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Senate

The Senate met at 9:30 a.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.

Eternal God, thank You for life's blessings that You give us from Your open hand and heart. Lord, You have blessed us with the Sun, the stars, the wind, the rain, the sea, the sky, the fields and forests. All of these gifts we too often take for granted.

Thank You for the Members of this legislative body and the many other workers who serve You faithfully away from the spotlight. Empower them to meet the challenges of our times with Your providential power. Strengthen them to perform faithfully and well the work You have assigned their hands to do.

We pray in Your great 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 7, 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.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the Wall Street reform bill. There will be no rollcall votes today or on Monday or on next Friday. The following Monday, we will take a look at that. That is now scheduled as a no-vote day. We may not be able to do that. Other things have come up, not the least of which is a conversation with Secretary Gates yesterday about the supplemental war funding bill.

We are going to do our utmost to finish the bill we are on now next week. We have today and all day Monday for people to work on amendments, and we would hope we can make some progress in that regard. Yesterday, there were a few difficult spots, but late in the evening we were able to get the Senate back on track. We had some important legislation done last night.

I repeat what I said last night: There doesn't need to be long periods of time for debating most of these issues. We have all studied them. This bill has been in the public eye for a long time. SHERROD BROWN had a controversial, important amendment. I supported that amendment. But he spoke for 5 minutes. The opposition spoke for 5 minutes. Everyone understood what they were doing. It was a good vote. I use that as an example. We can move through this stuff much more rapidly.

We want to make sure Senators have opportunities to offer amendments. As I said yesterday, there are lots of amendments. A lot of them are in the same area. We need to focus on these. Senator DURBIN has six amendments. He is going to offer one of his amendments. That is an example for all of us to follow.

Again, we ended the day on a good note. I believe that is important. We have already lined up some things to do when we begin legislative session on Tuesday, but on Monday, the two managers will be ready to do business on work they are doing. A number of these things can be worked out. The two people managing the banking part of this bill are longtime legislators. They have handled many bills on the Senate floor. They will accept a lot of these amendments.

The derivatives part of this bill is, by some standards, a little more complicated, but even there the issues are fairly clear. Senators LINCOLN and CHAMBLISS are ready to work with Senators who have ideas as to how, if at all, they want to change the legislation. They are also ready for business.

I hope people understand the urgency of our agenda. We have many things to do and a very short period of time to do them.

RESERVATION OF LEADER TIME

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

RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010

The ACTING PRESIDENT pro tempore. The Senate will resume consideration of S. 3217, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3217) to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail,'' to

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

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protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

Pending:

Reid (for Dodd/Lincoln) amendment No. 3739, in the nature of a substitute.

Sanders/Dodd modified amendment No. 3738 (to amendment No. 3739), to require the nonpartisan Government Accountability Office to conduct an independent audit of the Board of Governors of the Federal Reserve System that does not interfere with monetary policy, to let the American people know the names of the recipients of over $2 trillion in taxpayer assistance from the Federal Reserve System.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST—H.R. 4899

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4899, FEMA supplemental, the Federal Emergency Management Agency, which legislation is at the desk; that the only amendment in order to the bill be a Reid amendment regarding settlement of lawsuits against the Federal Government and emergency disaster assistance; that the amendment be considered and agreed to; the bill, as amended, be read a third time, passed, and the motion to reconsider be laid on the table; and that any statements related to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Tennessee.

Mr. CORKER. Mr. President, I rise to speak on the bill before us. I know JOHN MCCAIN from Arizona has filed an amendment on Fannie and Freddie, or GSEs, as we call them. I wish to speak on that amendment.

I know I have worked with our Presiding Officer on big pieces of this bill. I very much appreciate the spirit with which we have worked on this bill.

All of us know there are pieces of this legislation that are very appropriate. Certainly, the orderly liquidation title that the Presiding Officer, myself, Senator DODD, Senator SHELBY, and so many others have been involved in is an important piece of this legislation. All of us realize secondarily that the derivatives title, once it gets corrected and is in the right form, is a very important piece of trying to deal with what we as a country have dealt with over these last couple of years. Certainly, some elements of consumer protection are very important. I hope we are able to get that back in balance.

I believe, as with any piece of legislation we pass here, sometimes we take a crisis and use it to cause things to happen that don't necessarily have to do with the crisis itself. I certainly believe that is the case with some of the expanse as it relates to consumer protection. But the fact is, I think the orderly liquidation title is something that is a useful tool. Hopefully, we will get the derivatives title right, and we will no longer have a situation where people are hugely money bad and don't settle up on a daily basis and end up with the kind of situation we are all so familiar with as it relates to AIG.

There are still three areas we have not dealt with that are very important. One of them is underwriting. I hope the Presiding Officer and others will be able to work together and come up with an appropriate underwriting title. At the base and the core of this whole crisis, the fact is, what generated this worldwide crisis was the fact that a bunch of bad loans were written that should have never been written. This bill does nothing whatsoever—zero—to deal with loan underwriting. To me, that is a huge oversight. I am hoping that the Senator from Connecticut, the Senator from Virginia, and the Senator from Alabama—many of us will figure out a way to deal with it in an appropriate way.

I have an amendment. It is an approach. I am hoping, over the course of the next week and a half, we will figure out a way to deal with the core issue of this last crisis, which is, no doubt, we wrote a bunch of loans—our country did—mortgages were extended to people who could not pay them back.

Second, credit ratings. The fact is, the credit rating agencies were at the core of this. I know the bill attempts to deal with credit rating agencies by virtue of a pleading standard, making it so they are more liable for some of the recommendations they put forth. It is my sense what is going to happen, by addressing it that way, is the smaller firms that are just entering the market—that would like to be constructive as it relates to credit ratings—basically are going to be pushed out of the market, and the larger firms will be more consolidated or have a bigger piece of the business because they will be able to withstand some of the litigation that will take place, hopefully, if they make bad recommendations.

But I think there are probably some other ways of looking at this. I know there are people in this body on both sides of the aisle who constructively are trying to figure out a way to deal with that.

But the one glaring, glaring, glaring piece is Fannie and Freddie. I think one of the reasons we, as a body, have not dealt with Fannie and Freddie is they are huge, they are a big part of the market, the housing industry is very dependent upon them, and there has not been a consolidation around what most works to move them away from being such a big piece of the market and such a huge liability for our country.

That is why I so much like the amendment JOHN MCCAIN from Arizona has put forth. I know he has worked with JUDD GREGG and others. But what is outstanding about his amendment is—there are two things. No. 1, the fact is, we actually have to be honest with the American people about the cost, the liabilities we are picking up as it relates to the GSEs. Each year, for budgetary reasons, we will have to allocate moneys for the actual liabilities that exist. I think that is a good thing. I think that is a very important step. There will be some transparency into what those organizations are actually costing our country. I think all of us realize Fannie and Freddie are a huge problem and we need to deal with it.

The second piece of the McCain amendment I like so much is it puts in place a date certain, a certain time by which we, as a body, have to have dealt with them. One of the things I worry about—again, it is pretty hard to believe we have not thoughtfully figured out a way to deal with the GSEs at the time of passage right now. What I worry about is this bill passes and we move on to other topics and still have these huge issues that our country needs to deal with that we know are out of control, that have done incredibly terrible jobs in underwriting and basically have missions that counter each other. The fact is, it has a social mission, it has a business mission. We have tried to put those together, and it has not worked. We all know we have to deal with that in a different way.

What the McCain amendment would do is ensure that we deal with it. Sometimes, again, we move beyond a crisis, we start thinking about other things, and then we have these festering problems that have not been dealt with.

So let me say this. I am being pretty honest right here on the floor. I realize none of us yet have come up with a silver bullet answer on what to do exactly with the GSEs. How do we move them into the private market without totally disrupting what is happening right now, with them being such a huge part of what is happening?

The McCain amendment would just make sure, by a date certain, we deal with it, and we can do so incrementally. I know some people on the other side of the aisle might take the McCain amendment as a major criticism. I do not. I just look at it as a way for us to move ahead.

So I hope my friends on the other side of the aisle will actually look at the substance. I think it is thoughtful. I truly do. I think it is something that allows us to start accounting for it. But then, within a certain period of time, within the next couple of years, we will have had to deal with Fannie and Freddie or some draconian things will occur, no doubt.

I hope the Senator from Virginia, the Senators from Connecticut, Missouri,

and New Mexico, who are in this body today—I hope we can move beyond any partisan thinking. I will say, I think this body has done very well over the last week and a half. It is a complex piece of legislation. I think the Senator from Connecticut has tried to deal with this in a very good way on the floor.

As a matter of fact, we had a vote last night that I think a lot of us were concerned about, and instead of somebody raising an objection and trying to get us to a 60-vote threshold, we had a 51-vote threshold. I thought that was the best of this body last night, and I wish to thank those in charge of escorting this bill through the process for keeping it that way. There could have been a motion to table. Somebody could have asked for a 60-vote threshold.

I know the Senator from Missouri is going to speak next. She has been concerned about the process this year, and I join her in many of those concerns. But so far this process has been about the best I have seen in some time.

So as I move back to the McCain amendment, I know it is being offered by a Republican. I do not offer criticisms toward either side of the aisle for what has happened with the GSEs. Let's face it, in fairness, both sides of the aisle have had a hand in these things being where they are. Administrations on both sides of the aisle have used these GSEs toward ends. There is no question. I am not trying to weigh which side is most responsible. But the McCain amendment allows us to move ahead in a thoughtful way with these organizations.

So I will stop. I do urge my friends to please read the legislation. Maybe there is a second degree that is in order to make it even better. But I do believe it is a way for us to responsibly move ahead and deal with Fannie and Freddie. They cannot continue to exist as they are. Everybody in this body knows that. The American people know that. Let's deal with it. Let's pass the McCain amendment. Let's pass the McCain amendment with a tweak or two, if that is necessary. But let's show the American people we know it is a problem and we have the ability to work across party lines to be able to do so.

I yield the floor, and I thank all of you for listening.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

UNANIMOUS-CONSENT REQUESTS—EXECUTIVE CALENDAR

Mrs. MCCASKILL. Mr. President, I rise this morning in the cause of common sense in how the Senate works. We have had so many delays on nominations this year. Just as a quick review of where we stand, we have had over 51 rollcall votes on President Obama's nominations to serve in government under his Presidency. Of those 51 votes, over 80 percent of them were confirmed by overwhelming margins. Yet they sat on the calendar for more than 3 months, on average—overwhelming support, sitting on the calendar for 3 months, on average.

Just for some comparison, at the similar point in the Bush administration, there were eight nominees on the calendar. Right now, we have 107 nominees on the calendar. As I look at the list, I am confused because, as to most of the people on the list, we do not know why they are sitting there. We do not even know who is making them sit there. Enter stage left the anonymous hold—or as I like to call it: Nobody can blame me because they don't know who I am.

There is a law we passed that has a rule in it—very plain language, very easy to understand—that once a Senator makes a unanimous consent request to confirm a nominee, then you have to come out in the sunlight. After 6 session days, after those requests are made in terms of a unanimous consent for their confirmation, then the rule says you must notify your party leader of your hold that you have on the nomination, and it has to be published in the CONGRESSIONAL RECORD.

So last week I came to the floor and made 74 unanimous consent requests on nominations. Who were those 74? This is the amazing part. This is very amazing. Not one of the nominations I made a unanimous consent request on last week had any opposition in committee—none—not a voice vote ''no.'' No one spoke out and said: I have a problem. They flew out of committee—all 74 of them. But no one knows why they are sitting there or who has put a hold on them.

I made the request, and in the intervening week we have had a lot of activity in that regard. The first thing that happened is, my friend from Oklahoma followed the rule. He notified his party leader of the holds he had, and it was published in the CONGRESSIONAL RECORD. He has a great habit of reading what we are doing around here. When he read the rule, it was obvious to him the rule said, once the request had been made, you say who your holds are. He has never been afraid, my friend from Oklahoma. He has never been afraid to take accountability. I have seen him with great courage enrage this entire room because he had some principles he was standing on. He is a great role model in that regard—his principled stands; and he owns them. That is all we are talking about. We are talking about owning them.

Nobody in America gets why this stuff has to be secret. I know he has an amendment he wants to offer on secret spending, and I would like, on the record, to say I would like to join him in that amendment. The secret spending that goes on through the hotline process, he is absolutely right—publishing this stuff for 72 hours. He is absolutely right.

But this practice is absolutely wrong. Unlike his other colleagues, he stepped out of the dark and into the sunshine. But no one else did.

So now, a week later, we still have 53 of those 74 names for which we have no idea who is holding them or why. Some of them have been confirmed of the 74 since then—a few. I think the Senator from Oklahoma identified a hold on, I believe, six or seven. So now we still have 53 names for which no one knows who is holding them by people who are avoiding the rule.

I had somebody come up to me the other day and say: Well, there is no enforcement. I said: Who would have thought you would have to make it a misdemeanor for a Senator to identify their hold? They voted for the bill. The vote was 96 to 2, so they voted for it. They just do not want to live by it.

