

Senate and the House are prepared to stand up to the very powerful special interests who do not want us to do that.

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

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, when I came to Washington over a year ago, this country faced an economic crisis greater than anything we have seen in generations. So my colleagues and I set out to work. Under President Obama's strong leadership, we passed a landmark stimulus package that stopped the bleeding. We did what was necessary to prevent a complete economic collapse and set America back on the road to recovery.

Since that time, we have come a long way. Many key economic indicators have started to turn around, but we are not out of the woods yet. The economy has started to grow again, but unemployment is still too high, and rampant foreclosures continue to threaten families in my home State and across the country. During the first 3 months of this year, almost 15,000 homeowners went into foreclosure in Illinois alone. Despite our best efforts to modify mortgages to make them more affordable, that is twice as many foreclosures as we saw during the same period last year. This is unacceptable. We are making progress, but it simply isn't enough.

Today, America no longer stands at the brink of disaster, but we are still vulnerable to the same recklessness that led to this crisis in the first place. For years, at big corporations such as Goldman Sachs, Wall Street bankers packaged bad mortgages together and sold them to investors. They knew these investment vehicles would inevitably fail, so they turned around and bet against them. They bet against the American people. They sought to make a profit off of the misfortunes of their own customers. They allegedly committed fraud, and that is why they are currently being sued by the Securities and Exchange Commission on behalf of the American people. As a former banker, I understand the seriousness of this misconduct. I know it continues to pose a dramatic threat to the American financial system.

That is why we need to pass strong financial reform to prevent bad behavior on Wall Street from sinking ordinary folks on Main Street. I urge my colleagues to join me in supporting the reform legislation introduced by Senator DODD. This bill would prevent Goldman Sachs and other companies from getting us into a mess in the first place, and it can help ensure that we will never end up in this position again.

This legislation creates a consumer protection bureau designed to shield ordinary Americans from unfair, deceptive, and abusive financial practices. It would establish an oversight council tasked with keeping a close eye on emerging risks so that we are never

taken by surprise again. It would end so-called too big to fail, protect taxpayers from unnecessary risks, and eliminate the need for future bailouts.

This bill would also increase transparency and accountability for banks, hedge funds, and the derivative market, so a big company such as Goldman Sachs would not be able to get away with their alleged fraud anymore.

These basic reforms will establish clear rules of the road for the financial services industry so we can keep the market free and fair without risking another economic collapse. But if we fail to take action, if we do not pass this reform bill, then we will be right back where we started, with no safeguards against this kind of deception and abuse in the future. I call upon my colleagues to join me in supporting Senator DODD's bill when it comes to the floor this week. I ask my friends on both sides of the aisle to stand with me on the side of the American people. Let us pass financial reform legislation, and let's do it without delay.

I yield the floor.

RECESS

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

Thereupon, at 12:41 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

EXECUTIVE SESSION

NOMINATION OF MARISA J. DEMEO TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the following nomination, which the clerk will report.

The legislative clerk read the nomination of Marisa J. Demeo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia.

Under the previous order, there will be up to 6 hours of debate equally divided and controlled between the two leaders or their designees.

Who yields time?

The Senator from Tennessee is recognized.

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

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

NUCLEAR ENERGY

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks an article from Newsweek magazine by George F. Will entitled "This Nuclear Option Is Nuclear."

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

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, Thursday is Earth Day. Actually, it is the 40th anniversary of Earth Day. It is a good day to celebrate by creating a national resolve in our country to build 100 new nuclear power plants in the next 20 years, which would be the best way to create the largest amount of pollution-free, carbon-free electricity. Today, nuclear power produces 20 percent of America's electricity but 69 percent of all of our carbon-free, pollution-free electricity.

During 2009, America's national energy policy looked more like a national windmill policy—the equivalent of going to war in sailboats. If we were going to war, the United States wouldn't think of putting its nuclear navy in mothballs. Yet we did mothball our nuclear plant construction program—our best weapon against climate change, high electricity prices, polluted air, and energy insecurity. Although 107 reactors were completed between 1970 and 1990, producing 20 percent of our electricity today—which, as I said, is 69 percent of our carbon-free electricity—the United States has not started a new nuclear plant in 30 years.

Instead of using our own nuclear power invention to catch up with the rest of the world, President Obama, in his inaugural address, set out on a different path: America would rely upon "the sun, the winds, and the soil" for energy. There was no mention of nuclear power. Windmills would produce 20 percent of our electricity. To achieve this goal, the Federal Government would commit another \$30 billion in subsidies and tax breaks.

To date, almost all the subsidies for renewable energy have gone to windmill developers, many of which are large banks, corporations, and wealthy individuals. According to the Energy Information Administration, big wind receives an \$18.82 subsidy per megawatt hour—25 times as much per megawatt hour as subsidies for all other forms of electricity production combined. Last year's stimulus bill alone contained \$2 billion in windmill subsidies. Unfortunately, most of the jobs are being created in Spain and China. According to an American University study, nearly 80 percent of that \$2 billion of American taxpayer money went to overseas manufacturers. Despite the billions in subsidies, not much energy is being produced. Wind accounts for just 1.3 percent of America's electricity—available only when the wind blows, of course, since wind cannot be stored, except in small amounts.

Conservation groups have begun to worry about what they call the "renewable energy sprawl." For example, producing 20 percent of U.S. electricity from wind would cover an area the size of West Virginia with 186,000 turbines and require 19,000 miles of new transmission lines. These are not your grandmother's windmills. These turbines are 50 stories high. Their flashing lights can be seen for 20 miles. An unbroken line of giant turbines along the

2,178-mile Appalachian Trail—except for coastlines, ridgetops are about the only place turbines work well in much of the East—would produce no more electricity than four nuclear reactors on 4 square miles of land—and, of course, you would still need the reactors for when the wind doesn't blow.

There are other ways a national windmill policy also risks destroying the environment in the name of saving the environment. The American Bird Conservancy estimates that the 25,000 U.S. wind turbines today kill 75,000 to 275,000 birds per year. Imagine what 186,000 turbines would do. One wind farm near Oakland, CA, estimates that its turbines kill 80 golden eagles a year.

To be sure, similar concerns about sprawl exist for other forms of renewable energy. For example, it would take continuously foresting an area 1½ times the size of the Great Smoky Mountains National Park to produce enough electricity from biomass to equal the electricity produced by one nuclear reactor. A new solar thermal plant planned for California's Mojave Desert was to cover an area 3 miles by 3 miles square, until environmental objections stopped it.

At least for the next couple decades, relying on windmills to provide our Nation's clean electricity needs would be like wandering off track from your house in Virginia through San Francisco on the way to the corner grocery store. This unnecessary journey offends the commonsense theory of parsimony, defined by scientist Spencer Wells as "don't overcomplicate . . . if a simpler possibility exists."

The simpler possibility that exists for producing lots of low-cost, reliable green electricity is to build 100 new nuclear plants, doubling U.S. nuclear power production. In other words, instead of traveling through San Francisco on your way to the corner grocery store, do what our country did between 1970 and 1990: Build 100 reactors on 100 square miles of space—several of them would be on existing reactor sites—compared with the 126,000 new square miles needed to produce that much electricity from biomass or the 26,000 square miles needed for wind. Unlike wind turbines, 100 new nuclear reactors would require fewer transmission lines through suburban backyards and pristine open spaces. They would also require much less taxpayer subsidy. At current rates of subsidy, taxpayers would shell out about \$170 billion to subsidize the 186,000 wind turbines necessary to equal the power of 100 nuclear reactors.

While Federal Government loan guarantees are probably necessary to jumpstart the first few reactors, once we have proven they can be built without delays or huge cost overruns, no more loan guarantees will be needed. In fact, the Tennessee Valley Authority just finished rebuilding the \$1.8 billion Brown's Ferry reactor on time and on budget, proving it can still be done.

Yet, even if all \$54 billion in loan guarantees defaulted—which isn't going to happen—it would still be less than one-third of what we are putting into wind.

My concern about the unrealistic direction of our national windmill policy led me to give five addresses on clean energy over the last 2 years. The first, delivered at the Oak Ridge National Laboratory in 2008, called for a new Manhattan Project—like the one we had in World War II but this time for clean energy independence. Then, a year ago at Oak Ridge, I proposed building 100 new nuclear plants, a goal that all 40 Senate Republicans adopted, along with 3 other goals: electrifying half of our cars and trucks, expanding offshore exploration for natural gas and oil, and doubling clean energy research and development.

