last crisis.

On this point, there seemed to be fairly broad consensus, from Senate Republicans to Secretary Geithner himself.

So the reaction I got was somewhat amusing.

Some of our friends on the other side raised voices of protest because I had spoken up about flaws in the bill. Others ginned up the press with some inside-Washington line about talking points and pollsters. And over at the White House, the President criticized me in his weekly radio address even as his deputies worked to strip the very provision I had called into question a few days before.

Well, they cannot have it both ways.

So my advice at the beginning of this week is that we focus not on personal attacks or questioning each other's motives but on fixing the problems in this bill, and that means doing everything we can to make sure the final product doesn't allow for future Wall Street bailouts.

Both parties agree on this point: no bailouts. In my view, that is a pretty good start. So let us come together and direct our energies toward making sure we achieve that goal and leave aside all the name-calling and the second-guessing.

What last week showed me is that we have two options as this debate moves forward: either we let the people who know this legislation best get back to the negotiating table and work out a solution that is acceptable to both parties and to the American people, or, I can come down to the floor, identify some of the other flaws in this bill, watch as people come down to scream and yell about my suggestions and my motives, and then wait for the White House to agree with me at the end of the week.

I am perfectly happy to do the latter if it means we get a better bill in the end. But it seems to me that a far more efficient way of proceeding is to just skip the character attacks on anyone who dares to point out flaws with the bill, be they provisions that expose taxpayers to Wall Street bailouts or those that would further worsen the jobs situation, and work out these problems now. Forget the theatrics, and get to work.

Again, I am happy to come down and identify additional problems. I could mention, for instance, my worry that the current bill could dry up credit even more for small businesses and community banks. The experts know that this and other problems exist in the bill. If the administration wants to continue to pretend that it does not, then you will see me down here every day. But my preference would be to let the experts work through these problems on a bipartisan basis.

So let us go back to the negotiating table and work out these problems, and then come together and have a bipartisan vote that will give the American people confidence that this bil is not just one party's way of solving this problem. These problems are not insurmountable. This bill is not unfixable. We can reform Wall Street without making taxpayers pick up the tab. Let us do that, then give the American people a strong bipartisan bill that an issue like this deserves.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

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

The legislative clerk proceeded to call the roll.

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

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

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

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

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

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. UDALL of New Mexico. I thank the Chair.

(The remarks of Mr. UDALL pertaining to the introduction of S. 3224 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, first, I don't know what the order is for the Senate. I was going to speak on one of the nominations that will be before the Senate shortly. I wish to do that, if that is appropriate.

The ACTING PRESIDENT pro tempore. The Senate is in morning business until 3 o'clock.

Mr. GRASSLEY. Yes, it is 3 o'clock now.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

EXECUTIVE SESSION

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

The ACTING PRESIDENT pro tempore. The Senate will now proceed to executive session to consider the following nomination, which the clerk will report.

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

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. DORGAN. If the Senator from Iowa will yield, Mr. President, I ask unanimous consent that I be recognized following the presentation by the Senator from Iowa.

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

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to speak on the nomination of the person just announced. In the process, I am going to speak about some other people who have similar issues.

Tax collection is meant to reflect shared benefits and appeal to equality as a fundamental value. However, to paraphrase George Orwell, some people are more equal than others.

More specifically, several recent Presidential nominees have apparently set themselves above the typical American citizen in the lack of importance they place on complying with their tax obligations. This certainly seems to be the case with Dr. Brainard, nominated to be Under Secretary of the Treasury for International Affairs.

As a nominee, Dr. Brainard was treated the same as any other nominee to come through the Finance Committee in the 9 years I have been either chairman or ranking member. For the past 9 years, and likely much longer, the Finance Committee has vetted all Presidential nominees referred to the committee, and that vetting includes a tax review. The tax review of Dr. Brainard uncovered three basic issues. These issues have been described in much detail in a bipartisan Finance Committee memo released November 18, 2009. I also discussed them in a statement that was printed in the CONGRESSIONAL RECORD December 23 of last year.

Those seeking to criticize the Finance Committee's vetting process are quick to mention the length of time Dr. Brainard has been a nominee. She was nominated March 23, 2009, and her hearing was held on November 20, 2009. The reason for the passage of nearly 8 months was that the nominee persisted in being evasive and nonresponsive to very basic questions arising from the routine review of tax returns. There are still questions that were not clearly or consistently answered despite multiple rounds of questions. Other questions necessitated multiple answers as new information came to light.

For example, the committee learned on October 12, 2009, nearly 7 months after the nomination, that the nominee failed to timely pay 2008 property taxes for Rappahannock County, VA, and that the nominee was delinquent while the tax vetting was going on. I have said this before. But the reason the review of Dr. Brainard took several months was that she was not forthcoming in her answers. As the committee memo details, some of her answers contradicted each other.

I ask those who are critical of the committee's treatment of this nominee if there are some things it is okay to be evasive about to the Congress of the United States. Is there a point where Congress should accept vague and unclear statements and decide it is not some sort of big deal?

Supporters of the nominee find themselves in the position of having to distort the facts in order to make their case. They say Dr. Brainard's tax problems involved small amounts of money and some mistakes, such as late payment of property taxes, and it could happen to anyone. While these statements may be true, they do not deal with the nominee's real problem which, as I have said, is her unwillingness to fully and completely answer questions from the Finance Committee.

The Finance Committee's vetting process has uncovered tax irregularities with many past and current Presidential appointees. What the committee requires is that the nominee acknowledge and fix these irregularities.

Unless these tax issues involve substantial dollar amounts, or there is information suggesting the nominee deliberately avoided fulfilling their tax liabilities, this information is not made public and the nominee is allowed to move forward. The Finance Committee is not trying to embarrass people for making simple mistakes, and neither the committee nor this Senator benefits from a lengthy vetting process.

In the case of nominees where difficulties arise to the point where our committee must release information publicly, the committee completes its review so that all information is released all at once and the nominee is allowed to review information to be released by the committee before the committee ever would release it, so that the nominee would know exactly where we are coming from.

Dr. Brainard was allowed to review the Finance Committee memo before it was released, and if she had withdrawn her nomination, that information would have remained confidential. It would not have been out there for anybody to know anything about. But we are moving forward with this nomination; hence, any sort of information is public.

Dr. Brainard is the third senior Treasury Department nominee either the Finance Committee or this Senator has taken issue with. Secretary Geithner's failure to pay his self-employment taxes as an International Monetary Fund employee is well known.

Just a few weeks ago, Jeffrey Goldstein was recess-appointed to the post of Under Secretary for Domestic Finance. While I do not believe Dr. Goldstein failed to satisfy his tax liabilities, I do have questions regarding offshore activities a private equity fund engaged in while Dr. Goldstein was a managing director.

I was in the process of asking more questions as to the business purpose of these activities and was prepared to let the nominee advance toward confirmation once these questions were answered. Dr. Goldstein was absolved of the need to respond to my questions by the recess appointment made under law by President Obama. Dr. Brainard and Secretary Geithner both had personal issues the committee released information on in a bipartisan way, and I have unresolved questions regarding offshore activities engaged in by Dr. Goldstein's previous employer.

As concerned as I am with the issues involving this specific nominee, I am even more concerned by the reaction by some to the information released by the Finance Committee on this and other recent nominees.

Dr. Brainard was the fifth nominee of the current administration to run into personal tax issues during the Finance Committee's vetting process. With the exception of one nominee, who voluntarily withdrew his nomination, all of these nominees were confirmed, or will be confirmed, as I expect Dr. Brainard to be confirmed. It is not clear that the Finance Committee vetting of nominees has served a useful purpose and information released by the Finance Committee on problematic issues surrounding nominees doesn't seem to have decreased support for their confirmations.

I am not saying that every nominee who runs into trouble should be automatically rejected. I myself voted for one of the five nominees I just mentioned. However, it does not appear that the information released by the committee on nominees in this current Congress is given much consideration.

The issues involving Dr. Brainard should have no bearing on political parties, issue positions, or who is friends with whom. The only basic issues should be that everyone needs to pay their taxes as required by law, and the nominee should be fully responsive to the Congress. In looking at the first of these issues, the nominee showed that she was deficient in the second. For the reasons I have laid out here and in earlier statements, I will vote against this nominee.

However, I do plan to vote for cloture, and I want to explain that. Despite my own opposition to the nominee, I don't want to prevent other Senators from considering the nominee, and I am not attempting to prevent the nominee from receiving an up-or-down vote.

I hope other Senators consider the information the Finance Committee has released and will consider what I have said and will come to their own decision as to which way to vote.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. We are in executive session, is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DORGAN. Mr. President, I have the Executive Calendar of the Senate in front of me. It is on every desk. It has the pending nominations that have yet to be acted upon by the Senate.

I note that there are a large number of nominations that have been made on which there are holds. There is delay, there is stalling, and you wonder—here is a May 20, 2009 nomination, reported

out of the Homeland Security Committee of Marisa Dameo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia. That was reported out in May of last year.

Here is one for John Sullivan, of Maryland, to be a member of the Federal Elections Commission, which was reported out last June and is still pending.

Here is one for Stuart Gordon, to be an Associate Judge of the Superior Court of the District of Columbia, which was reported out on July 29 of last year and is still pending.

I am going to read a rather lengthy list in a bit. These are nominations that have been stalled, delayed, held up. There are, I think, nearly 100 of them on the Executive Calendar, which is on everyone's desk.

I specifically want to talk about one, and then I am going to propound a unanimous consent request. The one is about GEN Michael Walsh. I know General Walsh. I have known him for a long time. He is the commander of the Mississippi Valley Division of the Corps of Engineers. He has been to war for his country. He is a one-star general. He served 30 years in uniform for this country.

He has been nominated to receive his second star to be a major general. That request to receive a second star for General Walsh went through the relevant committee, the Armed Services Committee of the Senate, chaired by Senator LEVIN, and the ranking member is Senator MCCAIN. The nomination was unanimously reported out by the committee, by all Republicans and all Democrats. It is a nomination supported by Senator LEVIN and Senator MCCAIN, the chairman and the ranking member. Yet that nomination was sent to the floor of the Senate nearly 6 months ago and has yet to be acted upon because there is a hold on it.

I have spoken on this issue before—last week. We have a Member of the Senate who has said to the Corps of Engineers: I am going to stop this general's promotion to major general until the Corps of Engineers does the following things that I demand from the Corps of Engineers in my home State of Louisiana. This is Senator VITTER from Louisiana.

I did say to Senator VITTER—I would not come and speak of another Senator without first telling him I was going to do that. I told Senator VITTER I was going to be critical on the floor of the Senate of what he was doing to General Walsh—a patriot, someone who has served 30 years for his country in the U.S. Army, someone who has gone to war for his country, someone who has had a unanimous vote in the Armed Services Committee to become major general.

After all of these months, his promotion has not yet moved. Why? Because of one U.S. Senator demanding something this general cannot do. This general executes policy; he does not make policy. The demands by Senator VITTER in two letters that he has sent to the Corps and the response from the Corps of Engineers are four letters I put in the Senate RECORD last week.

It is unbelievable that the career of a distinguished general in the U.S. Army is handled this way by one Member of the Senate. It is unfair to him. It is unfair to the Army, in my judgment. And it is the last thing in the world we ought to be doing—singling out one person and putting their career and their advancement on hold, prohibiting this one-star general from receiving a second star because one person in the Senate is demanding the agency for which this general works do things that the agency says it cannot do in any event.

I am going to ask unanimous consent, and then I want to say a few more words about it.

UNANIMOUS CONSENT REQUEST—NOMINATION OF BG MICHAEL J. WALSH

I ask unanimous consent—and I have notified the minority—that the Senate proceed to Executive Calendar No. 526, the nomination of BG Michael J. Walsh to be major general; that the nomination be confirmed and the motion to reconsider be laid upon the table; that no further motions be in order; and that the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRASSLEY. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I wish to make very clear that I do not oppose this nominee, and I say to Senator DORGAN that I have no problem with what he is doing. I have been asked on the part of Senator VITTER to object, so I must object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. DORGAN. Mr. President, I understand the Senator from Iowa is acting on behalf of another Senator. I must say I think it is incumbent on the other Senator to be here and make this objection himself. I know the rules do not require that, but I think the rules at this point are derelict in terms of this circumstance.

We have a general in the U.S. Army who has served this country well whose career is now on hold. It is on hold because one person is demanding that the Corps of Engineers do certain projects for New Orleans and the State of Louisiana. In any event, this general cannot do them.

I chair the subcommittee that funds the energy and the water programs. As the chairman of the subcommittee that funds all of the water programs, I can tell the Presiding Officer that billions and billions of dollars have been sent to Louisiana and to New Orleans. I have supported all of that because they were hit with a devastating hurricane called Katrina. It caused dramatic injury to life and limb. No area of the country has been hit harder.

I include myself among all of those who say we have a responsibility and have begun to meet that responsibility in the most significant way that has been done for any State in this Nation at any time. I have been proud to do that. But what the Senator from Louisiana, Mr. VITTER, is demanding from the Corps of Engineers in a number of cases the Corps cannot legally do and in other cases the Corps will not do because the Appropriations Committee has already voted against it in a recorded vote.

To hold up the nomination to major general of a distinguished Army general for all of these months because one Senator is upset is horribly unfair to this general, Michael Walsh. I know him. I like him. He deserves his second star. The Armed Services Committee unanimously has said he deserves a second star. He does not have it. Now many months later, month after month, one Member of this Senate, Senator VITTER, has decided to extract from the career of this officer some penalty because he will not do something he cannot do. It is unbelievable to me.

I say to my colleague, if he wishes to object, I will come tomorrow. I will set a time. I wish he would come to the floor and object to my request and tell us why he believes this general can do that which the general does not have the authority to do. If he finally understands that this general cannot do what Senator VITTER wishes him to do, I hope Senator VITTER will stand aside and decide not to interrupt the fine career of this great military general.

I will not speak more about this, but I will come to the floor tomorrow, and I will notify his office when I am going to be here. I hope perhaps he will not have others come and object for him. Perhaps he would bother to come to the floor and explain to this general, explain to the U.S. Army and the American people why this general, having served 30 years and served in wartime, is not able to get his second star and has had to wait month after month and more. It is unfair, it is wrong, and it needs to be corrected.

Let me again say that I believe 93 to 100—I am not sure of the number today; last week, it was 93; all of these nominations: Winslow Lorenzo Sargeant to be Chief Counsel for Advocacy of the Small Business Administration, reported out of the committee on September 16 last year, not acted on; Brian Hayes, National Labor Relations Board, reported out October 21 last year—the list goes on and on.

I guess it is a strategy—not just on this but virtually on everything—to object. In fact, there was one person on this list who is coincidentally from my State. That person was a nominee for the General Services Administration. Her name was Martha Johnson. Martha Johnson was nominated to be the head of GSA. GSA is the Federal agency that manages more property than any agency in the world. It manages all of

the Federal property. One Senator put a hold on Martha Johnson's nomination. The result was there was not someone to run the General Services Administration for almost a year; I believe it was 10 months. Then, when we finally invoked cloture after great length, the vote on this nomination was 96 to 0. Not even the person who put the hold on for almost a year voted no. Everybody voted yes. The result was a Federal agency that desperately needed leadership did not have leadership for almost a year. Why? Because one Senator said: I am going to put a hold on this nomination because of some building someplace. They were upset about something. The result is that everybody pays. All the American taxpayers pay because we did not have the leadership in an agency that desperately needed the leadership. That is just an example.

It has been so unbelievably disappointing to see what is going on in the Chamber with all of these issues. I am almost inclined to think we should go through one by one and have 93 unanimous consent requests. Perhaps I will do that tomorrow or the next day. I know others will as well.

I guess if you object to everything, including having government work the way it is supposed to work, effectively and efficiently on behalf of the taxpayers in these agencies that need leadership—I do not quite understand why you come to the Senate if you believe the only answer is no. It does not need to be someone who decides the only answer is no in every circumstance.

Mr. President, I ask unanimous consent to speak for 5 minutes in morning business.

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

FINANCIAL REGULATORY REFORM

Mr. DORGAN. Mr. President, this morning I was looking at something I have had on my desk for a long while. I was thinking about words and words that matter because there have been a lot of words recently about the issue of financial reform or Wall Street reform, how it is done, when it is done, whether it is done. I was thinking about the use of words and that words do not mean what they used to mean.

I went back, because I have kept this on my desk for a long time, to something that was sent out widely across the country. It was from something called GOPAC. It was kind of the start or at least the genesis of the collapse of comity and the use of good language and so on. This was sent out widely around the country to several thousand people. It said: We have heard all these candidates across the country say: I wish I could speak like Newt—meaning Newt Gingrich. I wish I could speak like Newt.

Then it said in the language that it sent out to people: You can speak like Newt Gingrich. It said: We have actually done a lot of work developing polling on contrasting words, and if you would like to speak like Newt Gingrich, here is some help for you.

Here are words. Then they sent this out. It says:

> Apply these words to your opponent, to their record, to their proposals, their party.

They have a long list of words: sick, lie, betray, traitors, pathetic, threaten, corruption, punish, corrupt, cheat, steal, abuse of power. Use these words when you describe your opponents.

They said: Here are the positive words you should use when you talk about yourself: pro-flag, pro-children, pro-environment, liberty, principal, pioneer, truth, moral, courage, family. And the list goes on.

I thought when I received this a long while ago how unbelievably pathetic it was that there were merchants of destructive politics marketing this trash around the country. Yet they were and have for a long time. It is the case that they use pollsters to do this, to tell everyone what kinds of words exist that will motivate both negatively and describe your opponents—sick, pathetic, lie, betray—and what words would positively motivate your supporters. I was thinking about that, and I dug that out just because in recent days and weeks we have seen examples of language that matters and instructions by people of how to use language, even though it does not apply, to describe your position.

I was interested in seeing the results of a pollster who described the way to attack financial reform. Again, it was not in the same way of the GOPAC polling to find the most destructive way you could describe something, but it was similar in the sense of, how would you construct something, notwithstanding the facts—how would you construct something to make an impression about something no matter what the facts might be.

This is from some polling work that was done. It says:

> Frankly, the single best way to kill any legislation is to link it to the big bank bailout.

The words that would matter are these: No matter what the circumstances are, the single best way to kill any legislation is to link it to the big bank bailout. Words that work: ''taxpayer-funded bailouts,'' ''reward bad behavior,'' ''taxpayers should not be held responsible,'' ''if a business is going to fail, no matter how big, let it fail.'' If these words sound familiar, it is because you have heard them all on the floor of the Senate in recent days and you have heard them on television a lot in recent days. It is the issue of, how do you develop language that motivates people, notwithstanding the set of facts.

''It is not reform''—again quoting from the polling work—''it's the stop big bank bailout bill.'' That is important. This is not a reform bill; it is to stop the big bank bailout.

What we have here is the battle of polling. How can you describe words that work, language that works, notwithstanding the set of facts you might be discussing?

Ultimately, if we are going to effectively deal with Wall Street reform, reforming our financial system, it is not going to be with a battle of pollsters; it is not going to be regurgitating what one reads—here is how you motivate someone using these words. It is going to be that we think through what happened and then understand what do we do to make sure this cannot and does not happen again.

We hear a lot of talk about the need for bipartisanship. I would love to see that. I would love to see bipartisanship on specifically the kinds of remedies that have teeth, that are effective, and that are going to prohibit that which has happened to this country from ever happening again. That will not be done, in my judgment, by deciding to step back a ways and use a light touch. I am for the right touch; I am not for a light touch. I have seen the light touch for a decade now, or at least a substantial portion of the last decade.

We have had agencies, the SEC, and others in a deep Rip Van Winkle sleep. In fact, we had people come to the SEC who noticed what some folks were doing to bilk taxpayers and investors and nobody did anything. I was here when new regulators came to town and said: You know what. We are going to be willfully blind for a while. It is a new day.

The fact is, regulation is not a four-letter word. The free market system works, but it works when there is a referee. The referees with the striped shirts and whistles are needed to call the fouls because there are fouls from time to time in the free market system. That is why we have regulatory capability and authority.

So the question of what kind of financial reform or Wall Street reform is developed is not going to be about the language of financial reform—which is what this is about, a document that has been distributed and that I heard quoted many times now in recent days. It is not going to be about the language but about the specific set of policies that will prevent what happened to this country from ever happening again.

I will come and talk about some of that, but I did want to say I was thinking about the issue of the use of words, and I find it pretty interesting to listen to the use of specific words and to listen to the menu of the language of financial reform that comes from the pollsters and then comes straight out of the mouths of others very quickly.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

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

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

FINANCIAL REFORM

Mr. CORKER. Mr. President, I thank my friend from North Dakota, because I, too, for what it is worth, have been very distressed about the conversations around financial reform. I don't think either side of the aisle deserves a badge of honor as it relates to the way this has been discussed. I agree with him that this is something way beyond using poll-tested language and should, in fact, be dealt with in a serious manner. So although I didn't hear all the Senator's comments, I agree with him that we ought to deal with this in a serious way.

Mr. President, you and I have had a number of conversations over the last weekend regarding financial reform. We have had a lot of conversations over the last year regarding financial reform. As I have watched the public discussions over the last several days, I have been greatly distressed. As a matter of fact, I spoke this morning to a large number of businessmen in Nashville, TN, and, candidly, became so angry thinking about the way this debate has evolved that I had to think about coming here today and controlling that and using that in a productive way.

I have noticed throughout the day that maybe the rhetoric has changed a little, and I know that my friend and colleague from Virginia and my friend and colleague from Connecticut had a press conference earlier today to talk about some of the issues that are being talked about rhetorically. Let's face it, what is happening right now—and it is unfortunate for the American people—is that both sides of the aisle are trying to herd up folks with language that in many ways I don't think does justice to this issue, which is very important, is very difficult, and something that is very much needed in our country.

There has been a lot of discussion about this funding mechanism—this $50 billion bailout fund, if you will. Those are someone else's words, by the way, not mine. The American people are probably tuning in, and in some cases they are wondering how we are jumping into the middle of this on the Senate floor without a lot of free dialogue.

The fact is, we have a financial reg bill that I hope comes before us soon that will deal with orderly liquidation so that when a large institution fails, it actually fails. I think that is what the American people would like to see happen. So there has to be a mechanism in place.

If a firm is systematically important to our country, there needs to be the tools in place to make sure it actually goes out of business. I don't think people in Tennessee like seeing that when a community bank fails it actually goes out of business, but when a large Wall Street firm fails we prop it up.

I wish the Senator from Virginia, who happens to be presiding, were on the floor so we could have a colloquy on this because the fact is, this is something that needs to be dealt with in legislation. We need to know we have a process where we deal with derivatives and we don't have a lot of people building up a lot of bad money, instead of doing it on a daily basis and they end up in a situation where there are huge obligations. We need to deal with some of the issues of consumer protection.

So, Mr. President, there has been a lot of discussion about how we create something called debtor-in-possession financing, so that when the FDIC comes in and seizes one of these large firms that fails, it has the money to keep the lights on and to make payroll and those kinds of things while it is selling off the assets of the firm.