Today, I come back to the floor with my colleagues—and there will be a number of us here—to once again try to trigger the rule. The unanimous consent requests will be made. Today, we have 69 names—the 53 from last week that are still out in the dark somewhere—we do not know who is holding them or why—and additional names that have been added to the calendar since then.

Mr. President, 64 of the 69 nominees we will make a motion on today—64 of the 69 nominees—had no opposition in committee—none. As we will hear over the next hour or so, these are important jobs: National Traffic Safety Board, the inspector general for the EPA. Can you imagine right now not having an inspector general of the EPA with what is going on in the gulf?

The other good news—let me just briefly talk about this. I am going to yield to my colleague from New Mexico. We have a letter going around, and the letter is very simple. Everyone who signs the letter is taking a pledge—a public pledge—that they will never again participate in a secret hold; and, further, they support abolishing secret holds. If you want to hold somebody, you have to put your name on it.

I am very proud of the fact we now have 59 signatures on that letter, both Republicans—a Republican so far, 2 Independents, and all the Democratic Senators, except 1. I am optimistic we will get the last remaining Democratic Senator, Mr. BYRD, since he cosponsored a resolution in 2003, along with Senator WYDEN and Senator GRASSLEY, who have done yeoman's work on this issue for years. Senator Lott and Senator BYRD, along with Senator GRASSLEY and Senator WYDEN, sponsored a resolution back in 2003 to try to end secret holds, and here we are 7 years later with 53 nominees in the dark after the rule has been triggered.

So I am optimistic. I certainly am hopeful we will have a lot more Republicans sign on the letter. I think we may. The iceberg is moving. We may actually bust up this thing. I am wildly optimistic—which is an unusual thing around here—about reform. It is hard to change the traditions of the Senate, especially when they are bad habits. Once again, my colleague from Oklahoma and I share the same view on earmarks and have tried from a principled

position to not participate in those. I think that is also a bad habit. Clearly, we have a lot more people agreeing with us on secret holds than we do on earmarks.

I look forward to making these motions today. I look forward to the Senators reading the rule, understanding the plain language, acknowledging they voted for it, and putting their name on these secret holds. Hold a nominee. The Senator from Oklahoma is holding some nominees. He has the right to do that. But the people we work for have the right to know why and who he is. That is all we are asking for today. We are not asking anybody to give up their holds; we are only asking people to identify who they are, to come into the sunshine for the transparency we all want to have as we serve the great people of this Nation.

With that, for the unanimous consent requests, I will yield to my colleague from New Mexico, Senator UDALL.

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

Mr. UDALL of New Mexico. Mr. President, I know our Presiding Officer today is also going to come forward, and we hope to see him down on the floor. I thank Senator MCCASKILL very much for her organizational efforts, hers and Senator WARNER's, and for working on this issue. This is a very serious issue for the Senate in terms of how we move forward on the rules. I kind of liken it—and I have some history here, and I know everybody has their history when it comes to administrations.

We have this administration elected a little over a year and a half ago, trying to put their people in place. They are trying to put people in place to run, for example—I am going to be talking about the Tennessee Valley Authority and talking about the EEOC, the Equal Employment Opportunity Commission. They are trying to put their people in place to run these agencies and to get the government to work. Sometimes in the past—and my father passed recently, but he used to visit with me about the way they used to do it in the old days. In the old days you got to put your people into place within the first couple of weeks of an administration. I remember my father telling me he took over as Secretary of the Interior in January. Within 2 weeks, he had all of his Presidential appointees in place. He had his team in place. He could start carrying out the responsibilities that had been given him by the President. My understanding is for most of the Cabinet members in President Kennedy's Cabinet, the same thing was true. Within a couple of weeks you had your team in place and you could go out and try to do the things your President had campaigned on.

We are seeing a striking difference between those days back in the 1960s and what happens today. We are seeing incredible obstruction in terms of trying to move forward. It is done through this process, as Senator MCCASKILL has brought out, of secret holds.

Since the Obama administration—I saw a figure at the end of the first year—they only had 55 percent of their team in place; 55 percent of their team. What we are talking about is holding up the ability of the President to have his team in place and do his job. I think that is unacceptable. I think one of the areas that is the worst when it comes to this is the hold process, the secret holds.

What is a secret hold? Everybody asks about these secret holds. This means a Senator is able to put a hold on a nomination and not come out in public. We all know that the very best thing is to shine light on the process. I think one of our Supreme Court Justices said it the best: Sunshine is the best disinfectant. With the secret holds, there is no sunshine. As many of us have pointed out on the floor, we want to bring sunshine to this process.

I wish to congratulate Senator COBURN for being the only Senator to step forward in this week-long process of trying to bring people out into the public. I understand Senator MCCASKILL's reading of this statute and my reading of this statute is if you have not come forward at this point on this large number of nominees for which unanimous consent has been asked, and there has been an objection, you are in violation of the law. You are in violation of the law. Only Senator COBURN has stepped forward to say I am holding up—I believe he is holding up the Broadcasting Board of Governors. He is holding up six people on the Broadcasting Board of Governors.

Today I am going to try to move—and we are doing this, I say to Senator COBURN, in a bipartisan way. We are not picking just Democrats. We are talking about the EEOC and the Tennessee Valley Authority, and we are moving forward with both Democrats and Republicans. That is why I am doing an en bloc request at this point so we can get both Democrats and Republicans in place.

Mr. President, I ask unanimous consent that the Senate proceed to executive session for the purpose of consideration of Calendar Nos.—and this is important, the EEOC—616, Jacqueline A. Berrien, to be a member of the Equal Employment Opportunity Commission; 617, Chai Rachel Feldblum; 619, Victoria Lipnic, to be a member of the EEOC for the remainder of the term expiring July 1, 2010; and 620, Victoria Lipnic to be a member of the Equal Employment Opportunity Commission; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table en bloc, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominees be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Mr. President, reserving the right to object, I wish to make an inquiry of the Chair as to the interpretation of the rule we passed, because it is my understanding that the rule doesn't require you to publish, but it does say the majority and minority leader are no longer obligated to honor your request for a hold if you have not.

I ask for the Chair's opinion on that.

The ACTING PRESIDENT pro tempore. The law being section 512, Notice of Objecting to Proceeding.

> In General. The Majority and Minority Leaders of the Senate or their designees shall recognize a motion of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

let me read both of these; I will try to paraphrase:

Following the objection to a unanimous consent to proceeding to, and/or passage of a measure or matter on their behalf, submits the notice of intent in writing to the appropriate leader or their designee; and paragraph 2, not later than 6 session days after the submission under paragraph (1), submits for inclusion in the CONGRESSIONAL RECORD and in the applicable calendar section described in subsection (b) the following notice—and files a notice of intent.

Mr. COBURN. OK. I will take that reading of the law as an assumption that agrees with the position I put out there.

I would say—if the Chair would give me some time in consideration of my reserving the right to object—I served in the majority for 2 years prior to the Senators who are here on the floor today, and I understand the frustration. I have been there. I was on the other side. It is difficult. In terms of numbers, we have more of President Obama's nominees cleared than President Bush's nominees at the same point in time.

I wish to raise the question. I am going to comply. First, I don't have any problem explaining why I hold somebody. The BBG nominees: The BBG is in such a mess, I want to make sure I visit with every nominee before I give them a clearance to get on that board, because we are wasting three-quarters of a billion dollars there and not doing anything positive for our country as we spend that money.

There are a lot of reasons why we hold people. One of the dangers of coming forward, from my experience as a Senator myself, of putting a hold on and then putting it out there, is this: If I want to do further work or study or have a question, the assumption with a hold is that you don't want them to move, and that may not be the case at all. The reason for a hold oftentimes is I want to look at the history, I want to look at the background, and I want to take the time to meet the individual myself. That fulfills the true obligation of advise and consent.

I would also say we were frustrated when we were in the majority the same way, and we played the same kind of parlance, except with our own nominees. When somebody on our side had a

hold, we didn't ever mention that. We didn't ever complain about that. We just complained when the other side did. So the perspective has to be—understanding the frustration; the President deserves advice and consent—but I also know there are 150 nominees right now sitting in committee who haven't been cleared in committee and we are a year and a half, a year and 4 months into this administration. It is not just that.

I intend to object to every one of these, not because I personally have an objection, and I want my colleagues to know that, but one of the considerations of courtesy on the Senate floor is if somebody else does, you will honor that.

The final point I will make is that the majority and minority leader usually work these things out. I think we passed 28 in the last few weeks, probably because of some of the good effort of my colleagues on the other side of the aisle to apply the pressure and heat. But I plan to object to every one of these because there are those on our side who have a problem with the individual. But I don't disagree that you ought to have the courage to stand up and say who you are holding and why you are holding them. I don't disagree with that. But that isn't our case right now and that isn't the case of the law, as I understand it; it just removes the obligation.

So on that basis I will object to this first package and plan on objecting to every other one in forbearance and as a courtesy to those on my side of the aisle who have a problem with these nominees.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I am confused. This law was passed in the most bipartisan way possible: 96 to 2. Are we going to pretend this law doesn't say what it says?

Let me make sure I put in the RECORD what it says:

> The majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to a proceeding or a measure only if the Senator—
>
> (1) following the objection to a unanimous consent proceeding submits the notice of intent in writing to the appropriate leader or their designee; and
>
> (2) not later than 6 session days after the submission under paragraph (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b) the following notice:
>
> I, Senator _____ intend to object to proceedings to _____ dated _____ for the following reasons _____ .

It says the majority and minority leader can recognize a hold only if the Senator first submits the notice of intent in writing after the unanimous consent request is made, and submits it to the CONGRESSIONAL RECORD.

We are going to try to slice and dice the plain language of this about something as obvious and commonsensical as owning your hold? I know the Senator from Oklahoma doesn't agree with that. He has just said so. He is not doing this. I know he is here as a courtesy to his fellow Members. But with all due respect, it is 107 to 8 on the Executive Calendar.

That is how many were on the calendar in the Bush administration at the same time—eight. There are 107 on the Executive Calendar in this administration. Honestly, we can do this forever. We can say when we were in the majority, we didn't do this and you did it; and when we were in the minority, we didn't do this and you did.

We have a chance to stop it. We had 96 votes to stop it. Are we now going to stand on some kind of notion that the law doesn't say what the law says? I know part of the amendment of the Senator from Oklahoma is that he wants Senators to sign in writing that they have read what they are passing and that they understand the impact. I will be honest; I am going to cosponsor that, if he will let me, because I agree with the premise of it, although it is a little paternalistic to make Senators sign something saying they understand the impact.

Does anybody believe Senators don't understand the impact of this language? Are we going to stand on some kind of formality that we don't have a way to enforce it. I guess the position the Senator is taking on behalf of the Republican caucus is that the law doesn't say what the law says.

I have had a briefing this week on the standing rule versus the rule versus the law. That is what drives America crazy about this place. The secret hold is wrong. The Senator from Oklahoma knows it, and I guarantee you most of his colleagues do. You would be amazed how many Republicans have come up to me this week and said, ''I don't do it, Claire.''

I ask the Senator from Oklahoma to join our letter since he doesn't do it either. He has courage. He has guts. He is accountable to the people who voted for him. But to stand on behalf of the Republican caucus on some notion that this doesn't say what it says—that is all we are sent here to do, honestly. Believe me, I know the stuff that goes on here—the equal opportunities—and the Democrats are doing some of this in the majority. But we cleared all the secret holds this week. We had a few—the Democrats had a few—and we cleared them all. I had a couple Democrats come up to me complaining: ''I can't believe you made me give up my hold.'' They were not happy about it. We had some reluctant signatures on the letter.

Do you know what is nice about the letter? I think this is important for the Senator from Oklahoma to understand. It doesn't say we are giving up secret holds for this administration. A lot of my friends on the other side of the aisle have a spring in their step now and think my party is on the ropes and there is a chance that, come next year at this time, Senator MCCONNELL will be the majority leader or that Congressman BOEHNER will be the Speaker. Do you know what. All the names on this letter did not say ''while we are in charge.'' It says ''forever.'' We now have 58 members of this caucus—56 and 2 Independents who caucus with us—and 1 Republican so far who say it is forever; as long as we are Senators, we are not going to do secret holds.

Frankly, my friend from Oklahoma doesn't have to worry next year about secret holds from this side of the aisle. I am proud we have done that. There may be a nomination a future President makes that is a Republican, and if the people of Missouri are good and kind enough to hire me again, I may not like it. But I guarantee I will have the guts to say so.

Mr. President, I wanted to clarify the plain reading of the law and, obviously, what its intent was. I don't think anybody with a straight face can argue what the intent was. It was to stop this stuff. We can either ignore the intent and stand on a slicing and dicing and parsing of the language and reassure the American people that we completely don't get it or we can have people come out of the shadows on these holds.

I appreciate the Senator from New Mexico for allowing me to respond.