My concern during 2009 deepened as members of the Obama administration, with the conspicuous exception of Energy Secretary Stephen Chu, seemed to develop a stomach ache whenever nuclear power was mentioned. The President himself seemed unable to mention the subject. Last year, at a climate change summit in New York City, President Obama chided world leaders for not doing more to address climate change, but he didn't mention the words "nuclear power" during his entire speech. That is ironic because many of the countries he was lecturing were making plans to build nuclear plants to produce carbon-free electricity and we were not. Climate change was the inconvenient problem, but nuclear power seemed to be the inconvenient solution.

Fortunately, with the arrival of 2010 has come a more welcoming environment for nuclear power. In his State of the Union Address, President Obama called for "a new generation of safe, clean nuclear reactors." His 2011 budget request recommends tripling loan guarantees for the first reactors, and in February, his administration announced the awarding of the first two loan guarantees for nuclear power. He has selected distinguished members, both for the Nuclear Regulatory Commission and for a new blue ribbon commission, to figure out the best way to dispose of used nuclear fuel.

Democratic Senators—several of whom, in fairness, have long been supporters of nuclear energy—have joined with the current 41 Senate Republicans—to create bipartisan support. Last December, for example, Democratic Senator JIM WEBB, of Virginia, a former Navy Secretary, and I introduced legislation to create an environment that could double nuclear power production and to accelerate support for alternative forms of clean energy.

There seems to be a growing public understanding that nuclear reactors are as safe as other forms of energy production. A nuclear plant is not a bomb; it can't blow up. Our sailors have lived literally on top of reactors for nearly 60 years without a nuclear incident. Nobody in the United States

has ever been killed in a nuclear accident. Most scientists agree it is safe to store used nuclear fuel onsite for 60 to 80 years while those scientists figure out how to recycle used fuel in a way that reduces its mass by 97 percent, reduces its radioactive lifetime by 99 percent, and does not allow the isolation of plutonium, which could be dangerous in the wrong hands.

In addition, there is a growing realization by those who worry about climate change that if Americans want to keep consuming one-fourth of the world's electricity and we want large amounts of it to be low-cost and carbon-free, nuclear power is the only answer for now.

It has also helped, and been a little embarrassing as well, that the rest of the world has been teaching Americans the lesson we first taught them. China is starting a new nuclear reactor every 3 months. France is 80 percent nuclear and has electricity rates and carbon emissions that are among the lowest in Europe. Japan gets 35 percent of its electricity from nuclear and plans 10 more reactors by 2018. There are 55 new reactors under construction in 14 countries around the world—not 1 of them in the United States.

I believe we must address human causes of climate change, as well as air pollution that is caused by sulfur, nitrogen, and mercury emissions from coal plants. But I also believe in that commonsense theory of parsimony: Don't overcomplicate things if a simpler possibility exists. My formula for the simplest way to reach the necessary carbon goals for climate change without damaging the environment and without running jobs overseas in search of cheap energy is this:

No. 1, build 100 new nuclear powerplants in 20 years.

No. 2, electrify half our cars and trucks in 20 years. If we plug vehicles in at night, we probably have enough electricity to do this without building one new power plant.

No. 3, explore for more low-carbon natural gas and the oil we still need.

No. 4, launch mini-Manhattan Projects to invent a low-cost, 500-mile battery for electric cars and a 50-percent efficient solar panel for rooftops that is cost-competitive with other forms of electricity, as well as better ways to recycle used nuclear fuel, to create advanced biofuels, and to recapture carbon from coal plants.

These four steps should produce the largest amount of energy with the smallest amount of pollution at the lowest possible cost, thereby avoiding the pain and suffering that comes when high energy costs push jobs overseas and make it hard for many low-income Americans to afford heating and cooling bills.

One day, solar and other renewable energy forms will be cheap and efficient enough to provide an important supplement to our energy needs and can do so in a way that minimizes damage to our treasured landscapes. Earth

Day, as it comes Thursday, is a good day to remember that nuclear power beats windmills for America's green energy future.

I yield the floor.

EXHIBIT 1

[From Newsweek]

THIS NUCLEAR OPTION IS NUCLEAR

(By George F. Will)

The 29 people killed last week in the West Virginia coal-mine explosion will soon be as forgotten by the nation as are the 362 miners who were killed in a 1907 explosion in that state, the worst mining disaster in American history. The costs of producing the coal that generates approximately half of America's electricity also include the hundreds of other miners who have suffered violent death in that dangerous profession, not to mention those who have suffered debilitating illnesses and premature death from ailments acquired toiling underground.

Which makes particularly pertinent the fact that the number of Americans killed by accidents in 55 years of generating electricity by nuclear power is: 0. That is the same number of Navy submariners and surface sailors injured during six decades of living in very close proximity to reactors.

America's 250-year supply of coal will be an important source of energy. But even people not much worried about the supposed climate damage done by carbon emissions should see the wisdom—cheaper electricity, less dependence on foreign sources of energy—of Tennessee Sen. Lamar Alexander's campaign to commit the country to building 100 more nuclear power plants in 20 years.

Today, 20 percent of America's electricity, and 69 percent of its carbon-free generation of electricity, is from nuclear plants. But it has been 30 years since America began construction on a new nuclear reactor.

France gets 80 percent of its electricity from nuclear power; China is starting construction of a new reactor every three months. Meanwhile, America, which pioneered nuclear power, is squandering money on wind power, which provides 1.3 percent of the nation's electricity: it is slurping up \$30 billion of tax breaks and other subsidies amounting to \$18.82 per megawatt-hour, 25 times as much per megawatt-hour as the combined subsidies for all other forms of electricity production.

Wind power involves gargantuan "energy sprawl." To produce 20 percent of America's power by wind, which the Obama administration dreamily proposes, would require 186,000 tall turbines—40 stories tall, their flashing lights can be seen for 20 miles—covering an area the size of West Virginia. The amount of electricity that would be produced by wind turbines extending the entire 2,178 miles of the Appalachian Trail can be produced by four reactors occupying four square miles of land. And birds beware: the American Bird Conservancy estimates that the existing 25,000 turbines kill between 75,000 and 275,000 birds a year. Imagine the toll that 186,000 turbines would take.

Solar power? It produces less than a tenth of a percent of our electricity. And panels and mirrors mean more sprawl. Biomass? It is not so green when you factor in trucks to haul the stuff to the plants that burn it. Meanwhile, demand for electricity soars. Five percent of America's electricity powers gadgets no one had 30 years ago—computers.

America's nuclear industry was a casualty of the 1979 meltdown of the Three Mile Island reactor in Pennsylvania, which was and is referred to as a "catastrophe" even though there were no measurable health effects. Chernobyl was a disaster because Russians built the reactor in a way no one builds today—without a containment vessel.

Since the creation of the Tennessee Valley Authority, Alexander's state has played a special role in U.S. energy policy. The last commercial reactor opened in America is Watts Bar, Unit 1 in Tennessee. And, in a sense, all uses of nuclear power began in that state.

In September 1942, the federal government purchased 59,000 acres of wilderness in eastern Tennessee and built an instant city—streets, housing, schools, shops, and the world's most sophisticated scientific facilities. This was—is—Oak Ridge. Just 34 months later, a blinding flash illuminating the New Mexico desert announced the dawn of the atomic age. That is what Americans can do when motivated.

Today, a mini-Manhattan Project could find ways to recycle used nuclear fuel in a way that reduces its mass 97 percent and radioactive lifetime 98 percent. Today, Alexander says, 10 percent of America's lightbulbs are lit with electricity generated by nuclear material recycled from old Soviet weapons stocks. This is, as Alexander says, "one of the greatest swords-into-plowshares efforts in world history, although few people seem to know about it." It is a travesty that the nation that first harnessed nuclear energy has neglected it so long because of fads about supposed "green energy" and superstitions about nuclear power's dangers.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator ALEXANDER for his remarks. I share his analysis. He is exactly correct. It is very important for America that we recognize what he has said but even more important now, since I think the American people overwhelmingly understand and support that, that we take some action that would actually help us to get in the game of nuclear power production.

I remain baffled by some of the generalized statements of the administration on nuclear power but lack of action that could move us forward and get us out of this funk we are in, where we are not doing anything. We have to start catching up with countries that are serious about nuclear power. It will help make us more productive, help create a lot of high-paying jobs in America, clean power, 24 hours a day, 7 days a week, no emissions into the atmosphere, no CO₂. It has so many benefits that I am convinced we need to move forward.