The fund that has been discussed in this bill—and that is going to be changed, I know, and I am fine with that and think that is perfectly good—but this fund that has been set up is anything but a bailout. It has been set up in essence to provide upfront funding by the industry so that when these companies are seized, there is money available to make payroll and to wind it down while the pieces are being sold off.

Now, a lot of people have said this is a Republican idea. There is no question this is something that Sheila Bair has proposed. The FDIC wants to see a prefund. The Treasury would like to see a postfund; they would like to see it come after the fact.

At this point I want to digress for one second and say I hope the reason that Treasury wants a postfund is not because, in lieu of having a prefund of $50 billion from these large institutions, they want to see a bank taxed. As a matter of fact, I am going to be surprised if after Republicans argue against a prefund and it is changed, and the administration comes back and Chairman DODD comes back and we end up with postfunding—both of which do the same thing, I might add, and both of them work—but it will be interesting to see whether that argument basically leads to Treasury then having the ability to come back and do a bank tax. I think at the end of the day that is something they have been wanting to achieve.

So it is interesting how this debate is evolving. But let me go back to this prefund. At the end of the day, I think what all of us would like to see happen is to see these institutions go out of business. So do we put the money upfront to take them out of business or do we put it up on the back end where, in essence, what is happening is we are borrowing money from the taxpayers?

Would we rather the industry put up the money so the taxpayers are not at risk or would we rather that not happen and during a downtime, when it is procyclical, we actually get the firms to put up the money after the fact?

I think both of those, by the way, are nice arguments to have, and I think they should have been debated in the committee, and we can debate it on the Senate floor. But at the end of the day, to make the total debate about whether it is pre or post—neither of which are central to the argument because both work—it really doesn't matter. Either way we have to have some moneys available as working capital to shut down a firm. We can borrow it from the taxpayers, although I don't know if the taxpayers would like that very much. We can do it after the fact, as I have said, or we can put it in upfront by the industry. Either way it is going to be paid back by industry.

I will say that in the Dodd bill today there is postfunding; that if there are any shortfalls the industry will pay that back. So, again, it is kind of a debate that ends up being silly. The fact is, I know it is going to be changed. The essence of the bill, though, is the fact that we want to make sure these firms unwind and they go out of business.

Let me just talk about some of the arguments that are being made: Prefunding of resolution creates a system where certain participants are effectively designated as a protected class as a result of them paying into the fund.

I think that is ludicrous. That is a ludicrous argument. Now, what we could do, if it would make everybody happy, is instead of getting large firms to pay, we could get community banks to pay too. I don't think there would be many people who would be interested in that, but if we want to get everybody in the country and get the community banks in Tennessee—I am not interested in that, and I don't think the Senator from Virginia is interested in that—but if we want to do that, we can ensure nobody is part of the protected class. So I find that to be a ludicrous argument.

There is another argument: This allows such firms competitive funding advantage over smaller institutions such as community banks.

So, in other words, if we are saying these large firms, if they fail, are going to go out of business, and it is going to be more painful than bankruptcy, that somehow they are protected or have a competitive advantage, I find that to be kind of ludicrous, and I hope that argument is not used again. It probably will be, but I hope it would not.

Here is one I read recently: The fund is a signal to credit markets that the U.S. Government stands ready to prop up, bail out, and insulate large financial firms. Now that is an interesting one. The fact is, we are talking about orderly liquidation.

The existence of the fund allows managers of large financial institutions to conduct riskier practices, therefore counterparties will not feel obliged to perform due diligence because, in the event of stress, there is such a financial slush fund available to bail out unsecured and short-term creditors.

You have to be kidding me. That is absolutely the opposite of what is intended.

Now, let me say this before somebody tunes out. I think this bill has problems, and I think there are issues that need to be resolved around orderly liquidation. The Senator from Virginia and I both know what they are, and there are some flexibilities that have been granted to the FDIC, to the Federal Reserve, and others that need to be tightened. There are some words that instead of saying ''shall'' say ''may.'' That is a very important word when you are telling an agency what they have to do or what they ''may'' do. So there is much in this bill that needs to be fixed.

I want to say that as the Dodd bill sits today, I could not vote for it. I absolutely cannot support the bill. But what concerns me is the rhetoric that is being used to talk about something that is very important to our country, and it is being used on both sides, I might add.

On one side they are saying the Republicans want to protect Wall Street firms. Well, I can tell you this: I think there are very few Republicans who do not want to see financial regulation take place. I think there are very few Republicans who don't want to see it done the right way. Candidly, I think most Republicans and Democrats are listening to community bankers. They are not listening to Wall Street. That would be my guess.

So that rhetoric, to me, is off base. The rhetoric on my side of the aisle saying this orderly liquidation title basically keeps ''too big to fail'' in place, the central pieces of it, is not true. Are there some things around the edges that need to be fixed? Yes. My sense is, as I have said on the Senate floor, we can fix those in about 5 minutes if we just sit down and do it. I do not understand why the rhetoric has gotten to where it is. I would like to see us pass a bill that makes sense.

The kind of thing we should be talking about is not the fact that this is a bailout fund. By the way, whether it is ''pre'' or ''post,'' that debate doesn't matter to me. The fact is, we have to have some debtor-in-possession financing available to wind these firms down, sell off the assets, make sure the stockholders are absolute toast, make sure unsecured creditors are toast, make sure it is so painful that nobody ever wants to go through this. We absolutely need to do that. The American people need to know we in Congress are not going to prop up a failed institution, that they are going to live the same life in capitalism that everybody else has to live. People in Tennessee, when they fail, they fail.

The kind of thing we ought to be talking about and have been talking about and I think can solve is that I think we ought to have more judicial involvement in the process. We ought to improve the bankruptcy process so that these large institutions have a more viable route through bankruptcy.

I think we ought to deal with the disparate treatment of similarly situated creditors. The fact is, the way the ''post'' funding in this bill is now set up, we do not. If a creditor receives more money than they should, that money is not recouped. We know how to fix that. I know the Senator from Virginia and I both know how to fix that.

Those are the kinds of things we need to be talking about.

Creditor prioritization—there is no question that right now in the bill, certain creditors can be treated differently by the FDIC than others.

We need to be looking at bankruptcy stacks so that people understand how much they are going to be paid back, and they are going to be in the same order they anticipate being in.

We need to be tightening the definition of a financial firm. Right now in the bill, the way it reads, an auto company could end up being part of this. Right now, it is not tight enough. An auto company may be a stretch, but something other than a financial firm could be dealt with, the way the language is now reading. And certainly for sure Fannie and Freddie need to be treated the same as any other financial firm.

We need to have a solvency test to make sure regulators—that does not allow regulators the flexibility to protect firms in crisis.

We need to make sure there is a duration. In other words, if the FDIC comes in and has to take over, after due process—three keys being turned—take over one of these firms that has posed systemic risk, we need to know there is an end date. I know the Senator from Virginia and I absolutely agree that conservatorship should not be on the table. This is only a receivership and those firms should go out of business, and that, no doubt, should be language added. It is not in there right now.

There are a number of things like this. I could go on and on. I am probably boring much of the watching audience, if there is any, with some of these technical issues, but those are the kinds of things we in this body ought to be talking about. They are important. They matter. But to use up time with rhetoric that, in essence, is used to sort of brand something in a way that really isn't the way it is, to me, is not productive. I did not come here to do that.

Again, I think both sides of the aisle tried to cast the characters in certain ways. It is this herd process that happens around here. Everybody wants to get everybody on the same team. What we do is we use rhetoric that charges people up and gets everybody on the same team. I do not like that process. I do not want to be a part of that process.

I have joined with other Republicans to try to make sure this bill gets in the middle of the road. I have done that on the basis that both sides are going to deal in good faith.

I know the Senator from Virginia knows we went through a process with this bill where we voted it out of committee in 21 minutes—a 1,336-page bill we voted out of committee in 21 minutes with no amendments. The stated goal was to make sure that both sides did not harden against each other and that we could negotiate a bill before it came to the floor—came to the floor—we would negotiate a bipartisan bill. That is why it was stated that we did that. How can responsible Senators, 23 Senators, all of whom have problems with this bill—how can you vote something out of committee in 21 minutes with no amendments unless you know that a negotiation process is going to take place afterward to create a bipartisan bill? Nobody in their right mind would have agreed to do that.

What I would say to my friends on the other side of the aisle and what I would say to the folks at the other end of Pennsylvania Avenue, who seem to be turning up the rhetoric—I take it as a commitment from my friends on the other side of the aisle that we are going to negotiate a bipartisan bill and we are going to do it in good faith. But I also expect the same on my side of the aisle, that we are going to negotiate in good faith to get a bill and that before it comes to the floor the major template pieces will be worked out, the issues around consumers, the issues around orderly liquidation, and the issues around consumer protection.

As I have mentioned, there are a number of issues we need to debate here on the floor that, to me, are outside the realm of the template itself. I hope this body—I know the Senator from Virginia and I have worked together a great deal. I know we both came from a world that was different from this. I have become greatly distressed. I get distressed at both sides of the aisle when we have an important issue such as this and we turn it into sound bites.

I hope, again, over the next several days—this bill has been through so many iterations. Everybody who has worked on it understands what is in it. Everybody understands what the points are on which we disagree. As a matter of fact, if we do not end up with a bipartisan bill, it is not going to be over philosophical issues, it is going to be over the fact that the two sides just decided they didn't want to do it. It is going to be over the fact that it takes both sides.

The fact is, the White House can make an issue out of this. I know things are not going particularly well in the polling areas. I know my friend from North Dakota talked about polling data and testing things and all that. I realize things are not going particularly well. Maybe this financial reform bill can be something that changes that. Maybe if you push the bill as far to the left as you can and you dare Republicans to vote against it, maybe that is a good thing. That is not what I came here to do. I do not think that is what the Senator from Virginia came here to do. I know that

if Republicans brand this bill as prolonging too big to fail—that is what we are doing—then we might be able to keep the bill from passing that way too.

I hope all of us will sit down and do what we came here to do, and that is to create good policy for the American people.

I am very distressed about where we are today. What I hope is happening is that this is just a bunch of buzz and that our committee staffs and the chairman and ranking member are actually sitting down, having serious discussions, and that very soon we are going to come forth with a bill that is bipartisan, where we can debate it on the edges and end up passing legislation that stands the test of time.

I hope that bill will deal with the very core issues that got us into this crisis. And we can castigate all kinds of people. There is enough blame to go around. You almost couldn't find a regulator, a credit rating agency, a firm, management that was not in some way involved in helping create this crisis. There is a lot of blame to go around. But I hope the bill, at the end of the day, will also address, as I have stated every time I have come to the floor on this bill, the whole issue of underwriting; the fact that at the end of the day, at the bottom of this, whether you read what happened supposedly with Goldman on Friday, you read about these synthetic CDOs where they were not even really underwriting mortgages there—in reality, they were just doing something that reflected what certain mortgages would do—at the end of the day, it still was about the fact that in this country, we wrote a bunch of mortgages that couldn't be paid back. You can talk about this all you want, but the underwriting, the bad loans that were written, at the end of the day, are what created much of this crisis. Candidly, I don't think much of this bill addresses that. I hope we will address that more fully before this bill comes to the floor.

With that, I think I have taken up my allotted time. I thank the Members of this body for their patience. I hope we will do the work that needs to be done here. As I mentioned, at this point I don't think either side of the aisle deserves a badge of honor, but I hope over the next several days that will change. I hope our rhetoric will be tempered. I hope our discussions will center around those things that really matter and will not be used to basically get people in the public off on rabbit trails or try to herd our teams together.

Mr. President, I look forward to working with you as we try to complete this bill.

I yield the floor.

Mr. BAUCUS. Mr. President, I would like to return to the nomination of Dr. Lael Brainard.

Today, at long last, the Senate is considering the nomination of Dr. Lael Brainard to be Under Secretary of Treasury for International Affairs.

President Obama nominated Dr. Brainard more than a year ago, in March of 2009. After an extensive vetting process, the Finance Committee held a hearing on her nomination in November of last year. And the Finance Committee favorably reported her nomination with a bipartisan majority in December of last year.

The path to her Senate confirmation has been neither short nor easy. But throughout this process, Dr. Brainard has demonstrated persistence and determination.

These vital qualities supported her well as a nominee. And these qualities will support her well as she assumes her responsibilities as Under Secretary of Treasury.

The world economy is emerging from a deep economic recession. America must lead the way to recovery. And we must do so by creating jobs, reducing unemployment, and encouraging smart, balanced growth here at home.

But the health of the global economy does not rest on our shoulders alone. In fact, the recent financial crisis has demonstrated how interconnected our world is.

The world's many national economies have the potential to rise together. And they have the potential to fall together, as well.

To ensure a stable, prosperous economic future, countries must work together to support balanced economic growth. No country can rely solely on export-driven growth, just as no country can rely solely on its domestic consumption.

But this economic rebalancing will not happen overnight. The global economic downturn has been powerful because of its persistence. And we must be just as persistent and determined in our efforts to overcome the effects of this crisis.

As Under Secretary of Treasury for International Affairs, Dr. Brainard will lead our bilateral and multilateral efforts on these issues. She will work with key trading partners such as China and the European Union. And she must help to guide our country from an economic recovery to economic growth.

Dr. Brainard has demonstrated that she has the knowledge, skills, and abilities to confront the tasks that lie ahead. She is brilliant and hard-working.

She has shown the tenacity and doggedness necessary to be successful as Under Secretary for International Affairs. And she has revealed that she has the persistence and determination to address the vital issues facing America and the global economy today.

I might add, I worked with Dr. Brainard during the Clinton administration. A very key question is, What would the U.S. economic relation be with China? Up to that point, America had annual extensions of MFN for China. They were contentious. They caused more problems than they solved, and I spent some time with the President and others in the Clinton White House and then later worked with Dr. Brainard as we moved away from these annual extensions of MFN and more toward PNTR with China.

It was a hallmark change in United States-China economic relations. I think this worked out very well for our country's best interests. I must say it has also helped China. We pursued that objective, in part, because that meant China could then be a member of the WTO, and once China became a member of the WTO—that is, the World Trade Organization—that would help China live up to world standards that other countries were living up to under WTO.

Again, Dr. Brainard, throughout this confirmation process, has shown her dedication to serving the Treasury Department, the President, and the American people. I am confident—and I am confident because she has had deep experience and she is very talented; she is very good—I am confident she is up to the task for which she has been nominated.

I urge the Senate to approve her nomination.

I now ask unanimous consent that the assistant majority leader, the Senator from Illinois, be recognized to speak on whatever topic he chooses.

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

The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to speak for 10 minutes.

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

Mr. DURBIN. I thank the chairman of the Finance Committee.

This is the Executive Calendar. It contains the names of the nominations the President of the United States has sent to the Senate for confirmation. It is an orderly process, a historic process. It has happened thousands and thousands of times. Very few times do we have a lot of controversy associated with these names. If there is a controversy, ultimately there is a vote—a debate, and then a vote.

But now there is a new approach being used by the minority side. That approach is to basically use one of three options: stall, stop, and kill. What they are trying to do, for the 104 nominations sent by President Obama, is to hold them on the calendar as long as possible so it is difficult for him to organize his administration and move forward.

There are some key positions. The one the Senator from Montana spoke of is the nominee for Under Secretary of the Treasury for International Affairs. We are concerned about the state of the American economy, our competition in the world, how we stack up against countries such as China.

There is an allegation, which I think is valid, that the Chinese are manipulating their currency so they continue to take jobs away from the United States. It gives them too big a competitive advantage. Here is the Under

Secretary for International Affairs who would be tasked with looking into that issue to try to help American businesses, small and large, and to save American jobs and this nomination now sits on the calendar with 103 others.

What you find is that of those 104 nominations, most of them went through the committees on their way to the Senate floor with unanimous votes or overwhelming majority votes. There is no controversy associated with it.

Mr. DORGAN. Would the Senator yield for a question?

Mr. DURBIN. I would be happy to yield.

Mr. DORGAN. Mr. President, I wonder if the Senator from Illinois knows who has a hold on that nomination.

Mr. DURBIN. I do not know. Does the Senator know?

Mr. DORGAN. No, I do not. The reason I asked the question is these holds are, in some cases, anonymous. I spoke earlier today about a hold on a promotion for one of the generals in the Army to be a major general that has now been held up for nearly 6 or 7 months by Senator VITTER.

I use his name because I told him I was going to because he is demanding of this general something the general cannot do. I mean, that is an example. We happen to know where that hold is from.

But of these other 100-plus nominations, they sit here, day after day, month after month, and someone has put a hold on them for some reason. If I might mention one other, the woman who was to head the GSA, that was vacant for nearly a year because of a hold of one Senator, and when we finally got around to voting for her, it was 94 to zero.

The Senator who held her up for a year even voted for her. That is the kind of game that is being played. It is unfair.

Mr. DURBIN. I agree with the Senator from North Dakota. I would say to those Senators who have holds on nominees: Come to the floor and explain to the American people why you believe these people should not be serving in our government. If you think there is something wrong with them, if you think they are unqualified or there is some issue involving their character or integrity, do you not owe it to these nominees to step forward and say so?

I have held some nominees in the past but was open and public about it for a specific purpose. Recently, under the Bush administration, I was looking for a report from the Department of Justice. The report was sent. The hold was lifted as quickly as it was sent. Those things I understand.

But to hold these people indefinitely in anonymous holds, secret holds, and never state the reason why is fundamentally unfair. It is unfair to the nominee who has gone through this process of FBI checks, background checks, poring through income tax returns, questions about their personal and private lives most Americans would not want to face.

They finally get through the nomination process, the President sends their name, and now they are being held up on the calendar indefinitely, 104 different people. I think we owe it to them, we owe it to the President and to the country to do this in an honest, orderly way.

During the course of this week, Members of the Senate are going to come to the floor and ask to move these nominees forward. I hope those on the other side who have the courage to hold them will have the courage to stand and explain why. That, I think, is critical.

FINANCIAL REFORM

There is another issue involving a hold, which goes to a much larger issue. We will have a bill before us soon, reported from the Banking Committee, that is long overdue. This bill is Wall Street reform. Our country has been through one of the toughest economic downturns in modern memory. For 80 years, we have never seen anything like what we are going through now.

Some 8 to 14 million Americans have lost their jobs, $17 trillion in value was taken out of the country. Virtually every one of us with a savings account or retirement account knows what that meant. We lost value in things, our nest eggs, the money we put away for our future.

We know businesses failed, way too many of them. We know a lot of people lost in that process, losing their jobs, losing retirement income, losing their health insurance. Investors lost when the stock market went down to about 6,500 on the Dow Jones average. It is now back up in the 10,900 or 11,000 range. But with all that downturn in the economy, people stood back and said: What happened? What did we do wrong?

Well, mistakes were made. Many mistakes were made in Washington. I will concede that point. But a lot of mistakes were made on Wall Street with the biggest financial institutions. The worst part of it was, when these financial institutions were about to take a dive and go down, where did they turn? The American Treasury, the taxpayers of this country.

They said, under the Bush administration: We need a bailout, $700 billion in taxpayer money to Wall Street to overcome the mistakes we made and keep our banks afloat and insurance companies, in some cases, because of the big problems we have, problems many times of their own creation.

They received the money. Many of us had a stark choice. We were told by the Secretary of the Treasury and the Chairman of the Federal Reserve: If you do not send this money up to Wall Street and these banks and insurance companies go down, the economy will follow them, not just in America but globally.

So we voted for this bailout money. I did not want to do it. But I thought it was a responsible thing to do. Well, it turns out some of these banks and other institutions are paying back the money, with interest. The taxpayers are okay; but, by and large, a lot of others are not. We have to ask ourselves: Do we want to run through this script again? Do we want to see this movie happen next year or the year after?

The obvious answer is no. So the Banking Committee sat down and said: Let's rewrite the rules. If they are going to act like a bank and be protected like a bank, they should have the oversight of a bank. If they want to loan money on a bad loan, and they do not have a reserve, do not ask the taxpayers to stand and make up the difference. That is part of what we are doing with this financial reform bill, to try to create the rules and oversight from organizations and agencies in Washington to make sure the taxpayers do not end up footing the bill again.

Secondly, this whole world of derivatives, which I thought was explained very ably by the Secretary of the Treasury over the weekend, is basically either an insurance policy that someone buys to make sure, if they are entering into a contract on a premise that they are going to make some money and they do not make money, they are protected—or it is a basic bet. They are basically betting on something that is going to occur, even if they do not have a personal interest in it.

Well, these derivatives got out of hand, so out of hand that there was a lot of gaming that went on. We try to clean this up. I, of course, am partial to the Chicago model, where in the Board of Trade and Mercantile Exchange we have had transparency and open-market dealing in derivatives for decades. I think that is the answer. Let's put this all out in front of the public so they know exactly what is going on. Stop the backroom deals on Wall Street.

The third thing is to create a consumer protection agency so average consumers across America have a fighting chance when banks and credit card companies dream up new ways to fleece us. It happens with regularity. We know it does. So this agency would be there to make sure these financial institutions are honest with consumers.

We do have agencies of government that make sure the toasters you buy do not explode in your kitchen. You expect as much, do you not, that some agency is going to make sure that product is safe? What about your mortgage? Should you not have the same peace of mind that when you walk out of the closing, you have not fallen into some trick or trap that is going to catch up with you later on?

Well, that is what we did. The Banking Committee had this financial regulatory reform bill. Senator DODD of Connecticut went to Senator SHELBY of Alabama, the ranking Republican, and

said: Let's make it bipartisan. He worked with Senator SHELBY for several months, and ultimately Senator SHELBY said: We cannot reach an agreement.

Then he sat down, Senator DODD did, with Senator CORKER of Tennessee, who just spoke. Senator CORKER is a man I respect very much. They tried to work together. They spent about a month at it. It led to nothing. So Senator DODD said: Well, at this point, we ought to move it to committee. Let's have the amendment process. Let's find out what this bill is going to look like. Let's have a debate. It was brought to the Banking Committee with over 400 amendments pending. The Republicans decided, at the committee, they would not offer one amendment to the bill.

Instead, the Republican ranking member said: Just vote it in or out. They voted, partisan rollcall. Democrats voted it out. It is now on the floor and will be up next in consideration.

The Republican minority leader, Senator MCCONNELL of Kentucky, comes to the floor last week and says: We are going to oppose the bill because it is another taxpayer bailout. He fails to mention that what has been built into the bill, with Republican input, is not a taxpayer bailout at all. It is says to the banks, which would be protected: You have to create your own liquidation fund so if you get in trouble, the taxpayers do not end up holding the bag.

This has to be bankers' money, not taxpayers' money. So if there is any bailout, it is a bailout of, by, and for bankers, for their institutions, so the taxpayers do not end up holding the bag, again.

So Senator MCCONNELL's characterization of what this bill does is not accurate. It charges up people to hear about another bailout, as we would expect. But it does not tell the story. Then comes a decision by the Republicans, 41 of them, to sign a letter to say they oppose this bill. They did not participate in creating it, they oppose it.

One of the Republican Senators said: That means we are going to vote against your even bringing it up. We are going to start a filibuster against this bill to try to stop it.