Mr. UDALL of New Mexico. Mr. President, now we have seen demonstrated, I think dramatically, what the process is here. We tried to move on a bipartisan basis for the EEOC to put Democrats and Republicans in that important government agency, an agency that focuses on discrimination. If the people are not in place, it cannot move forward with that very important goal. Our friend on the other side of the aisle, Senator COBURN, has objected to putting Democrats and Republicans in that agency so it can move forward.

I am going to try to move forward, also in a bipartisan way, on the Tennessee Valley Authority. Many people may not know, but in the Tennessee Valley, the power is provided by an agency called the Tennessee Valley Authority. Everybody knows how important power is to the economy. When we look around the world, we see communities being stifled because they have blackouts and brownouts and they don't have the available power. The Tennessee Valley Authority has a number of members who need to be appointed to the board of directors. We are moving today—both Democrats and Republicans—to try to bring home the point that we need to get this board of governors in place.

Mr. President, I ask unanimous consent that the Senate proceed to executive session for the purpose of consideration of Calendar Nos. 740, Maryland A. Brown; 741, William B. Sansom; 742, Neil G. McBride; and 743, Barbara Short Haskew, all to be members of the board of directors of the Tennessee Valley Authority; that the nominations be confirmed en bloc, the motions

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

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. UDALL of New Mexico. Mr. President, moving forward with some individual nominees for President Obama to put in place people at the Department of Commerce, at the Health and Human Services Department, at the Treasury Department, at the State Department, and at the Energy Department—all very important government agencies. All President Obama wants is to have his team in place so they can start doing their work. But what we are seeing on the other side over and again is secret holds and delay.

It is important to remind everybody that at this particular point in time 107 nominees of the executive branch are being held up. At this point in time in the past for President Bush, only 8 nominees were being held. So 107 are being held for President Obama, and for President Bush, there were only 8. You can only think and draw the conclusion that this is about preventing the President from getting his team in place, which is obviously a very important function.

Mr. President, I ask unanimous consent that the Senate proceed to executive session for the purpose of consideration of Calendar No. 640, Eric Hirschhorn, to be Under Secretary of Commerce for the Export Administration; that the nomination be confirmed; that the motions to reconsider be considered made and laid upon the table; that no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD, as if read.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. UDALL of New Mexico. Mr. President, now proceeding with an important nomination for Health and Human Services, I ask unanimous consent that the Senate proceed to executive session for the purpose of consideration of Calendar No. 647, Jim Esquea, to be an Assistant Secretary of Health and Human Services; that the nomination be confirmed; that the motions to reconsider be made and laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD as if read.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. UDALL of New Mexico. Mr. President, I will proceed with another important position in the Department of the Treasury. We all know the Department of the Treasury supervises everything that is out there in terms of our economy—a very important position.

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

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. UDALL of New Mexico. Mr. President, here is another important nomination at the Department of State.

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

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Reserving the right to object, Mr. President, I want to make it known that I am carrying on a Senate courtesy on my side of the aisle, and these are not necessarily my objections, but they are on behalf of my colleagues. I object.

Mr. UDALL of New Mexico. Mr. President, I say to Senator COBURN that we very much understand that he is doing this for others. We want them to step forward. We want to get rid of these secret holds, as the Senator from Oklahoma has stepped forward on the broadcasting board. He has said he is holding up six people to go on that board of governors. It is out there in public, and it is something that all of us can examine and the media can examine. We can figure out whether his objections are legitimate. But that is the process. That is what is going on—secretly delaying the administration from getting its team in place.

Let's admit what is going on here. The folks who are putting on these holds do not want to see the President have his team in place. If he doesn't have his team in place, I think the expectation is that they think he would not be able to do the job.

Once again, the President nominated somebody important to work with Secretary Chu at the Department of Energy.

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

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. UDALL of New Mexico. Once again, they are being held up through secret holds, and Senator COBURN has said he is doing this on behalf of Members on his side—not allowing all of these people to get into the government and do the job. We are talking about important government agencies, such as the Department of Commerce, Health and Human Services, Secretary of the Treasury, Secretary of State, Secretary of Energy—all objected to today.

Many of these nominations have been pending for a while. There are very few objections in committee. This is something that is being put forward for the purpose of delay.

Mr. COBURN. Will the Senator yield for a moment?

Mr. UDALL of New Mexico. I am going to yield to the Senator from Minnesota.

Mr. COBURN. Will the Senator from Minnesota yield?

Ms. KLOBUCHAR. For a minute, sure.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I think the motives ascribed by the Senator from New Mexico are improper. I do not think it is so people can't get into a job to cause President Obama problems. I reject that motive.

With any administration, there is a very big difference of opinion. That is why we have elections. That is why things move like this in our country. It is about whether somebody objects to somebody's either philosophical bent or qualifications for a certain job.

I make the point again that at the same time under a Republican Congress, President Bush had fewer numbers approved than President Obama does at this time.

I hope we would not ascribe that motive. I want President Obama to have, in fact, the people he needs to have in place to effectively run our government. I will give the numbers again. To this date, President Obama has 596 of

his nominees confirmed. At the same time, President Bush had 570. In the two previous administrations, President Bill Clinton had 740 and President George H.W. Bush had 700.

I think what my colleagues are fighting for is fine. I agree with them. I am on the team as far as that is concerned. But I think we ought to be careful with the motives we ascribe. I really do not think it is to try to handcuff the administration. I think it is different. Of course, the sign that is being put up is about who is pending. I understand that. Let's be careful on the ascribing of motives. As I talk with my colleagues, I do not really find that motive. Even though they may not be out front with it as I have been, that does not mean they necessarily want the administration to not be effective.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Minnesota.

Senators need to be reminded that Senators may not yield the floor to one another. They must yield only for a question and through the Chair.

Ms. KLOBUCHAR. Mr. President, I thank you for the correction.

I appreciate my colleague's statement about his general support—I assume he meant for getting rid of secret holds, and he can correct me if I am wrong—his general support for changing this process and getting things done.

I will say that when we are in this time of economic challenge, no matter what the motives, I really do not care what is in the heads of my colleagues when they put on the holds. I do not even want to go there. What I care about is getting things done in the government when we have so many people unemployed, when we clearly have to move ahead and do more about small business and exports.

All I know is this: If we want to talk about the difference, at this point, 107 Obama nominees are on hold and being obstructed. At the same time—whether it was because not enough were nominated, I do not really care—at this same point, Bush nominees waiting for a vote—there were eight.

My bigger answer to this is, who cares about who did it or who did what when. What matters to me is that we move ahead and get going.

It is no surprise to me that the Senators who have taken the floor this morning and are surrounding me are Senators who want to see good government, Senators from open States with big blue skies, such as the State of New Mexico, Senator UDALL, who is now the Presiding Officer; or my State, the State of Minnesota, which has always been a leader in open government in moving things ahead; or Senator WARNER, who knows what it is like to manage a large State and knows you have to have your team in place if you want to get things done in the State of Virginia; or Senator MCCASKILL, who has been leading this effort from the Show-Me State, the State of Missouri—show me who is doing these holds.

The bigger issue is not just making sure we can run this government and getting the government moving and helping people again. The bigger issue for me is that things should not be done in secret. If you are going to put a hold on someone, we should know who and why you are doing it. I said the other day that this reminds me of an Olympic sport, a relay race, passing a baton from Senator to Senator so we cannot figure out who is holding the baton. They rotate who is putting on the holds, and they get around the rule. If delay were an Olympic sport, my colleagues would be getting a gold medal because there has been so much delay with these nominees, and it has to stop.

I want to give a few examples of the kinds of nominees we are talking about and the kinds of nominees we would like to see get confirmed. I want to give some examples of who these are, and I will then go through and make a request to confirm them.

We are right now in the middle of an oilspill of cataclysmic proportions in the gulf. I am going there this afternoon to see it. We are going to have a major hearing in our environmental committee on Tuesday. Do you know who is being held up right now? Michael Tillman, to be a member of the Marine Mammal Commission, is being held up; another guy, Daryl Boness, to be a member of the Marine Mammal Commission. Normally, one might not think this is the most important position in government. I say two things: One, we are dealing with marine issues right now, extreme marine issues of what is going to happen to our wildlife in the oceans. The second thing we are doing with this—why would anyone hold up members of the Marine Mammal Commission?

One guy I actually know—Mark Rosekind, to be a member of the National Transportation Safety Board. He does a good job. Like you, Mr. President, I am a member of the Commerce Committee. We know how important it is.

Earl Weener, to be a member of the National Transportation Safety Board. As we are dealing day-in and day-out with issues of threats to our transportation, the potential of airplanes that have gone down in the sky in the middle of Buffalo, and we have potential terrorist threats to our transportation system, what are we doing? We are holding up the nominees.

We have Toyota putting out cars that basically kill people across the country because the safety measures were not taken. They just paid the biggest fine in the history of this country. What are we doing? There are Members who are secretly holding up members of the National Transportation Safety Board. Why would we do that?

I will start with these.

I ask unanimous consent that the Senate proceed to executive session for the purpose of consideration of Calendar No. 592, Mark Rosekind, and Calendar No. 787, Earl Weener, both to be members of the National Transportation Safety Board; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table en bloc, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominees be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. Again, this is a perfect example. We look at what happened with the Buffalo flight going down. We look at what happened with the Toyota cars. We look at what is going on across this country as we are focusing on terrorism and what happened in Times Square just recently. This is not the time to block nominees to the National Transportation Safety Board. Whatever the motives, whatever the reasons, at this point I do not care. I think the President should be able to have his team in place.

Next, I mentioned the Marine Mammal Commission, as we are dealing with an oilspill across the gulf.

Mr. President, I ask unanimous consent that the Senate proceed to executive session for the purpose of consideration of Calendar No. 784, Michael F. Tillman, and Calendar No. 786, Daryl J. Boness, both to be members of the Marine Mammal Commission; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table en bloc, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominees be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. Very good. Again, marine mammals. We are dealing with animals that are almost certainly going to die because of this oilspill, and there are people on the other side of the aisle who have decided to block these nominations.

Next, Warren Miller, nominated to be the Director of the Office of Civilian Radioactive Waste Management at the Department of Energy. I don't know the reasons this hold was put on, why he is held up, but I do not believe any person in this country believes we should have no person directing the Office of Civilian Radioactive Waste Management.

I ask unanimous consent that the Senate proceed to executive session for the purpose of consideration of Calendar No. 404, the nomination of Warren Miller; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, no further motions be in order,

the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. Next we go to Winslow Lorenzo Sargeant, to be Chief Counsel for Advocacy in the Small Business Administration. Mr. President, 64 percent of the jobs in this country are created by small businesses. Wall Street has been making record profits, but small businesses in this country are still suffering. Wall Street got a cold; Main Street got pneumonia. This is the time for a robust Small Business Administration.

I ask unanimous consent that the Senate proceed to executive session for the purpose of consideration of Calendar No. 427, the nomination of Winslow Lorenzo Sargeant; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. Mr. President, the next one that is being held of these 107 nominations is Benjamin Tucker, to be Deputy Director for State, Local, and Tribal Affairs in the Office of National Drug Control Policy. As a former prosecutor—and I know you do, Mr. President, as a former attorney general—I understand the importance of having people in place to work on our national drug policy and to reduce the illegal drugs in this country.

Mr. President, I ask unanimous consent that the Senate proceed to executive session for the purpose of consideration of Calendar No. 556, Benjamin Tucker; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. Next, John Laub, to be Director of the National Institute of Justice.

I ask unanimous consent that the Senate proceed to executive session for the purpose of consideration of Calendar No. 581, John Laub; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. Mr. President, the next of the 107 nominations being put on hold is P. David Lopez, Calendar No. 618, to be general counsel of the Equal Employment Opportunity Commission.

I ask unanimous consent that the Senate proceed to executive session for the purpose of consideration of Calendar No. 618, P. David Lopez; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. Mr. President, the next one is Jill Long Thompson, to be a member of the Farm Credit Administration. Coming from an agricultural State, I understand how important it is to have people in place for the Farm Credit Administration, especially during this difficult time. Because of agencies such as the Farm Credit Administration, at least our rural areas have not gone off the cliff and have maintained some stability but are always challenged.

I ask unanimous consent that the Senate proceed to executive session for the purpose of consideration of Calendar No. 628, Jill Long Thompson; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. Mr. President, next, James P. Lynch, to be Director of the Bureau of Justice Statistics. Again, as a former prosecutor, it is incredibly important that we have statistics on crime, that we know what is going on so we can develop the best policies and triage the cases so we can keep our neighborhoods safe.

I ask unanimous consent that the Senate proceed to executive session for the purpose of consideration of Calendar No. 705, James P. Lynch; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. As a member of the Commerce Committee, again, I am very concerned that we still do not have a Deputy Administrator for the Federal Aviation Administration in place. As we know, there have been many recent incidents. We are trying to get the FAA reauthorization done to finally modernize our airports with NextGen so we can have the next generation of airport control, so we can better process our planes, so we can better land these planes, so we can have more safety, so we can have less congestion at our airports. This is very difficult to do when you don't have in place all of your managers who are supposed to be managing the Federal Aviation Administration. We have had incidents in Minnesota of a plane that overran the airport and ended up in Wisconsin. We have had planes that have been sitting on the tarmac for 6 hours with passengers without food and water.