I wish to make remarks on another issue; that is, the nomination of Marisa Demeo to the DC Superior Court. It is not a nomination that comes through the Judiciary Committee, as most Federal judges do. Because she is a DC Superior Court nominee, the nomination went through Homeland Security. Although, it is not a lifetime appointment, if you are an advocate or resident of the District of Columbia who might have to one day appear before a judge, you do want to know that Congress has made certain that once that judge puts on the robe, he or she is capable of putting aside personal views and applying the law evenhandedly.

Unfair jurisprudence to one party is detrimental, costly, and painful. We need to make sure our nominees exercise judgment—objective, fair judg-

ment—and not allow their personal politics or ideologies to influence their decision making.

I am not comfortable enough to say that Ms. Demeo is capable of doing that. I am just not. Her background and record raise issues with me. I wish to be fair, but I think we need to talk about them.

The DC Superior Court does have broad jurisdiction. It includes trial matters, criminal, civil, family court, landlord, tenant, and so forth. A judge needs to be impartial in all those matters. Ms. Demeo's background provides evidence that she may be more political and strong-willed personally than impartial.

Her prior experience includes serving as regional counsel for the Mexican-American Legal Defense Fund. In this position, she made a number of troubling statements. For example, she argued that "governments have a legal obligation to help those who don't speak English well." We have an obligation, all of us, to help people who do not speak English, and I think that is so. But as a judge, I am wondering: Does this mean that constitutionally she is saying the government has a legal obligation to do that? That seems, to me, the tone of her statement.

During her tenure at MALDEF, the organization sued the State of Texas because high schools did not offer their exit exams in Spanish. One does not have to be a lawful citizen of our country to attend the schools of Texas, even those unlawfully in the country can enroll in high schools. Apparently, the state of Texas decided individuals should do their exit exams in English to get a high school diploma. She opposed that.

She opposed the nomination of Miguel Estrada, a fabulous Hispanic nominee. He had superior academic credentials, was a brilliant writer, and testified beautifully, I thought, before the Judiciary Committee. She said this about him:

The most difficult situation for an organization like mine is when a President nominates a Latino who does not resonate or associate with the Latino community and who comes with a predisposition to view claims of racial discrimination and unfair treatment with suspicion and with doubt instead of with an open mind.

I don't think that is an accurate description of Miguel Estrada, who came here as a young man from Central America. I don't think that is an accurate description of him. I am disappointed she would make that statement about him. I am unaware of any provision in the Constitution which requires that judges show favoritism to one party or another based on their ethnicity. A judge, no matter what their background, racial, ethnic, religious, political, should give everybody before the court the same fair treatment. It is not necessary for a Caucasian to hear a case involving a Caucasian or for a Latino to hear all cases

involving Latinos. Every judge puts on a robe, and that robe symbolizes their absolute commitment to objectivity.

After the Democrats successfully filibustered Mr. Estrada, one of the first nominees to be blocked by repeated, sustained filibusters—this was not too many years ago, less than 10, about 7 or 8. We still have problems in the Senate as a result of the alteration of Senate tradition where nominees are filibustered. I try not to do that. The Gang of 14 settled that, saying filibusters, under extraordinary circumstances, now become possible. This was after the Estrada nomination.

She was proud of blocking Mr. Estrada. She bragged about it. She said:

This shows just because we have a Republican President and a Republican Senate, it is still possible to defeat candidates who are so conservative that they take us back in civil rights.

I disagree. I disagree with her analysis of Miguel Estrada's position. I heard him testify. I think he would have been a fabulous member of the U.S. courts.

Being a liberal means never having to say you are sorry about what you say to other people. In opposing Linda Chavez—a wonderful writer, thinker, and passionate advocate for civil rights—she stated this in opposing Linda Chavez:

We generally support the nomination of Latinos to important positions, but Linda Chavez could really turn things backward for the Latino community. I do not appreciate that. Linda Chavez would not have turned things back on the Latino community. I don't know what she means by that.

She went on to say:

A Spanish sounding surname does not make a person sympathetic to the concerns and needs of the Latino population.

She, therefore, would appear to only embrace the kind of Latino nominee who agrees with her politically. It is not truly a question of ethnicity, is it? It is a question of something different, a political approach to government and law.

On May 13, 2004, she participated in a press conference with the coalition against discrimination and the Constitution to "challenge the extremism of the Federal marriage amendment backers." I guess that means I am an extremist.

Quite a number of Senators in the majority, as I recall, voted to say that a marriage should remain as it has always previously been interpreted: to be a union between a man and a woman. But she says this is an extremism amendment. I don't think so.

I know there is a legal dispute about gay marriage, one in the District of Columbia now. She already stated where she is on the matter, declaring it a fundamental right. I do not believe that is a fundamental constitutional right for a same-sex union to be declared a marriage under the law of the United States. It never was for the first 170 years of the existence of this country.

Ms. Demeo is no friend of immigration enforcement. When the INA announced a plan to enter into the FBI's National Crime Information Center database the names of 314,000 individuals who had been ordered deported but who fled and absconded and did not submit themselves for deportation, in an effort to simply comply with a judicial final order, she decried that move. She responded that most of the violators who are guilty only of violating civil immigration laws do not pose a threat to national security. I am not saying they pose a threat to national security. They have come into the country illegally. They somehow became apprehended. Maybe they committed some other crime. They were ordered to be deported and they should be deported. If they do not show up and abscond, they should be in the NCIC, just like anybody who has a speeding ticket and they did not pay their fine.

She also criticized the government's Operation Tarmac, which identified and ordered the deportation of 600 workers with access to sensitive areas at airports who had violated immigration law. We had 600 workers at airports with access to sensitive areas, and they were found to be illegally here and ordered deported.

Indeed, she is an advocate for amnesty openly. I guess we can disagree on that. Good people certainly disagree on that. She is a big fan also of affirmative action programs. There is a fine line between affirmative action and quotas and mandatory racial preferences, and I fear she has crossed that line.

During the Clinton administration, when Energy Secretary Frederico Pena announced his resignation, she insisted he be replaced by a Latino, indicating that was necessary for Latino concerns to receive consideration. I think it is all right to ask that happen. But to demand that and to insist that only a person of your ethnicity can give fairness to your ethnic group I think is wrong and goes against fundamental American concepts of law.

In a 2000 opinion editorial for the San Diego Tribune, Ms. Demeo fully embraced the concept of dangerous identity politics, in my view. She said:

We must create the pressure to move the nominations of Paez—

Who had been nominated to the Federal bench—

and other Latino nominees. . . . Latinos must be appointed in greater numbers at all levels, especially to the appellate courts, where most of the decisions interpreting the Constitution and Federal laws are ultimately made. Without sufficient representation at every level, equal justice for Latinos—or even the perception of justice—will not exist.

I think that is overstatement. It is one thing to advocate, and I respect that, advocating for more people, groups who appear to be underrepresented. That is a legitimate factor that would play in a nomination. To use that kind of language, I think, is

dangerous because it suggests fairness is not otherwise obtainable.

Perhaps Ms. Demeo can set these views aside and be fair on the bench. I think they are extreme in many instances. I am not certain she can. It appears to me she is entrenched in a political approach, a lifestyle of emphasizing rights for one group or another and not so much the idea, the American vision of equal rights for everybody. That is the core American principle; that everybody in a court of law is entitled to equal rights. A judge and our juries are charged to that effect, and judges put on a robe to show they are going to be unbiased and that they are going to follow the law regardless of what their personal views or friendships or so forth might be. So that is my concern and the reason I have decided I will oppose the nomination. I assume she will go on and have her vote soon and will probably have a majority and be confirmed. But if she is confirmed, I hope Judge Demeo will think about some of the issues I have raised and make sure in her own heart of hearts that when she takes that bench, she is not going to favor one party or another based on their religion, their ethnicity, their politics, or her personal social agendas. I believe that is important.

I have some quotes from some letters in opposition to Judge Demeo's nomination. Numbers USA has said her nomination "would be a setback for the nation in terms of seeking to restore the rule of law in immigration."

The Eagle Forum is a conservative group that has studied the nomination and has written regarding the basis for opposing the nomination as Judge Demeo's advocacy for issues, such as "in-state tuition for illegal aliens, the handling of the census for purposes of redistricting, photo ID voting laws, official English initiatives, amnesty for illegal aliens, affirmative action, and traditional marriage."