Well, I would ask my Republican colleagues, all 41 of them, to pause and reflect for a moment. When Senator MCCONNELL was selling to his Republican caucus tickets on this ''pleasure cruise'' to end financial reform, to end this reform of Wall Street, there were pretty calm seas. But last Friday something happened that changed the picture.

The Securities and Exchange Commission filed a civil action against Goldman Sachs and said they had been engaged in conduct which was literally reprehensible. They were basically misleading the people who were investing in their investment products and steering the business for an outcome.

It truly was the worst, at least the allegations of the complaint, are the worst in corporate greed at the Wall Street level. I would urge my colleagues on the Republican side to think twice about the letter you signed that said you do not want to be part of a reform effort. Most of America is fed up with what is going on, on Wall Street.

This latest action by the SEC is clear evidence of the problems. Those who signed the letter for this pleasure cruise trip have come onto some rough seas now with this SEC action. I would think, if they look closely at that ticket that they have for this pleasure cruise with Wall Street, they will find they are on the SS Titanic. They are about to hit an iceberg because the American people are fed up with what has happened on Wall Street: Taking taxpayers' money for a bailout, using the money for bonuses for CEOs who made these boneheaded mistakes, taking it out on investors and savers across America, and then saying to Congress: Whatever you do, our friends in Congress, do not let them change the laws and make it more difficult.

Well, the American people want us to have laws that will protect them in their investments, in their savings, that will guarantee transparency. They do not want us to continue down this path where we are allowing the financial institutions on Wall Street to engage in practices that are ultimately going to harm the economy. We do not want to see a rerun of this recession.

We need to move to this financial regulatory reform bill after we consider nominations, and I hope—I hope—a few of the Republican Senators who are genuinely committed to reform will not get on a pleasure cruise with Wall Street. We would rather have them roll up their sleeves and join us, going to work to bring real reform.

Mr. President, I yield the floor.

Mr. NELSON of Florida. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I would be happy to yield.

Mr. NELSON of Florida. Would the Senator believe the latest iteration of objection by the other side to this Wall Street reform effort is what I heard this morning: that they now say this legislation should not be rushed through the Senate?

My question to the distinguished assistant majority leader is, How many months have we been working, and working in a bipartisan fashion, on this legislation?

Mr. DURBIN. I can say, to my knowledge, 6, 8 months—maybe longer—this has been in the process. It passed over in the House of Representatives. It came over here, and I know it has been under active consideration. We did have health care reform going. But I know Senator DODD and the Banking Committee, at least for the last several months, have been working with the Republicans trying to engage them in this process. So to say this is being sprung on them without notice I do not think is accurate.

Mr. NELSON of Florida. Does it seem to the Senator—Mr. President, if I may continue a question—does it seem to the Senator there is something eerily symmetrical here in the way there is always the cry that it is being rushed through the Senate Chamber? Did we hear echoes of that over the course of the last year with regard to health care legislation?

Mr. DURBIN. In response through the Chair to the Senator from Florida, after the Senate in the HELP Committee adopted 150 Republican amendments to the health care bill, every single Republican on the committee voted against it. And you know what happened—the same, of course—in the Senate Finance Committee. And then the complaints were made that after 14 months of active consideration of this measure, we were somehow rushing it through.

It is the same story. It is the same script being played over and over. As I said—I do not know if the Senator from Florida was on the floor—the basic policy on the other side of the aisle is stall, stop, and kill. And this approach—saying no to everything, refusing to engage in even writing a bill—is not serving our Nation. There are things we need to do, and this is one of them.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

Mr. NELSON of Florida. Mr. President, I want to speak on this legislation as well, this legislation we are finding is strongly opposed by the Wall Street banks, which have fared so very well at taxpayers' expense and now do not want any kind of legislation that will call on them to have any kind of transparency and checks and balances on what has been an intolerable situation.

If this motion to proceed to the financial reform bill fails, obviously, it is going to be the American taxpayer who is going to suffer. When we get around to considering the motion to proceed, if it is denied, it will be a vote in favor of keeping the status quo. It will be a vote in favor of $700 billion bailouts, reckless financial risk taking, and all the other problems that come with our current financial regulatory system.

Is anybody satisfied with what we have been through over the past couple of years? I do not think a vast majority of the American people are satisfied. To the contrary, I think they are outraged as to what they have seen on Wall Street and thus the need for Wall Street regulatory reform.

Last week, I had spoken on the need to reform compensation practices on Wall Street. I have put forth a specific proposal that would tie future tax deductions for huge executive compensation at big financial institutions to the

adoption of responsible performance-oriented compensation standards. What I have suggested are standards that have been developed already by the Federal Reserve System and the Financial Stability Board, which is the council of major central banks.

Some financial institutions have already begun to implement these standards. But we need them to apply to all those major financial institutions. It only takes one reckless and irresponsible institution to wreak havoc on our financial system. So by requiring the very largest banks to tie the pay of their highest paid executives to the long-term performance of that financial institution is sound, responsible reform we should be able to agree on. Remember, it has already been adopted by the Federal Reserve Board and the Financial Stability Board, which is the council of major central banks.

But today I want to address another important aspect of financial reform that is related to this complicated thing called derivatives regulation and energy speculation. Let's take derivatives. It is arcane. It is abstract. It is something folks do not understand. It is very difficult to understand. In essence, some of the examples I am going to give are—you can think of it as an insurance policy, a derivative. It is a derivation of normal financial instruments. Some derivatives provide companies with legitimate backup insurance. It is a way to hedge against the risk in the marketplace.

But the market for derivatives has gotten out of control. Many of those derivatives today are simply bets—basically gambling bets—between banks that do little if anything to benefit the Nation's economy. They help create financially speculative bubbles that increase prices, whether it is the prices at the gas pump or in the checkout line in the supermarket, but also the experience we have had that increases the prices in our housing market.

In the area of derivatives regulation, the Banking Committee bill creates some commonsense safeguards to improve accountability and transparency. Over the last two decades, much of the activity on Wall Street has moved away from traditional investment banking and asset management and into this speculation on derivatives trading. For example, in the 10-year period between 1998 and 2008, the value of outstanding derivatives grew from less than $100 trillion to nearly $600 trillion.

They can play an important function in managing risk, whether it is an interest rate, foreign exchange, or energy price risks. But when you allow investors to leverage all of their investment, derivatives allow speculators to take on much more risk with much less capital.

Because the trading of derivatives is largely conducted in unregulated, over-the-counter markets, the reckless speculative positions taken by companies such as AIG and others nearly brought down the financial system. Because derivatives are used to speculate on all types of goods—not just securities—they can have significant consequences in other parts of the economy.

In early 2008, we saw the price of oil hit stratospheric heights, largely because of excessive speculation in oil and energy derivatives. There are a number of us in the Senate who have worked to close the so-called Enron loophole and clarify that energy derivatives should be traded on a regulated exchange and treated like other commodity derivatives.

The financial reform bill that is coming to the floor addresses problems in the derivatives marketplace by requiring that derivatives be traded through clearinghouses and public exchanges. It authorizes the Commodity Futures Trading Commission to establish speculative position limits on the amount of exposure that any one investor can take. For example, if you are going to be buying and selling these things on the exchanges, the person buying it—instead of turning right around and trading it—is going to have to buy and keep and hold a certain percentage of the acquisition.

These are important first steps. But the bill coming here from the committee should do more to protect the taxpayers, and it should do more to stop the excessive speculation that can drive up prices. Take, for example, gas prices. I am going to be offering an amendment to do just that. It is going to require that regulators set hard caps on the positions taken by energy traders. In other words, there would be only a certain amount they could buy of all that particular speculative product.

My amendment would eliminate the loopholes in the bill that will come to the floor that would allow these unwarranted exemptions from those limits. The amendment would require these limits be put in place by a date later this year.

I am concerned the committee bill coming to the floor retains current rules in the Bankruptcy Code that give the so-called counterparties in derivative contracts special, preferred treatment when a firm becomes insolvent. This special treatment ensures that Wall Street banks and other large traders are put at the front of the line over an insolvent firm's customers.

I want to give you an example. It was most apparent in late 2008 when billions of taxpayer dollars were given to AIG, which was deemed too large to fail. Then those taxpayer dollars in the bailout, through the TARP funds, actually flowed through to counterparties, which were people who had bought these derivatives like insurance policies, and they paid them off.

Goldman Sachs received $13 billion from the taxpayers through the Federal bailout of AIG. Do you think that goes over well on American Main Street, when they see Wall Street having the Federal Government saving a firm like AIG and then it turns around and pays off on those speculative derivatives—in this case, to Goldman Sachs for $13 billion? That does not go over very well, and it is not fair.

We simply need to eliminate the special treatment Wall Street banks and other financial firms that hold large derivative positions receive in the bankruptcy and liquidation process.

I am going to offer an amendment to clarify that those derivative counterparties—such as that insurance policy for which I gave the example where AIG paid off Goldman Sachs—those kinds of speculative ventures are never again going to jump to the front of the line in the bankruptcy process—ahead of whom? Ahead of taxpayers and customers and other creditors.

It is time for us to move ahead with financial reform. So when we get around to whether we are even going to take up this bill, a vote against the motion to proceed to get to the bill is a vote against reform. It is a vote in favor of continued bailouts. The Banking Committee has produced a strong committee bill, and I hope here on the floor, with amendments, we will make it even stronger. I hope our colleagues will join us in this effort.

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

Mrs. FEINSTEIN. Mr. President, what is the pending business?

The PRESIDING OFFICER. We are in executive session.

Mrs. FEINSTEIN. I will speak on the nominee at this time.

I come to the floor to support the nomination of Dr. Lael Brainard to be the next Under Secretary of the Treasury for International Affairs.

Before I proceed, let me say I have known Lael Brainard for some time. We participated together in a strategy group held by the Aspen Institute, I think, for more than a decade now. I found her to be very incisive and bright. Additionally, in the course of her work at the Brookings Institution's Global Economy and Development Program she has worked with my husband over a period of some 6 years now. He has gotten to know her well as well.

On March 23, 2009, President Obama nominated Dr. Brainard to be the Under Secretary of the Treasury for International Affairs. This is an especially important position in the executive branch, and never more so than during this very critical time for the domestic and global economies. Yet her nomination has languished for more than a year—another casualty of obstructionist behavior, I believe, from our colleagues across the aisle.

The Under Secretary position for which Dr. Brainard has been nominated

focuses on three primary objectives: First, fostering U.S. economic prosperity by pursuing international policies and programs that help strengthen and grow our very own economy, create job opportunities for Americans, and keep global markets open for American exports; second, ensuring U.S. economic stability by promoting the American economy and working to prevent and mitigate financial instability abroad; third, strengthening U.S. economic security by supporting the administration's foreign engagement through the multilateral development banks to manage global challenges.

The Treasury Department needs a qualified person such as Dr. Brainard in this vital leadership position—especially at a time when the Department is continuing its efforts to ensure economic growth, engage China on economic issues, and advance our global recovery agenda following the financial crisis.

As a matter of fact, the Secretary of the Treasury himself has called about this position simply to say how important it is that she get confirmed at this time. I had the privilege to talk to Senator KYL about it yesterday by phone, and I am hopeful this confirmation will take place this evening without further delay.

Let me speak for a few moments on her track record of service. I see her as a devoted public servant, someone who has spent most of her career serving our people. She has held several senior positions in the administration and in the nonprofit and academic sectors, including Deputy National Economic Adviser for President Clinton; Vice President and Founding Director of the Brookings Institution's Global Economy and Development Program, which is where my husband has worked with her for the 6 years, as I mentioned; and associate professor of applied economics at MIT's Sloan School.

She has also served as a White House fellow and a National Science Foundation fellow, among numerous other professional achievements.

In short, she is eminently qualified for this senior administration position for which she has been nominated.

Despite these excellent qualifications and her impressive resume, however, her nomination has languished in the Senate for more than a year. It is time to get it done this afternoon.

Dr. Brainard was nominated by President Obama on March 23 of last year. She was favorably reported by our colleagues in the Senate Finance Committee in December of last year. However, a hold was placed on her nomination, as well as that of two other senior Treasury nominees.

Many questions have been raised about her personal income tax returns, business partnerships, and the hiring of household employees, all of which are done jointly with her husband, Kurt Campbell. Mr. Campbell—whom I have also known because he participated in the same Aspen Strategy Group for more than a decade—is currently the Assistant Secretary of State for East Asian and Pacific Affairs, a position to which he was unanimously confirmed on June 25, 2009. So the same questions were asked of him as were asked of Lael Brainard.

She has responded to questions in multiple rounds from majority and minority staff. She has answered every question asked of her and provided hundreds of pages of submissions in a forthcoming, honest, and direct manner. Clearly, at some point, there were some differences of opinion for some Members, but that has been settled, to the best of my knowledge. She submitted the same paperwork about taxes and the hiring of household employees as Mr. Campbell did during his confirmation, and during that time neither the Foreign Relations Committee nor any Member of the full Senate raised any concerns regarding this information.

As the United States is entering a particularly intense period of international engagements this spring and summer, I believe Dr. Brainard's confirmation is essential to ensuring effective U.S. policy coordination and implementation.

I wish to point out that she has broad bipartisan support, as well as the support of a multitude of nongovernmental organizations and businesses. She is supported by the U.S. Chamber of Commerce, the Business Roundtable, U.S. Council on International Business, Business Council for International Understanding, Council of the Americas, Coalition of Service Industries, the Emergency Committee for American Trade, the National Foreign Trade Council, and the National Association of Manufacturers.

In my opinion, she is a woman of strong common sense, integrity, credibility, and sound judgment. She is exceptionally well qualified, and I urge my colleagues to approve her nomination without further delay.

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.

Mr. REED. 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. REED. Mr. President, I rise today in support of the nomination of Lael Brainard to be Under Secretary of the Treasury for International Affairs.

I know Lael personally. She is a renowned expert in international economics, a dedicated public servant, and is highly qualified for this important position. I had the privilege of working with her when she was a member of the Clinton administration as Deputy Assistant to the President for International Economics. Then she went on to be a vice president and founding director of the Brookings Institution's Global Economy and Development Program and then an associate professor of applied economics at MIT's Sloan School.

She has extraordinary credentials and experience, but she is also, in addition to that, someone who has a wide ranging interest in international economics, international affairs, and international security policy.

She is someone I have known for many years, someone I respect immensely for her judgment, her maturity, and her dedication to not only the country but also to ensuring that our policy reflects our highest ideals, as well as advances our cause around the world.

She has been nominated for a very critical position. International economics is no longer a secondary concern. It is of primary concern, if it ever was a secondary concern. We are now approaching a time when our relationships with the world's economies are no longer one of the strong versus the many smaller economies. We are in a very competitive global economy, and we need this type of representation in the Department of the Treasury. We have to engage China, and no one is more thoughtful and better prepared to do that than Lael.

We have to stabilize this economy through this financial crisis which we are seeing not just in terms of private markets but the situation in Greece, the issues of sovereign debt. All of these cry out for an individual in the Department of Treasury who is not only well versed but also in place to do the work. Again, I can find no higher qualified candidate than Lael.

We have to expand export opportunities. The President has rightly called upon this country not only to begin to grow again but to direct our growth away from domestic consumption to export. We need someone in the international arena fighting for us, the United States. We need an individual who is responsible and accountable for that effort. Again, I cannot think of a more experienced, more dedicated, and more qualified individual than Lael.

We have been waiting, the Department of Treasury has been waiting, Lael Brainard has been waiting, since December 2009 for confirmation. That is a long time to put a high priority issue on the back burner.

What is ironic is it appears no one is challenging her experience, her credentials, her demeanor, her temperament—anything. She is collateral damage, if you will, in another dispute which is not one of the most significant and commendable parts of the process here. We all have issues with individual candidates, but after those issues are well ventilated and since December 2009—that is a long time—we have to take it to a vote up or down. I urge that her nomination move forward this evening. She is extraordinarily qualified, and she is someone who can take on the extraordinary challenges of this job.

Frankly, right now we have wasted months and months through this process where we could have had the very best person available focus on the international competitiveness of the United States, and I think our constituents demand it.

Mr. KERRY. Mr. President, I urge my colleagues to support the nomination of Dr. Lael Brainard to be Under Secretary of the Treasury for International Affairs. This is a vital role and it is important that we fill this position during this time of immense global challenges. The filling of this position is long overdue. Dr. Brainard is highly qualified and we are fortunate that a candidate of her quality is willing to serve.

The Under Secretary for International Affairs is critical to the administration's efforts to engage China on economic issues, stabilize the global economy following the financial crisis, expand export opportunities, and pursue reforms and effective U.S. investments in the multilateral developments banks.

Dr. Brainard attended Wesleyan University before receiving a Master's and Doctorate in Economics from Harvard University. She is the recipient of a White House Fellowship and Council on Foreign Relations Fellowship. During the Clinton administration, Dr. Brainard served as Deputy National Economic Adviser and chair of the Deputy Secretaries Committee on International Economics. Prior to joining the Clinton administration, she was an associate professor at the MIT Sloan School. She currently serves as vice president and founding director of the Global Economy and Development Program at the Brookings Institution.

During her tenure with the Clinton administration, Dr. Brainard faced global economic challenges, including the Asian finance crisis, the Mexican financial crisis, and China's entry to the World Trade Organization. She helped shape the 2000 G8 Development Summit that for the first time included leaders of the poorest nations and laid foundations for the Global Fund to fight AIDS, TB, and malaria.

Over the years, Dr. Brainard has written extensively on international economic issues. In recent years, she has focused on the links between U.S. competitiveness and climate change policy. As we address climate changes issues, it will be helpful to have someone with her knowledge as part of our team.

President Obama nominated Dr. Brainard back in March and I appreciate her patience with the process. I look forward to working with Dr. Brainard to address the international economic challenges that we face.

Mr. LEAHY. Mr. President, the majority leader has taken a significant step to address the crisis created by Senate Republican obstruction of President Obama's highly qualified nominations and the Senate's advice and consent responsibilities. Regrettably, Republican obstruction has made it necessary for the majority leader to file cloture to bring an end to Republican filibusters and allow the Senate to consider at least some of the long-stalled nominations languishing on the Senate's Executive Calendar.

In a dramatic departure from the Senate's traditional practice of prompt and routine consideration of noncontroversial nominations, Senate Republicans have refused for month after month to join agreements to consider, debate and vote on nominations. Their practices have obstructed Senate action and led to the backlog of over 80 nominations now stalled before the Senate, awaiting final action. The American people should understand that these are all nominations favorably reported by the committees of jurisdiction. Most are nominations that were reported without opposition or with a small minority of negative votes. Regrettably, this has been an ongoing Republican strategy and practice during President Obama's presidency.

Twenty-five of those stalled nominations are to fill vacancies in the Federal courts. They have been waiting for Senate action since being favorably reported by the Senate Judiciary Committee as long ago as last November. Those 25 judicial nominations are more than the 18 Federal circuit and district court nominees that Republicans have allowed the Senate to consider and act upon during President Obama's administration.

To put this in perspective, by this date during George W. Bush's Presidency, the Senate had confirmed 45 Federal circuit and district court judges. President Obama began sending the Senate judicial nominations 2 months earlier than President Bush did, and still only 18 Federal circuit and district court confirmations have been allowed. If we had acted on the additional 25 judicial nominations reported favorably by the Senate Judiciary Committee but on which Senate Republicans are preventing Senate action, we would have made comparable progress. As it stands we are 60 percent behind what we achieved by this time in President Bush's first term.

Republicans continue to stand in the way of these nominations, despite vacancies that have skyrocketed to over 100, more than 40 of which are ''judicial emergencies.'' Caseloads and backlogs continue to grow while vacancies are left open longer and longer. On this date in President Bush's first term, the Senate had confirmed 45 Federal district and circuit court judges; there were just 7 judicial nominations on the calendar, and all 7 were confirmed within 12 days. That was normal order for the Democratic Senate majority considering President Bush's nominations. Circuit court nominations by this date in his first term waited an average of less than a week to be confirmed. By contrast, currently stalled by Senate Republicans are circuit court nominees reported back in November and December of last year. The seven circuit court nominees the Senate has been allowed to consider so far have waited an average of 124 days reported to be considered and confirmed after being favorably—more than 4 months compared to less than 1 week for President Bush's nominees—and those delays are increasing.

In the 17 months in 2001 and 2002 that I chaired the Judiciary Committee, the Senate confirmed 100 of President Bush's judicial nominations. In stark contrast, to date, the Senate has only been allowed to act on 18 circuit and district court nominations. Twenty-two of the 25 nominations pending on the calendar have been pending for more than a month. Eighteen were reported by the Judiciary Committee without dissent—without a single negative vote from any Republican member. Still they wait.

Republican obstruction has the Senate on a sorry pace to confirm fewer than 30 judicial nominees during this Congress. Last year, only 12 circuit and district court judges were confirmed. The lowest total in more than 50 years. We have to do far more to address this growing crisis of unfilled judicial vacancies.

It has been almost 5 months since I began publicly urging the Senate Republican leadership to abandon its strategy of obstruction and delay of the President's judicial nominees. But we have not considered a judicial nomination since March 17, when we finally confirmed the nomination of Rogeriee Thompson of Rhode Island to the First Circuit. Even though Judge Thompson had two decades of experience on her State's courts, and her nomination was reported by the Senate Judiciary Committee without a single dissenting vote, it stalled on the Senate Executive Calendar for nearly 2 months before she was unanimously confirmed, 98–0. There was no reason or explanation given by Senate Republicans for their unwillingness to proceed earlier.

Before that vote, the majority leader was required to file cloture on the nomination of Barbara Keenan of Virginia to the Fourth Circuit. Judge Keenan's nomination was stalled for 4 months. After the time consuming process of cloture, her nomination was approved 99 to zero. There was no reason or explanation given by Senate Republicans for their unwillingness to proceed earlier or for the filibuster of that nominee either.

Similarly, there has yet to be an explanation for why the majority leader was required to file cloture to consider the nominations of Judge Thomas Vanaskie to the Third Circuit and Judge Denny Chin to the Second Circuit, both widely respected, long-serving district court judges. Judge Vanaskie has served for more than 15 years on the Middle District of Pennsylvania, and Judge Chin has served for 16 years on the Southern District of New York. Both nominees have mainstream records, and both were reported

by the Judiciary Committee last year with bipartisan support. Judge Chin, who was the first Asian Pacific American appointed as a Federal district court judge outside the Ninth Circuit, and who, if confirmed, would be the only active Asian-Pacific American judge to serve on a Federal appellate court, was reported by the committee unanimously.

The majority leader has also filed cloture to end the extended Republican effort to prevent Senate consideration of the nomination of Professor Chris Schroeder to lead the Office of Legal Policy at the Justice Department. Professor Schroeder was first nominated by President Obama on June 4, 2009. He appeared before the Senate Judiciary Committee last June, and was reported favorably in July by voice vote, with no dissent. His nomination then languished on the Senate's Executive Calendar for nearly 5 months, with not a single explanation of the delay. Then, as the year drew to a close, Republican Senators objected to carrying over Professor Schroeder's nomination into the new session, and it was returned to the President without action, forcing the process to begin all over again. President Obama renominated Professor Schroeder early this year, and his nomination was reconsidered and reported by the Judiciary Committee with Republican support. A scholar and public servant who has served with distinction on the staff of the Senate Judiciary Committee and in the Justice Department, Professor Schroeder has support across the political spectrum.