We have had all kinds of issues with aviation, and yet—and yet—my colleagues on the other side of the aisle, while supportive at times of these efforts to modernize our air traffic control system, are blocking the nomination of the deputy administrator for the Federal Aviation Administration.

Mr. President, I ask unanimous consent that the Senate proceed to executive session for the purpose of consideration of Calendar No. 782, Michael Peter Huerta; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. Mr. President, another job here that is unfilled—one of the 107 relating to maritime issues, and again we are dealing with an incredibly sensitive and catastrophic issue with this oilspill in our oceans—the Administrator of the Maritime Administration is being held by my colleagues on the other side of the aisle. I don't know what the motives are. Maybe they do not like this person. We don't know who is holding this. All I know is that a President has to get his team in place when he is dealing with an issue as catastrophic as this BP oilspill.

Mr. President, I ask unanimous consent that the Senate proceed to executive session for the purpose of consideration of Calendar No. 783, David Matsuda; that the nomination be confirmed, the motions to reconsider be

considered made and laid upon the table, that no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. Finally, Mr. President, we have Arthur Allen Elkins, who has been nominated to be the inspector general of the Environmental Protection Agency. Again, we are dealing with an environmental crisis down in the gulf coast area. Yet we can't even get this inspector general in place.

I know many of my colleagues on the other side of the aisle support having inspectors general in place so we can look at what is going on in government, so we can figure out what is happening and get things right. Yet this nomination is being held.

Mr. President, I ask unanimous consent that the Senate proceed to executive session for the purpose of consideration of Calendar No. 794, Arthur Allen Elkins; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. Mr. President, I see the Presiding Officer has a smile on his face as he realizes I have reached the end of the nominees I am reporting on today. But I will tell you this: Having managed an office of 400 people—a government office, a local county attorney's office—I can't even imagine trying to run that place without having my top people in place and that kind of security.

It is very difficult to cut government spending, to make the kinds of decisions you need to make when you don't have your top team there to get the work done. Worse than that, with these secret holds, it is very hard to even understand why these people are being held, who is holding them. That is why we are working so hard to get rid of this.

As I said, this crop of Senators that has come here in the last 2 years does not like business as usual. We just want to get the business done.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first, let me thank my colleagues for being here this morning. I am pleased to join this effort. I want to particularly thank my colleague from Missouri, who has been a relentless voice on opening up and bringing a little sunshine to not only this issue but a lot of things that go on here that maybe make some of our colleagues a little uncomfortable, but she is constantly being that voice and pushing and prodding and trying to make sure we improve the process.

I also want to thank my colleague, the Senator from Oklahoma, who—as I think the Senator from Missouri said—we may not always agree with, but there are very few Members in this body who are more straightforward and honest about what they believe in and are more consistent, which probably frustrates some of us. But he is absolutely consistent in what he believes and he holds our feet to the fire. I commend him for bringing forward his holds and being willing to step up and explain them.

Like the Presiding Officer, I am a new guy here. But unlike so many of my colleagues, I have never been a legislator. I was a business guy for a number of years and I had the honor of serving as Governor. Quite honestly, I had a little TV in the Governor's office and whenever the legislature was in, I simply turned it off. So I don't fully appreciate, perhaps, all of the traditions of a legislative body. And I don't, by any means, know the history as well as my colleague from Missouri and my colleague from Oklahoma surrounding holds. But I did a little bit of research, and it seemed to me this ''holds'' notion came up as a courtesy in the last century because Senators had to travel a long distance to get to the body. They couldn't be here because they were traveling—on horseback—and it would take days or weeks. So somebody might say, as a courtesy, that we are going to set this aside or put a hold on somebody until the Senator can get here and explain himself or herself—I guess himself, at least at that time—in a fuller manner.

It seems to me that some of the traditions of this institution that were used on occasion—whether it is holds or filibusters or what have you—to keep this body functioning, are now being so overused that we seem to be institutionalizing dysfunction. I think the Senator from Oklahoma has made the case that neither side has clean hands, and whatever is up today may be down tomorrow.

One of the things I think the Senator from Missouri in her effort has done is to say: We are not saying we ought to change the rules for this moment in time. We want to change the rules forever. I can't explain to anybody in the Commonwealth of Virginia why in the 21st century we have something called a ''secret hold,'' where somebody can say: We don't like this guy or gal and we don't want them to be put forward, debated, and voted up or down for some secret, unknown reason.

I know my colleague, the Senator from Oklahoma, has said that most of the Members may have a legitimate reason—because they do not agree with the individual's philosophy or their background, and that is a very legitimate reason to raise—but I do know there has been at least—and I can't ascribe motives—a recent press report about an issue that brought some controversy here to the floor where a Member held one of the President's nominees not because the Member felt there was anything wrong with the nominee's qualifications but as a leverage matter, to try to encourage the administration to change a law with Canada on a totally unrelated matter. That, to me, seems like institutionalizing dysfunction and not—back to what I have at least been able to read about the history of holds—as a courtesy because folks can't get here and make their case in person. Even with our slightly dysfunctional airline system at this point, we can get here within a couple of days, absent storms.

So again commending my colleague from Oklahoma for stepping up on this one, where there is a problem with someone the President is putting forward—this President or any future President—we ought to acknowledge it, we ought to say what is wrong, we should have a spirited discussion, and then we should either vote the person up or down.

I am anxious to listen. If there is something wrong with some of these folks, let's vote them down and tell the President to put up somebody else. But 16 months into this administration—as a former business CEO and a former CEO of the Commonwealth of Virginia, I couldn't imagine having my folks languish in limbo in this kind of skull and crossbones kind of secret hold society stuff. It seems as if it was something that came out of the 18th or 19th century, where certain institutions of higher learning transported this idea of secret holds here to the floor of the Senate. It doesn't seem to make sense.

I am going to finish, because there are other colleagues, and the Senator from Oklahoma is going to have to rise a number of times because there are a lot of folks we have to go through, so I won't go on with this issue. But I am proud to be part of this effort with the Senator from Missouri, and I hope the Senator from Oklahoma will continue to raise issues—particularly around public spending—where I hope to find lots of places of common cause to join him. I appreciate his willingness to come forward. I sure as heck hope that more Members, on both sides of the aisle, will join this effort.

We can be respectful of the Senate and we can be respectful of its traditions, but it sure as heck seems to me that in the 21st century, the notion of secret holds ought to be one of those traditions that gets left behind. So in that spirit, I have two sets of nominations, both en bloc, since they are both Democrats and Republicans, to try to make the point that, in some small way, this is not about partisanship. It is about process.

Mr. President, I ask unanimous consent that the Senate proceed to executive session for the purpose of consideration of Calendar Nos. 589, Anthony Coscia; 590, Albert DiClemente; and 788, Jeffrey R. Moreland, all to be Directors of the Amtrak Board of Directors; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table en bloc, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements related to the nominees be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the purpose of consideration of Calendar Nos. 500, Julia Reiskin, and 501, Gloria Valencia-Weber, both to be members of the Legal Services Corporation; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table en bloc, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominees be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. Once again, Mr. President, I appreciate the courtesy of the Senator from Oklahoma and the leadership of the Senator from Missouri. We are going to continue to raise this issue, and with the same kind of relentlessness the Senator from Oklahoma raises on public spending. I hope he continues making some progress. I look forward to joining him on some of his efforts, and I hope this list of now 59 Senators will include many Members from both sides. It seems to me to make good common sense.

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

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, I listened to my colleague from Oklahoma, and I understand it is difficult to listen to any of us put motives on something when we don't know what the reason is, and ascribing motives is unfair when you don't know. But sometimes my experience as a mother pops up in my brain, and I think of my kids when they were little—and especially as they became teenagers—and I remember one time catching one of my kids. He had sneaked out of the house at night in the dark. I caught him and I said: You know, you are in big trouble, buster. He said: Well, mom, I wasn't doing anything wrong. We just walked around the block. We weren't doing anything you would get mad about. We weren't drinking, we weren't smoking, we weren't chasing down girls. We just walked around the block. I said: Well, you know, if you do it in the dark and you are not willing to tell me about it, then you know what I am going to assume? I am going to assume you are doing something sneaky and underhanded, and you just need to bank on that; that if you think you have to hide something from me, you have to assume I am going to think you are doing something wrong. If you are not willing to talk about it, you are not willing to own it, you are not willing to tell me about it, you are in trouble. End of discussion.

That is why we are ascribing motives. It is only logical to assume. After voting for a bill that clearly says once the unanimous consent motion is made you have to come out of the darkness, you have to explain what you are doing, the fact that these people are not coming forward—I have to tell you, if they were my kids, I would assume this—they are doing something they aren't proud of. I would assume that, if they were doing the sneaky, and that is what this is. This is sneaky, because they are not stepping up—like the Senator from Oklahoma has. Step up, own it, hold for as long as you like. Some of us may agree with your reasons and join you in your hold.

But there are literally names on this list where no one knows why they are being held. The White House does not know, the nominee does not know, maybe Leader MCCONNELL doesn't even know. It is nonsense. It is plain and simple nonsense.

My friend from Oklahoma is absolutely correct, we should not ascribe motives. But it is only human nature, if people are not looking at the plain language of the ethics bill they proudly voted for and doing what the plain language says you are supposed to do, people are going to start thinking something underhanded is happening. The only way to fix that is to step up.

Mr. President, I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 648, Michael W. Punke, of Montana, to be a Deputy United States Trade Representative, with the rank of Ambassador; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 649, Islam A. Siddiqui, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 799, Carolyn Hessler Radelet, of the District of Columbia, to be Deputy Director of the Peace Corps; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 800, Elizabeth L. Littlefield, of the District of Columbia, to be president of the Overseas Private Investment Corporation; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 801, Lana Pollack, of Michigan, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 809, Bisa Williams, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of

America to the Republic of Niger; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 810, Raul Yzaguirre, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 811, Theodore Sedgwick, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Slovak Republic; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 812, Robert Stephen Ford, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Syrian Arab Republic; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 824, Dana Katherine Bilyeu, of Nevada, to be a Member of the Federal Retirement Thrift Investment Board; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 826, Michael D. Kennedy, of Georgia, to be a Member of the Federal Retirement Thrift Investment Board; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 827, Dennis P. Walsh, of Maryland, to be Chairman of the Special Panel on Appeals; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER (Mr. WARNER). Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 829, Todd E. Edelman, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 830, Judith Anne Smith, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 832, David B. Fein, to be United States Attorney for the District of Connecticut; the nomination be confirmed—I believe, Mr. President, that the United States Attorney for the District of Connecticut would have jurisdiction over any Federal crimes that may have been committed by the individual who tried to blow up people in Times Square on Saturday night. That man lived in Connecticut. Any activities that he engaged in, in planning this dastardly plot in which, thank God, no one was killed, but we have no U.S. Attorney in Connecticut. That would be the chief law enforcement officer on any Federal crimes that have been committed by this American citizen who has confessed to some of his crimes, but we may not be aware of other crimes that may have been committed.

The nomination of David B. Fein be confirmed to be United States Attorney for the District of Connecticut, the motions to reconsider be considered made and laid upon the table, that no further motions be in order, and the President be immediately notified of the Senate's action, and any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, I am not sure it is a vacancy in the District of Connecticut at the U.S. Attorney's office. I think this is a replacement nomination. And I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 833, Zane David Memeger, to be United States Attorney for the Eastern District of Pennsylvania; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 834, Clifton Timothy Massanelli, to be United States Marshal for the Eastern District of Arkansas; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 835, Paul Ward, to be United States Marshal for the District of North Dakota; that the nomination be confirmed, the motions to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Mr. President, there are some nominations on whom the request has not been made. My colleague from Rhode Island has a number of judicial appointments. He will return to the floor to make those unanimous consent requests later—I assume soon. There will be 64 total requests that will be made today that we cannot find opposition for—64 we cannot find opposition.

I am going to now make five requests to which there was opposition. The ones I just made, by the way, the last group I just made, are new. They have been added to the calendar since I made the requests last week. This is going to continue. I am going to do my very best job at impersonating the tenacity of my colleague from Oklahoma. I am going to do my very best job of being a dog with a bone on secret holds. I am not going to give up. I am going to be out here every week, as often as I need to be out here. I am going to get as many colleagues to help me. We now have everybody on this side on board with the exception of Senator BYRD, and I am optimistic we will get Senator BYRD. I am hopeful the next time I will have some of my colleagues on the other side of the aisle, who agree secret holds are wrong, to help make these requests.

The ones I just made were new. As notice to the Senators who may be holding those, they were not made last week. So I urge everyone to check the list and, if they have a hold on them, to notify Leader MCCONNELL and let Leader MCCONNELL know what their objection is and comply with the law they voted on.