The Concerned Women of America wrote:

Her bias is so ingrained and so much the main thrust of her career that it [is] not rational to believe that she will suddenly change once confirmed as a judge. Rather it is reasonable to conclude she would use her position to implement her own political ideology.

They go on to say:

Demeo reveals her own bias and lack of constitutional knowledge by her statement that the Constitution is a "flawed document that embodied the historical bias of its time."

Well, it is certainly not a perfect document, we all know that, and it has been amended because it did have some provisions that could not stand historical scrutiny, such as the question of slavery and equal rights for all Americans. But I do think her statement is troubling to me as a whole because I don't think it is a flawed document. Our Constitution is the greatest document ever struck by the hands of man at a given time, somebody once wrote.

The Traditional Values Coalition notes that she has “demonstrated a willingness to undermine our nation’s effort to secure our borders against illegal immigrants.”

They go on to make a number of points.

Others have written, which I will ask to have printed in the RECORD.

The nominee, whom I don’t have anything against personally, if confirmed—and I suspect she will be—will have to think about these issues, commit herself totally and completely to fair and equal justice to everybody who appears before her and put aside some of the advocacy positions that have marked her sustained efforts during her professional career.

Mr. President, before I leave the floor, I ask unanimous consent to have printed in the RECORD the letters from Concerned Women of America, the Eagle Forum, Numbers USA, and the Traditional Values Coalition.

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

APRIL 19, 2010.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of Concerned Women for America’s (CWA) 500,000 members nationwide, we write respectfully to request you oppose the nomination of Marisa Demeo to the D.C. Superior Court.

Marisa Demeo has a long history as a hard-left political activist as a lawyer and lobbyist for the ultra-liberal Mexican American Legal Defense and Educational Fund (MALDEF), which calls into question her impartiality and judicial temperament. When speaking out against Miguel Estrada, who had an impeccable legal record, Demeo unfairly tarnished him by saying, “If the Senate confirms Mr. Estrada, his own personal American dream will come true, but the American dreams of the majority of Hispanics living in this country will come to an end through his future legal decisions.” This shows her own prejudice and lack of judicial temperament.

Her bias is so ingrained and so much the main thrust of her career that it is not rational to believe that she will suddenly change once confirmed as a judge. Rather it is reasonable to conclude she would use her position to implement her own political ideology.

Demeo reveals how her own bias and lack of Constitutional knowledge by her statement that the Constitution is a “flawed document that embodied the historical bias of its time.” She has distorted the Constitution to argue that there is a fundamental right to “same-sex marriage.”

A judge of the D.C. Superior Court must be impartial and possess a sound judicial temperament. Marisa Demeo’s record shows that she lacks these necessary attributes.

We urge you to oppose Marisa Demeo’s nomination on the Senate floor. CWA reserves the right to score this vote and publish it in our scorecard for the 111th Congress.

Sincerely,

PENNY NANCE,
Chief Executive Officer,
Concerned Women for America.

EAGLE FORUM,
Washington, DC, Apr. 14, 2010.

DEAR SENATOR: On behalf of the many thousands of American families Eagle Forum

represents nationwide, I am writing to urge you to vote NO on the nomination of Marisa Demeo to the DC Superior Court.

Marisa Demeo has served as a DC Magistrate judge for the past 2½ years, and like so many others President Obama has nominated to the courts, the majority of her legal experience comes from far left-leaning legal advocacy groups such as Lambda Legal and the Mexican American Legal Defense and Education Fund (MALDEF). Judge Demeo has a strong record of partiality to minority groups and to the liberal ideology on a wide range of issues such as in-state tuition for illegal aliens, the handling of the census for purposes of redistricting, photo ID voting laws, official English initiatives, amnesty for illegal aliens, affirmative action, and traditional marriage.

Not only has she espoused views on the immigration issue that are odds with a respect for the rule of law, but she has shown a troubling contempt for conservative Latino Americans. In a January 2003 press statement announcing MALDEF’s opposition to President George W. Bush’s nomination of Miguel Estrada to the DC Circuit Court of Appeals, Demeo stated: “The most difficult situation for an organization like mine is when a president nominates a Latino who does not reflect, resonate or associate with the Latino community.”

Judge Demeo’s public statements on a number of important policy issues help to demonstrate her leftist personal opinions which she will, no doubt, reflect in future judicial decisions:

On laws Supporting Traditional Marriage: “The right to marry is a fundamental right that every individual should have. It was prejudice against Blacks, which was the underlying force creating and maintaining our anti-miscegenation laws. It is prejudice against gay men and lesbians that underlies the drive to prohibit them from being able to marry.” (MALDEF press statement, May 14, 2004).

On Requiring Use of Census Sampling: “When you don’t adjust the data when states are redrawing their political district lines, what ends up happening is they do not accurately draw the lines in order to fully represent those minority communities who were missed by the census.” (NPR, March 6, 2001).

On Photo ID Requirements for Voting: “It violates the rights of minority voters who may be poor and without photo identification. The provision makes it hard to vote.” (AP Online, February 25, 2002).

On English as an Official Language: “Governments have a legal obligation to help those who don’t speak English well.” (AP, October 9, 2003)

On Describing Congressional Opponents of Amnesty: “There are certain forces in Congress who are anti-immigrant and not interested in seeing immigrants become full participants in this country.” (The Seattle Times, May 31, 1998)

On Affirmative Action (Grutter v. Bollinger): “All segments of the Latino community supported the continuance of affirmative action.” (FDCH Political Transcripts, June 23, 2003)

Marisa Demeo’s policy positions and public statements have proved her to be a leftist activist, and we should assume no different in her future rulings and opinions as a judge on the DC Superior Court. Eagle Forum believes that Judge Demeo’s nomination should be given serious attention as her positions and public statements on so many important issues do not “reflect or resonate” American constitutional values or principles.

Conservative grassroots Americans do not want judicial nominees who have a record of disrespecting the Constitution to slip through the confirmation process unchal-

lenged and without a tough fight. We urge you to join us in opposing Judge Marisa Demeo when her nomination comes to the Senate floor for an up-or-down vote. Eagle Forum reserves the right to score this vote and to publish it in our scorecard for the Second Session of the 111th Congress.

Faithfully,

PHYLLIS SCHLAFELY,
President.

NUMBERSUSA,
Arlington, VA, Apr. 13, 2010.

Hon. JEFF SESSIONS,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SESSIONS: On behalf of NumbersUSA’s 940,000 members, we are writing to advise you that the Nation’s largest grassroots organization advocating for immigration enforcement opposes the nomination of Marisa DeMeo to the district of Columbia Superior Court.

While we don’t often get involved in judicial nominations, this nominee is troubling. The D.C. court could well serve as a stepping stone to the federal bench. That would be a setback for the nation in terms of seeking to restore the rule of law in immigration.

Marisa DeMeo has served as a general counsel of MALDEF (the Mexican American Legal Defense and Education Fund) where she has a lengthy record of disrespect for federal immigration laws, with indications that she believes it is illegitimate for Congress to set enforceable limits. Ms. DeMeo favors amnesty and official recognition of the illegal alien Mexican ID, the matricula consular. She opposes the highly successful 287(g) program. With regard to potential judicial temperament, she has often referred to her opponents in immigration debates with such ugly name-calling as “anti-immigrant.”

Thank you for taking our views into consideration.

Sincerely,

ROY BECK,
President.

TRADITIONAL VALUES COALITION,
Washington, DC, Apr. 15, 2010.

DEAR SENATOR: On behalf of 43,000 churches associated with the Traditional Values Coalition, I am writing to ask that you vote against the confirmation of Marisa Demeo to become a member of the DC Superior Court. Many of our churches are African American and Hispanic.

Marisa Demeo is far out of the mainstream in her beliefs, statements and activism. Her role as an activist with the LGBT (lesbian, gay, bisexual, transgender) Lambda Legal Defense and Education Fund is troublesome to say the least.

In addition, while serving as regional counsel for the Mexican American Legal Defense and Educational Fund (MALDEF), Demeo has demonstrated a willingness to undermine our nation’s efforts to secure our borders against illegal immigration. MALDEF has also been involved in efforts to undermine our national security efforts by encouraging cities to refuse to comply with the Patriot Act after the 9/11 attack on our nation.