Democrats treated President Bush's nominations to run the Office of Legal Policy much more fairly than Republicans are treating President Obama's nominee, confirming all four nominees to lead that office quickly. We confirmed President Bush's first nominee to that post by a vote of 96 to 1 just 1 month after he was nominated, and only a week after his nomination was reported by the Judiciary Committee. In contrast, Professor Schroeder's nomination has been pending since last June and will require cloture to be invoked before the Senate can finally have an up-or-down vote.

The majority leader has also filed cloture to end the obstruction of the longest-pending judicial nomination on the Executive Calendar, that of Marisa Demeo to the District of Columbia Superior Court. Her nomination has been blocked since it was reported by the Homeland Security and Governmental Affairs Committee in May 2009. This sort of obstruction of a DC Superior Court nomination is unprecedented. These nominations for 15-year terms on the District's trial court are not usually controversial. The nomination of Magistrate Judge Demeo, an experienced former prosecutor and Justice Department veteran who is the second Hispanic woman nominated to this court, is one I strongly support. I know Judge Demeo and have known her for years. The chief judge of the Superior Court, Lee Satterfield, has written several times to the majority and minority leaders about the ''dire situation'' created by vacancies on that court for administration of justice in Washington, DC, our Nation's Capital. As usual, the cost of Republican obstruction is borne by the American people.

Not long after President Obama was sworn in, Senate Republicans signaled their strategy of obstruction, threatening to filibuster his nominations before he had made a single one, in their letter of March 2, 2009. The stated basis for their threat was to ensure consultation with home State Senators. President Obama has consulted with home state Senators of both parties, yet Senate Republicans filibustered the very first of President Obama's judicial nominations, the nomination of Judge David Hamilton of Indiana to the Seventh Circuit, despite such consultation. The Senate had to invoke cloture to consider Judge Hamilton's nomination, even though he was a well-respected district court judge supported of Senator LUGAR, the longest-serving Republican in the Senate, with whom President Obama consulted before making the nomination.

Senate Republicans have ratcheted up their bad practices from the 1990s when they pocket filibustered more than 60 of President Clinton's judicial nominations, creating a vacancies crisis on the Federal bench.

Democrats did not do the same to President Bush's nominees. I followed through on my commitment to treat them more fairly. I worked hard in 2001 and 2002, even after the 9/11 attacks and the anthrax attacks, holding hearings, including during Senate recess periods, in order to swiftly consider President Bush's nominees. That is why the Senate confirmed 100 of his judicial nominees by the end of 2002. Democrats only refused to rubber stamp a handful of the most extreme, ideological and divisive of President Bush's nominees.

During the Bush Presidency Senate Republicans contended that filibusters of judicial nominations were ''unconstitutional.'' Now that President Obama is in the White House, Senate Republicans have filibustered the nomination of Judge David Hamilton, and Judge Barbara Keenan, who was then confirmed unanimously. The same Republican Senators who recently threatened to blow up the Senate unless every nominee received an up-or-down vote are now engaged in another attempt to abuse the rules of the Senate and undermine the democratic process. Republican Senators who just a few years ago insisted that ''elections have consequences'' have now made the use of filibusters, holds, and excessive procedural delays the new normal in the Senate. They seem intent on continuing their destructive practices.

It is regrettable that the majority leader has to file cloture on these mainstream nominations today, just to allow the Senate to hold the up-or-down votes that Republican Senators once demanded for the most extreme and ideological nominees of a Republican President. I thank him for doing so, and look forward to the confirmation of these nominees.

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

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

CLOTURE MOTION

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Lael Brainard, of the District of Columbia, to be an Under Secretary of the Treasury.

Harry Reid, Patrick J. Leahy, Sheldon Whitehouse, Joseph I. Lieberman, Sherrod Brown, Richard J. Durbin, Daniel K. Inouye, Tom Harkin, Amy Klobuchar, Roland W. Burris, John D. Rockefeller, IV, Jon Tester, Christopher J. Dodd, Byron L. Dorgan, Al Franken, Claire McCaskill, Benjamin L. Cardin.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on the nomination of Lael Brainard, of the District of Columbia, to be an Under Secretary of the Treasury shall be brought to close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Iowa (Mr. HARKIN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), and the Senator from Texas (Mrs. HUTCHISON).

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

The yeas and nays resulted—yeas 84, nays 10, as follows:

[Rollcall Vote No. 118 Ex.]

YEAS—84

Akaka	Burris	Dodd
Alexander	Byrd	Dorgan
Baucus	Cantwell	Durbin
Bayh	Cardin	Feingold
Begich	Carper	Feinstein
Bennet	Casey	Franken
Bingaman	Cochran	Gillibrand
Bond	Collins	Graham
Brown (MA)	Conrad	Grassley
Brown (OH)	Corker	Gregg
Burr	Crapo	Hagan

Hatch	Lugar	Schumer
Inouye	McCain	Sessions
Isakson	McCaskill	Shaheen
Johanns	McConnell	Shelby
Johnson	Menendez	Snowe
Kaufman	Merkley	Specter
Kerry	Mikulski	Stabenow
Klobuchar	Murkowski	Tester
Kohl	Murray	Thune
Kyl	Nelson (NE)	Udall (CO)
Landrieu	Nelson (FL)	Udall (NM)
Lautenberg	Pryor	Voinovich
Leahy	Reed	Warner
LeMieux	Reid	Webb
Levin	Risch	Whitehouse
Lieberman	Rockefeller	Wicker
Lincoln	Sanders	Wyden

NAYS—10

Barrasso	DeMint	Roberts
Brownback	Ensign	Vitter
Bunning	Enzi	
Cornyn	Inhofe	

NOT VOTING—6

Bennett	Chambliss	Harkin
Boxer	Coburn	Hutchison

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 10. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

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

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

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

RULE OF LAW AND WALL STREET

Mr. KAUFMAN. Madam President, as we continue to learn more facts from various investigations into the 2008 financial meltdown, a certain picture is becoming increasingly clear. Like a jigsaw puzzle slowly taking shape, we can begin to see the outlines of many of the causes of the crisis—and the solutions they demand. In my view, it is a picture of Wall Street banks and institutions that have grown too large and complex and that suffer from irreconcilable conflicts between the services they provide for their customers and the transactions they engage in for themselves. It is also a picture of management that either knew about the lack of financial controls and outright fraud at the very core of these institutions or was grossly incompetent because it did not. And the picture includes regulators who failed miserably as well, due to malfeasance or incompetence or some combination of both.

Until Congress breaks these gigantic institutions into manageably sized banks and draws hard, clear lines for regulators to ensure that effective controls remain in place, we will have done neither that which is necessary to restore the rule of law on Wall Street nor that which will ensure that another financial crisis does not soon happen again.

What have we learned in just the past 5 weeks?

On March 15, I came to the Senate floor to discuss the bankruptcy examiner's report on Lehman Brothers and said, as many of us have suspected all along, that there was fraud—fraud—at the heart of the financial crisis. The examiner's report exposed the so-called Repo 105 transactions and what appears to have been outright fraud by Lehman Brothers, its management, and its accounting firm, which all conspired to hide $50 billion in liabilities at quarter's end to ''window dress'' its balance sheet and mislead investors. And this practice does not appear to be unique to Lehman Brothers.

I went further and noted that questions were being raised in Europe about whether Goldman Sachs had an improper conflict of interest when it underwrote billions of Euros in bonds for Greece. The questions being raised include whether some of these bond-offering documents disclosed the true nature of these swaps to investors and, if not, whether the failure to do so was material.

Last week, we learned about more alleged fraud at the heart of the financial crisis. On Friday, the Securities and Exchange Commission filed charges against Goldman Sachs and one of its traders for alleged fraud in the structuring and marketing of collateralized debt obligations tied to subprime mortgages. Goldman allegedly defrauded investors by failing to disclose conflicts of interest in the design and structure of these collateralized debt obligations. The SEC says this alleged fraud cost investors more than $1 billion.

While I will not prejudge the merits of the case, the SEC's complaint alleges that Goldman Sachs failed to disclose to investors vital information about the CDO, in particular the role that a major hedge fund played in the portfolio selection process and that the hedge fund had taken a short position against the CDO.

Robert Khuzami, Director of the SEC Division of Enforcement, said:

> Goldman wrongly permitted a client that was betting against the mortgage market to heavily influence which mortgage securities to include in an investment portfolio, while telling other investors that the securities were selected by an independent, objective third party.

Kenneth Lench, chief of the SEC's Structured and New Products Unit, added:

> The SEC continues to investigate the practices of investment banks and others involved in the securitization of complex financial products tied to the U.S. housing market as it was beginning to show signs of distress.

Goldman Sachs has denied any wrongdoing and has said it will defend the transaction.

This particular case involving Goldman Sachs was almost certainly not unique. Instead, it was emblematic of problems that occurred throughout the securitization market.

Late last month, Bob Ivry and Jody Shenn of Bloomberg News wrote about the conflicts of interest present in the management of CDOs, a topic also discussed at length in Michael Lewis's book ''The Big Short.'' The SEC should pursue other instances of conflicts of interest in the CDO market that led to a failure to disclose material information.

Last year, Senators LEAHY, GRASSLEY, and I, along with many others in the Congress, worked to pass the bipartisan Fraud Enforcement and Recovery Act so that our law enforcement officials would have additional resources to target and uncover any financial fraud that was a cause of the great financial crisis. However long it takes, whatever resources the SEC needs, Congress should continue to back the SEC and the Justice Department in their efforts to uncover and prosecute wrongdoing.

I applaud SEC Chairman Mary Schapiro and especially Rob Khuzami and the team he has reshaped in the Enforcement Division. They deserve our steadfast support as the leadership of the SEC continues its historic mission of revitalizing that institution and making it clear to all on Wall Street that there is a new cop on the beat.

Also last week, our colleague, chairman CARL LEVIN, ranking member TOM COBURN, and the staff of the Permanent Subcommittee on Investigations began a series of hearings on the causes of the financial crisis. It is a testament to the professionalism and dedication of Chairman LEVIN that he has brought the subcommittee's resources to bear in such an effective and thorough manner. I also commend ranking member TOM COBURN for his dedication and effort as a partner in this effort. Chairman LEVIN and the subcommittee staff deserve credit and our deep appreciation for the work they have put into this series of hearings on Wall Street and the financial crisis.

Since November 2008, subcommittee investigators have gathered millions—millions—of pages of documents, conducted over 100 interviews and depositions, and consulted with dozens of experts. It is truly a mammoth undertaking, and the fruits of their labor were evident in last week's two hearings on Washington Mutual Bank. I look forward to the subcommittee's remaining two hearings on this subject, including this Friday's hearing on the role of the credit rating agencies. I commend this hearing to all my colleagues.

The Levin hearings deserve comparison to the legendary Pecora investigations of the 1930s, which were held by the Senate Committee on Banking and Currency to investigate the causes of the Wall Street crash of 1929. The name refers to the fourth and final chief counsel for the investigation, Ferdinand Pecora, an assistant district attorney for New York County. As chief counsel, Pecora personally examined many high-profile witnesses who included some of the Nation's most influential bankers and stockbrokers. The

investigation uncovered a wide range of abusive practices on the part of banks and bank affiliates. These included a variety of conflicts of interest, such as the underwriting of unsound securities in order to pay off bad bank loans as well as ''pool operations'' to support the price of bank stocks.

The Pecora hearings galvanized broad public support for new banking and securities laws. As a result of the Pecora investigation's findings, the Congress passed the Glass-Steagall Banking Act of 1933 to separate commercial and investment banking; the Securities Act of 1933 to set penalties for filing false information about stock offerings; and the Securities Exchange Act of 1934, which formed the Securities and Exchange Commission, to regulate the stock exchanges. Thanks to the legacy of the Pecora Commission hearings and subsequent legislation, the American financial institution rested on a sound regulatory foundation for over half a century; that is, until we began the folly of dismantling it.

The Levin hearings have shined a much needed spotlight on the role of potential outright fraud by financial actors as well as the incompetence and complicity of bank regulators in the financial crisis. There is no better example of the danger that fraud and lax regulation poses to our financial system than the collapse of Washington Mutual Bank, known as WaMu.

Far too often, the failure of institutions such as Washington Mutual is blamed on high-risk business strategies. It kind of sounds all right, doesn't it? While such strategies are clearly part of the problem, they should not be used to mask other causes such as fraud and malfeasance which played a significant role in the collapse of WaMu. Evidence developed by the subcommittee demonstrates that WaMu officials tolerated, if not outright encouraged, fraud as a byproduct of promoting a dramatic expansion of loan volume.

The most blatant example of WaMu's culture of fraud was its widespread use of what are called stated income loans. Stated income loans is a practice of lending qualified borrowers loans without independent verification of what they state their income is. Listen to this. This is unbelievable. Approximately 90 percent of WaMu's home equity loans, 73 percent of its option ARMs, and 50 percent of its subprime loans were stated income loans. You go to the bank, you walk in, they say: Ted, what is your income? You say what it is, and that is it. Based on that, you can get 90 percent of WaMu's home equity loans, 73 percent of its option ARMs, and 50 percent of its subprime loans—stated income loans. As Treasury Department inspector general Eric Thorson said last week, WaMu's predominant mix of stated income loans created a ''target rich environment'' for fraud.

Because WaMu made these stated income loans with the intent to resell them into the secondary market, there was less concern whether borrowers would ever be able to repay them. WaMu created a compensation system that rewarded employees with higher commissions for selling the very riskiest of loans. In 2005, WaMu adopted what it called its high-risk lending strategy because those loans were so profitable. In order to implement this strategy, it coached its sales branch to embrace ''the power of yes.'' The message was clear. As one industry analyst has said: ''If you were alive, they would give you a loan . . . if you were dead, they would give you a loan.''

That this culture led to fraud on a massive scale should have surprised no one. An internal review by one southern California loan officer revealed that 83 percent of loans contained instances of confirmed fraud. In another office, 58 percent of loans were considered to be fraudulent. What did WaMu management do when it became clear that fraud rates were rising as house prices began to fall? What did they do? Rather than curb its reckless business practices, it decided to try to sell a higher proportion of these risky, fraud-tainted mortgages into the secondary market, thereby locking in a profit for itself even as it spread further contagion into our capital markets.

In order for WaMu and institutions similar to it to sell these low-quality loans to the secondary market, they need a AAA rating from credit rating agencies. So what did these institutions do? They gamed the system and manipulated the agencies by engaging in a practice called barbelling. Apparently, the credit rating agencies did not examine individual FICO scores when rating mortgage-backed securities and instead relied on average FICO scores. As revealed at the hearing by a WaMu risk officer and detailed in Michael Lewis's book ''The Big Short,'' lenders could create the requisite average score by pairing loans whose borrowers had relatively high scores with borrowers whose scores were far lower and would normally warrant a loan, which is the reason why it is called barbelling. So if the raters wanted an average FICO score of 615, a lender could compare scores of 680 with scores of 550, even though borrowers with scores of 550 were almost certain to default on the loan. This barbell effect satisfied the rating agencies, even though half the loans, in many cases, had little chance of success. At the hearing, WaMu's CEO, Kerry Killinger, effectively admitted to barbelling by saying ''I don't have the barbell numbers in front of me.''

To make matters worse, WaMu scored high FICO scores by seeking out borrowers with short credit histories. Such borrowers often have high FICO scores, even though they have not demonstrated the ability to take on and pay off large debts over time. These borrowers are called ''thin file'' borrowers. According to a report in the New York Times, WaMu encouraged thin file loans, even circulating a flier to sales agents that said ''a thin file is a good file.'' The book ''The Big Short'' even discusses a Mexican strawberry picker with an income of $14,000 and no English who was ostensibly given a $724,000 mortgage on the basis of his thin file.

Plainly, the Office of Thrift Supervision failed miserably in its responsibility to regulate WaMu and to protect the public from the consequences of WaMu's excessive and unwarranted risk-taking, including the toleration of widespread fraud. Although WaMu comprised fully 25 percent of OTS's regulatory portfolio, OTS adopted a laissez faire regulatory attitude at WaMu. Although line bank examiners identified the high prevalence of fraud and weak internal controls at WaMu, OTS did virtually nothing to address the situation. In fact, OTS advocated for WaMu, among other regulators, and even actively thwarted an FDIC investigation into WaMu during 2007 and 2008. The complete abdication of regulatory responsibility by OTS may find sad explanation in the fact that OTS was dependent on WaMu's user fees for 12 to 15 percent of its budget.

The regulatory failures at OTS were not unique. The overall regulatory environment at the time was extremely deferential to the market based on the widespread but faulty assumption that markets can and will effectively self-regulate. Self-regulate. At last Friday's hearing, the testimony of the inspector general at the Department of the Treasury was particularly noteworthy. He said bank regulators:

> . . . hesitate to take any action, whether it's because they get too close after so many years or they're just hesitant or maybe the amount of fees enter into it . . . I don't know. But whatever it is, this is not unique to WaMu and it is not unique to OTS.

Let me repeat. It was the conclusion of our Treasury Department's inspector general that the failure of regulators to harness the lawless nature of conflicted institutions was not unique to Washington Mutual or to the Office of Thrift Supervision.

I have said it before and I will say it again: It is time we return the rule of law to Wall Street, where it has been seriously eroded by the deregulatory mindset that captured our regulatory agencies over the past 30 years. We became enamored of the view that self-regulation was adequate, that enlightened self-interest would motivate counterparties to undertake stronger and better forms of due diligence than any regulator could perform, and that market fundamentalism would lead to the best outcomes for the most people. Some people even say that today. They say transparency and vigorous oversight by outside accountants is supposed to help our financial system—keep our financial system credible and sound. The allure of deregulation led us instead to the biggest financial crisis since 1929 and to former Federal Reserve Chairman Alan Greenspan's

frank admission that he was ''deeply dismayed'' that the premise of enlightened self-interest had failed to work. Now we are learning, not surprisingly, that fraud and lawlessness were key ingredients in the collapse as well.

As we turn to financial regulatory reform, we must remember that effective regulation requires not only motivated and competent regulators but also clear lines drawn by Congress. Based on what we have learned, what must we do?

First, we must undo the damage done by decades of deregulation. That damage includes financial institutions that are too big to manage and too big to regulate—as former FDIC Chairman Bill Isaac has called them: too big to manage, too big to regulate. It also includes a Wild West attitude on Wall Street, in which conflict of interests are rampant and lead to fraudulent behavior as well as colossal failures by accountants and lawyers who misunderstand or disregard their role as gatekeepers. The rule of law depends, in part, on having manageably sized institutions, participants interested in following the law, and gatekeepers motivated by more than a paycheck from their clients.

That is why I believe we must separate commercial banking from investment banking activities, restoring a modern version of the Glass-Steagall Act to end the conflicts of interest at the heart of the financial speculation undertaken by mega banks that are too big to fail. We further should limit the size of bank and nonbank institutions, something Senator SHERROD BROWN and I proposed in legislation we intend to introduce this Wednesday. Otherwise, we will continue to bear these mega banks' claims that they are merely market makers and no one who deals with them should trust whether the very creator of a financial product they sell is secretly betting against its success.

Second, we must help regulators and other gatekeepers not only by demanding transparency but also by providing clear, enforceable rules of the road wherever possible. One clear lesson of the Goldman allegations is, we need greater transparency and disclosure of counterparty positions in the over-the-counter derivatives market. We should mandate that derivatives are traded on an exchange or at least essentially cleared. The rare exemption should carry with it a reporting requirement so that all counterparties understand the positions being taken by other clients of the dealer firm.

Clearly, we need to fix a broken securitization market. No market, regardless of how sophisticated its participants, can function without proper transparency and disclosure. While I am pleased that the current reform bill would direct the SEC to issue rules requiring greater disclosure regarding the underlying loans in an asset-backed security, I believe we must go further still. Requirements for disclosure should not merely begin and end at issuance. Instead, disclosure should be automated, standardized, and updated on a timely basis. This will provide investors with relevant information on the performance of the loans, their compliance with relevant laws—fraudulent origination, for example, is generally uncovered after the fact—and the replacement of new collateral. This information should empower investors and countervail the malfeasance of issuers looking to adversely select dodgy collateral that they are also shorting on the side. Moreover, such real-time monitoring by investors would also have beneficial effects further up the securitization supply chain. If originators know they can't get away with selling fraudulent or poorly underwritten loans, they will also be forced to improve their standards.

While not a silver bullet, I am also generally supportive of requirements that those who originate and securitize loans retain risk by keeping some percentage on their very own balance sheets. WaMu, for example, developed, in Senator LEVIN's words, a ''conveyor belt'' that originated, packaged, and dumped toxic mortgage products downstream to unsuspecting investors. Their lack of ''skin in the game'' allowed them to make a mockery of the originate-to-distribute model. While Bear Stearns, Lehman Brothers, and other firms faltered due to their excessive retention of risk, this basic requirement will better align the interests of originators and securitizers with those of investors.

Moreover, a clear lesson of the Levin hearings is that Congress must ban the widespread issuance of stated income loans.

I understand Senator LEVIN is developing further reform proposals based on his conclusions from the hearings.

Third, we must concentrate law enforcement and regulatory resources on restoring the rule of law to Wall Street. We must treat financial crimes with the same gravity as other crimes because the price of inaction and a failure to deter future misconduct is enormous. That is why I'm pleased the SEC is turning the page on its recent history and sending a message throughout Wall Street: fraud will not pay.

Madam President, last week's revelations about Washington Mutual and Goldman Sachs reinforce what I've been saying for some time. Deregulation was based on the view that rational actors would operate in their own self-interest within a framework of law. But even with the most rigorous regulators, it is impossible to trace the financial self-interest of convoluted financial conglomerates, much less constrict their behavior before it runs afoul of the law. WaMu made loans they knew could not be paid back. Goldman Sachs allegedly permitted clients to take secret positions against the very financial products that it had created.

The picture being revealed by the jigsaw puzzle of multiple investigations is now emerging clearly in my eyes. These financial institutions are too big and conflicted to manage, too big and conflicted to regulate, and too big to fail. Even Alan Greenspan has said about our current predicament: ''If they're too big to fail, they're too big.''

Our country took a giant step backwards during the last financial crisis, upending the dream of home ownership for millions of Americans, and throwing millions of people out of work as well. The credibility of our markets, one of the pillars of our economic success, was badly damaged. It must be restored. There must be structural and substantive change to Wall Street, where bankers must resume their central role of efficiently allocating capital, not taking bets in opaque markets that no one can understand.

The solution is clear. We must split up our largest financial institutions into more manageable entities; we must separate their component parts so they are no longer inherently conflicted and so they can be properly regulated. Only then, if necessary, can they be allowed to fail without sending our entire economy to the precipice of disaster.