Let me make these last ones. I wanted the record to be clear, these are the first ones we made that anybody voiced opposition to—anybody.

Mr. President, I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 552, Jane Branstetter Stranch, to be United States Circuit Judge for the Sixth Circuit; the nomination be confirmed, the motions to reconsider be considered made and laid on the table, no further motions be in order, the President be immediately notified of the Senate's action, and any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. I might note for the record that this nominee was voted out of committee by a vote of 15 to 4, with three Republican Senators supporting her in committee and four Republican Senators opposing her in the committee. The final vote was 15 to 4.

I ask unanimous consent the Senate proceed to executive session for the purpose of consideration of Calendar No. 588, Philip Coyle, to be Associate Director of the Office of Science and Technology; that the nomination be confirmed, the motions to reconsidered be considered made and laid upon the table, that no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. On that nominee, the vote out of committee was 19 to 6—19 to 6. Five Republican colleagues supported this nominee and five Republican Senators opposed this nominee. So it was a 5-to-5 split of the Republicans on the committee to that nominee.

I ask unanimous consent the Senate proceed to executive session for purpose of consideration of Calendar No. 703, Benita Y. Pearson, to be United States District Judge for the Northern District of Ohio; that the nomination be confirmed, the motion to reconsider be considered made and laid on the table, no further motions be in order, the President be immediately notified of the Senate's action, and that any statements relating to the nominee be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

I might note this was a voice vote in committee and Senator SESSIONS did raise concerns in committee. So there was not a tally vote. No one requested a rollcall vote on the nominee. It was noncontroversial enough that no one wanted to go on record with a rollcall vote, but we wanted to be very transparent and did want to indicate for the record that Senator SESSIONS did raise concerns in committee about this nominee.

Mr. President, I ask unanimous consent that the Senate proceed to executive session and consider Calendar No. 747, Ari Ne'eman, to be a member of the National Council on Disability. I ask unanimous consent that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, no further motions be in order, and the President be immediately notified of the Senate's action, and that any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mrs. MCCASKILL. I should note that this is a nominee who—once again, it was a voice vote. Senator COBURN did indicate some concerns with this nominee at the committee level.

Mr. COBURN. I have an appointment with the gentleman to have a discussion.

Mrs. MCCASKILL. We have now gone through the entire list, with the exception of about 10 judicial nominees on whom Senator WHITEHOUSE will be making the requests. I was hopeful that this week we would know who is holding those folks. We still do not know.

If I might make a suggestion, I am not confident it will be accepted, but if the leadership of the Republican caucus wants to hold these nominees, Senator MCCONNELL can put his name on all of them. Then the people of America will know Senator MCCONNELL is holding them and they will see him as the leader of the Republicans and they can judge accordingly. But if Senator MCCONNELL does not have objections to them and is not willing to put his name on them, then the people who have the objections should put their names on the holds. We are going to break this bad habit.

I do want to make a note that there were four judges I made requests on who inadvertently got on the list. They have been confirmed. We will provide for the record those four names so they can be appropriately noted. So instead of doing 69 today, we are only doing 65.

I thank the Senate for its indulgence. I thank Senator COBURN for remaining on the Senate floor. As I said, Senator WHITEHOUSE will be back to make a few more motions. Let's break a bad habit that the people of this country do not agree with.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent to speak for approximately 15 minutes as in morning business for myself.

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

TRIBUTE TO JANE TREAT

Mr. COBURN. Mr. President, I pay tribute to one of my staff members today. She recently left. She had a child and is being a mom and a civic activist. But she was a trusted adviser and, more than that, a dedicated patriot.

Jane Treat, who has been with me since the earliest parts of 2004, is leaving to become a full-time mother. It is hard to lose her. But I understand the attraction as well as the commitment for a much more important job. She first came to work for me as a volunteer, fresh off her studies at Patrick Henry College.

Since that time she has played a key role on my Judiciary Committee through many intense legislative battles. She spent many long days in the Dirksen Building poring through briefing materials, preparing background notes for me, and negotiating on my behalf with other offices.

She was there during the Roberts and Alito hearings. For a time she also served as my interim chief counsel on the committee, since I had no attorneys and she was a nonattorney as well, which was a rare occasion. Her dedication has never wavered. The fact is, she worked the day she delivered her first child. She prepared negotiations that day for a bill that threatened the second amendment of the Constitution and how it interacted with our veterans. We prevailed that day in no small part because of her efforts. One would be hard pressed to find anyone who cherishes the Constitution and who knows its principles as well as Jane Treat.

My legislative director jokes:

Although Jane did not actually write the Constitution, she is its fiercest defender.

I would have to agree.

For the past 2 years, and after the birth of her daughter, Jane has managed a correspondence team that works in my office, ensuring that every letter that reached my desk was treated with the utmost concern and professionalism. She cared for each constituent as if it were written to a close relative or a neighbor. In that, she has done a terrific job.

There is one last quality of Jane that I commend to everyone in the room, and that is courage. Jane has a keen sense of right and wrong and will not allow an injustice to stand, whether it is policy related or simply human. She fights for everybody.

When she disagrees—I am laughing about this because when she disagreed with me, I was always sure I would hear about it later. She would come to the office and knock on the door, and say: Now we need to have a talk. You were wrong.

Of course, I would remind her that she was not elected and I was and there is some interpretation to the Constitution.

But the quality of having the courage to confront on things that are strongly held beliefs is a great quality that built our country, and she distinguishes herself in it. That is in contrast to what usually happens in this town where we avoid difficult issues rather than confront them.

True to her principles, she will turn her attention toward her new community in Broken Arrow, OK, where she will be a full-time mom. It will not be long, for sure, before she is volunteering again for a cause close to her heart.

Jane, we appreciate you. We thank you for your service, and we thank you for the modeling of your behavior.

SECRET HOLDS

Now, I just want to spend a few minutes because what we have just gone through is a challenge to a process that has been ongoing for a long period of time. The President knows I am in agreement with sunshine. As a matter of fact, the President and I created the Transparency and Accountability Act so that everything we do gets published in terms of what we spend and how we spend it.

I agree we ought to be forthright with the reasons we hold individuals. But let's talk about what a hold is. A hold is saying you do not agree to a unanimous-consent request to pass out an individual. In other words, what is a hold? What does it really say?

It really says, first of all, I either may have some very significant concerns with this individual or I may want to study this individual for a period of time and their record before I agree to it or I may want to debate it, the qualifications of the individual.

I agree on the transparency. But I think it is very important that we go back to say—and not necessarily attune the motive. But when I read the sign about those who are being held now versus in the Bush administration, I am reminded that there were over 100 U.S. attorneys and marshals and 50 judges at the same time who were blocked in committee so they could not even get to the floor at that time.

So it depends on where one takes the snapshot. There are lots of reasons to not agree to people being confirmed. I have no problem with stating my reasons, and I will publish my reasons. I do not have any problem even publishing them. But I am not sure that we want to necessarily impugn the motives of somebody who takes advantage of that.

I agree with the Senator from Missouri. I have no problems with putting it out in the open. But I did ask the question, and at some point in time I think it would be wise for those who think that, that we get a parliamentary ruling on what the rule really means because I think there is some discussion. I do not doubt that the intent of what was passed was exactly what we intended: to put it out there. But I think the interpretation or how it may be read is subject to some debate, and it would be great to have a Parliamentarian rule on that.

Finally, I would say, the other side of this issue, which comes back to things that are dear to my heart, is the fact that 94 percent of everything that passes in this body passes by that very process, unanimous consent.

Unanimous consent says: We will not have debate. We will not have an amendment. Things will pass because nobody objects to it passing.

There is a real disadvantage for our country in that. The disadvantage is that the American people never know what we are doing. They do not get a hearing. They do not get to hear the policy debates on both sides of the issue. It is good that we work some things out, but if you watch the floor, what we know is 40 percent of the floor time is spent in a quorum call.

The real issue we are fighting is the moving, is the reason the majority leader does not move them, because it takes time to move them. Right? That is our problem. Time is our biggest enemy in the Senate. But yet that is exactly what our Founders intended. They wanted it to be very difficult to change what they had put in place, and they set in motion this system that says: We are going to make things thoughtfully, under full consideration, with open debate.

We hear our colleagues all the time say this is the greatest deliberative body in the world. It is, but not all of the deliberation goes on on the Senate floor. I have no doubt there are abuses on both sides. I do not know what the motives are.

When I hold somebody, I hold them because I think they are either not qualified for the job, I think they have a past record that would question their character, or I think, in fact, they will do a terrible job at the position even if they are qualified. And I have the right, as an individual Senator, to say I am not going to support that nomination. So I am all for moving and giving Presidents what they want, but I am not for doing it without the debate and the consideration that needs to be there.

So I am very supportive of people standing up and saying why they are holding up people. Through the courtesy of the Senator from Missouri, she did not list one of the judges that I am sure she was going to ask unanimous consent on because I was the lone Senator in the Judiciary Committee to vote against him. Now, I do not know who is holding him. But the fact is, I do not think he is qualified. I want him to be debated. I want to have a chance to inform the American people why I think he should not be a circuit court judge. And that is my right.

To say we are just going to move him without a debate, without anything but

a vote, I am not going to do that on people I think are not truly qualified. So it is not as straightforward as we think. I think we ought to think about how the process is working, that the leaders do work on this process. They move a lot of them forward. I understand the frustration, and I would be giving the same speech if it was turned around. As a matter of fact, I have before.

So I concur with my colleagues. I think sunlight is a wonderful thing. I think there are times where we have the problem, and I will give you three specific examples.

I publish all of my holds. Under the Emmett Till bill, I was immediately accused of being a racist. I held the bill because I wanted it paid for, but as soon as I put out that I was holding the bill, I was accused of being a racist. So there are reasons for people to work behind the scenes to be able to work on things, to solve the problem with their concerns, without it becoming public, so that you get the ultimate action but do not impugn the integrity of people because they may not agree.

So the potential of letting go of all of this idea that we cannot negotiate before we come, and that we have to expose everything—what happened was the special interest groups attacked me ferociously. I ended up becoming best friends with a very significant individual who drove that. What has happened today is we still have not done it because we did not put the money in to pay for it, which is what I wanted. There is still no special provision. There is still no action. We passed it 2 years ago.

Next thing was the Veterans Caregiver Act.

I hated veterans because I thought we ought to pay for it, and I thought it ought to apply to every veteran who had that kind of injury who served this country. But yet there was a ferocious attack by the interest groups. I am willing to take that heat. That comes with the job. But it is certainly not fair to put yourself in that position. I understand why other Senators will not stand up and say every time why they are holding a bill when we see that kind of attack coming at us.

Same thing on breast cancer. My sister-in-law, a cousin, all with breast cancer, two-time cancer survivor myself, but I hated breast cancer patients. You can see why the idea of objecting to a unanimous consent and then immediately putting it out there will end up with the attack of the special interest groups in this country, because you are trying to make something better but your motives are impugned because you don't agree with the special interest that is running the bill in the first place or, in the case of a nomination, the special interest of the administration. They think this is the individual.

I don't defend. I put it out. I am willing to take that. But I understand that is not always the best way to get something accomplished, because you end up burning a lot of energy defending yourself on something you are totally innocent of in the first place. You want a different result for a different reason, but that never gets covered.

This morning has been great. It is interesting that we have had this debate. My hope is we will have people who will stand up and speak and put up why they believe what they believe, fight for the principles they believe in. I think I can defend my principles to the hilt. In front of 100 commonsense folks in this country, I can get 85 of them to decide with me. I am not afraid to do that. I am willing to be honest and transparent and straightforward. But the impugning of motives worries me, because it has nothing to do with not wanting President Obama to have his people. It has to do, in many instances, with people who are truly unqualified or truly are divergent on what their past has been versus what they say. Those are legitimate reasons to have debate on individuals who are going to serve a function in this government.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise to speak about an issue of great importance, the foreclosure crisis, and the fears and frustrations of American families who are at risk of losing their homes. Wherever I go in Minnesota, people tell me horror stories about losing their homes to foreclosure. I am sure the same is true of the Presiding Officer when he goes home to Virginia.

The foreclosure crisis strikes at the heart of the American dream, threatening Americans' life savings, family lives, and what they have achieved. The President took a big step in addressing this crisis when he created the HAMP program which encourages mortgage servicers to modify home loans to help people avoid foreclosure. But it is often difficult to implement complex programs and HAMP is no exception. When HAMP works, it can be great. It can literally save people's homes. But too often homeowners who try to use the HAMP program find themselves involved in a bureaucratic process that is riddled with errors. These are errors that have serious consequences for people's lives.

Take a woman named Tecora who is a homeowner from south Minneapolis. Incidentally, she is someone who actually would have been helped by a Consumer Financial Protection Bureau. Several years ago, she bought a house with an option ARM or adjustable rate mortgage, where the mortgage payments increased dramatically over the years. Someone should have told her that the teaser rate her lender offered her might be misleading. Someone should have told her she might not be able to afford her mortgage payments in the future. But no one did.