As an open, radical lesbian, Demeo has openly condemned the effort to amend our Constitution to protect marriage as a one-man, one-woman union. Demeo supports gay marriage, claiming it is a constitutional right. She also claims that LGBT individuals are equal to racial minorities and can claim protection as minorities under our civil rights laws.

The American people have overwhelmingly voted against gay marriage in state after state when they’ve had a chance to cast a ballot for traditional marriage. Demeo’s views are out of step with the beliefs of most

Americans on the sanctity of marriage between one man and one woman.

As a DC Superior Court Judge, Demeo would be in a key position to undermine our national security and destroy traditional marriage through her edicts. The DC Superior Court is known to be a steppingstone to the Supreme Court.

Demeo's radical lesbianism, anti-marriage, anti-national security views are dangerous to our nation. She should not be confirmed to the DC Superior Court.

Sincerely,

ANDREA LAFFERTY,
TVC Executive Director.

Mr. SESSIONS. I thank the Chair, and I yield the floor.

FINANCIAL REFORM

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Connecticut.

Mr. DODD. Madam President, I want to spend a few minutes, if I may this afternoon, to talk about an issue that has been the subject of much debate over the last number of days, and that is the financial reform bill that will be coming to the floor of this body in a matter of days—an issue that is going to confront us, as the circumstances presently exist, with Members having to make a choice. My hope is that before that occurs, we can reach some understanding that will allow us to have a strong bill that ends too big to fail, that protects consumers, and that builds the kind of architecture for financial services that will allow us to avoid the pitfalls that caused our economy to reach almost near collapse over the last several years.

The choice is going to come down to this: There are people who can vote to open this debate on financial reform legislation that will hold Wall Street firms—large financial institutions—accountable and prevent future economic crises such as the one from which we are just beginning to emerge or basically defeat this; to somehow walk out of this Chamber and leave us basically where we have been, and that is highly vulnerable—individuals, families, businesses, and the overall economy of our country once again exposed to the kind of vulnerabilities that brought so much hardship to our country.

They can, of course, block—as they are apt to do in some cases—any consideration of this bill and leave us in a place—a broken place—where the status quo would again create the kind of problems I have described.

So one has to ask themselves a question: Who benefits if this bill to rein in Wall Street and large financial institutions is strangled by a filibuster, where it ends up that we can't even get to debate the bill? Who benefits from that? Well, certainly no one can make a case the American family would benefit. These families have seen millions of jobs lost and trillions in savings wiped out because a greedy few on Wall Street gambled with money that didn't even belong to them, causing the hardship we have seen in our Nation.

Certainly, America's small businesses do not benefit. These are the

ones that have seen the flow of credit and capital literally dry up. How many of us in this Chamber, back in our respective States, have talked to owners of small businesses who cannot get a dime's worth of credit over the past several years in order to hire new people and survive during this economic crisis? I hear anecdote after anecdote after anecdote of businesses desperately trying to find credit in order to stay alive and survive. Yet because of the unchecked risk taking by financial firms that caused this economic crisis, credit is virtually gone. So American businesses—small businesses particularly—certainly are not benefited if we are confronted again with the status quo and a perpetuation of the present set of rules.

Certainly, Madam President, the American community banks do not benefit at all. These are the ones who have found it difficult or even impossible to compete on a playing field tilted so heavily toward the largest firms and, frankly, financial firms that are unregulated.

One of the things our community banks and others—and I am not suggesting they love every dotted i and crossed t in the bill—are seeking is some consolidation of regulation. They want to see their competitors, who are not subjected to any regulation, be subjected too so they will also have to face the same set of rules.

The bill I have written, along with my Banking Committee colleagues, does just that. We consolidate the regulation so there is not the overlapping jurisdictions that exist, and their major competitors—the nonbank financial institutions—are going to be subjected to the same rules they are. That creates that level playing field our smaller banks need in order for them to compete effectively.

Certainly the American taxpayers are not going to benefit with the status quo. These are the people who were forced to bail out Wall Street in 2008. If this bill is blocked, they might be asked to do it again.

Now, I am not in the prediction business, but if some future Congress goes back to the American public, as we did in the fall of 2008, and asks them to write a check again for \$700 billion because we failed to get this legislation through that would end too big to fail—the implicit guarantee that the Federal Government will bail you out if you are so large or so interconnected that you can't possibly fail—the American people, in my view, would reject overwhelmingly a request to ask them to write another check for that purpose.

Our bill, for the first time, writes into legislation an absolute prohibition that the American taxpayer would ever or should ever again be asked to do what they did in the fall of 2008.

But here is who would benefit if this bill is blocked: the same large financial firms that got us into the mess in the first place. They believe—and I pre-

sume they are right—that they can bolster their bottom lines if the status quo prevails; that they can continue to take outrageous risks, using other people's money, knowing that any profit is theirs to keep and any loss will be made up by the American taxpayer.

That is why we are faced with this prediction that 41 of our fellow colleagues will vote against us going to this bill on what they call the motion to proceed to the bill. The letter from the minority leader says: We have 41 votes to stop you from even debating this bill. Well, you explain to the American taxpayer—to small business, to the American family, and to others out there who are paying an awful price because of the mess of these very institutions that are today leading the charge against us getting to a bill—why the status quo is in their interest and their benefit.

Madam President, those who vote to block this bill are sending a clear message to American families, businesses, community bankers, and taxpayers, and that message will be: I am sorry, but we are not on your side. We are choosing another side of this equation.

Last month, my good friend, the minority leader, and the Republican Senator responsible for campaign fundraising participated in a meeting in New York with Wall Street executives. That happens all the time. Certainly, there is the right to sit down and talk with people, to represent labor and business, and we should do that. But nobody knows what was talked about at that meeting. Yet when our friend and colleague who chairs the campaign committee came back, right afterwards, all of a sudden we get this rhetoric about too big to fail; that we can't possibly go to this bill.

Now, I was born at night, Madam President, but not last night. I was born at night, but not last night. And don't tell me that miraculously these things happened and all of a sudden we find ourselves with 41 colleagues, many of whom I suspect are not overly enthusiastic about this game plan that says: Don't ask why; don't tell us what is in the bill. Just tell us we are going to line up and say no matter what anyone says or does or what they have tried to do, we are going to object to even going to this bill.

I firmly believe there is more than a small minority of my Republican colleagues who, frankly, find that argument objectionable. That is not to suggest they like this bill or agree with every position in it, but I know them well enough to know they are sick and tired of being told how they are going to have to vote on a procedural motion on a matter that I think deserves at least the support of our colleagues to begin that important debate.

What we do know, of course, about the opposition to going forward is that the Republican leadership returned armed with some very false talking points, talking points written by a political strategist with close ties to

large financial institutions, talking points that have been debunked by the independent media analysis and even Republicans such as FDIC Chairman Sheila Bair.

Let me point out the memo that suggested this game plan was written by a political strategist was written long before even one word was written on the bill. They were told how to fight a bill that didn't even exist out here by accusing the bill of leaving open the too big to fail, even though they knew—at least those who had read the bill—those provisions had been written so tight that no one could possibly argue too big to fail would be allowed again.

The Republican leadership returned promising that every member of their caucus would vote to kill this bill before the debate even began. I know for a fact that Members of this body, on both sides of the aisle, want to pass a good bill. My colleagues know me well, and they know my reputation over the years. I have never, ever passed a major piece of legislation in this body, in over three decades, when I have not had the cooperation and backing of a Member or Members on the other side of the aisle—never once on every major piece of legislation with which I have been involved. Here we are, at the brink of going forward with the single largest proposal to reform the financial services sector of our country, and we are divided here like a couple of petulant teenagers, instead of sitting around and coming together as I have offered for months, getting behind a bill and allowing us to go forward. It is long overdue that we grow up and recognize this is not some athletic contest, this is about whether our economy can get back on its feet, whether we can grow and prosper and create jobs, have credit flow and capital form so that businesses and wealth can be created. Nothing less than that is at stake in this debate and discussion, and all the more reason why we need to go forward, and go forward like adults, like Members of the greatest deliberative body—as we are told over and over—in the history of mankind, the Senate, to resolve these matters.