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

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

Mr. DURBIN. Madam President, I ask unanimous consent that any recess, adjournment, or period of morning business count postcloture; that following a period of morning business on Tuesday, April 20, the Senate resume executive session, and that the time until 12 noon be equally divided and controlled between Senators BAUCUS and GRASSLEY or their designees, with Senator BUNNING controlling 15 minutes of the time under the control of Senator GRASSLEY; that at 12 noon, all postcloture time be considered expired, and the Senate then proceed to a vote on confirmation of the nomination of Lael Brainard to be Under Secretary of the Treasure; that upon confirmation, the motion to reconsider be considered made and laid upon the table, and no further motions be in order; that the President be immediately notified of the Senate's action; that the Senate then stand in recess until 2:15 p.m.; that upon reconvening at 2:15 p.m., the Senate proceed to Calendar No. 165, the nomination of Marisa Demeo, to be associate judge of the DC Superior Court; that there be up to 6 hours of debate with respect to the nomination, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination; that upon confirmation the motion to reconsider be considered made and laid

upon the table; no further motions to be in order and the President be immediately notified of the Senate's action; that the cloture motion with respect to the nomination be withdrawn; that upon confirmation of the Demeo nomination, the Senate then proceed to Calendar No. 333, the nomination of Stuart Nash to be an associate judge of the DC Superior Court, and immediately vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table, and the President be immediately notified of the Senate's action with respect to Calendar No. 333.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

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

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

TRIBUTE TO FLORENCE McCLURE

Mr. REID. Madam President, I rise today to honor one of Nevada's greatest champions and advocates for victims throughout my home State. In her living room in Las Vegas, NV, in 1974, Florence McClure cofounded Community Action Against Rape, CAAR, with Sandi Petta. Thirty-five years later, CAAR has become the Rape Crisis Center, the largest sexual assault center in Nevada, serving all of Nevada.

Florence McClure moved to Las Vegas, NV, in 1966. She was instrumental in the opening of the Frontier Hotel. While making the hotel into a major resort on the Las Vegas Strip, Florence made history as a female executive in the casino industry. She also joined the Las Vegas Chapter of the League of Women Voters and other women's groups in 1967. She returned to college and obtained her bachelor's degree from UNLV in 1971.

Florence became a tireless advocate for victims of sexual assault. As the director of CAAR for 12 years, she was instrumental in forcing improvements and system changes in the way sexual assault victims were treated. Not one to shy away from confrontation, Florence worked most often one-on-one with judges, law enforcement officers, and medical personnel to increase the ability of a victim to recover and to be successful in court by providing better care, counseling, evidence collection, support, and privacy for victims.

Florence McClure did not stop there. In the 1980s she turned her energy to advocating for a women's prison in Las Vegas instead of in a rural setting, so the incarcerated women could be closer to their children for visitation. She lobbied for improved programs within the prisons. Today that facility carries her name.

On April 30, 2010, we honor ''Hurricane'' Florence McClure for her outspoken, courageous, life-changing advocacy for the rights of victims of rape and sexual assault. Her efforts have made Nevada a better, stronger home for women and children.

HONORING OUR ARMED FORCES

LANCE CORPORAL TYLER GRIFFIN

Mr. DODD. Madam President, I rise with a heavy heart today to mark the passing of Marine LCpl Tyler Griffin.

Lance Corporal Griffin was just 19 years old when he died serving our country in Afghanistan. He was born and raised in Voluntown, a small, close-knit community of just 2,600 in eastern Connecticut that today is struggling with the loss of one of its finest young citizens.

He graduated from Griswold High School, where he played on the football team, and attended the Voluntown Baptist Church. Athletic and intelligent, he could have devoted himself to any career, but chose to serve his country with great pride.

Neighbors recall him as a community fixture who always had time for younger kids. One says that they always knew when Tyler was home on leave, because a Marine Corps flag would fly proudly at his house. His friends and neighbors remember him not only for the example he provided through his selfless service, but also for his kind manner and friendly demeanor.

He was the product of a community that took great pride in their courageous marine. Bill Martin lives next door to Lance Corporal Griffin's mother and stepfather. He told the New London Day that he would often see Lance Corporal Griffin running around the neighborhood, getting in shape for basic training. ''We'd see him out there on Route 49,'' Martin said. ''He'd always wave.''

In short, Lance Corporal Griffin was everything you would raise your son to be. I join his family, his neighbors in Voluntown, and all Americans in deep appreciation for his service and mourning for his loss.

REMEMBRANCE OF VICTIMS AND SURVIVORS OF TERRORISM

Mr. AKAKA. Madam President, I rise today in honor of National Day of Service and Remembrance for Victims and Survivors of Terrorism. Today marks the 15th anniversary of the Oklahoma City bombing, one of the deadliest acts of domestic terrorism on American soil. This cowardly act of terrorism killed 168 people, 19 of them children. The victims were mothers, fathers, sons, daughters, grandparents, grandchildren, friends, and coworkers. Today we pause to reflect on their lives and accomplishments, and offer our thoughts and prayers to their families and loved ones.

The bombing in Oklahoma City was a direct attack against the dedicated men and women of the Federal Civil Service. The Alfred P. Murrah Federal Building housed 14 Federal agencies, and nearly 100 Federal employees lost their lives that morning.

We must honor their sacrifice by remaining steadfast in our commitment to prevent future attacks on the Federal government, Federal employees, and other acts of domestic terror. I am deeply troubled by recent threats of violence against government employees. This February, an attack on Federal offices threatened the lives of 200 IRS workers and took the life of Vernon Hunter, a 20-year Army veteran who served two tours in Vietnam, a loving husband, father, grandfather, and mentor to coworkers at the IRS. The Oklahoma City bombing anniversary and this recent attack serve as stark reminders that threats against Federal employees may pose real dangers. They remind us of our solemn duty to protect our public servants.

After the Oklahoma City bombing, President Bill Clinton directed the Department of Justice to assess the vulnerability of Federal office buildings. Prior to this study, no formal government-wide standards existed for Federal buildings. With the creation of the Department of Homeland Security, the responsibility to protect our Federal facilities was transferred to the Federal Protective Service, FPS.

FPS is full of dedicated men and women who work hard to keep our Federal buildings secure and those of us who work in them safe. However, critical reforms are needed to improve their effectiveness. The Government Accountability Office has repeatedly highlighted troubling shortfalls in FPS training, staffing, contract guard oversight, and many other facets of the Federal building security structure. It is long past time to address these critical gaps. We must make sure that all Federal employees and members of the public are safe and secure in any Federal building.

As we remember the victims and survivors of the Oklahoma City bombing and other acts of terrorism, let us all take a moment to reflect upon the dedication and sacrifices of our Nation's public servants. These are honorable men and women who provide critical services to the American people, including policing our streets, ensuring our food and drugs are safe, caring for our wounded warriors, and responding to natural disasters. America's public servants deserve our gratitude and respect. I thank them for their dedication.

RESPECTING THE RIGHTS OF HOSPITAL PATIENTS

Mr. LEAHY. Madam President, last week, the country took another important step toward a more just and perfect union when President Obama issued a Presidential Memorandum on Respecting the Rights of Hospital Patients to Receive Visitors and to Designate Surrogate Decision Makers for

Medical Emergencies. I applaud the President for this effort to ensure that every person enjoys the same right to have their loved ones with them in hospitals and to designate surrogate decision makers when they are hospitalized, often in their time of greatest need. No one should be forced to face important medical decisions or spend their last moments apart from their loved ones just because the person they love happens to be of the same sex.

The President has directed the Secretary of Health and Human Services to issue regulations prohibiting hospitals that participate in Medicare and Medicaid from denying visitation privileges on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, or disability. The memorandum issued last week also calls for greater enforcement of existing regulations that ensure all patients' legal representatives have the right to make informed decisions regarding patients' care.

There is a tragic history of discrimination in health care, but fortunately, we are making progress to end it. Hospitals were racially segregated until the 1960s, when Congress passed legislation prohibiting that discrimination in hospitals that are recipients of Federal funding. The President's memorandum is a similarly important step toward equal treatment. For too long, some hospital patients have been denied the basic rights of receiving visitors and designating surrogate decision makers without a remedy in Federal law. In Vermont, many same-sex couples have sought to be recognized as committed couples by law to ensure that they and their families are entitled to these rights. Those families should not lose those rights when traveling out of State.

The fight for equal rights protections continues in Congress. I am a proud cosponsor of the bipartisan Domestic Partnership Benefits and Obligations Act of 2009, which would provide domestic partners of Federal employees all of the protections and benefits afforded to spouses of Federal employees, including participation in applicable retirement programs, compensation for work injuries and health insurance benefits. I also support the Tax Equity for Health Plan Beneficiaries Act of 2009, which would end the taxation of health benefits provided to domestic partners in workplaces that provide domestic partner health benefits to their employees.

Respecting the rights of all hospital patients to have their loved ones near in times of crisis is something every American should support.

AMERICAN-ISRAELI PARTNERSHIP

Mr. BAUCUS. Madam President, I rise to reflect on the current state of the Israeli-Palestinian peace process and the special role the United States must play in moving these talks forward.

Peace talks between the Israelis and Palestinians have been stalled for nearly a year. To restart these talks it is abundantly clear that it will require great courage amongst the negotiating parties to negotiate in good faith. Efforts to negotiate a lasting peace in the region have been interrupted by violent clashes and mistrust. When it comes to peace, no one should doubt the sincere yearning of the Israeli and Palestinian people. Their dream of peace will be best realized when our countries work together.

Ever since Israel declared independence in 1948, the United States and Israel have enjoyed a close friendship. And our support for Israel remains unwavering. For over a half-century Israel has been a pillar of freedom and democracy in the Middle East. In the face of countless threats and challenges it is this commitment to freedom that has kept our relationship strong. In the past Israel played an integral role in combating Soviet expansionism in the Middle East during the Cold War. Today it stands with the U.S. in confronting Iran in its dangerous pursuit of a nuclear program.

Israel is an important strategic partner of the United States. Our national interests are linked through our ongoing cooperation in trade, diplomacy, intelligence, weapons development and military exercises. Since 1985, the U.S. has provided nearly $3 billion in grants to Israel annually. I am confident that we in Congress will continue to provide the assistance that befits such longstanding strategic allies.

While there are moments of disagreement between Israel and the U.S., they do not affect the mutual interests that we share in the Middle East. The cause of freedom unites our vision for a peaceful future. It is critical that we continue our longstanding relationship of trust and cooperation as we meet the common challenges we face today. During rare moments of disagreement, it is best for two allies to resolve them privately and amicably. We should not allow our occasional differences to be exploited by our adversaries.

Restoration of the peace process is a shared goal because its benefits are shared. For Israel, a lasting peace agreement brings assured peace to a land where peace has for too long been fleeting. For the U.S., the pursuit of a mid-east peace deal illustrates America's commitment to working for peace and security. Comprehensive peace in the Middle East is, and should remain, one of the U.S. highest foreign policy priorities.

RESERVE COMPONENT HEALTH CARE PROGRAMS

Mr. BURRIS. Madam President, it is with pride that I bring to the attention of my colleagues a recent series of programs conducted in Downing Grove, IL, relating to medical care for our servicemembers. The programs were sponsored by the Dupage Medical Group and the Defense Education Forum of the Reserve Officers Association of the United States, ROA. They were part of an ongoing series of six programs held over the past 2 years by these entities and related to the Reserve Components and military medicine.

In November of last year, the topic was Mental Health Care Programs for the Reserve Components and their Families. As we all know, the signature injuries of the current overseas wars have been head injuries resulting in some degree of traumatic brain injury, TBI, and post traumatic stress syndrome, PTSD. Treatment for our wounded warriors with these injuries is paramount and has been correctly made a priority by the Secretary of Defense and Secretary of Veterans Affairs. The most recent of the programs was on the lessons in military medicine from Operation Enduring Freedom and Operation Iraqi Freedom, which was conducted on April 9, 2010. It had a distinguished faculty and featured Dr. Paul DeFina, chairman of the International Brain Research Institute, who discussed brain trauma and its latest treatments.

I am especially proud of the efforts of several of my constituents, notably, COL Janet Kamer and the doctors of the DuPage Medical Group, in developing and hosting these programs together with the Defense Education Forum. Colonel Kamer is the command consultant for psychology to Air Force Reserve Headquarters and a psychologist with the DuPage Medical Group. She is also the president of the Illinois Department of the Reserve Officers Association.

MG Robert Kasulke also deserves recognition for his efforts in cohosting these programs. He is commander of the Army Reserve Medical Command and a vascular surgeon in his civilian career. RADM Paul Kayye (Retired), the national president of ROA, has also played a part in these medical care programs by introducing the April 9, 2010, program. Other faculty for these programs that deserve recognition includes: BG Margaret Wilmoth, Office of the Assistant Secretary of Defense for Health Affairs; COL Nicole Keesee, deputy surgeon in the Office of the Chief of the Army Reserve; Sergio Estrada, assistant director of the Illinois Department of Veterans Affairs; Adermi Olodun, of the DOD Employer Partnership Program; and Bob Feidler, the director of the Defense Education Forum. Participants of the meetings included medical providers, local representatives of the Department of Veterans Affairs, other caregivers, medical and legal, and several of our wounded warriors.

It is through people such as Dr. Kamer, the DuPage Medical Group and the Defense Education Forum of ROA, and the distinguished faculty of these programs that the most up-to-date information is being provided to the medical community, Reservists and their families about the various programs and treatments available to

them. I congratulate them on their ongoing efforts.

REMEMBERING JIM WHITTINGHILL

Mr. ROBERTS. Madam President, each of us privileged to serve in this Chamber knows that the Senate and each of our offices could not operate successfully without the assistance of talented and dedicated staff. One former Senator who certainly knew this was my fellow Kansan, Bob Dole. During his nearly 35 years in the House and Senate—and most especially during his decade as Senate Republican Leader—Bob was ably assisted by some of Capitol Hill's best and brightest.

One of those individuals was Jim Whittinghill, who many of my colleagues will remember from his years as Bob's deputy chief of staff. Jim passed away on Thursday. I have been in contact with Senator Dole since learning of Jim's passing, and he asked me to enter the following statement in the CONGRESSIONAL RECORD:

Jim Whittinghill—or ''Whit'' as his friends called him—and he had many—worked with me during my time as Senate Republican leader from 1986 until 1994 in a series of positions, including Deputy Chief of Staff. Whit was a top flight staffer who provided me with counsel on a wide variety of issues, including 2nd amendment rights and energy. He was a proud Republican, but he was respected on both sides of the aisle. Democrat Senators and staffers knew that Whit's word was his bond, and he was very influential and helpful in reaching bi-partisan agreements. After his years on Capitol Hill, Whit went on to have a very successful career in the private sector. He will be greatly missed by all those who worked with him.

On a personal note, let me add that I was in the House of Representatives when Whit was working for Bob, and I agree with all that Bob said about him. I know I join with many others in this Chamber who knew Whit in extending our condolences to his family and friends.

ADDITIONAL STATEMENTS

TRIBUTE TO CRAIG F. WALKER

• Mr. BENNET. Madam President, I rise today to offer my sincere congratulations to Denver Post photojournalist Craig F. Walker who won the Pulitzer Prize for feature photography. Craig's winning photos tracked Ian Fisher's 2-year journey as a high school graduate in Lakewood, CO, to his yearlong deployment in Iraq.

The ''American Soldier'' project was a three-part series of photos that told a compelling story and captured the raw emotional rollercoaster of one young man's decision and transition to become a soldier. There is something about a photo that has the ability to capture the truth in a single, fleeting moment. This series of photos captures individual moments that, when combined, create a powerful story that everyone can connect to on an emotional level. During these times when we are fighting two wars overseas, it is important to remind every American that these soldiers are regular people who have heard the call of duty and dedicated their lives to serve their country.

Winning a Pulitzer Prize is the highest honor for a journalist, and I am proud that a photojournalist from Colorado's Denver Post received such a prestigious award, especially on such an important story. Craig should feel very proud of his work, and I congratulate him again for this great honor.•

TRIBUTE TO BROOKE JEAN ANDERSON

• Mr. THUNE. Madam President, today I recognize Brooke Jean Anderson, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Brooke is a graduate of Stevens High School in Rapid City, SD. Currently she is attending Montana State University, where she is majoring in business marketing. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Brooke for all of the fine work she has done and wish her continued success in the years to come.•

TRIBUTE TO CHRISTOPHER SIDNEY ESPINOSA

• Mr. THUNE. Madam President, today I recognize Christopher Sidney Espinosa, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Christopher is a graduate of Bethany High School in Bethany, OK. Currently he is attending Southern Nazarene University, where he is majoring in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Christopher for all of the fine work he has done and wish him continued success in the years to come.•

TRIBUTE TO KELLI GILL

• Mr. THUNE. Madam President, today I recognize Kelli Gill, an intern in my Aberdeen, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Kelli is a graduate of Yankton High School in Yankton, SD. Currently, she is attending Northern State University, where she is majoring in English. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kelli for all of the fine work she has done and wish her continued success in the years to come.•

TRIBUTE TO MEAGAN LYNN ROBINS

• Mr. THUNE. Madam President, today I recognize Meagan Lynn Robins, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Meagan is a graduate of Plainfield South High School in Joliet, IL. Currently she is attending Olivet Nazarene University, where she is majoring in political science and social science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Meagan for all of the fine work she has done and wish her continued success in the years to come.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Under the order of the Senate of January 6, 2009, the Secretary of the Senate, on April 15, 2010, during the adjournment of the Senate, received a message from the House announcing that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 4851. An act to provide a temporary extension of certain programs, and for other purposes.

S.J. Res. 25. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

Under the authority of the order of April 15, 2010, the enrolled bill and joint resolution were signed on April 15, 2010, during the adjournment of the Senate, by the Acting President pro tempore (Mr. REID).

MESSAGE FROM THE HOUSE

At 2:08 p.m., a message from the House of Representatives, delivered by

Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4715. An act to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 222. Concurrent resolution recognizing the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4715. An act to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes; to the Committee on Environment and Public Works.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 222. Concurrent resolution recognizing the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America; to the Committee on the Judiciary.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on April 16, 2010, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 25. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–94. A joint resolution adopted by the Legislature of the State of Wyoming affirming Wyoming's sovereignty under the Tenth Amendment to the Constitution of the United States of America over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States of America; to the Committee on Homeland Security and Governmental Affairs.

ENROLLED JOINT RESOLUTION NO. 2

Whereas, the Tenth Amendment to the Constitution of the United States reads as follows: ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people''; and

Whereas, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

Whereas, the scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

Whereas, the states are demonstrably treated as agents of the federal government; and

Whereas, many federal laws are directly in violation of the Tenth Amendment to the Constitution of the United States; and

Whereas, the Tenth Amendment assures that we, the people of the United States of America and each sovereign state in the union of states, now have, and have always had, rights the federal government may not usurp; and

Whereas, Section 4, Article IV, of the Constitution says, ''The United States shall guarantee to every State in this Union a Republican Form of Government,'' and the Ninth Amendment states that ''The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people''; and

Whereas, Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, the United States Congress frequently considers and enacts laws, and the executive agencies of the federal government frequently promulgate regulations, the constitutional authority for which is either absent or tenuous, including, without limitation, the Real ID Act, which imposes significant unfunded mandates upon the states with respect to the traditional state function of drivers licensing, the Endangered Species Act, which, as construed by the United States Fish and Wildlife Service, authorizes a federal executive agency to require specific state legislation related to the traditional state function of wildlife management, the Clean Water Act, which, as construed by the Environmental Protection Agency, authorizes a federal executive agency to exercise regulatory jurisdiction over waters that are not subject to federal regulation, the Federal Land Policy and Management Act, which implements a policy of federal lands retention in derogation of the ''equal footing'' doctrine. Now, therefore, be it

Resolved by the members of the legislature of the State of Wyoming:

Section 1. That the State of Wyoming Legislature claims sovereignty on behalf of the State of Wyoming and for its citizens under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government or reserved to the people by the Constitution of the United States.

Section 2. That the rights and liberties of Wyoming, its costates and their respective citizens must be protected from any dangers by declaring that Congress is limited by the Tenth Amendment to the Constitution of the United States and that this state calls on its costates for an expression of their sentiments on acts not authorized by the United States Constitution.

Section 3. That this resolution serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, from enacting mandates that are beyond the scope of these constitutionally delegated powers. The state of Wyoming will not enforce such mandates.

Section 4. That all compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions be prohibited or repealed.

Section 5. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation, with a request that this resolution be officially entered in the congressional record as a memorial to the Congress of the United States of America.

POM–95. A joint resolution adopted by the Legislature of the State of Wyoming requesting Congress oppose House Resolution 980, titled the Northern Rockies Ecosystem Protection Act; to the Committee on Energy and Natural Resources.

ENROLLED JOINT RESOLUTION NO. 1

Whereas, H.R. 980 was introduced in the United States House of Representatives on February 11, 2009; and

Whereas, H.R. 980 would designate an additional six million five hundred fourteen thousand (6,514,000) acres to the national wilderness system in the Greater Yellowstone Ecosystem, regardless of their unsuitability and failure to meet the wilderness criteria outlined in the 1964 Wilderness Act; and

Whereas, these additions to the National Wilderness System will have tremendous negative impacts to the economies of the counties in which they occur and ultimately to the economy of surrounding counties and the State of Wyoming; and

Whereas, the continuance of all multiple use activities, including motorized recreation, outfitting, grazing, timber harvesting activities and mineral development is crucial to the long term economic diversity of all Wyoming counties and the State of Wyoming; and

Whereas, the Wyoming congressional delegation, representing a state heavily impacted by the proposed wilderness expansion, is not on record in support of the designation; and

Whereas, the United States Congress does not customarily make wilderness designations without first seeking concurrence with the states affected. Now, therefore, be it

Resolved by the members of the legislature of the State of Wyoming:

Section 1. That the Legislature of the State of Wyoming is adamantly opposed to the Northern Rockies Ecosystem Protection Act, H.R. 980, and hereby requests that the United States House of Representatives Natural Resources Committee oppose this legislation.

Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation, with a request that this resolution be officially entered in the congressional record as a memorial to the Congress of the United States of America.

POM–96. A joint resolution adopted by the Legislature of the State of Wyoming relative to Congress amending the tenth amendment of the Constitution of the United States and amending the interstate commerce clause, article 1, section 8 of the Constitution; to the Committee on Homeland Security and Governmental Affairs.

ENROLLED JOINT RESOLUTION NO. 3

Whereas, the tenth amendment to the Constitution of the United States reads as follows: ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''; and

Whereas, the tenth amendment to the Constitution of the United States defines the total scope of federal power as being that

specifically granted by the Constitution of the United States and no more; and

Whereas, the scope of the power defined by the tenth amendment to the Constitution of the United States means that the federal government was created by the states specifically to be an agent of the states; and

Whereas, the states are demonstrably treated as agents of the federal government; and

Whereas, many powers assumed by the federal government and federal mandates are directly in violation of the tenth amendment to the United States Constitution; and

Whereas, the interstate commerce clause in article 1, section 8 of the Constitution of the United States provides that Congress shall have the power: ''To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes;'' and

Whereas, the interstate commerce clause is limited to the federal government regulating trade between the states and between the states and other nations, to help prevent conflicts between states over commercial activities and to prevent the erection of barriers to commerce between the states; and

Whereas, the interstate commerce clause should not be used to provide Congress with authority to regulate matters that are primarily intrastate with only an insignificant or collateral effect upon interstate commerce; and

Whereas, many federal laws are beyond the scope and intent of the interstate commerce clause and the tenth amendment to the Constitution of the United States; and

Whereas, the tenth amendment to the Constitution of the United States assures that we, the people of the United States of America and each sovereign state in the union of states, now have, and have always had, rights the federal government may not usurp; and

Whereas, article 4, section 4, of the Constitution of the United States says: ''The United States shall guarantee to every State in this Union a Republican Form of Government,'' and the ninth amendment to the Constitution of the United States adds ''The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.''; and

Whereas, Congress may not simply commandeer the legislative and regulatory processes of the states. Now, therefore, be it

Resolved by the members of the legislature of the State of Wyoming:

Section 1. That the Wyoming Congressional delegation and Congress take action to initiate the amendment process provided by article 5 of the Constitution of the United States to amend the tenth amendment and article 1, section 8 (the interstate commerce clause), of the Constitution of the United States.