A few years ago, Tecora's payments went up, and she fell behind on her mortgage. She entered HAMP hoping to save her home. But 7 months later, she was told by her mortgage servicer that her file was closed because she had ''declined a final modification of her mortgage.'' Here is the only problem: She hadn't. And her mortgage servicer had no record of a conversation or correspondence with her. They had simply marked the file as closed.

Tecora is lucky enough to be working with a wonderful nonprofit in Minneapolis, Twin Cities Habitat for Humanity. They are helping her to fight this mistake. But they have been working on this since March, and the government resources that are available are not very helpful. In the meantime, Tecora is constantly worried that she may lose her home because her mortgage servicer made a mistake.

Or take Barbara, a homeowner from Minneapolis who fell behind on her mortgage payments because her husband was laid off and her son got cancer, racking up huge medical bills. Talk about someone who might lose their home through no fault of her own. Her mortgage servicer claimed she was not eligible for final mortgage modification, using incorrect information about her financial situation. When she pointed out there was a problem, her servicer told her there was nothing they could do because ''once you have been denied for HAMP, you can't be eligible again.''

Barbara is fighting this, but someone from the government should have her back.

Yesterday I filed an amendment with Senator SNOWE and seven other colleagues to fix the HAMP appeals process. People at risk of losing their homes are going through enough already. They should not be stuck fighting over mistakes with their servicers without a guarantee that someone will be on their side. Our amendment would create an office of the homeowner advocate, modeled after the very successful Office of the Taxpayer Advocate within the IRS. The advocate's office would be an independent unit within Treasury, charged with helping homeowners, their housing lawyers, and their housing counselors to resolve problems with HAMP. The office would be temporary, lasting only as long as HAMP does. But while it exists, it would have a lot of authority to help homeowners and families around the country. For the first time, homeowners would be able to call an office in the government and know that someone with the authority to fix a problem is actually fighting for them.

Staff of this new advocate's office would be able to make sure that servicers obey the rules of HAMP or risk suffering consequences. Perhaps more importantly, opening a case with the advocate's office would delay a servicer's ability to sell a person's house, giving the office time to resolve the problem before it is too late. The director of the advocate's office would be someone who can truly fight for the rights of homeowners. He or she must have a background as an advocate for

homeowners and cannot have worked for either a mortgage servicer or the Treasury Department in the last 4 years. The director will also be able to help those of us in Congress understand what is going on in HAMP. Because the office can collect data about the kinds of complaints and appeals that come in, the director will be in a good place to know what kinds of changes, both administrative and legislative, need to be made to the program and can describe them to the Treasury Department and to Congress.

Once a year the director will issue a formal report laying out in detail all the problems people have had with HAMP and how they can be resolved and the way such problems could be prevented or better resolved in the future.

I know many of my colleagues on both sides of the aisle are understandably worried about the deficit. I want to be clear about one thing: This amendment includes no new appropriations. The advocate's office will be funded with existing money that is set aside for HAMP administrative costs.

I am pleased to say that our amendment is supported by the Treasury Department itself. In fact, yesterday it was featured on the White House's blog as one of ''The Good Guys,'' 10 simple, straightforward amendments that would strengthen the already good Wall Street reform bill. It is a good guy, this thing.

My amendment is also supported by a large number of groups, including Americans for Financial Reform, the Center for Responsible Lending, National Consumer Law Center, the Leadership Conference on Civil and Human Rights, Consumers Union, Consumer Federation of America, the Service Employees International Union, and National Council of La Raza. I am particularly pleased to say that the amendment is also supported by several of the most important housing groups in my home State of Minnesota.

The idea behind the advocate's office is simple, but the impact could be huge for all the people whom we are here to represent. Please join me in helping to ensure that HAMP actually works for families around the country. We owe it to Tecora and Barbara and to all the working families in our States and around the country.

I also rise to talk briefly about another amendment I am proposing to reform the credit rating industry. This industry is fraught with bad practices and perverse incentives. These incentives have produced inflated ratings which resulted in dangerous junk bonds getting AAA ratings and thus being eligible for public pension funds. In fact, the court ruled last week that a suit on this issue brought by CalPERS, the California public employee pension system, can now move forward. CalPERS represents nearly 1.5 million California public employees, including thousands of teachers and public safety officers. CalPERS has brought suit against the three biggest credit rating agencies—Moody's, Standard and Poor's, and Fitch. CalPERS states that the big three provided ''wildly inaccurate and unreasonably high'' ratings to products that ended up in their investment fund. When these structured finance products, including securitized subprime mortgages, tanked, CalPERS pension fund lost almost $1 billion. That is a loss of $1 billion for California teachers, police officers, firefighters, and public servants from their health benefits and retirement plans.

CalPERS is not the only group to take action. Private suits have been filed in New York and the attorneys general of Connecticut and Ohio have brought suit against the rating agencies on behalf of the people of their States. Ohio Attorney General Richard Cordray filed suit last fall on behalf of five Ohio public employee retirement and pension funds. Cordray said:

> The rating agencies assured our employee public pension funds that many of these mortgage-backed securities had the highest ratings and the lowest risk. But they sold their professional objectivity and integrity to the highest bidder. The rating agencies' total disregard for the life's work of ordinary Ohioans caused the collapse of our housing and credit markets and is at the heart of what is wrong with Wall Street today. The inflated ratings cost middle class families in Ohio nearly half a billion dollars in retirement funds.

But this problem is not limited to California and Ohio and New York. It has affected my home State of Minnesota. It has affected the Presiding Officer's home State of Virginia. It has affected every State in this Nation.

By now, I hope colleagues have heard the details of my amendment to reform the credit rating system. It would limit the pay-to-play model currently used in the credit rating industry. The amendment calls for an independent board to develop an assignment system to match the issuers of complex financial products with a qualified rating agency to provide the product's initial rating. This system would apply only to initial ratings. Issuers could seek a second or third rating from whichever credit rater they prefer. But the initial rating would put a check on any subsequent rater which would be disinclined to provide an inflated pie-in-the-sky rating to a junk product.

By providing for an assignment process, the conflicts of interest driving the system will be eliminated, and the assignment process will allow smaller rating agencies that are performing well to get more business and rating agencies performing poorly to get less. This will hold rating agencies accountable for their work. It will incentivize accuracy and increase competition.

I know many of you agree with me, and the list of cosponsors on this amendment is growing. Most recently, I was particularly pleased to have Senator WICKER join our effort. Of course, I am deeply grateful for the leadership of Senators SCHUMER and NELSON and the support of Senators WHITEHOUSE, BROWN, MURRAY, BINGAMAN, MERKLEY, LAUTENBERG, SHAHEEN, and CASEY. Restoring integrity to the credit rating system will provide real protection for working Americans.

Working people such as Tecora and Barbara are still reeling from the effects of this recession. Our unemployment rate still hangs near 10 percent. Working Americans together have lost nearly $4 trillion in the value of their homes and about $3 trillion in the loss of their retirement savings during this economic crisis.

The Wall Street reform bill before us goes a long way to prevent this from ever happening again. But there are a few places where it can be improved. I hope my amendment creating the Office of the Homeowner Advocate will help struggling Americans keep their homes. My amendment calling for an overhaul of the credit rating agency industry will protect millions of Americans from unprecedented losses in their supposedly safe retirement investments. I ask my colleagues for their support on both of these critical amendments.

Mr. President, I yield the floor.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, I have sought recognition to talk about three amendments pending on the legislation to reform Wall Street. I begin by noting the spirit of bipartisanship which is present on this issue, and I think it is a very important sign. There is too little bipartisanship in this body, and from my travels through my State and elsewhere, I believe the American people are fed up—really sick and tired—with the kind of bickering which is present in the Senate. It took a lot of public pressure and an obvious, great, and serious problem to bring about this bipartisanship. But it is very important that it be present in our efforts to reform Wall Street, and I hope it will be a sign of things to come.

Some time ago, I introduced a bill which would change the decision of the Supreme Court of the United States which held that aiders and abettors were not liable under the Securities Act. I have taken that bill and have submitted it as an amendment with quite a number of cosponsors. It is amendment No. 3776, to allow suits against aiders and abettors of Wall Street fraud, cosponsored by Senators REED, KAUFMAN, DURBIN, HARKIN, LEAHY, LEVIN, MENENDEZ, WHITEHOUSE, FRANKEN, FEINGOLD, and MERKLEY.

Prior to the decision of the Supreme Court of the United States in Central Bank, back in 1994, supplemented by

the Stoneridge Investment Partners decision, the law was that aiders and abettors were civilly liable for damages. It is a very odd circumstance that aiders and abettors remain liable under the criminal law but are not liable under civil law, and this amendment would reinstate the civil liability for aiders and abettors. It is narrowly drawn to apply only to individuals who knowingly provide substantial assistance to the primary violator. But where you have a stock offering and you have many parties who are working with the principal offerer, the offerer can only carry out the fraud with the assistance of quite a number of people.

This amendment will reinstate what had been the law prior to the Supreme Court decisions I just mentioned. I think it is worth noting that Senator SHELBY had introduced similar legislation back in 2002.

The second amendment I wish to discuss briefly is amendment No. 3794, submitted by Senators LEAHY, GRASSLEY, KAUFMAN, and myself, which would direct the Sentencing Commission to review and amend the sentencing guidelines for securities and financial institutions which engage in fraud, and the guidelines should reflect the intent of Congress that penalties for those offenses should be increased.

Earlier this week, on Tuesday, the criminal law subcommittee held a hearing attended by quite a number of very experienced people in the securities field and in criminology. The predominant view was, where you have a fine imposed, it is not a deterrent at all. It is insufficient as punishment for the perpetrator, but it is insufficient for the gravity of the offense. A fine is simply incorporated as part of the cost of doing business, passed on to consumers.

The provision for a jail sentence would be an effective deterrent. I base my own view on this subject from my experience as district attorney of Philadelphia, where I convicted many white-collar criminals and corrupt political figures, such as the chairman of the Philadelphia Housing Authority, the deputy commissioner of licenses and inspection, the stadium coordinator—to name only a few.

If the perpetrators of fraud know they are going to be going to jail, it will have quite a different impact on their own conduct. One of the witnesses testified to a celebrated case where an individual was fined $50 million and was willing to pay that but said, simultaneously with the payment of the fine, if he had been charged criminally, he would have fought it tooth and nail because of the concern about going to jail.

The third amendment I wish to discuss is amendment No. 3806, which provides that there should be a fiduciary duty for broker-dealers to avoid conflicts of interest in investments and make such violations a Federal crime.

In the SEC complaint against Goldman Sachs, the gravamen was—and I acknowledge and am explicit that these are only allegations—that the package of mortgages was put together and then was broken up into securities, and an individual who was involved in putting the package together, knowing the details, immediately hedged and sold short. That means he bet against those securities. He thought they would go down.

It is my view that the people who put that transaction together have a fiduciary duty to tell the investors—even institutional investors—as to exactly what is going on; that they should know somebody is simultaneously saying their professional judgment is that the value is going to go down.

DON'T GIVE MIRANDA WARNINGS TO SUSPECTED TERRORISTS

Mr. President, recently Attorney General Holder testified before the Judiciary Committee in our periodic oversight proceedings and testified that it was the policy of the Department of Justice to handle the interrogation of suspects in terrorism cases on a case-by-case basis. It is my view, which I expressed at the time I questioned Attorney General Holder, that that ought not to be the policy of the Department of Justice; that the policy of the Department of Justice ought to be not to give Miranda warnings to people who are suspected of terrorism.

The Miranda warnings coming out of the decision handed down by the Supreme Court of the United States in 1966—and I recall it well. I was in my first year as district attorney in Philadelphia at the time, and it was quite a jolt to the criminal justice system that my office prepared the details to have a card for the police officers by the end of the week, because they interrogate a great many suspects. But the Miranda warnings require the interrogator to advise an individual that he has the right to remain silent; secondly, that anything he says can and will be used against him; third, that he has the right to an attorney, and that if he wants to stop answering questions at any time in the sequence, he can.

When a suspect in a terrorism case is being questioned, there are issues which are much more important than the conviction of that individual. The important thing is to gain information, find out who may be involved, and gather intelligence to prevent future acts of terrorists. I saw this in some detail during my tenure as chairman of the Intelligence Committee back in the 104th Congress. The recent apprehension of the Times Square bomber, who had the bomb positioned to blow up in Times Square and injure many people is illustrative, and the information he gave without Miranda warnings. He was Mirandized, as I understand it from the media reports at some point, but the information he has given has been very valuable in linking possible coconspirators to the Taliban in Pakistan.

It is not widely understood, but the only consequence of not giving Miranda warnings is that any statements made by the suspect may not be introduced in a criminal trial in a U.S. court. But in the case of the Times Square bomber, as in the case of the Christmas bomber, there was sufficient evidence to move ahead with the convictions. But even if that were not so, the value of getting intelligence information vastly outweighs the interests of convicting the individual in that specific case. Even in that case, there is the potential alternative of being tried by a military commission where the Miranda rules do not apply. So it is my strong recommendation to the Department of Justice, as I had discussed it with Attorney General Holder, as I have communicated it to the FBI Director Bob Mueller, that the policy be changed so that it is not optional with an interrogator to make a decision on a case-by-case basis because the interrogator may make a mistake and decide that this is a case where the Miranda warnings ought to be given, and that may stop the individual from providing information.