I have worked for hours with my colleague from Alabama, as he well knows, Senator SHELBY, to the point that he has said—and I appreciate it very much and I compliment him for it—we are 80 percent of the way to a bipartisan consensus. In fact, I suspect if RICHARD SHELBY were asked today whether that number were 80 percent, he would have even a higher number. Imagine being 80 to 90 percent in agreement, yet being told by the minority we cannot go forward. Do I have to write the whole bill? Is that when we can go forward? You have 80 or 90 percent of what you think is a good bill, but, no, no, we are going to stop any further debate. In all my years I have never heard of such an argument, whether I have been in the minority or majority, that I agree with 80 or 90 per-

cent of what you have written, Senator, but I am sorry, we are going to stop even considering any further debate on the floor of the Senate.

I worked for many hours with the Senator from Tennessee, BOB CORKER, to try to get to 100 percent, as he well knows. No matter what was said in the meetings between the Republican leadership and Wall Street executives, the fact is that the bill I will be bringing to the floor reflects not only bipartisan input but good common sense as well. If you look at what the bill actually does, it is clear that there is no ideology here, just one principle: Hold Wall Street and large financial institutions accountable so that American families and businesses can grow and thrive without fear of another economic catastrophe.

The bill creates an early warning system so that for the very first time in our Nation's history, someone will be in charge of monitoring our entire financial system, to look out for emerging products and practices and problems, not just here at home but even globally.

Again, I don't think you have to have a Ph.D. in economics to know what we have seen in the headlines and heard on our news shows a few weeks ago, that there were major economic problems in the small nation of Greece, and that all of a sudden the financial system of every other nation around the world was at risk. Or when that small exchange in Shanghai, China, began to decline by 12 percent a few years ago, every other exchange around the globe within hours was adversely affected.

That market, that exchange, represented less than 5 percent of the volume of the New York Stock Exchange. Yet because it declined by 12 percent one morning, every other exchange around the world reacted. What more do I need to say about whether our issues here are global in scope, not just domestic? Again, it is even further reason why we need to be able to pull together and create this bill that is essential so we have a warning system in place that looks out for and monitors products, practices, and even problems that can emerge in other parts of the world if they can pose the kind of risk that could bring our financial system to near collapse.

Under the status quo, of course, no regulator can see beyond the narrow silo of their own radar screen. We changed that. This now involves all of these prudential risk regulators sitting at a systemic risk council headed up by the Federal Reserve and Treasury here, so they can actually look over the horizon and act as a financial radar system. What is going on out there? Are there problems emerging in products or companies or nations that could bring our country to near disaster financially?

If we had had that in place back a few years ago, I would argue we might not find ourselves where we are today. So this is one of our provisions in the

bill. What a pity it would be to lose the opportunity to create that kind of an early warning system. That is how the subprime lending sector was able to grow so large despite the dangers it posed to the economy and why no one was able to stop it before it precipitated a crisis. I do not believe members of the minority caucus want regulators to be unaware of emerging threats to our financial system.

The bill brings new transparency and accountability as well to financial dealings by ensuring that even the most complicated or obscure transactions are concluded in an open marketplace.

The Presiding Officer, of course, is well versed and talented, coming from the Empire State, and understands these issues. I believe that derivatives, for instance, are a very important instrument, critically important to economic growth and prosperity. They have become a pejorative, unfortunately, but my view has been let the markets work.

How do the markets work best? Markets work best when there is transparency, when buyers and sellers, investors, have an opportunity to see with clarity what these instruments are, what they are designed to do. Right now we have a shadow economy where some of these instruments operate in darkness, and that is one of the problems that created the financial mess we are in. Our bill opens up, sheds light, brings sunshine to these instruments so that taxpayers but, more importantly, investors and others can honestly understand what they are, what they are intended to do and how they work.

For the first time here we would force risky financial companies such as Bear Stearns and Lehman Brothers that have operated the shadow banking system to be subject to proper supervision, again, so we have the ability to understand what they are doing.

Of course, under the status quo these dangerous giants that have been free to take enormous gambles in a single-minded quest for maximum profit and when they go down like the Hindenberg, taxpayers are left to clean up the rubble. I do not believe that members of the minority caucus want to leave the Lehman Brothers unsupervised until its collapse shakes the very foundations of our economy.

This bill I have before us beefs up the SEC oversight, it strengthens protections for investors, and gives shareholders a greater voice on how executives are compensated and how big their bonuses can get. Under the status quo, of course, the same executives whose mismanagement caused the collapse of financial giants get to collect ridiculous bonuses again. Kill the bill and there is nothing in here that would preclude the same kind of abuses, the outrageous gouging, if you will, at taxpayer expense by a handful of these executives who fail to understand—or if they understand, more outrageously

were willing to reward themselves for their own failures because the American taxpayers shored up their financial institution.

The Allen Stanfords and Bernie Madoffs of the world are able to rip off investors for millions while the understaffed and underfunded SEC, the Securities and Exchange Commission, fails to stop them.

I do not believe members of the Republican caucus want to leave these executives free to line their pockets with unearned billions or leave investors vulnerable to Wall Street predators and con artists. That is what happened. That is what went on. Our bill stops it. We need to be able to go forward with this bill.

Our bill requires full disclosures in plain English so that Americans can easily understand the risks and returns of any financial product, whether it is a mortgage or a student loan. Our bill creates an independent consumer protection agency, a watchdog with bark and bite, to protect consumers from the abusive practices that have become almost standard operating procedures—skyrocketing credit card interest rates, the explosion in checking account fees, predatory lending by mortgage firms, and so much more.

You do not have to educate the American people. You will hear it over and over from your own constituents. Listen to what they have been through with these increased interest rates, increased fees—every gimmick you can think of to pick the pocket of the American taxpayer who, today, necessarily needs to depend on credit cards in order to make ends meet in their families.

Of course, under the status quo, consumers trying to make smart decisions about their family finances are confronted with a sea of fine print and technical jargon and they are vulnerable to the predatory lenders, the greedy predators who have taken advantage of them. Our bill stops that. Our bill puts an end to that. If we do not get a chance to debate this and go forward, that would be the end of it. What a disgrace it would be to be confronted, as we were at the outset of this Congress, with the problems the American taxpayers have been through—8½ million jobs lost, 7 million homes in foreclosure, retirement accounts evaporated, small businesses failing, and we did nothing to stop it, despite the fact that 80 or 90 percent of what I have written in this bill is agreed to by many in the minority. But you will not even allow the bill to go forward to be debated. For the life of me I do not understand that logic.

In short, this bill protects the American consumers, American businesses, community banks, as I mentioned, and taxpayers from the very exact situation that occurred in 2008, an economic crisis brought about by Wall Street highjinks, large financial institutions and regulatory failures. Our bill creates a stronger foundation, I might

add, on which we can rebuild the prosperity we have lost in our Nation over the last number of years.

I do not believe members of the Republican minority, our friends and colleagues here, want to kill this bill. I do not want to believe that. Unlike other matters we have debated over this Congress, this matter ought to be one where we can come together as I have tried to do, day in and day out, week in and week out, month in and month out, to craft a piece of legislation that reflected the myriad views embraced by the Members of this Senate.

We are on the brink of going forward and I will go forward with this bill. We can do it one of several different ways. We can go forward. I will bring this bill up. The leader, I am told, will offer a motion to proceed. My hope is we will not have to have a vote on that, that there will be enough common sense here that would say this is a good product even for those who do not like various provisions of it, and then do what we are supposed to do in this body—debate, offer amendments, try to improve the bill based on your own view of what constitutes an improvement. But let's act like the Senate on a major bill of this import here, instead of putting on the brakes, don't show up, don't say anything, just vote no, we are not going to debate this until you do exactly as I want you to do.

That is not the Senate that I think the American people expect to see work. My hope is, of course, that I will be right in that. My colleagues, many of whom I have worked closely with on many issues, do not want to be part of a blind, pointless effort here, just to walk away from this process. I believe they, our friends on the other side, are caught between the same commonsense principles that led many of them to spend so many hours helping us create this legislation, and the political deals that have led their leadership to demand they help to kill it.

As I said a moment ago, I have been in this body for some 30 years. I have served with many Republican colleagues for a long time. I have great friends, as my colleagues know, on the other side of this aisle, people who I believe care as much about this country as any other Member, and they want to be part of answers, solutions. They did not come here, they did not fight hard to get here, to say no. They came here because they wanted to be part of the answers to how we can get our country moving again.

Again, I am charged as the chairman of a committee to try to pull together a bill that reflects the disparate points of view, that listens to our colleagues here in crafting a piece of legislation that can work. I have tried to do that now for many months. I have come to the point where, frankly, we need to go forward in this body. I am confident, again, if our colleagues would give us a chance we can achieve the results they seek and I am hopeful they will when the motion to proceed occurs, and then

engage in the kind of thoughtful, intelligent debate this Senate has a reputation of achieving and accomplishing.