Section 2. That Congress amend the tenth amendment of the Constitution of the United States as follows, with proposed changes indicated in italic text:

The powers not *expressly* delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. *This amendment shall be considered by all courts as a rule of interpretation and construction in any case involving an interpretation of any constitutional power claimed by the Congress.*

Section 3. That Congress amend the interstate commerce clause, article 1, section 8, of the Constitution of the United States as follows, with proposed changes indicated in italic text:

To *directly* regulate Commerce with foreign nations, and among the several states, and with the Indian Tribes, *with no authority in Congress to regulate matters that are primarily intrastate with only an insignificant or collateral effect upon interstate commerce;*

Section 4. That Congress shall specify that the amendments to the tenth amendment and the interstate commerce clause, article 1, section 8, of the Constitution of the United States, as provided herein, shall be operative upon ratification by the legislatures of three-fourths of the several states, provided that such ratification shall occur within seven years from the date of the submission of the amendments to the states by Congress.

Section 5. That this state calls on its co-states for an expression of their sentiments on the need to amend the tenth amendment and article 1, section 8 of the Constitution of the United States as provided in this resolution.

Section 6.

(a) That the Secretary of State of Wyoming transmit copies of this resolution:

(i) To the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation, with a request that the Wyoming Congressional delegation take all reasonable and necessary actions to initiate the amendment process to amend the Constitution of the United States consistent with the language proposed in this resolution and that this resolution be officially entered in the congressional record as a memorial to the Congress of the United States of America; and

(ii) To the speaker of the house of representatives and president of the senate, or their equivalent, and the governor of each of the other forty-nine states.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. REID (for Mrs. BOXER), from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1397. A bill to authorize the Administrator of the Environmental Protection Agency to award grants for electronic device recycling research, development, and demonstration projects, and for other purposes (Rept. No. 111–168).

S. 1660. A bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes (Rept. No. 111–169).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 3111. A bill to establish the Commission on Freedom of Information Act Processing Delays.

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–5409. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hawker Beechcraft Corporation Model G58 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–1176)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5410. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 and 440) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0656)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5411. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0649)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5412. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–2C, B4–103, and B4–203 Airplanes; and Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, and B4–622R Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0993)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5413. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B2–1C, B2–203, B2K–3C, B4–103, B4–203, B4–2C Airplanes; Model A310 Series Airplanes; and Model A300 B4–601, B4–603, B4–605R, B4–620, B4–622, and B4–622R Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0789)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5414. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls–Royce plc RB211–Trent 800 Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2009–1004)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5415. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 757 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0795)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5416. A communication from the Paralegal Specialist, 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 and Model ERJ 190 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0274)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5417. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls–Royce plc RB–211–Trent 500, 700, and 800 Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2009–0674)) received in the Office of the President of the Senate

on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5418. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Various Aircraft Equipped with Honeywell Primus II RNZ–850( )/–851( ) Integrated Navigation Units'' ((RIN2120–AA64) (Docket No. FAA–2008–0556)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5419. A communication from the Paralegal Specialist, 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–2010–0230)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5420. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 747–200C and –200F Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0684)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5421. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Inc. Model BD–100–1A10 (Challenger 300) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–1214)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5422. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Kelly Aerospace Energy Systems, LLC Rebuilt Turbochargers'' ((RIN2120–AA64) (Docket No. FAA–2009–1259)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5423. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls–Royce plc RB211–Trent 700 Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2005–19559)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5424. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; SOCATA Model TBM 700 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–1256)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5425. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aircraft Industries a.s. Model L 23 Super Blanik Gliders'' ((RIN2120–AA64) (Docket No. FAA–2010–0357)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5426. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca ARRIEL 1B, 1D, 1D1, 2B, and 2B1 Turboshaft Engines'' ((RIN2120–AA64) (Docket No. FAA–2009–0302)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5427. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Mount Pleasant, SC'' ((RIN2120–AA66) (Docket No. FAA–2010–0069)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5428. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Quitman, GA'' ((RIN2120–AA66) (Docket No. FAA–2010–0053)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5429. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Panama City, Tyndall AFB, FL'' ((RIN2120–AA66) (Docket No. FAA–2010–0249)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5430. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Kindred, ND'' ((RIN2120–AA66) (Docket No. FAA–2009–0802)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5431. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Luverne, MN'' ((RIN2120–AA66) (Docket No. FAA–2009–1150)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5432. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Killeen, TX'' ((RIN2120–AA66) (Docket No. FAA–2009–0928)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5433. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Certification of Aircraft and Airmen for the Operation of Light–Sport Aircraft; Modifications to Rules for Sport Pilots and Flight Instructors With a Sport Pilot Rating; Correction'' ((RIN2120–AJ10) (Docket No. FAA–2007–29015)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5434. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Extension of the Compliance Date for Cockpit Voice Recorder and Digital Flight Data Recorder Regulations'' ((RIN2120–AJ65) (Docket No. FAA–2005–20245)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5435. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Prohibited Area P–49; Crawford, TX'' ((RIN2120–AA66) (Docket No. FAA–2009–0921)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5436. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Low Altitude Area Navigation Route (T–284); Houston, TX'' ((RIN2120–AA66) (Docket No. FAA–2009–0878)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5437. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Using Agency for Restricted Areas R–3005A, R–3305B, R–3005C, R–3005D and R–3005E; Fort Stewart, GA'' ((RIN2120–AA66) (Docket No. FAA–2010–0201)) received in the Office of the President of the Senate on April 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5438. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Restricted Area R–2510A; El Centro, CA'' ((RIN2120–AA66) (Docket No. FAA–2010–0346)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5439. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Registration and Fee Assessment Program'' (RIN2137–AE47) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5440. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalty Factors'' (16 CFR Part 1119) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5441. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Electronic On-Board Recorders for Hours-of-Service Compliance'' (RIN2126–AA89) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5442. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska'' (RIN0648–XV51)

received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5443. A communication from the Acting Assistant Chief for Legislation and Regulations, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''America's Marine Highway Program'' (RIN2133–AB70) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5444. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska'' (RIN0648–XU72) received in the Office of the President of the Senate on April 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5445. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Issuance of Electronic Documents and Related Recordkeeping Requirements'' (RIN0694–AE66) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5446. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services; Atlantic City, NJ'' (MB Docket No. 09–231) received during adjournment of the Senate in the Office of the President of the Senate on March 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5447. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service'' (MB Docket No. 99–325) received in the Office of the President of the Senate on March 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5448. A communication from the Acting Associate Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Subpart F—Universal Service Support for Schools and Libraries, Other Supported Special Services, Services Provided by Non-Telecommunications Carriers'' (FCC09–105) received during adjournment of the Senate in the Office of the President of the Senate on March 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5449. A communication from the Acting Legal Advisor and Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 90 of the Commission's Rules'' (WP Doc. 07–100) received during adjournment of the Senate in the Office of the President of the Senate on March 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5450. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the accomplishments made under the Airport Improvement Program during fiscal year 2008; to the Committee on Commerce, Science, and Transportation.

EC–5451. A joint communication from the Administrator of the National Highway Traffic Safety Administration and the Assistant Secretary for Communications and Information of the National Telecommunications and Information Administration, transmitting, pursuant to law, a report relative to the Implementation Coordination Office's activities relative to development of comprehensive and technologically enhanced 911 (E–911) services; to the Committee on Commerce, Science, and Transportation.

EC–5452. A communication from the President and Chief Executive Officer, National Railroad Passenger Corporation, AMTRAK, transmitting, pursuant to law, a report relative to AMTRAK's Grant and Legislative Request for Fiscal Year 2011; to the Committee on Commerce, Science, and Transportation.

EC–5453. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''2010 Rates for Pilotage on the Great Lakes'' (RIN1625–AB39) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5454. 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; Great Egg Harbor Bay, Between Beesleys Point and Somers Point, NJ'' (RIN1625–AA09) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5455. 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; AICW Closure Safety Zone for Ben Sawyer Bridge Replacement Project, Sullivan's Island, SC'' ((RIN1625–AA00) (Docket No. USG–2009–0878)) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5456. 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; Havasu Landing Annual Regatta; Colorado River, Lake Havasu Landing, CA'' ((RIN1625–AA00) (Docket No. USG–2009–1060)) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5457. 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; Baltimore Captain of Port Zone'' ((RIN1625–AA00) (Docket No. USG–2009–1130)) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5458. 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; Todd Pacific Shipyards Vessel Launch, West Duwamish Waterway, Seattle, WA'' ((RIN1625–AA00) (Docket No. USG–2009–1073)) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5459. 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; Congress Street Bridge, Pequonnock River, Bridgeport, CT'' ((RIN1625–AA00) (Docket No. USG–2009–1072)) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5460. 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; Escorted U.S. Navy Submarines in Sector Seattle Captain of the Port Zone'' ((RIN1625–AA87) (Docket No. USG–2009–1057)) received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2010; to the Committee on Commerce, Science, and Transportation.

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. KOHL (for himself, Mr. GRASSLEY, Mr. JOHNSON, Ms. LANDRIEU, Mr. HARKIN, Mr. BOND, Mr. FEINGOLD, Mr. BENNET, Mr. NELSON of Nebraska, Mr. LEAHY, and Mr. DURBIN):

S. 3221. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend the suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3222. A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. HARKIN):

S. 3223. A bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetics and custom orthotics and benefits for other medical and surgical services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of New Mexico (for himself, Mr. BINGAMAN, Mr. CRAPO, Mr. UDALL of Colorado, Mr. RISCH, and Mr. BENNET):

S. 3224. A bill to amend the Radiation Exposure Compensation Act to improve compensation for workers involved in uranium mining, and for other purposes; to the Committee on the Judiciary.

By Mr. BEGICH (for himself, Ms. KLOBUCHAR, and Mr. SCHUMER):

S. 3225. A bill to direct the Secretary of Commerce to establish a comprehensive grant program to promote domestic regional tourism; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN of Ohio (for himself, Mr. CARPER, Ms. COLLINS, Ms. SNOWE, and Mr. KAUFMAN):

S. 3226. A bill to require the Secretary of Energy to take actions to stimulate the emergence of an offshore wind power industry in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. LEVIN, Mr. BENNETT, Mrs. GILLIBRAND, Mr.

KERRY, Mrs. SHAHEEN, and Mr. SCHUMER):

S. 3227. A bill to authorize the Archivist of the United States to make grants to States for the preservation and dissemination of historical records; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 488. A resolution congratulating the Pennsylvania State University IFC/Panhellenic Dance Marathon (THON) on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital; to the Committee on the Judiciary.

By Mr. ALEXANDER (for himself, Mr. BURRIS, Mr. CORKER, Mr. CARDIN, Mr. FEINGOLD, and Mr. DURBIN):

S. Res. 489. A resolution honoring the life and achievements of Dr. Benjamin L. Hooks; considered and agreed to.

By Mr. WHITEHOUSE:

S. Res. 490. A resolution recognizing the measurable, positive impact that the National Committee for Quality Assurance has made on the quality of care patients in the United States have received during the 20 years since the formation of the organization; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. SHAHEEN (for herself, Mr. MCCAIN, and Mr. FEINGOLD):

S. Con. Res. 58. A concurrent resolution recognizing Doris ''Granny D'' Haddock, who inspired millions of people through remarkable acts of political activism, and extending the condolences of Congress on the death of Doris ''Granny D'' Haddock; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 305

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 305, a bill to amend title IV of the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 718

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 891

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1313

At the request of Mr. LUGAR, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1313, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 1382

At the request of Mr. DODD, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1551

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1551, a bill to amend section 20 of the Securities Exchange Act of 1934 to allow for a private civil action against a person that provides substantial assistance in violation of such Act.

S. 1700

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1700, a bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress that the President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other purposes.

S. 1939

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1939, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 2899

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2899, a bill to amend the American Recovery and Reinvestment Act of 2009 and the Internal Revenue Code of 1986 to provide incentives for the development of solar energy.

S. 2989

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2989, a bill to improve the Small Business Act, and for other purposes.

S. 3098

At the request of Mr. MERKLEY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3098, a bill to prohibit proprietary trading and certain relationships with hedge funds and private equity funds, to address conflicts of interest with respect to certain securitizations, and for other purposes.

S. 3102

At the request of Mr. MERKLEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3102, a bill to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use.

S. 3106

At the request of Mrs. HAGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3106, a bill to authorize States to exempt certain nonprofit housing organizations from the licensing requirements of the S.A.F.E. Mortgage Licensing Act of 2008.

S. 3169

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3169, a bill to require the Attorney General to make recommendations to the Interstate Commission for Adult Offender Supervision on policies and minimum standards to better protect public and officer safety.

S. 3205

At the request of Mr. SCHUMER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 3205, a bill to amend the Internal Revenue Code of 1986 to provide that fees charged for baggage carried into the cabin of an aircraft are subject to the excise tax imposed on transportation of persons by air.

S. 3206

At the request of Mr. HARKIN, the names of the Senator from New Jersey

(Mr. MENENDEZ) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 3206, a bill to establish an Education Jobs Fund.

S. 3211

At the request of Mrs. SHAHEEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3211, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certain certified diabetes educators as certified providers for purposes of outpatient diabetes self-management training services under part B of the Medicare Program.

S. 3213

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 3213, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. CON. RES. 55

At the request of Mr. FEINGOLD, the names of the Senator from Colorado (Mr. BENNET), the Senator from Oregon (Mr. MERKLEY), the Senator from Washington (Mrs. MURRAY), the Senator from Maryland (Mr. CARDIN), the Senator from Illinois (Mr. DURBIN), the Senator from Delaware (Mr. CARPER) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. Con. Res. 55, a concurrent resolution commemorating the 40th anniversary of Earth Day and honoring the founder of Earth Day, the late Senator Gaylord Nelson of the State of Wisconsin.

S. CON. RES. 56

At the request of Mr. LIEBERMAN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Con. Res. 56, a concurrent resolution congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut, and for other purposes.

S. RES. 411

At the request of Mrs. LINCOLN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Res. 411, a resolution recognizing the importance and sustainability of the United States hardwoods industry and urging that United States hardwoods and the products derived from United States hardwoods be given full consideration in any program to promote construction of environmentally preferable commercial, public, or private buildings.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3222. A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senator BOXER to introduce the Buffalo Soldiers in the National Parks Study Act. This legislation is an important step in preserving the legacy of the Army's first all-black infantry and cavalry units and their unique role in the creation of our National Park system.

Established Congressionally by 1869, the Buffalo Soldiers served bravely in campaigns both at home and abroad before being stationed at the military Presidio in San Francisco and given charge of patrolling the National Park system. Although first tasked with taming the frontier, these troops also took on the responsibility of preserving that wilderness for future generations. Each summer, Buffalo Soldier regiments traveled roughly 320 miles from San Francisco to either Sequoia or Yosemite National Park, where they patrolled the parks for poachers and loggers, built trails, and escorted visitors. They were, in essence if not in name, the nation's first park rangers.

In a time of segregation and adversity, these soldiers served their country bravely and the National Parks they worked to establish are part of the legacy they leave behind. Unfortunately, this unique aspect of their history is neither widely recognized nor remembered. This legislation would address that by authorizing a study to determine the most appropriate way to memorialize the Buffalo Soldiers. Money procured under the act would be used to determine the feasibility of establishing a national historic trail along the route traveled by the Buffalo Soldiers, scout for properties to add to the National Register of Historic Places, and develop educational initiatives and a public awareness campaign about the contribution of African-American soldiers after the Civil War.

although the experiences of the Buffalo Soldiers are an important piece of our national history, we are in danger of losing their legacy to the passage of time unless we take conscious steps to preserve the memory. This legislation works to ensure that the contributions of the Buffalo Soldiers will be remembered and shared by all. I urge my colleagues to join me in their support for this measure.

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. 3222

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 ''Buffalo Soldiers in the National Parks Study Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) In the late 19th century and early 20th century, African-American troops who came to be known as the Buffalo Soldiers served in many critical roles in the western United States, including protecting some of the first National Parks.

(2) Based at the Presidio in San Francisco, Buffalo Soldiers were assigned to Sequoia and Yosemite National Parks where they patrolled the backcountry, built trails, stopped poaching, and otherwise served in the roles later assumed by National Park rangers.

(3) The public would benefit from having opportunities to learn more about the Buffalo Soldiers in the National Parks and their contributions to the management of National Parks and the legacy of African-Americans in the post-Civil War era.

(4) As the centennial of the National Park Service in 2016 approaches, it is an especially appropriate time to conduct research and increase public awareness of the stewardship role the Buffalo Soldiers played in the early years of the National Parks.

(b) PURPOSE.—The purpose of this Act is to authorize a study to determine the most effective ways to increase understanding and public awareness of the critical role that the Buffalo Soldiers played in the early years of the National Parks.

SEC. 3. STUDY.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks.

(b) CONTENTS OF STUDY.—The study shall include—

(1) a historical assessment, based on extensive research, of the Buffalo Soldiers who served in National Parks in the years prior to the establishment of the National Park Service;

(2) an evaluation of the suitability and feasibility of establishing a national historic trail commemorating the route traveled by the Buffalo Soldiers from their post in the Presidio of San Francisco to Sequoia and Yosemite National Parks and to any other National Parks where they may have served;

(3) the identification of properties that could meet criteria for listing in the National Register of Historic Places or criteria for designation as National Historic Landmarks;

(4) an evaluation of appropriate ways to enhance historical research, education, interpretation, and public awareness of the story of the Buffalo Soldiers' stewardship role in the National Parks, including ways to link the story to the development of National Parks and the story of African-American military service following the Civil War; and

(5) any other matters that the Secretary of the Interior deems appropriate for this study.

(c) REPORT.—Not later than 3 years after funds are made available for the study, the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the study's findings and recommendations.

By Mr. UDALL of New Mexico (for himself, Mr. BINGAMAN, Mr. CRAPO, Mr. UDALL of Colorado, Mr. RISCH, and Mr. BENNET):

S. 3224. A bill to amend the Radiation Exposure Compensation Act to improve compensation for workers involved in uranium mining, and for other purposes; to the Committee on the Judiciary.

Mr. UDALL of New Mexico. Mr. President, I rise today to introduce the Radiation Exposure Compensation Act amendments of 2010. The Radiation Exposure Compensation Act, known as RECA, was first introduced in this body 21 years ago today. Proposed by the Senator from Utah, ORRIN HATCH, this original legislation was a monumental step in recognizing some of the unheralded victims of the Cold-War era.

As the United States Government built up its Cold-War nuclear arsenal during the mid-20th century, many Americans paid the price with their health. Some were sickened through exposure to aboveground atomic weapons tests. Others were exposed to heavy doses of radiation from working in the uranium mining industry. All the while the government was slow to implement Federal protections.

As a result, a generation of Americans who worked in the mines or lived near testing sites became sick with serious diseases such as lung cancer and kidney disease and many others.

Much of the U.S. uranium development occurred on the Navajo Nation. That is where jobs in the mines and mills drew workers from the surrounding rural areas. These workers and much of the country were unaware of the dangers of radiation exposure, and this was despite reports from the European mining industry indicating that uranium mining led to high rates of lung cancer. There should have been a warning call, there should have been a wake-up call, but there wasn't.

In the ensuing years, rates of lung cancer among Navajo Indians went from disproportionately low to disproportionately high compared with the rest of the U.S. population. This was clearly a result of uranium development and related radiation exposure.

In addition to lung cancer, numerous other illnesses began to emerge in the men and women who worked in the uranium mining industry. These individuals were not limited to the Navajo Nation. In my home State of New Mexico, the Pueblo of Laguna was home to the Nation's largest open pit uranium mine. Workers from across the State came to the mines, especially from the economically struggling communities of rural New Mexico.

In the late 1970s, my father, Stewart Udall, took up the fight for these workers. In 1979, my father filed 32 claims against the Department of Energy on behalf of widows of deceased Navajo uranium miners. In many ways, this marked the beginning of the fight for compensation for all uranium workers.

I remember working those years with my whole family to collect information and push for recognition. It was a family effort to fight for justice, and for me it continues to be a family priority.

Ten years later, the original RECA legislation was introduced in the Senate. It passed in 1990, giving a level of restitution to sick miners and millers, as well as individuals living downwind of nuclear tests. Amendments to RECA have occurred over the ensuing decades, most significantly in 2000. That is when the act was expanded to include mill workers and ore transporters and expand downwind counties, among other things.

Today, with Senators JEFF BINGAMAN, MIKE CRAPO, MARK UDALL, MICHAEL BENNET, and JAMES RISCH, I introduced a piece of legislation that takes the next step in addressing the remaining shortfalls of the Radiation Exposure Compensation Act. I wish to highlight some of the provisions of our bill.

First, the inclusion of post-1971 uranium miners and workers as qualified claimants. While the Federal Government ceased the purchase of domestic uranium in 1971, implementation of Federal work safety standards was slow and regulation of mines was poor. As a result, thousands of miners and millers were never made aware of the dangers of the yellow cake they handled on a regular basis.

In recent surveys, the majority of uranium workers from this period reported they did not have showers or wash basins in the mines where they worked. They often took contaminated clothing home for laundering, unaware of the hazards, and with no other option for cleaning. Many also reported that ventilation to prevent unnecessary exposure was not provided in their work areas.

Today, these workers continue to suffer and die from illnesses related to radiation exposure. But because their employment dates began after 1971, they have no opportunity for compensation. Our bill changes that. If the measure passes, individuals working from 1971 until 1990 will qualify to claim compensation for exposure-related diseases.

The bill we are introducing today would also expand the geographic areas that qualify for downwind compensation to include New Mexico, Idaho, Montana, Colorado, and Guam. And for the first time, the bill recognizes downwind exposure from the original atomic weapons test site—the Trinity Site in New Mexico.

This legislation would raise compensation levels for those exposed as a result of aboveground weapons tests. This would make their compensation consistent with their counterparts who worked in the mines and mills.

The bill would also facilitate epidemiological research on the impacts of uranium development on communities and families of uranium workers. It authorizes funding for the National Institute of Environmental Health Sciences to award grants to universities and nonprofits to carry out such research. We are seeking to broaden the use of affidavits to substantiate employment history and residence in an affected downwind area.

Many who have suffered as a result of Cold-War uranium and weapons development did not have the documentation to prove their exposure. Often mines and mills did not keep proper documentation of their workers, and many communities impacted did not have a tradition of keeping birth and marriage certification. The bill would allow individuals to combine their time worked in multiple positions to meet the work time requirements for compensation in the original RECA legislation.