Some of the Senators at our Judiciary Committee hearing were of the opinion that the chances of getting information were enhanced by giving the Miranda warnings, and I think that is not only counterintuitive—not what you would expect—but contrary to experience; that the likelihood of a person saying he won't talk if he is advised that he has a constitutional right not to, and then advised that he has a right to counsel, and then advised he will have counsel provided if he doesn't have counsel of his own, and once counsel are in the case, their obligation is to protect the interests of their client. That decision more likely than not will be to remain silent so the individual is not harmed with a potential criminal prosecution. I think the policy of the Department of Justice ought to be to have an absolute rule: No Miranda warnings in cases of persons suspected of terrorism.

There is some suggestion of legislation on this point. I think that raises constitutional issues of separation of power, and what ought to be done is the policy ought to be established now by the Department as an absolute rule not to give Miranda warnings to those suspected of terrorism.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Rhode Island.

Mr. REED. Mr. President, I take the floor today to talk about an amendment which I have been working on with Senator SCOTT BROWN of Massachusetts. I am very fortunate to have Senator BROWN's help, insight, and advice because of his extensive experience not only as a public servant but as a member of the Massachusetts National Guard. As a lawyer, as a company commander, and as someone who has served in various capacities within the Guard, SCOTT BROWN knows from firsthand experience that young troops

particularly, men and women of our Armed Forces, can be exploited by unscrupulous business practices, and that it is essential when we create a Consumer Financial Protection Agency that there be a particular and explicit liaison for military issues.

Many of these young men and women are not in their home towns. In the context of today's operations, they are returning from duty in Iraq or Afghanistan. They have not been spending a lot of money in Afghanistan because there is not a lot to buy, and they come home and they want to buy a new car or they want to do something, and they can be exploited. That exploitation is particularly hard to bear when it is at the expense of a young person who is risking their life in service to his country.

Senator BROWN and I are working on a joint amendment which would create an office of military liaison within the Consumer Financial Protection Bureau. The office would educate and empower servicemembers and their families to make better and more informed decisions, and it would work closely with existing personnel with the Department of Defense and the particular services so there is not only a place to go with a complaint, but also proactive information to avoid some of these missteps.

It would help monitor and respond to complaints by servicemembers and their families, and it would also coordinate efforts among Federal and State agencies, and that I think is absolutely critical. You have local insurance regulators, you have local attorneys general, you have the Better Business Bureau, you have the Department of Defense offices. We have all of these things, but often, particularly for a young soldier, where to go and get comprehensive one-stop help is hard to figure out. Many times they will approach an office and they will be told, well, you have a good case but we don't do that, and they are sent away. Given the time and commitment they have to devote to their service, this is another burden they have to bear, and we hope we can reduce this burden.

Senator BROWN and I are working to develop the details of this office. I think it is absolutely necessary.

We have looked at—and I have been looking at this problem for years now, and communicating with the Department of Defense, Secretary Gates, and others at the Department of the Treasury about how to protect better our service men and women. We think this initiative will help us in that regard.

The Department of Defense and the Government Accountability Office have found that servicemembers are particularly vulnerable to expensive and often abusive products. I will take off my Senate hat and put on my old company commander hat in a paratrooper company. You have 18- and 19-year-old men and women. They receive an enlistment bonus of sometimes $20,000. They don't have a home. They have bought the most expensive stereo equipment they already can buy. What they are looking for is something they can call their own, and usually that is a big, expensive car or truck. When they walk in the door, I think some of these dealers are aware of their vulnerability: lack of information, the short time they are back from an overseas deployment, the time before they are moving on to a deployment. So they are vulnerable. They are also vulnerable in another sense, not just with respect to products but there are so many families now where one of the spouses is in the military and the other spouse is in the military, and that other spouse is deployed overseas. So you have a member of the U.S. military with children, with a father or mother overseas, and they are struggling. Even with the pay they receive at the end of the month, it is a tough go. They are looking for good deals. There are too many people out there who are looking for people who are vulnerable to good deals. That is the reality today in the military. It is a different military force in terms of Operation TEMPO where I served where you were rather stabilized in one area for 3 years at least and then moved to another. Now you have families where the husband returns and 3 months later the wife deploys. That is a huge burden on the children, but it creates a kind of uncertainty and turmoil where financial problems are much more likely to occur. That is another factor of vulnerability, and we have to recognize that.

We also understand too that some of the more unscrupulous operators out there know these soldiers are getting steady paychecks, but they might not last all the way through the month. So they are a good sort of subject for some of these ploys. They have steady pay. You can go after them legally to try to attempt to do something, subject to the Servicemembers Civil Service Relief Act and all the other laws we try to protect them with. This is a target population in some respects, I hesitate to say, but unfortunately I think it is true.

The Under Secretary of Defense Clifford Stanley, who has been charged to be the champion for quality of life for protecting service families, has stated recently: ''The personal financial readiness of our troops and families equates to mission readiness.'' He reports that 72 percent of military financial counselors surveyed—these are the individuals at DOT, all the personnel whose job is to talk to troops about their well-being—72 percent surveyed had counseled servicemembers on auto lending abuses in the past 6 months. So this is not an isolated incident in one part of the country; this is across the country, across the Department of Defense, and that is a significant situation.

It is not just auto abuses. Payday loans, for example. As I said, anybody who is working around a military base knows that come the end of the month, that paycheck will probably be deposited into the checking account, so that is a good bet to lend money to. But the interest rates they are lending at, sometimes the APR is up to 800 to 900 percent. That is staggering. But they are doing it, and they are doing it to young soldiers who have their heads, some of them, looking forward to a deployment. Some of them have not even gotten over the last deployment, and we have to be conscious of that.

Rent-to-own loans. This is where you go to a shop and you say I would like to rent a TV for 30 days because you am deploying in 45 days. Then you don't deploy so you keep it, and in some cases you end up paying two to three times the retail price of the appliance. At least individual soldiers have to be informed of those practices and know about it. We have to be sure they are getting that information.

Refund anticipation loan is a classic. You are going to get your tax refund and if you let us give you a loan right now, we will take that tax refund. These turn out in some cases to have APRs reaching as high as 250 percent as you are borrowing against your prospective tax refund.

Automobile title pawns. Short-term loans are given to soldiers—and again, as a company commander, I never—well, let me see. It was more common to see a soldier in debt than to see a soldier investing in bonds and safe investments. It is the nature of being 18 years old, with some money and the feeling that you have to spend it. But automobile title pawns, short-term loans with very high interest rates to give the title of their car to the lender as collateral. Again, the whole notion to some youngsters in the military about what is a title, what is collateral, when they are looking at $2,000 or $3,000 on the table, that is only details. But when the time comes to pay the loan, they don't, and they lose their $25,000, $30,000 car or truck, and then it is a reality.

I think we have to be conscious of this. All of this is compelling in the abstract. It becomes even more compelling when you listen to the stories of individual soldiers.

Three years ago, Army SPC Jennifer Howard bought a car while she was stationed at Fort Riley, KS. As it turns out, the dealership that arranged her financing charged her for features on the car that she never got, such as a Moon roof and alloy wheels. You may say to yourself, how could anybody be so gullible? If you are a young soldier who just got back or is getting ready to go and you look at a shiny car and you know you didn't order the alloy wheels and Moon roof but you are not going to take time checking the manifest to see what you are charged with—that has been my experience. A dealer should know that, but apparently, in this case, they charged her anyway.

She says:

The dealership knows that we're busy, we're tired. We don't take the time, because

we don't have a lot of time. It's like get in, get out, do what we got to do. If we get taken advantage of later we'll deal with it then.

SGT Diann Traina bought her car from a dealership that didn't actually own it. When it was repossessed, she was stuck with a $10,000 bill. She said:

Trying to concentrate on my job and the mission in Iraq and then trying to figure out stuff that's going on at home, it was really stressful.

She goes on to say:

If there's some type of regulation or agency that's out there to back you up, you know who to go to to complain about somebody if you're experiencing a problem.

That is what we want to do—coordinate these activities through a military liaison at a consumer financial protection agency. We want to do that because it is the right thing to do and because if we cannot protect the men and women who are protecting us, then we have to ask seriously whether we are doing our job. I know they are doing their job.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I understand that today is set aside just for debate on amendments and on the bill. I certainly understand that, and I, accordingly, will not call up my amendment today.

I do want to talk about an amendment I have filed—amendment No. 3892—so that I can put my colleagues on notice about this amendment and the importance of it. This amendment has a straightforward goal. It is to protect the existing legal structures that ensure that electricity and natural gas rates consumers pay will continue to be just and reasonable and free from manipulation.

I am joined in the amendment by a strong bipartisan group of cosponsors, Senators who, like me, have worked hard over the years to strengthen consumer protections in this area of electricity and natural gas, who have worked cooperatively with me and others on the Energy Policy Act of 2005 to close the so-called Enron loophole.

I want to particularly express my appreciation to Senator MURKOWSKI, who is ranking member on the Energy Committee that I am privileged to chair; Senator REID of Nevada, who is cosponsoring the amendment, and Senators BROWNBACK, CANTWELL, CORNYN, WYDEN, and CORKER. All of these Senators have cosponsored the amendment we filed last night. I am grateful for their support and the hard work of their staffs in developing the amendment.

The bill currently before the Senate has several important objectives. It improves accountability in the financial system. It provides much needed protections for American consumers of financial services. It also expands the scope of the Commodity Futures Trading Commission's authority with respect to regulating commodity markets. I support all of these objectives. I am very glad to see them included in this bill.

However, I believe a small but vital addition to the bill is needed to ensure that America's consumers of energy products are adequately protected, and that is the issue the amendment I am discussing addresses.

We need to be sure that both under existing law and under the expanded authority being given to the Commodity Futures Trading Commission in this bill, there is no compromise of the role the Federal Energy Regulatory Commission is expected to perform and the role our State public utility commissions are expected to perform to regulate rates and terms with respect to electricity and natural gas markets.

Without this amendment, the bill before us could inadvertently prevent those agencies from exercising their authority and their responsibility to ensure just and reasonable rates for electricity and natural gas consumers. Without this amendment, the Federal Energy Regulatory Commission's ability to exercise antimanipulation authority could be called into question. These are enforcement tools to protect consumers. Congress granted them to the FERC in 2005 as a direct response to Enron's manipulation of markets in California and the West.

The amendment offers a solution that I believe is consistent with the philosophy of consumer protection that underlies other parts of the bill before us. The effect is simple: The amendment preserves the authority of both FERC and the States to ensure that electricity and natural gas rates are just and reasonable. Direct examination of prices is central to each of those agency's mission. In FERC's case, this authority is longstanding; it was established over 70 years ago.

Without this amendment, a critical check on energy prices may be lost. That is true for two connected reasons:

First, the CFTC's so-called ''exclusive jurisdiction,'' which is in the Commodity Exchange Act, could be interpreted to operate to prevent FERC and State public utility commissions from acting where their jurisdictions intersect the Commodity Futures Trading Commission's jurisdiction.

Second, the CFTC's regulatory mission differs significantly from that of the FERC and from that of the State public utility commissions. The CFTC's mission is to protect market participants and to promote fair and orderly trading on those markets. It doesn't directly examine commodity prices in these markets. It does not consider the reasonableness of rates charged to consumers.

While properly functioning futures markets are important, the Commodity Futures Trading Commission cannot and does not have the authority or responsibility to provide protections that are provided by the Federal Energy Regulatory Commission and the State public utility commissions under their respective authority.

As I have said, I support the bill generally. I believe it is essential to ensuring that consumers are protected. However, both I and my cosponsors on the amendment strongly believe it is necessary to preserve existing consumer protections that may otherwise be lost.

It is a simple, straightforward, tailored amendment that does not create loopholes in jurisdiction. It does nothing to diminish the ability of the CFTC to regulate commodity exchanges such as NYMEX or to require public disclosure of swaps or any other authority they have to regulate the mechanics of commodity markets, including those that trade energy commodities.

Once again, I thank my cosponsors for working to develop this amendment. I urge my colleagues to support the amendment. At the appropriate time, I will seek to call the amendment up and have it voted on by the Senate.

Seeing no other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EMERGENCY SUPPLEMENTAL FUNDING

Mr. WHITEHOUSE. Mr. President, I wish to speak on a couple of subjects. The first is to express my regret that the supplemental funding to help Rhode Island in the wake of its unprecedented, historic flooding was stopped on the floor today by a Republican objection. I would have hoped that when a true emergency happened in somebody's home State, with a Presidential disaster declaration, and Senators were working to remedy that, the traditional deference for emergency spending would be appropriate.

