

that this bankruptcy agreement would leave many injured victims without recourse. I led a group of eight State attorneys general in warning the Federal Government—which supported and sponsored the bankruptcy plan—that the situation we see now would come to pass. I don't take a lot of satisfaction in knowing that now we have learned the real facts GM concealed then. I don't take any satisfaction in the potential denial of what is due to the victims of GM's concealment, not to mention its reprehensible and potentially illegal failure to repair those defects rather than conceal them. But, unfortunately, that is what has happened.

Due to GM's failure to disclose that known defect in its vehicles and facts that will continue to come to light in this investigation, everything suggests that this failure to disclose was, in fact, deliberate, fraudulent concealment of information from consumers and from government officials. That is criminal, and that is why the Department of Justice is investigating.

As we stand here, we may be too early to reach conclusions but not too early for the Department of Justice to make things right and for GM to do the right thing.

Yesterday I sent a letter to Attorney General Eric Holder. I told General Holder respectfully that I believe the Federal Government has a moral if not a legal obligation to take certain steps to protect innocent consumers, and I requested that he give it his personal attention. I do that again today—make that request—and urge his personal attention.

Although consumer victims may be barred from seeking relief before the bankruptcy court, the Department of Justice can take steps now in the context of this criminal investigation that could greatly help people who have been injured—innocent victims who were driving that car down the freeway or on a country road when the ignition was bumped, when the key ring had too many keys and their car stopped, the airbag failed to operate, and some died.

I requested the DOJ to have GM establish a fund to compensate injured consumers. It is a civil remedy that can be done as an interim step in a criminal prosecution. The Department of Justice has the authority to request many kinds of relief, and in light of the continuity of personnel between the old GM and the new GM, this kind of remedy would be absolutely appropriate for the new GM and it could simply allocate some of its assets. And fortunately it is doing well. No one begrudges GM its success. We welcome its profitability. But it can do what is right and use some of those profits to correct this wrong.

If necessary, the Department of Justice also could enter into a deferred prosecution agreement, as it did recently with Toyota, and it reached a settlement there of \$1.2 billion.

There is also a precedent for criminal investigations of this nature being re-

solved by settlements in the BP oil spill in the Gulf of Mexico. A \$4 billion criminal settlement was distributed among groups working to mitigate the spill's effects and prevent future problems, including the National Fish and Wildlife Foundation, which has done great work, and the Oil Spill Liability Trust Fund.

If such a settlement were reached here, there should be priority on ensuring that funds compensate consumers who suffered the worst losses—the loved ones of people killed as well as the innocent victims who were injured or suffered economic loss.

In addition to the fund, I also requested that the Department of Justice intervene in pending civil actions to oppose GM's effort to deny knowledge or responsibility for damage. What GM has done is to remove State court cases to Federal court and then asked for a transfer to the bankruptcy court, all the while knowing that the bankruptcy proceeding cannot be reopened, and in any event the old GM has vastly insufficient assets to satisfy any real judgment.

I believe there are answers here that will satisfy fairness and justice and enable GM to live up to the integrity and image that befits them. I believe that the Department of Justice, or another consumer protection agency, must ensure that consumers are aware of the potential dangers in this continuing defective series of vehicles, including the Cobalt, the Saturn, and other models over those same years.

I would never let one of my children behind the wheel of one of those cars without a major repair. I don't know that anyone else should—or anyone driving themselves—be behind the wheel of these cars.

When a large national company such as GM markets a product, they have a responsibility. They have a moral and legal responsibility to ensure that the product is safe. When one of those companies—any company—becomes aware of safety issues, it has a responsibility to disclose them.

I joined a bill—with the leadership of Senator MARKEY—that would require better, faster disclosure by NHTSA, and I will speak on another occasion about the lapses in responsibility on the part of Federal watchdogs who failed to protect the public, failed to detect a pattern of problems in these cars, and failed to blow the whistle.

GM has its own responsibility, and I know that a new era of leadership at GM under a new leader may mean a new day in its acknowledging its moral and legal responsibility, and I hope for that new day.

The innocent victims of defective cars suffered life-ending and life-changing injuries. Many of them could have been avoided but for the purposefully misleading and deceptive conduct by GM. Our responsibility now is to see that justice is done either through ensuring that compensation is made available or through appropriate criminal

enforcement or both. The criminal law, as we know in this body, is a means of seeking justice, and it can provide a good outcome if it is properly framed and enforced.

I thank the Presiding Officer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. 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. BLUMENTHAL. 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.

TRIBUTE TO JEAN M. MANNING

Mr. DURBIN. Mr. President, I congratulate Jean Manning on her retirement from the Senate and thank her for her 21 years of dedicated service. Her wise counsel will be missed in the Senate. That is why the Senate recently passed S. Res. 391 designating Jean Manning as Chief Counsel for Employment Emeritus of the United States Senate.

Jean grew up in the heart of Chicago and received three degrees from the University of Illinois—a B.A., an M.B.A., and a J.D. While pursuing her law degree, Jean was a member and the articles editor of the University of Illinois Law Review and was awarded the Rickert Award for Excellence in Legal Writing. Not forgetting where she came from, today Jean remains very active at the University of Illinois, where she is a member of the University of Illinois Foundation and of the College of Law Board of Advisors, serving as president at one time.

In the early 1990s, Congress as a workplace underwent a sea change when all major employment laws became applicable. In 1993, following a nationwide search, Jean was tapped to establish and manage the Office of the Senate Chief Counsel for Employment. She and her staff helped guide Senate offices as these employment laws were implemented and has continued to assist our offices to this day. Jean has counseled Senate offices to ensure compliance with the Equal Pay Act, the Family and Medical Leave Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act and many other laws. It was her responsibility to see that Senate offices understood and followed employment laws so that Senate employees have the rights and protections the laws provide.

To Jean's credit, the Office of the Senate Chief Counsel for Employment