Finally, this legislation would allow miners to be compensated for kidney disease, and it would allow core drillers to join miners, millers, and ore transporters on the current list of uranium workers who qualify for compensation under the act.

Uranium and weapons development of the Cold-War era left a gruesome legacy in communities of mine workers and downwinders. For more than two decades now the United States has tried to compensate in some way for the sickness and loss of life. Today, we are taking the next step to close this sad chapter in history and to improve the reach of compassionate compensation to those Americans who have suffered but have not qualified under RECA in its current form.

In introducing this legislation, I honor all those who continue to suffer from deadly illnesses as a result of radiation exposure but don't qualify for compensation—especially those workers who began employment after 1971 and, thus, do not qualify for RECA.

I look forward to working with my colleagues to recognize these individuals and expand RECA to include all who are justified in receiving radiation exposure compensation.

By Mr. HATCH (for himself, Mr. LEVIN, Mr. BENNETT, Mrs. GILLIBRAND, Mr. KERRY, Mrs. SHAHEEN, and Mr. SCHUMER):

S. 3227. A bill to authorize the Archivist of the United States to make grants to States for the preservation and dissemination of historical records; to the Committee on Homeland Security and Governmental Affairs.

Mr. HATCH. Mr. President, I rise today to discuss the Preserving the American Historical Record Act, a bill that I introduced along with Senator LEVIN today. This is a piece of legislation designed to ensure the protection of important historical documents housed and preserved at the State and local level.

Put simply, this legislation would require the Archivist of the United States to make grants to the States for a number of purposes, including protecting historical records, promoting the use of such records in new and creative ways, providing education and training to those who care for historical records and creating a wide variety of access tools of key records maintained by State and local organizations. The bill authorizes $50,000,000 a year—a very modest sum, all things considered—to be distributed among the States according to formulas based on both size and geographical area.

We live in a time where there has been a resurgence in interest in family history and genealogical research. With the advancement of internet research tools, millions of Americans have gone online to learn more about their pasts. Indeed, this type of research is among the more prominent uses of Internet resources, as evidenced by the growth of websites and services like Ancestry.com and Family Search. Also, millions of Americans have tuned into hit television shows describing the experience and revelation that comes with the discovery of one's family history.

I want to thank Senator LEVIN for working with me on this legislation, as well as our cosponsors Senators BENNETT, SCHUMER, KERRY, SHAHEEN, and GILLIBRAND.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 488—CONGRATULATING THE PENNSYLVANIA STATE UNIVERSITY IFC/PANHELLENIC DANCE MARATHON (THON) ON ITS CONTINUED SUCCESS IN SUPPORT OF THE FOUR DIAMONDS FUND AT PENN STATE HERSHEY CHILDREN'S HOSPITAL

Mr. SPECTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 488

Whereas the Pennsylvania State IFC/Panhellenic Dance Marathon, known as THON, is the largest student-run philanthropy in the world, with 700 dancers, more than 300 supporting organizations, and more than 15,000 volunteers involved in the annual event;

Whereas student volunteers at the Pennsylvania State University annually collect money and dance for 46 hours straight at the Bryce Jordan Center for THON, bringing energy and excitement to campus for a mission to conquer cancer, and bringing awareness to countless thousands more;

Whereas all THON activities support the mission of the Four Diamonds Fund at Penn State Hershey Children's Hospital, which provides financial and emotional support to pediatric cancer patients and their families and funds cancer research;

Whereas each year, THON is the single largest donor to the Four Diamonds Fund at Penn State Hershey Children's Hospital, having raised nearly $68,900,000 since 1977, when the 2 organizations first became affiliated;

Whereas in 2010, THON set a new fundraising record of over $7,830,000, besting the previous record of $7,500,000 was set in 2009;

Whereas THON support has helped more than 2,000 families through the Four Diamonds Fund, is currently helping to build a new Pediatric Cancer Pavilion at Penn State Hershey Children's Hospital, and has helped support pediatric cancer research that has caused some pediatric cancer survival rates to increase to nearly 90 percent; and

Whereas THON has inspired similar events and organizations across the Nation, including at high schools and colleges, and continues to encourage students across the Nation to volunteer and stay involved in great charitable causes in their community: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Pennsylvania State University IFC/Panhellenic Dance Marathon (THON) on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital; and

(2) commends the Pennsylvania State University students, volunteers, and supporting organizations for their hard work putting together another record-breaking THON.

Mr. SPECTER. Mr. President, I seek recognition today to commend the Pennsylvania State University and the many students across the Commonwealth who each year play a very important role in the fight against cancer.

The Pennsylvania State University IFC/Panhellenic Dance Marathon, referred to as ''THON,'' is a yearlong effort to raise funds and awareness for the fight against pediatric cancer. The effort culminates in a 2-day, no sitting, no sleeping dance marathon. Since 1977, THON has raised more than $60 million for the Four Diamonds Fund at Penn State Children's Hospital. The Four Diamonds Fund was established by Charles and Irma Millard, after the death of their son, Christopher, who was diagnosed with cancer at the age of 11. In addition to helping with the cost of treatment that insurance does not cover, as well as expenses that may disrupt the welfare of the child, the Four Diamonds Fund supports the medical teams that care for the children and funds pediatric cancer research through start-up grants and the Four Diamonds Pediatric Cancer Research Institute.

Since its inception, THON has assisted over 2,000 families and no family has been turned away from the Four Diamonds Fund. The hard work, dedication, and enthusiasm of thousands of student volunteers and hundreds of dancers combine with the support of the wider Penn State community and students across the commonwealth of Pennsylvania to make a potent weapon in the fight against pediatric cancer. Thanks to their efforts, the fight is one we are ever closer to winning.

To win the fight against pediatric cancer, and all cancers, once and for all, we need to continue to support vital medical research. When I came to the U.S. Senate in 1981, funding for the National Institutes of Health totaled $3.6 billion. Since becoming LHHS chairman in 1996, I have successfully worked to more than double NIH funding, which was $12.7 billion at that time. The fiscal year 2010 LHHS Appropriations bill provided $30.2 billion for NIH funding, an almost $1 billion increase from fiscal year 2009. I also secured an additional $10 billion in funding through an amendment to the American Recovery and Reinvestment Act.

I have fought and will continue to fight for increased funding for the NIH because medical research saves and improves lives. Medical research, along with significant community support through efforts such as THON, provides children with a real chance to be cured so that they may continue to grow and prosper.

SENATE RESOLUTION 489—HONORING THE LIFE AND ACHIEVEMENTS OF DR. BENJAMIN L. HOOKS

Mr. ALEXANDER (for himself, Mr. BURRIS, Mr. CORKER, Mr. CARDIN, Mr. FEINGOLD, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 489

Whereas Benjamin Hooks was born in Memphis, Tennessee on January 31, 1925;

Whereas Benjamin Hooks died April 15, 2010, at the age of 85 in Memphis, Tennessee, and is survived by his wife, Frances Hooks, his daughter, Patricia Gray, and 2 grandsons;

Whereas Benjamin Hooks was the fifth of 7 children born to Robert B. and Bessie Hooks, and was the grandson of Julia Hooks, the second Black woman in the United States to graduate from college;

Whereas Benjamin Hooks attended LeMoyne-Owen College in Memphis and, in 1944, graduated from Howard University;

Whereas Benjamin Hooks joined the United States Army during World War II and was promoted to staff sergeant;

Whereas in 1948, Benjamin Hooks received his law degree from DePaul University in Chicago, Illinois and returned to Memphis, Tennessee to help breakdown segregation;

Whereas Benjamin Hooks set up his own law practice and was one of a few Blacks practicing law in Memphis from 1949–1965;

Whereas Benjamin Hooks was appointed to a vacancy on the Shelby County criminal court, by Governor Frank G. Clement in 1965, making him the first Black criminal court judge in the history of Tennessee;

Whereas Benjamin Hooks was a leader in the civil rights movement and joined the Southern Christian Leadership Conference of Reverend Martin Luther King in 1956;

Whereas Benjamin Hooks became the first Black appointee to the Federal Communications Commission in 1972, when he was appointed by President Richard Nixon, and, in that capacity, worked towards minority employment and involvement in broadcasting;

Whereas Benjamin Hooks was elected executive director of the National Association for the Advancement of Colored People (NAACP) on November 6, 1976, and served in that role until 1992;

Whereas Benjamin Hooks was an ordained minister and delivered sermons for 52 years at the Greater Middle Baptist Church and as pastor at Greater New Mountain Moriah Missionary Baptist Church in Detroit;

Whereas Benjamin Hooks was honored in 1996 with the dedication of the Benjamin L. Hooks Institute for Social Change at the University of Memphis, which he helped to create;

Whereas Benjamin Hooks and Francis Hooks renewed their wedding vows on March 24, 2001, after almost 50 years of marriage;

Whereas in November 2007, Benjamin Hooks was awarded the Presidential Medal of Freedom, the highest civilian honor in the United States, by President George W. Bush; and

Whereas the passing of Benjamin Hooks is a great loss: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the outstanding contributions of Dr. Benjamin L. Hooks to the civil rights movement, the ministry, his family, and the community of Memphis, Tennessee; and

(2) pays tribute to Dr. Benjamin L. Hooks, his passion for life, dedication to service, and commitment to equality.

SENATE RESOLUTION 490—RECOGNIZING THE MEASURABLE, POSITIVE IMPACT THAT THE NATIONAL COMMITTEE FOR QUALITY ASSURANCE HAS MADE ON THE QUALITY OF CARE PATIENTS IN THE UNITED STATES HAVE RECEIVED DURING THE 20 YEARS SINCE THE FORMATION OF THE ORGANIZATION

Mr. WHITEHOUSE submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 490

Whereas the National Committee for Quality Assurance (referred to in this preamble as the ''NCQA'') was formed in February of 1990 and is a non-profit 501(c)(3) corporation based in the District of Columbia;

Whereas the mission of NCQA is to ''Improve the Quality of Health Care'';

Whereas the Healthcare Effectiveness Data and Information Set (HEDIS) of NCQA is the most widely used set of clinical quality measures in the United States, covering more than 116,000,000 people in the United States;

Whereas more than 70 percent of people in the United States enrolled in a health insurance plan are covered by the Health Plan Accreditation protections of NCQA;

Whereas the health plan standards of NCQA have been used as a model for Medicare, Medicaid, and more than 40 State insurance systems;

Whereas more than 15,000 practicing physicians have been recognized by NCQA for excellent clinical performance in such areas as diabetes, heart and stroke, and back pain treatment;

Whereas more than 400 medical practices across the United States have been recognized by NCQA as meeting the requirements of a patient-centered medical home;

Whereas more than 1,000,000 people in the United States use the Health Plan Report Card, published by NCQA, to choose a health insurance plan that best meets the needs of themselves and their families;

Whereas performance measurement by NCQA has improved care for diabetes, heart disease, high blood pressure, and high cholesterol, saving 165,000 to 272,000 lives; and

Whereas the staff of NCQA, over 200 health care experts, are dedicated to improving the quality of care for the people of the United States through performance measurement and accountability: Now, therefore, be it

Resolved, That the Senate recognizes—

(1) the measurable, positive impact that the National Committee for Quality Assurance has made on the quality of care patients in the United States have received during the 20 years since the formation of the organization; and

(2) the importance of the continuing mission of the National Committee for Quality Assurance to save lives by ensuring health care providers and plans are accountable for delivering appropriate, safe, and quality care.

SENATE CONCURRENT RESOLUTION 58—RECOGNIZING DORIS ''GRANNY D'' HADDOCK, WHO INSPIRED MILLIONS OF PEOPLE THROUGH REMARKABLE ACTS OF POLITICAL ACTIVISM, AND EXTENDING THE CONDOLENCES OF CONGRESS ON THE DEATH OF DORIS ''GRANNY D'' HADDOCK

Mrs. SHAHEEN (for herself, Mr. MCCAIN, and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 58

Whereas Doris ''Granny D'' Haddock was born on January 24, 1910, in Laconia, New Hampshire;

Whereas Doris ''Granny D'' Haddock passed away on March 9, 2010, in Dublin, New Hampshire at the age of 100;

Whereas Doris ''Granny D'' Haddock strongly advocated for campaign finance reform;

Whereas, at the age of 90, Doris ''Granny D'' Haddock walked approximately 3,200 miles across the United States as a show of support for campaign finance reform;

Whereas Doris ''Granny D'' Haddock began the walk for campaign finance reform in the State of California on January 1, 1999, and ended the walk in Washington, District of Columbia, on February 9, 2000;

Whereas Doris ''Granny D'' Haddock walked 10 miles a day throughout the walk for campaign finance reform;

Whereas more than 2,000 supporters from a wide variety of reform groups met Doris ''Granny D'' Haddock at the end of the walk in Washington, District of Columbia;

Whereas several dozen members of Congress joined Doris ''Granny D'' Haddock for the final miles of the walk for campaign finance reform;

Whereas Doris ''Granny D'' Haddock went through 4 pairs of sneakers on the walk across the United States;

Whereas Doris ''Granny D'' Haddock and the walk for campaign finance reform was the subject of a documentary entitled ''Run Granny Run'';

Whereas Doris ''Granny D'' Haddock wrote an autobiography entitled ''Granny D: You're Never Too Old to Raise a Little Hell'';

Whereas the Senate recognized the efforts of Doris ''Granny D'' Haddock at the passage of the Bipartisan Campaign Reform Act of 2002;

Whereas Doris ''Granny D'' Haddock was a strong political activist throughout her adult life;

Whereas in 2004, at the age of 94, Doris ''Granny D'' Haddock ran for the office of Senator of the United States;

Whereas Doris ''Granny D'' Haddock was married to James Haddock for 62 years;

Whereas, in the 1960s, Doris ''Granny D'' Haddock and James Haddock successfully fought to stop the use of hydrogen bombs to build a port near an Eskimo village in the State of Alaska;

Whereas Doris ''Granny D'' Haddock worked for the Bee Bee Shoe Company in Manchester, New Hampshire for 22 years; and

Whereas Doris ''Granny D'' Haddock had 2 children, 8 grandchildren, and 16 great-grandchildren: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes Doris ''Granny D'' Haddock, who inspired millions of people through remarkable acts of political activism; and

(2) extends the condolences of Congress to the Haddock family.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, ''Wall Street and the Financial Crisis: The Role of Credit Rating Agencies.'' This hearing will be the third in a series of Subcommittee hearings examining some of the causes and consequences of the recent financial crisis. This third hearing will focus on the role of credit rating agencies in the financial crisis, using as case histories the credit rating agencies of Standard and Poor's and Moody's. A witness list will be available Monday, April 19, 2010.

The Subcommittee hearing has been scheduled for Friday, April 23, 2010, at 9:30 a.m., in Room G–50 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 202–224–9505.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, ''Wall Street and the Financial Crisis: The Role of Investment Banks.'' This hearing will be the fourth in a series of Subcommittee hearings examining some of the causes and consequences of the recent financial crisis. The fourth hearing will focus on the role of investment banks in the securitization of residential mortgage related products, and the development, marketing, and trading of residential mortgage related structured financial products such as collateralized debt obligations (CDOs) and credit default swaps (CDS). The hearing will also review certain investment and trading activities of investment banks that involve residential mortgage based securities and related products. A witness list will be available Thursday, April 22, 2010.

The Subcommittee hearing has been scheduled for Tuesday, April 27, 2010, at 11 a.m., in Room 106 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 202–224–9505.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 22, 2010 at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing on a discussion draft of the ''Indian Energy Promotion and Parity Act of 2010''.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on

Rules and Administration will meet on Thursday, April 22, 2010, at 10 a.m., to hear testimony on ''Examining the Filibuster: History of the Filibuster 1789–2008.''

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on 202–224–6352.

SUBCOMMITTEE ON WATER AND POWER

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 Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, April 27, 2010, at 3 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 745/H.R. 2265, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes; S. 1138/H.R. 2442, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes; S. 1573/H.R. 2741, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the city of Hermiston, Oregon, water recycling and reuse project, and for other purposes; S. 3099, to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the American Falls Reservoir; S. 3100, to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Little Wood River Ranch; H.R. 325, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project; H.R. 637, to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes; H.R. 1120, To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes; H.R. 1219, to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992; H.R. 1393, to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes; and H.R. 2522, to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project, and for other purposes.

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, or by email to Gina_Weinstock@energy.senate.gov.

For further information, please contact Tanya Trujillo at (202) 224–5479 or Gina Weinstock at (202) 224–5684.

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 Subcommittee on National Parks. The hearing will be held on Wednesday, May 5, 2010, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the National Park Service's implementation of the American Recovery and Reinvestment 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, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Allison Seyferth at (202) 224–4905.

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that William Storm of my Finance Committee staff be granted privileges of the floor for the duration of the 111th Congress.

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

HONORING THE LIFE AND ACHIEVEMENTS OF DR. BENJAMIN L. HOOKS

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 489, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 489) honoring the life and achievements of Dr. Benjamin L. Hooks.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALEXANDER. Madam President, on April 15, Benjamin Hooks died in the city where he was born 85 years ago, the city of Memphis. Later this afternoon, Senator BURRIS, Senator CORKER, and I will introduce a resolution honoring the life and achievement of Dr. Benjamin L. Hooks.

Benjamin Hooks was certainly one of Tennessee's most distinguished citizens and one of America's leaders in this last half century. He was a patriot, a family man, a visionary, a lawyer, a storyteller, a preacher, and for my wife and me, he and his wife Frances were close and good friends.

There will be a funeral service in Memphis on Wednesday. I will attend it and will make remarks there. But I wanted to say a few words about my friend Dr. Hooks on the floor of the Senate today.

Ben Hooks was born January 31, 1925. He leaves his wife Frances and his daughter Patricia Gray and two grandsons. He was the fifth of seven children born to Robert B. and Bessie Hooks. Right from the beginning, he was part of a pioneering family. He was the grandson of Julia Hooks, the second Black woman in the United States to graduate from college.

Young Ben Hooks went on to LeMoyne-Owen College in Memphis and graduated from Howard. He served in the U.S. Army. He was a patriot. While in the Army, he learned something more about injustice when he found that some of the prisoners of war he guarded had more rights than he did to eat in a restaurant. His pioneering continued when he went back home to Memphis after the war.

First, he had to get a law degree. At that time, no Tennessee law school would accept an African-American law student. It was the same in Arkansas. I remember George Haley, the brother of Alex Haley—that is another Tennessee family, the Haleys—George Haley was able to go to the University of Arkansas at about the same time and was required to sit by himself in a separate room because they simply didn't know what to do with an African-American student.

Ben Hooks choose to go to DePaul University in Chicago, where he received his law degree in 1984, and came back to Memphis. He kept pioneering. He was one of the few African-American lawyers to set up his own practice in Memphis. He was appointed to the Shelby County Criminal Court by Governor Frank Clement of Tennessee in 1965, making him the first Black criminal court judge in the history of our State.

He and Dr. Martin Luther King worked together. He lived to see Dr. King go over from being someone who was reviled to someone who was honored by having a national holiday in his name.

In 1972, Benjamin Hooks became the first Black appointee to the Federal Communications Commission. That was at the recommendation of Senator Howard Baker, a Republican Senator, and a Republican President, Richard Nixon. Ben Hooks was able to support leaders of both parties. He supported the 1972 Presidential Republican ticket. He supported Senator Baker in his

races. His wife Frances supported me every time I ran for public office in Tennessee, which has been a lot, five different times. Everybody knew that Frances Hooks would not have been supporting me if Ben Hooks did not know about it. In fact, it is hard to think of Ben Hooks without Frances. I cannot think of a time I talked with him when I did not start with her. She was his sweetheart, his ally, his secretary, his assistant, his adviser, and all of us send to her and her family our thoughts during these days. I talked with her for a few minutes a while ago.

Benjamin Hooks became best known in this country when he was elected executive director of the National Association for the Advancement of Colored People, NAACP, in 1976. He served in that role until 1992. During that time the NAACP grew by hundreds of thousands of members due to Ben Hooks' leadership.

Ben Hooks was an ordained minister. He delivered sermons for more than half a century. They were sermons well worth hearing. Ben Hooks had the combined gifts of a Southern preacher, a Southern lawyer, and a Southern politician, and he could turn a phrase and turn the audience inside out and upside down with his phrases as well as anyone I have ever heard.

One of his most touching speeches was his eulogy at the funeral of a former Tennessee Senator, Albert Gore, Sr., which I heard in Nashville.

In March of 2001, Benjamin and Frances Hooks renewed their wedding vows after almost 50 years of marriage.

In November of 2007, just about 2½ years ago, Benjamin Hooks was awarded the Presidential Medal of Freedom, the highest civilian honor in the United States, by President George W. Bush.

He helped to establish, in his hometown of Memphis, the Benjamin Hooks Institute for Social Change at the University of Memphis. In talking with some of the faculty members at that institute a few years ago, one of them said Ben Hooks understands our country is a work in progress. He had seen the hard parts of it. He had seen the injustice of it. Before he died, he was still sad and angry about some of the injustices that exist today. But he had also seen the promise of it as well. Through his lifetime, he had lived through the King days; the sit-ins; the days of the first Black criminal court justice, where it was commonplace for African Americans to graduate from law school; the election of the first African-American President; the rise of the NAACP. Ben Hooks saw the great promise of American life.

After he was awarded the Medal of Freedom in 2007 by the President, I hosted a lunch for him in the Senate Dining Room downstairs. Those who come to the Senators' dining room are accustomed to seeing distinguished visitors. In fact, that is why most people go the Senators' dining room—to be seen. But that day Ben Hooks took over the dining room. He was by far the most distinguished visitor there. Some very well known people came to pay respect to him. One of them was the late Jack Kemp, who worked with Dr. Hooks on civil rights issues for many years. But the greatest commotion was caused by the people who work in the Senators' dining room—those who serve, those who wait tables, those who cook in the kitchen. They all wanted to shake Ben Hooks' hand. They wanted to say hello to him. They wanted his autograph. And most wanted his picture.

We will miss Ben Hooks' leadership. We will miss his vision. We will miss his capacity to work with Republicans as well as Democrats. Tennessee has lost one of its most distinguished citizens. But we are grateful for that life, and in Memphis on Wednesday we will celebrate the life of Dr. Benjamin L. Hooks.

Mr. CORKER. Madam President, I do want to say that Tennessee has lost a great human being in Dr. Benjamin Hooks, and I want to join with my friend and colleague from Tennessee, Senator ALEXANDER, in being part of a resolution to talk about his wonderful life. I know we will be having ceremonies in Tennessee this Wednesday, but certainly he was a wonderful individual who did much to benefit our country, and we all are saddened by his passing.

Mr. CARDIN. Madam President, I rise today to honor the life of the Reverend Benjamin Lawson Hooks. I join all Americans in expressing my sadness at his passing and gratitude for his lifetime of service. Ben Hooks was a man of faith who was dedicated to nonviolent change. He will be remembered as one of the great civil rights champions of our time.