I thank my colleagues for the work they have contributed to it so far. Let's not take all of that work and dash it on the rocks of procedural filibustering. We can do better than that. I am confident we will. I urge my colleagues to be supportive of these efforts.

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

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

Mr. DEMINT. Madam President, I rise in opposition to the nomination of Marisa Demeo to be a Superior Court judge in the District of Columbia. I do not believe she has enough judicial experience to sit on the DC Superior Court. She is currently serving as a magistrate judge, a position she has held for the past 2½ years. Although being a magistrate judge is good training for a Superior Court judge, 2 years is not enough of that training. Of the 25 magistrate judges in the District of Columbia, she is one of the least experienced. Nineteen of the current DC magistrate judges have served for 5 years or more compared to her 2½. Some have served for decades. In fact, only 3 of her 24 colleagues have served less than Ms. Demeo.

Looking at her record, I see she has much more experience working as a lobbyist for a special interest group than a magistrate judge. She was chief lobbyist for the Mexican American Legal Defense and Education Fund, a national Latino civil rights organization, from 1997 to 2004. In this position, she became more well known for divisive comments she made against Hispanic Republicans than for her legal expertise. She took on a high-profile role opposing President Bush's nomination of Miguel Estrada, criticizing him in numerous newspaper stories because he did not appear to support her political agenda. During this time, she made personal attacks against him, suggesting he was a traitor to other Hispanics.

Let me read from a 2003 article from National Review entitled, "Dems to Miguel Estrada, You're Not Hispanic Enough." Ms. Demeo said:

If the Senate confirms Mr. Estrada, his own personal American dream will come true, but the American dreams of the majority of Hispanics living in this country will come to an end through his future legal decisions.

In another press statement she said:

The most difficult situation for an organization like mine is when a president nominates a Latino who does not reflect, resonate or associate with the Latino community.

Instead of debating these issues, Ms. Demeo tried to convince the media

that an entire community should only think one way—her way—and that Miguel Estrada was wrong for thinking anything otherwise. To me, this sounds like ethnic bullying. It is dangerous and insulting to believe a particular community should think uniformly, and Ms. Demeo was wrong to do this.

I was not in the Senate at the time; however, I have come to work closely with Miguel Estrada since that time, especially during my work on the Honduras crisis. He is a patriotic American and one who gave his own time and energy to help us understand the legal issues facing Honduras. I do not doubt for a minute his qualifications to serve on the Federal bench. Comments by Ms. Demeo and others questioning Mr. Estrada's credentials, encouraging the filibuster of his nomination, and accusing him of not being "authentically Hispanic" made the confirmation process very painful for him and his family.

This was not the only time Ms. Demeo advanced this terrible argument. She used this same line of attack against Linda Chavez, President Bush's nominee to be Secretary of Labor.

Ms. Demeo was quoted by the Washington Post in January of 2001 saying:

We generally support the nomination of Latinos to important positions, but Linda Chavez could really turn things backwards for the Latino community. We just really question what kinds of efforts she is going to put into enforcing the affirmative action laws.

Ms. Demeo has also attacked those of us in Congress who opposed the amnesty legislation of a couple years ago, saying we were "anti-immigrant and not interested in seeing immigrants become full participants in this country."

She strongly opposes English as the official language and says the government must accommodate non-English speakers. She was quoted by the Associated Press in 2003 saying "governments have a legal obligation to help those who don't speak English well."

She demanded that the Census Department use "sampling" to puff up the number of voters in Hispanic districts. She told National Public Radio in 2001 that raw census data should not be used because it "does not fully represent those minority communities who were missed by the census." Instead, she advocated that less accurate sampling data be used to redraw political districts.

Ms. Demeo has shown similar disregard for verified information by arguing that photo requirements for voting "violates the rights of minority voters."

She is also an active proponent of affirmative action, again suggesting to the public that all Latinos are in lock-step agreement on this issue.

After the Supreme Court's decision in *Grutter*, Demeo said:

All segments of the Latino community supported the continuance of affirmative action. . . . The nation must now also turn and concentrate on ensuring equality of opportunity in our elementary, middle and high

schools. Colleges and universities that use race-conscious admissions have made those universities a better place for everyone to learn.

Ms. Demeo has also attacked the definition of traditional marriage. These views have led groups such as Eagle Forum, Numbers USA, the Federation of American Immigration Reform, English First, Concerned Women for America, and the Traditional Values Coalition to oppose Judge Demeo's nomination.

I assume Ms. Demeo will be confirmed. If she is, I will wish her well in this new position. But I, regrettably, will vote no on this nomination.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is considering the nomination of Marisa J. Demeo.

Mr. LEAHY. Madam President, I am going to actually speak on a different matter. I ask unanimous consent that my statement be moved to morning business.

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

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

Mr. BURRIS. Madam President, here, in our Nation's Capital, we stand for justice, for fairness and opportunity and for the rule of law.

On the floor of this Senate and in the Oval Office, we shape national policy, and guide the course of a Nation.

In the chambers of the Supreme Court, the principles of justice laid down in our Constitution are translated into the real world.

Our system of government, embodied in this city, stands as an example for all others around the world.

And yet today we are met with a certain irony.

As I address this chamber, the DC Superior Court has been paralyzed, and our justice system has ground to a halt, thanks to my Republican colleagues.

My good friend, the junior Senator from South Carolina, has chosen to obstruct an eminently qualified judicial nominee and current DC magistrate judge, named Marisa Demeo.

When the President of the United States appoints a judge to the Superior Court here in Washington, these nominations are generally approved by the Senate without delay or controversy.

But this time, my Republican friends have decided to play politics with our judicial system.

They have stalled Judge Demeo's nomination for 8 months, and have turned a routine vote into the longest confirmation battle of the Obama Presidency.

As a result, DC government officials have warned that their ability to administer justice is being tested.

As a former attorney general of Illinois, I understand how dire this situa-

tion is. I understand how this obstructionism is crippling the Superior Court system.

And for what reason? My colleagues and I have asked our Republican friends to name their objections, but no one can get a straight answer.

No Republican has cast any doubt on Judge Demeo's qualifications, which are superb.

She has served as a magistrate judge since 2007. Before that, she worked at the Department of Justice, in the Civil Rights Division and as an assistant U.S. attorney.

She has degrees from Princeton and New York University. Her legal training and experience are more than adequate for the post of Superior Court Judge, and yet, for unspecified political reasons, the junior Senator from South Carolina continues to hold up this important nomination.

He said he has concerns that Judge Demeo may not be fair and balanced in her approach. But there is nothing in her record to suggest anything of the sort.

In fact, not a single Republican even took the time to ask a question at Judge Demeo's confirmation hearings.

So I cannot imagine what they find objectionable.

The court system in our Nation's Capital is strained to the breaking point, and my friend from South Carolina doesn't seem to mind.

I believe this is simply unacceptable.

This is why the American people are frustrated with their government: because petty political battles and Republican obstructionism are impeding our ability to govern.

My friends on the other side are certainly entitled to play political games if they like, but I would urge them to save politics for the campaign trail, and stop holding up the course of justice and the important business of the American people.

We simply do not have time for this. This is not about politics, this is about people's lives.

This is about the functioning of the American justice system, right here in the Capital of the United States.

This is about the constitutional right to a fair and speedy trial, a right which has been denied to DC residents by Republican political games.

The American people have had enough.

So I urge my friends on the other side to abandon this kind of obstructionism and take their political games elsewhere.

Let us stand up for the ideals of fairness and justice that are embodied here, in this system of government.

And let us make sure that every American, including the residents of our Nation's Capital, can avail themselves of this system.

I ask my colleague from South Carolina to drop his hold on this eminently qualified nominee, so this Senate can hold a vote, and then we can move forward in a bipartisan manner to address the challenges we face.

Mr. DURBIN. Madam President, this week in the Senate we are calling attention to the unfortunate obstructionism coming from the other side of the aisle when it comes to President Obama's nominations. There are now 101 nominees who have been voted out of committee—most of them with unanimous support but who are languishing on the Senate floor because the Republican minority won't allow them to have a vote. In many cases, they won't even give a reason—they are using anonymous holds. That is fundamentally unfair.