Senator REED, as the senior Senator and a member of the Appropriations Committee, is the leader on this issue. He and I will continue to work to get this done for Rhode Island. It is regrettable that conditions on the Senate floor are such that emergency spending—while we still have people out of their homes, flood damage, unprecedented in Rhode Island's history—is not something on which we simply could have agreed.

There are floods in other States, and I assume similar rules will apply when they come forward.

EXORBITANT INTEREST RATES

The second issue I wish to mention, since I see the distinguished chairman of the Banking Committee, is I continue to hope for and argue for the amendment I have proposed that will do something very helpful for something that bedevils constituents in every single one of our States, which is exorbitant, ridiculous interest rates.

Every day in the mail in every one of our States people are opening offerings from the big credit card companies;

proposals that, particularly when certain tricks or traps are triggered, kick them into 30 percent or higher interest rates.

It was not too long ago in all of our lifetimes that a solicitation such as that would have been a matter to bring to the attention of the authorities in our States because it would have been illegal under State law to charge that kind of reprehensible interest rate.

We as a Congress never decided we were going to overrule all those State laws; State laws that have existed since the founding of the Republic, a tradition of interest rate regulation that in our culture goes back to the Code of Hammurabi, goes back to Roman law. We never decided as a Congress: Oh, we are not going to allow States to protect their consumers any longer, protect their citizens any longer against exorbitant interest rates.

It happened in a strange, backhanded, almost inadvertent way. It began with a statute in 1863 that said a transaction was governed by law based on where it was located. In 1863, there was not a lot of interstate banking. So there did not need to be a lot of discussion about what ''located'' meant. But by 1978, interstate banking was fairly common. The question came to the Supreme Court, what that word ''located'' in that Civil War statute meant.

In a very unheralded decision at the time, a decision that did not appear to be of any significant consequence, the U.S. Supreme Court said: If you have a bank located in one State and a consumer located in another State, the law is going to be the State of the bank. It had to be one or the other. They chose the State of the bank. The Marquette decision it was called. It involved the Presiding Officer's State, Minnesota. The decision said it is going to be the bank.

It did not seem very controversial. Why not? The problem was that the banking industry began to figure out that there was a loophole. They began to figure out if they could go to the States with the worst consumer protection laws in the country or if they could go to a friendly Governor and say: Hey, I will make you a deal; you clear out your consumer protection laws, and we will come and we will locate a big, high-rise business full of call center people in your State—from that State, they could operate nationally.

Because of this funny 1978 decision from an 1863 law, bit by bit all of the constitutional Federalist States rights protections, where sovereign States have the right to protect their own citizens against outrageous and exorbitant interest rates, became ineffectual. We never decided that as a Congress. If we had that debate, I will venture that it would have gone the other way. It would be preposterous for us as a Congress to look out across America and say: OK, we are going to pass a law that says that the worst State for consumer protection regulation is going to be the State that governs. Obviously, it would create a race to the bottom. Obviously, it would completely disenfranchise home States trying to protect their own citizens from States a country away that, frankly, couldn't care less.

A Rhode Island consumer being victimized is not the problem of the State of South Dakota. It just is not. We would never have passed that law. It would have been an outrageous law to have passed. Yet because of this funny, quirky Supreme Court decision, that is the way the law in practice developed because smart bank lawyers figured out this trick and have taken advantage of it.

It is not just consumers who are getting clobbered as a result. It is also unfair to local banks. A Rhode Island bank is under Rhode Island interest rate laws. But an out-of-State bank, the big Wall Street banks with their big credit card subsidiaries, can play by their own rules, by the worst rules in the country. A Rhode Island bank, a Connecticut bank, a Minnesota bank—they have to play by local rules. It is not fair to local lenders to have this discrepancy, because it is bad for consumers, because consumers all across this country are paying interest rates now that would have been illegal just two or three decades ago, because it is anticompetitive, because it allows the biggest banks to compete unfairly against local community banks, Main Street banks, disadvantaged against these big Wall Street monsters because nobody in Congress ever made a decision nor would we have made a decision that this was OK. It is time we closed this loophole.

I look forward to when we return to have the chance to get a vote on that amendment. I very much hope it will be a bipartisan vote because the principles that the Republican Party has espoused about local control, States rights, protecting local institutions against big, out-of-State national entities, federalism, and our common interests across this floor in consumer protection all suggest that it is the kind of thing that should not divide us Republican against Democrat. This is closing a loophole that never should have existed, that we never would have voted for if we had the chance to vote for it, and that has resulted in immense harm to the public of all of our States as a result of these exorbitant interest rates.

As I said, the interest rate solicitation that is landing in Minnesota today, that is landing in Connecticut today, and that is landing in Rhode Island today would have been a matter to bring to the authorities but for this loophole.

NOMINATIONS

The final issue I wish to talk about—I guess every Member on the other side of the aisle has left town, so there is no Republican in Washington, DC, to come and object to the unanimous consent request I would like to offer for the stalled nominees.

There are now over 100 names on the Executive Calendar, which is the list of everybody who is pending awaiting confirmation by the Senate. At a similar time in President Bush's administration, the number was 20. Those numbers do go up and down, as our Republican friends have said. But just a few days ago, the number was over 80, and the number at the equivalent time in President Bush's administration was 8.

There is a clear, systemic attack on the Obama administration's ability to staff its administration and, thus, govern. What is enabling it is the fact that you do not have to have a reason to oppose a nominee. Why don't you have to have a reason? You don't have to have a reason because you can do it secretly. Nobody even knows that it is you opposing the nominee. If you want to have a systemic attack on a President's ability to govern, what a good thing a secret hold on the President's nominees is.

It has always been around, but it has been abused to a point where we need to be rid of it. We need to be rid of it. The right of a Senator to hold a nominee should be protected, but that Senator should have to stand and say that they are doing it. If they do not have a good enough reason to hold a nominee that they are willing to stand up and disclose it, then that is, frankly, not a legitimate hold. The secret holds have to end.

The situation we are in right now, because there is a Senate rule on point, is that the list of nominees has been read through. Great credit is due Senator MCCASKILL who has read through the bulk of these—76 of them I think she has been through in the first round. We asked for unanimous consent on all those nominees. We received objections. I received an objection on a nominee that I asked for from a Senator who had voted for that nominee in committee. He voted for the nominee in committee but came to the floor and objected. The nominee had cleared the Judiciary Committee with zero opposition, and yet on the floor, held and held and held, anonymously—secretly.

Under the Senate rules, when you have asked for unanimous consent and you have had that objection, you have 6 days to come clean on your hold. Do you know how many Republican Senators followed that rule? One did. One did. Senator COBURN of Oklahoma disclosed he had been holding six or seven appointees. That still leaves 100 on the Senate floor right now on the Executive Calendar.

We began early this morning calling them up to see if those holds were still there because after 6 days, you are either supposed to have disclosed it or relinquished it. Sure enough, we kept on getting objection and objection and objection.

So only two things can be true: Either they are just flagrantly violating the rule—what are we going to do?

There is no enforcement mechanism built into the rule. They are just saying: Make us follow the rule. You can't make us, so we are not going to follow it. We know it is a rule—we voted for it, and it passed with enormous bipartisan support. It is a rule of the Senate, but we just choose not to follow it because we get too much advantage out of secret holds. Senate rules don't really apply to us unless you can make us follow them.

That is a sad place for the Senate to be, if that is where we are on this issue. But there are only two alternatives. The other one is that they still have holds, but it is not a hold by the same Senator who had the hold when the unanimous consent was asked for and, therefore, he has, under the rule, relinquished his hold. But what he has done is gone and found another Senator and gotten that other Senator to take up the hold for him. That has been called a couple of things on the Senate floor. It has been called the hold switcheroo.

For those of us who are prosecutors, it looks a lot like money laundering. It is hold laundering. The person who has the real principal and interest with the hold has gotten someone else to aid and abet their scheme to interrupt the process of nominations and to violate the rules by taking on the hold for them and allowing them to dodge the rule. That is not a great way of doing business either.

So whether we have a direct and outright willful violation of the Senate rules—massive violation of the Senate rules—or a scheme to hold-launder—to get people to aid and abet you in your secret hold and dodge the rule that way—neither is a great situation. So we need to fix the rules so this cannot continue. But it is a sad reflection on the use of the secret hold that we are in a circumstance now where the only two possible sets of facts are those two. It just plain isn't right.

If you are here as a Senator, you should follow the rules of the Senate. If you are not prepared to do that, find something else to do. There are plenty of people who would love to serve here. To find another Senator to put a sham hold in to protect your hold so that you can dodge this rule is, frankly, unscrupulous. That is something that, if you could figure out who it was and you could get them in front of a jury and make that case, oh boy. But we don't have the enforcement mechanism. So we have to continue.

But let me tell you who I was going to be asking for. There are two judges for the Fourth Circuit, Albert Diaz and James Wynn. They are a Republican and a Democrat. They are paired for appointment. They cleared the Judiciary Committee with only one opposing vote. One was unanimous and the other was everybody but one. They have been on the calendar now for weeks, and I would like to ask unanimous consent, but I am informed that because there are no Senate Republicans in Washington I am unable to do that right now. But they have been on the calendar for many weeks and there is no reason for them not to be confirmed.

The following judicial candidates, or nominees for a judgeship, are also pending: Jon E. DeGuilo to be a U.S. district judge for the Northern District of Indiana; Audrey Goldstein Fleissig to be a U.S. district judge for the Eastern District of Missouri; Lucy Haeran Koh to be a U.S. district judge for the Northern District of California; Tanya Walton Pratt to be a U.S. district judge for the Southern District of Indiana; Jane E. Magnus-Stinson to be a U.S. district judge for the Southern District of Indiana; Brian Anthony Jackson to be a U.S. district judge for the Middle District of Louisiana; Elizabeth Erny Foote to be a U.S. district judge for the Western District of Louisiana; Mark A. Goldsmith to be a U.S. district judge for the Eastern District of Michigan; Marc T. Treadwill to be a U.S. district judge for the Middle District of Georgia; Josephine Staton Tucker to be a U.S. district judge for the Central District of California; Gary Scott Feinerman to be a U.S. district judge for the Northern District of Illinois; and Sharon Johnson Coleman to be a U.S. district judge for the Northern District of Illinois.

All of these candidates are waiting. They are on the calendar, all pending, all cleared with either unanimous or very strong votes out of the Judiciary Committee, and all blocked. Yet I believe all are supported by Republican Senators from their home States. These are all district judges.

This is a judge who sits in a local district within a State. These are not people who are setting national policy. These are people who are handling local trials, local motions practice, local Federal court litigation.

If you have the support of your two home Senators, and if you have cleared the Judiciary Committee, that ought to be pretty simple. That ought to be pretty simple. But they are being held, and they are being held for a reason. They are being held because, if the Republicans can force the Democrats to burn floor time, it takes floor time away from the work we need to do to rebuild our economy. It takes floor time away from the work we need to do to clean up Wall Street. It takes floor time away from the bills we need to pass to fund our troops overseas. It takes floor time away from our ability to do the work of governing. It is obstruction, pure and simple.

Because there are only so many hours in a day, there are only so many days in a week, and only so many weeks in a month, it is a zero sum game. You take time and make us spend it on these judges, and it is time we can't spend on floor work on the necessary legislation we have to get through. That is why we see these strange votes where we have cloture demanded and all that procedure; and then when the vote is finally taken we have 98 to 0 or where we have had 100 to 0. Why go through all that trouble when we end on a vote of 98 to 0 or 100 to 0? It is because there are ulterior motives. It is to burn the floor time of the Senate and to give the leader less and less time to accomplish the things that we need to accomplish.

So I can go through many other names, but I will not do that now. I will await the return of a Republican Member of the Senate to Washington so that somebody can be on the floor of the Senate to either object or not object to these nominees. I would hope at this point that we will find they do not object. That would be consistent with the rule.

If they have been on the calendar this long, if they have had their unanimous consent objected to, if the 6 days have run and if nobody has come up and actually said they have a hold on that person, then a unanimous consent ought to pass. Under the rule, a unanimous consent ought to pass. If it doesn't, it is a sign that they are either flatout violating the rule or that they have done this hold laundering scheme with a colleague to dodge out from under the rule. I think neither is credible and we need to work our way through this process. So on the next possible occasion, I will be doing that.

I thank the Presiding Officer for his courtesy and his time. 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.

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

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

MORNING BUSINESS

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

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

MOTHER'S DAY

Mr. BYRD. Mr. President, this Sunday, May 9, is Mothers Day in the United States.

Many European nations have long observed ''Mothering Sundays,'' which are also part of the liturgical calendar in several Christian denominations. Catholics observe Laetare Sunday, the fourth Sunday in Lent, in honor of the Virgin Mary and the ''mother'' church. Some historians believe the tradition of sending flowers on Mothers Day grew out of the practice of allowing children who worked in large houses that day off to visit their families. The children would pick wildflowers to take to their mothers on their way home for the visit. The ancient Greeks celebrated the Vernal Equinox with a springtime festival devoted to Cybele,