Ben Hooks was born in Memphis, TN, at the height of the Jim Crow era in 1925. During World War II, he enlisted in the Army to fight for his country, a segregated nation that denied him access to many public venues. Stationed in Italy, he was ordered to guard Italian prisoners of war, and like so many African-American soldiers at that time, he was utterly shocked to find that the very prisoners he guarded were admitted to the all-White cafeteria, while he had to eat elsewhere. Upon returning to the United States, Ben Hooks completed his studies at Howard University and attended DePaul University College of Law in Chicago.

But he never forgot his roots or the civil rights violations that he had witnessed. After the war, he returned to his hometown of Memphis, TN, to open up a law practice and dedicate himself to the fight for the equality of all Americans. Of those years, he recalled: ''At that time you were insulted by law clerks, excluded from white bar associations and when I was in court, I was lucky to be called 'Ben.' Usually it was just 'boy.' '' He also became a Baptist minister, joined the NAACP and participated in many civil rights protests. He joined Dr. Martin Luther King Jr.'s Southern Christian Leadership Conference, which went on to spearhead the civil rights movement through famous nonviolent protests.

By 1965, Ben Hooks had made his mark on his home State, and was appointed to the Tennessee Criminal Court, making him the first Black judge since Reconstruction in a State trial court anywhere in the South. In years to come he would capture the attention of lawmakers in Washington, and in 1972, President Nixon nominated Hooks to the Federal Communications Commission. He became the first Black Commissioner on the FCC, and served for 5 years. During his time there, he fought for underrepresented minorities in the media and helped to increase the number of African-Americans employed at the FCC.

Despite all these accomplishments, Ben Hooks is likely to be best remembered for his 15 years as executive director of the NAACP. In 2007, when President Bush presented him with the Presidential Medal of Freedom, one of our country's highest civilian honors, saying: ''Dr. Hooks was a calm yet forceful voice for fairness, opportunity and personal responsibility. He never tired or faltered in demanding that our Nation live up to its founding ideals of liberty and equality.''

His time at the NAACP was transformative. When he first arrived, membership was down and the organization was saddled with debt, but he declared ''the civil rights movement is not dead. If anyone thinks that we are going to stop agitating, they had better think again. If anyone thinks that we are going to stop litigating, they had better close the courts. If anyone thinks that we are not going to demonstrate and protest, they had better roll up the sidewalks.'' When he retired in 1992, membership had dramatically increased and the organization had been completely reinvigorated and continues to be at the forefront of the civil rights movement today.

The Reverend Jesse Jackson eloquently noted: ''Ben Hooks did it all, did it well, and he did it over a long period of time. He fought tirelessly to tear down walls that make today's bridges possible. He took us from racial battleground to economic common ground, across lines of race and religion.''

Today, I add my voice to the chorus of praise for Ben Hooks. He was an honorable man who fought for equality and justice for all Americans and to fulfill the promise of our great Nation.

Mr. DURBIN. Madam President, 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. 489) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 489

Whereas Benjamin Hooks was born in Memphis, Tennessee on January 31, 1925;

Whereas Benjamin Hooks died April 15, 2010, at the age of 85 in Memphis, Tennessee, and is survived by his wife, Frances Hooks, his daughter, Patricia Gray, and 2 grandsons;

Whereas Benjamin Hooks was the fifth of 7 children born to Robert B. and Bessie Hooks, and was the grandson of Julia Hooks, the second Black woman in the United States to graduate from college;

Whereas Benjamin Hooks attended LeMoyne-Owen College in Memphis and, in 1944, graduated from Howard University;

Whereas Benjamin Hooks joined the United States Army during World War II and was promoted to staff sergeant;

Whereas in 1948, Benjamin Hooks received his law degree from DePaul University in Chicago, Illinois and returned to Memphis, Tennessee to help breakdown segregation;

Whereas Benjamin Hooks set up his own law practice and was one of a few Blacks practicing law in Memphis from 1949–1965;

Whereas Benjamin Hooks was appointed to a vacancy on the Shelby County criminal court, by Governor Frank G. Clement in 1965, making him the first Black criminal court judge in the history of Tennessee;

Whereas Benjamin Hooks was a leader in the civil rights movement and joined the Southern Christian Leadership Conference of Reverend Martin Luther King in 1956;

Whereas Benjamin Hooks became the first Black appointee to the Federal Communications Commission in 1972, when he was appointed by President Richard Nixon, and, in that capacity, worked towards minority employment and involvement in broadcasting;

Whereas Benjamin Hooks was elected executive director of the National Association for the Advancement of Colored People (NAACP) on November 6, 1976, and served in that role until 1992;

Whereas Benjamin Hooks was an ordained minister and delivered sermons for 52 years at the Greater Middle Baptist Church and as pastor at Greater New Mountain Moriah Missionary Baptist Church in Detroit;

Whereas Benjamin Hooks was honored in 1996 with the dedication of the Benjamin L. Hooks Institute for Social Change at the University of Memphis, which he helped to create;

Whereas Benjamin Hooks and Francis Hooks renewed their wedding vows on March 24, 2001, after almost 50 years of marriage;

Whereas in November 2007, Benjamin Hooks was awarded the Presidential Medal of Freedom, the highest civilian honor in the United States, by President George W. Bush; and

Whereas the passing of Benjamin Hooks is a great loss: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the outstanding contributions of Dr. Benjamin L. Hooks to the civil rights movement, the ministry, his family, and the community of Memphis, Tennessee; and

(2) pays tribute to Dr. Benjamin L. Hooks, his passion for life, dedication to service, and commitment to equality.

AUTHORIZING THE USE OF EMANCIPATION HALL

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res 243, which is at the desk and just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 243) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 243) was agreed to.

MAJOR CHARLES R. SOLTES, JR., O.D. DEPARTMENT OF VETERANS AFFAIRS BLIND REHABILITATION CENTER

Mr. DURBIN. Madam President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 4360 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4360) to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the ''Major Charles Robert Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center.''

There being no objection, the Senate proceeded to consider the bill.

Mr. AKAKA. Madam President, I am pleased that the Senate is passing H.R. 4360 by unanimous consent. Major Soltes was truly an inspiration to all of us, and I am proud to support this legislation. Major Soltes deployed to Iraq in 2004 and paid the ultimate sacrifice for our great country after the vehicle in which he was traveling ran over an improvised explosive device. Throughout his career in the Army, he assumed many leadership positions, received numerous military decorations, and was instrumental in establishing a free medical clinic for the local population in Iraq.

It is particularly fitting that we are naming the VA blind rehabilitation center in Long Beach, CA, after Major Soltes. He was from Irvine, CA, a graduate of the New England College of Optometry, and completed his residency at the prestigious Brooke Army Medical Center. He also served as the Director of the Optometry Residency Program at the U.S. Military Academy. In 1999, Major Soltes became the clinical director of Irvine Vision Institute, an optometry specialty center where served until his voluntary deployment to Iraq.

Major Soltes leaves behind his wife, Sally Dang, O.D., and three young children. Dr. Dang is a low-vision optometrist who received her training at the West Haven VA Blind Rehabilitation Center after graduating from the New England College of Optometry. She has recently volunteered to provide low-vision services and care for blinded veterans to fulfill a promise she made to her husband before he deployed to Iraq.

Major Soltes was a dedicated Army officer, and an outstanding clinician, educator, and military optometrist and naming the Long Beach VA blind rehabilitation center in honor of him will be a fitting tribute to his lasting memory.

Mr. DURBIN. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4360) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR TUESDAY, APRIL 20, 2010

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, April 20; 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 a period for the transaction of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate proceed to executive session, as provided for under the previous order.

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

PROGRAM

Mr. DURBIN. Madam President, under an agreement reached earlier tonight, at 12 noon the Senate will proceed to vote on the confirmation of the nomination of Lael Brainard to be Under Secretary of the Treasury.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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

There being no objection, the Senate, at 6:45 p.m., adjourned until Tuesday, April 20, 2010, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DONALD M. BERWICK, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, VICE MARK B. MCCLELLAN.

GOVERNMENT PRINTING OFFICE

WILLIAM J. BOARMAN, OF MARYLAND, TO BE PUBLIC PRINTER, VICE ROBERT CHARLES TAPELLA, RESIGNED.

IN THE AIR FORCE

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 major general

BRIGADIER GENERAL MARK A. BARRETT
BRIGADIER GENERAL MICHAEL R. BOERA
BRIGADIER GENERAL EDWARD L. BOLTON, JR.
BRIGADIER GENERAL JOSEPH D. BROWN IV
BRIGADIER GENERAL NORMAN J. BROZENICK, JR.
BRIGADIER GENERAL SHARON K.G. DUNBAR
BRIGADIER GENERAL DAVID S. FADOK
BRIGADIER GENERAL JONATHAN D. GEORGE
BRIGADIER GENERAL WALTER D. GIVHAN
BRIGADIER GENERAL MARK W. GRAPER
BRIGADIER GENERAL JAMES W. HYATT
BRIGADIER GENERAL JOHN E. HYTEN
BRIGADIER GENERAL RICHARD C. JOHNSTON
BRIGADIER GENERAL JAMES J. JONES
BRIGADIER GENERAL BRUCE A. LITCHFIELD
BRIGADIER GENERAL CHARLES W. LYON
BRIGADIER GENERAL WENDY M. MASIELLO
BRIGADIER GENERAL KENNETH D. MERCHANT
BRIGADIER GENERAL HARRY D. POLUMBO, JR.
BRIGADIER GENERAL JOHN D. POSNER
BRIGADIER GENERAL LORI J. ROBINSON
BRIGADIER GENERAL MARK O. SCHISSLER
BRIGADIER GENERAL MARGARET H. WOODWARD

IN THE ARMY

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

LT. GEN. DAVID P. FRIDOVICH

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. DONALD C. LEINS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. NADJA Y. WEST

IN THE MARINE CORPS

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

To be brigadier general

COLONEL BRIAN D. BEAUDREAULT
COLONEL VINCENT A. COGLIANESE
COLONEL CRAIG C. CRENSHAW
COLONEL FRANCIS L. KELLEY, JR.
COLONEL JOHN K. LOVE
COLONEL JAMES W. LUKEMAN
COLONEL CARL E. MUNDY III
COLONEL KEVIN J. NALLY
COLONEL DANIEL J. O'DONOHUE
COLONEL STEVEN R. RUDDER
COLONEL JOHN W. SIMMONS
COLONEL GARY L. THOMAS

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 20, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 21

9:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting to consider and original bill entitled, ''The Wall Street Transparency and Accountability Act of 2010''.

SD–G50

Veterans' Affairs

To hold an oversight hearing to examine implementation of the new post-9/11 Government Issue (GI) Bill.

SR–418

10 a.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine nonproliferation programs at the Departments of Defense and Energy in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.

SR–222

Environment and Public Works

Business meeting to consider H.R. 2062, to amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, S. 2724, to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, H.R. 3305, to designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the ''H. Dale Cook Federal Building and United States Courthouse'', and H.R. 1700 and S. 2129, bills to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum, and proposed resolutions relating to the Army Corps Study and the General Services Administration.

SD–406

Homeland Security and Governmental Affairs

To hold hearings to examine the lessons and implications of the Christmas Day attack, focusing on securing the visa process.

SD–342

10:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for Missile Defense Agency programs.

SD–192

2:15 p.m.

Budget

Business meeting to consider the concurrent resolution on the budget for fiscal year 2011.

SD–608

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine securing the nation's rail and other surface transportation networks.

SR–253

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 1546, to provide for the conveyance of certain parcels of land to the town of Mantua, Utah, S. 2798, to reduce the risk of catastrophic wildfire through the facilitation of insect and disease infestation treatment of National Forest System and adjacent land, S. 2830, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects, and S. 2963, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land.

SD–366

Small Business and Entrepreneurship

To examine the President's proposed budget request for fiscal year 2011 for the Small Business Administration.

SR–428A

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine environmental management funding in review of the Defense Authorization request for fiscal year 2011 and funding under the American Recovery and Reinvestment Act.

SR–222

APRIL 22

9:30 a.m.

Armed Services

To hold hearings to examine the Nuclear Posture Review.

SD–G50

10 a.m.

Budget

Business meeting to continue consideration of the concurrent resolution on the budget for fiscal year 2011.

SD–608

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the National Aeronautics and Space Administration.

SD–192

Banking, Housing, and Urban Affairs

Economic Policy Subcommittee

To hold hearings to examine China's exchange rate policy and trade imbalances.

SD–538

Health, Education, Labor, and Pensions

To resume hearings to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on meeting the needs of the whole student.

SD–106

Judiciary

Business meeting to consider S. 1346, to penalize crimes against humanity and for other purposes, S. 657, to provide for media coverage of Federal court proceedings, S. 446, to permit the televising of Supreme Court proceedings, S. Res. 339, to express the sense of the Senate in support of permitting the televising of Supreme Court proceedings, S. 1684, to establish guidelines and incentives for States to establish criminal arsonist and criminal bomber registries and to require the Attorney General to establish a national criminal arsonist and criminal bomber registry program, and the nominations of Kerry B. Harvey, to be United States Attorney for the Eastern District of Kentucky, David J. Hale, to be United States Attorney for the Western District of Kentucky, Kenneth J. Gonzales, to be United States Attorney for the District of New Mexico, and Alicia Anne Garrido Limtiaco, to be United States Attorney for the District of Guam and concurrently United States Attorney for the District of the Northern Mariana Islands, all of the Department of Justice.

SD–226

Appropriations

Military Construction and Veterans Affairs, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Army and the Department of Air Force.

SD–124

Commerce, Science, and Transportation

Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold hearings to examine the environmental and economic impacts of ocean acidification.

SR–253

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine challenges and lessons learned in transitioning the Federal government.

SD–342

Rules and Administration
To hold hearings to examine the filibuster, focusing on the history of the filibuster 1789–2008.
SR–301

10:30 a.m.
Foreign Relations
To hold hearings to examine promoting global food security, focusing on the next steps for Congress and the Administration.
SD–419

2 p.m.
Aging
To hold hearings to examine the National Broadband Plan and health care technology.
SD–562

2:15 p.m.
Indian Affairs
To hold hearings to examine the discussion draft of the ''Indian Energy Promotion and Parity Act of 2010''.
SD–628

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the debt settlement industry, focusing on the consumer's experience.
SR–253

Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine the future of the United States Postal Service.
SD–342

Intelligence
To hold closed hearings to consider certain intelligence matters.
SH–219

Commission on Security and Cooperation in Europe
To hold hearings to examine the link between revenue transparency and human rights, focusing on programs such as the Extractive Industries Transparency Initiative (EITI) and their ability to improve human right in resource-rich countries.
SD–430

3 p.m.
Judiciary
To hold hearings to examine certain nominations.
SD–226

APRIL 23

9:30 a.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To resume hearings to examine Wall Street and the financial crisis, focusing on the role of credit rating agencies.
SD–G50

APRIL 27

10 a.m.
Energy and Natural Resources
To hold hearings to examine the nominations of Philip D. Moeller, of Washington, and Cheryl A. LaFleur, of Massachusetts, both to be a Member of the Federal Energy Regulatory Commission.
SD–366

11 a.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To resume hearings to examine Wall Street and the financial crisis, focusing on the role of investment banks.
SD–106

3 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 745 and H.R. 2265, bills to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, S. 1138 and H.R. 2442, bills to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, S. 1573 and H.R. 2741, bills to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, S. 3099, to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the American Falls Reservoir, S. 3100, to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Little Wood River Ranch, H.R. 325, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra Black Wash Reclamation and Riparian Restoration Project, H.R. 637, to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, H.R. 1120, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, H.R. 1219, to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992, H.R. 1393, to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and H.R. 2522, to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project.
SD–366

APRIL 28

2 p.m.
Health, Education, Labor, and Pensions
To resume hearings to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on standards and assessments.
SD–430

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 1241, to amend Public Law 106–206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer, S. 1571 and H.R. 1043, bills to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, S. 2762, to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, S. 3075, to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws, S. 3185, to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and H.R. 86, to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands.
SD–366

MAY 5

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Veterans Affairs (VA) Disability Compensation, focusing on presumptive disability decision-making.
SR–418

10 a.m.
United States Senate Caucus on International Narcotics Control
To hold hearings to examine violence in Mexico and Ciudad Juarez and its implications for the United States.
SD–124

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine the National Park Service's implementations of the American Recovery and Reinvestment Act.
SD–366

MAY 19

9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending legislation.
SR–418

POSTPONEMENTS

APRIL 21

10 a.m.
Judiciary
To hold hearings to examine combating cyber crime and identity theft in the digital age.
SD–226

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2399–S2432

Measures Introduced: Seven bills and four resolutions were introduced, as follows: S. 3221–3227, S. Res. 488–490, and S. Con. Res. 58. **Pages S2423–24**

Measures Reported:

S. 1397, to authorize the Administrator of the Environmental Protection Agency to award grants for electronic device recycling research, development, and demonstration projects, with an amendment in the nature of a substitute. (S. Rept. No. 111–168)

S. 1660, to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, with an amendment in the nature of a substitute. (S. Rept. No. 111–169)

S. 3111, to establish the Commission on Freedom of Information Act Processing Delays, with amendments. **Page S2421**

Measures Passed:

Honoring the Life of Dr. Benjamin L. Hooks: Senate agreed to S. Res. 489, honoring the life and achievements of Dr. Benjamin L. Hooks. **Pages S2429–31**

Authorizing the Use of Emancipation Hall: Senate agreed to H. Con. Res. 243, authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha. **Page S2431**

Major Charles Robert Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center: Committee on Veterans' Affairs was discharged from further consideration of H.R. 4360, to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the "Major Charles Robert Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center", and the bill was then passed, clearing the measure for the President. **Page S2431**

Brainard Nomination: Senate resumed consideration of the nomination of Lael Brainard, of the District of Columbia, to be an Under Secretary of the Treasury. **Pages S2401–17**

During consideration of this measure today, Senate also took the following action:

By 84 yeas to 10 nays (Vote No. Ex. 118), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the nomination. **Pages S2413–14**

Nominations—Agreement: A unanimous-consent-time agreement was reached providing that any recess, adjournment, or period of morning business count post-cloture, and Senate continue consideration of the nomination of Lael Brainard, of the District of Columbia, to be an Under Secretary of the Treasury at approximately 11 a.m., on Tuesday, April 20, 2010, and that the time until 12 noon be equally divided and controlled between Senator Baucus and Grassley, or their designees; with Senator Bunning controlling 15 minutes of the time under the control of Senator Grassley; that at 12 noon, all post-cloture time be considered expired, and Senate vote on confirmation of the nomination; that upon the Senate reconvening at 2:15 p.m., Senate resume consideration of the nomination of Marisa J. Demeo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia, and that there be up to 6 hours of debate with respect to the nomination, with the time equally divided and controlled between the two Leaders, or their designees; that upon the use or yielding back of time, Senate vote on confirmation of the nomination and that the cloture motion with respect to the nomination be withdrawn; that upon confirmation of Marisa J. Demeo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia, Senate begin consideration of the nomination of Stuart Nash, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia, and immediately vote on confirmation of the nomination. **Pages S2416–17**

Nominations Received: Senate received the following nominations:

Donald M. Berwick, of Massachusetts, to be Administrator of the Centers for Medicare and Medicaid Services.

William J. Boarman, of Maryland, to be Public Printer.

23 Air Force nominations in the rank of general.

3 Army nominations in the rank of general.

12 Marine Corps nominations in the rank of general. **Page S2432**

Messages from the House: **Pages S2419–20**

Measures Referred: **Page S2420**

Enrolled Bills Presented: **Page S2420**

Executive Communications: **Pages S2421–23**

Petitions and Memorials: **Pages S2420–21**

Additional Cosponsors: **Pages S2424–25**

Statements on Introduced Bills/Resolutions: **Pages S2425–28**

Additional Statements: **Page S2419**

Notices of Hearings/Meetings: **Pages S2428–29**

Privileges of the Floor: **Page S2429**

Record Votes: One record vote was taken today. (Total—118) **Pages S2413–14**

Adjournment: Senate convened at 2 p.m. and adjourned at 6:45 p.m., until 10 a.m. on Tuesday, April 20, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2431.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet at 12:30 p.m. on Tuesday, April 20, 2010.

Committee Meetings

No committee meetings were held.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D372)*

H.R. 4851, to provide a temporary extension of certain programs. Signed on April 15, 2010. (Public Law 111–157)

COMMITTEE MEETINGS FOR TUESDAY, APRIL 20, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs, to hold hearings to examine proposed budget estimates for fiscal year 2011 for operations and programs of the U.S. Agency for International Development, 10:30 a.m., SD–192.

Committee on Armed Services: to hold hearings to examine ballistic missile defense policies and programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session, 9:30 a.m., SD–G50.

Committee on Energy and Natural Resources: to hold hearings to examine S. 1856, to amend the Energy Policy Act of 2005 to clarify policies regarding ownership of pore space, and S. 1134, to ensure the energy independence and economic viability of the United States by promoting the responsible use of coal through accelerated carbon capture and storage and through advanced clean coal technology research, development, demonstration, and deployment programs, 10 a.m., SD–366.

Committee on Finance: to hold hearings to examine the President's proposed fee on financial institutions regarding the Troubled Asset Relief Program (TARP), part 1, 10 a.m., SD–215.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine protection from premiums, 9:30 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine border security, 11 a.m., SD–342.

Full Committee, to hold hearings to examine the nominations of Michael D. Kennedy, of Georgia, and Dana Katherine Bilyeu, of Nevada, both to be a Member of the Federal Retirement Thrift Investment Board, Dennis P. Walsh, of Maryland, to be Chairman of the Special Panel on Appeals, and Milton C. Lee, Jr., Judith Anne Smith, and Todd E. Edelman, all to be an Associate Judge of the Superior Court of the District of Columbia, 2 p.m., SD–342.

Committee on the Judiciary: to hold an oversight hearing to examine the Department of Justice, Civil Rights Division, 10 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to consider certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Select Intelligence Oversight Panel, executive, on National Security Agency FY 2011 Budget, 5 p.m., H–405 Capitol.

Committee on Armed Services, Subcommittee on Military Personnel, hearing on implementation of the requirement to provide a medical examination before separating members diagnosed with Post-Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI) and the capacity of the Department of Defense to provide care to PTSD cases, 5:30 p.m., B–318 Rayburn.

Committee on Financial Services, hearing entitled ''Public Policy Issues Raised by the Report of the Lehman Bankruptcy Examiner,'' 11 a.m., 2128 Rayburn.

Committee on Oversight and Government Reform, Subcommittee on Domestic Policy, hearing entitled ''Nuclear Power's Federal Loan Guarantees: The Next Multi-Billion Dollar Bailout?'' 2 p.m., 2154 Rayburn.

Next Meeting of the SENATE

10 a.m., Tuesday, April 20

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of the nomination of Lael Brainard, of the District of Columbia, to be an Under Secretary of the Treasury, and after a period of debate vote on confirmation of the nomination at 12 p.m.; following which, Senate will resume consideration of the nomination of Marisa J. Demeo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia, and upon confirmation thereon, Senate will immediately vote on confirmation of the nomination of Stuart Nash, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Tuesday, April 20

House Chamber

Program for Tuesday: To be announced.

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