Let me speak briefly about a nominee we will vote on today: Marisa Demeo. She was nominated to be an associate judge on the District of Columbia Superior Court. This is a local court here in Washington that primarily hears misdemeanor and felony cases. It is not a Federal court and its judges do not serve lifetime appointments.

Marisa Demeo is currently a magistrate judge on this court, and she has an excellent reputation. She is a former Federal prosecutor and was hired by the John Ashcroft Justice Department as an assistant U.S. attorney here in Washington.

Before she was a prosecutor, she was a civil rights lawyer in the Justice Department's Civil Rights Division and at the Mexican American Legal Defense Fund, one of the most respected civil rights organizations in America.

Judge Demeo has received numerous awards throughout her legal career, including the "Rising Legal Star" award from the Hispanic Bar Association of Washington, DC, and a Special Achievement Award from the U.S. Attorney's Office for the District of Columbia.

Judge Demeo was unanimously approved by the Senate committee that oversees DC Superior Court nominations, so you would think she would be confirmed by the full Senate in short order. Well you would be wrong. After being voted out of the Homeland Security and Governmental Affairs on May 20, 2009, Judge Demeo has been held up on the Senate floor ever since. For 11 months now, the Republican minority obstructed her nomination and objected to an up-or-down vote. No other nominee of President Obama's has been pending on the Senate floor longer than Judge Demeo.

As a result of this delay, the DC Superior Court has struggled to handle its crushing caseload. Last month, the Senate received a letter from the chief judge of that court, Lee Satterfield, who said the following:

The Superior Court is a busy, urban court with a caseload of over 100,000 cases per year. Each day we make life and death decisions about neglected and abused children, juveniles alleged to have committed crimes, criminals charged with everything from minor misdemeanors to first degree murder and sex abuse. . . . [T]he people of the District of Columbia deserve a court with a full complement of judges making the crucial decisions affecting the lives of D.C. residents.

I am pleased the Republicans have finally relented and agreed to a vote on Judge Demeo. We owe it to her, and we owe it to the people of the District of Columbia.

I know there has been some criticism of some positions Judge Demeo took when she worked at MALDEF. A few of my Republican colleagues have discussed these criticisms on the Senate floor today. I would like to make two points in response.

First, the positions Judge Demeo took when she was an advocate at MALDEF are mainstream positions. She advocated for comprehensive immigration reform. She opposed the nomination of Miguel Estrada, one of President Bush's most controversial nominees. She supported affirmative action, and she opposed a photo ID requirement in the voting context because of its adverse impact on minorities. And she opposed a constitutional amendment to ban same-sex marriage. These are positions I share, and many members of the Senate share. They are positions that are hardly out of step with the political mainstream in America.

In any event, Judge Demeo has been a magistrate judge for the past three years, and she has demonstrated her ability to be fair and impartial. She has skillfully made the transition from advocate to judge, and she deserves this promotion from magistrate judge to associate judge on the DC Superior Court. I urge my colleagues to support her confirmation.

Mr. MENENDEZ. Madam President, I rise today to urge my colleagues to vote to confirm the nomination of Marisa Judith Demeo as associate judge on the Superior Court of the District of Columbia.

She has waited long enough and the Superior Court of the District has waited long enough. Judge Demeo epitomizes what it means to serve. A consummate community leader, she has always believed in the importance of public service.

She is currently serving as magistrate judge in the Criminal Division of Superior Court of the District of Columbia.

As an assistant U.S. attorney in the U.S. Attorney's Office for the District of Columbia, she has ample experience prosecuting misdemeanor and felony cases.

Having said that, she also has deep roots in the community, a woman who cares about justice—about doing what's fair and what's right. She believes in the rule of law.

From her work at the AIDS Service Center of Lower Manhattan, her service for the Lambda Legal Defense and Education Fund, her time as a Texas rural legal aid and a paralegal in the Civil Rights Division of the Department of Justice, she has taken pride in acting on a spirit of community that is part of who she is—each of us working together for the betterment of all of us.

I know the good work she has done at the Mexican American Legal Defense

and Education Fund and what that work has meant to her and to those she has served.

The professional awards and honors she has received as well as her academic awards are far too numerous to mention here. Suffice it to say that, in my view, she is one of the most accomplished nominees we have had before us.

A graduate of Princeton University and New York University School of Law, Judge Demeo's credentials are impeccable.

I know her dedication and her keen mind, her judicial temperament, her belief in the rule of law and those powerful words that mean so much to her and to all of us in this Chamber—equal justice under law.

Judge Demeo is ready to serve on a busy urban court with a caseload of over 100,000 cases per year. As an associate judge on the Superior Court of the District of Columbia she will bring her knowledge, skills, and expertise to every decision in a busy courtroom dealing with hundreds of neglected and abused children who will come before her—juveniles alleged to have committed crimes, and those who have been accused and charged with crimes ranging from misdemeanors to first degree murder and sexual abuse.

Judge Demeo will be there to serve as she always has, ready to make timely and fair decisions on domestic violence cases, housing issues, child custody and support.

The caseload will not deter her. It will invigorate her, and I am proud to cast my vote to confirm Judge Demeo as an associate judge on the Superior Court of the District of Columbia and urge my colleagues to do the same.

The time has come to confirm this nominee.

Mr. LIEBERMAN. Madam President, I rise to support the long-delayed nomination of Judge Marisa Demeo for a seat on the DC Superior Court and urge my colleagues to approve her as quickly as possible so she can take her place on this court that is both busy and shorthanded.

Judge Demeo is well qualified for this position and brings a range of legal experience to her new job that would make her an asset to the court. She has been a judge, a prosecutor, a plaintiff's attorney advocating for civil rights and a law professor.

Specifically, for the past 2 years, Judge Demeo has served as a magistrate judge in the Criminal Division of the Superior Court of the District of Columbia.

Prior to that, from 2004 to 2007 she served as an assistant U.S. attorney in the Office of the U.S. Attorney for the District of Columbia; from 1997 to 2004 she served as the Regional Counsel for the Mexican American Legal Defense and Educational Fund, from 1993 to 1996 she was an honors program trial attorney with the Justice Department Civil Rights division, and she was an adjunct professor of law at Howard University in 2003, 2005 and 2008.

Judge Demeo is a graduate of Princeton University with a bachelor's degree in political science and earned her law degree at New York University. And besides her legal work, she is also in demand as a speaker on legal issues and is the author of many articles on civil rights law.

Judge Demeo also has a compelling personal story that reminds us that the American dream is alive and well. Her father—the son of Italian immigrants—and her mother—a Puerto Rican immigrant—taught her that if you work hard, anything is possible and Judge Demeo has channeled her talent and drive into a successful career in public service.

These facts taken together led the Homeland Security and Governmental Affairs Committee to endorse Judge Demeo's nomination by voice vote in May.

Let me say that again, the committee reported Judge Demeo's nomination to the full Senate in May—11 months ago—and it has been stalled ever since.

There is also speculation that some object to her because of legal advocacy work she has done on behalf of the Mexican American Legal Defense and Educational Fund, also known as MALDEF.

But there is no reason that this sort of work should be held against any nominee. Under our system of justice, when an individual or group believes something is not just, they are allowed to have their day in court and have an attorney zealously argue their cause.

In her confirmation hearing, Judge Demeo was specifically asked if her advocacy work would affect her decision-making as a judge. Let me give you Judge Demeo's response in her own words:

When you think about the parties that appear in the courtroom, oftentimes it's plaintiffs versus defendants and one party against another, and I've . . . worked in both positions in my career. Being in the judge position has allowed me to take a step back already, in the magistrate position, and listen to the parties and be open to both sides.

To that end, at her confirmation hearing, representatives of the Justice Department and the Public Defenders' office came to lend their support to her nomination.

And we should remember, that nominations for the DC courts are made through a process different than other judicial nominees.

Under the District of Columbia Self-Government and Governmental Reorganization Act, the Judicial Nominations Committee recommends three individuals for each position to the President, and the President then selects one of those individuals and sends the nomination to the Senate for confirmation.

The Judicial Nominations Committee is a diverse, Federal-district entity, comprised of two individuals appointed by the Mayor of the District of Columbia—one being a nonlawyer—two

appointed by the Board of Governors of the District of Columbia Bar, one non-lawyer appointed by the city council of the District of Columbia, one individual appointed by the President of the United States, and one judicial member appointed by the Chief Judge of the U.S. District Court for the District of Columbia.

This is a process aimed at getting the best qualified nominees, without regard to party or politics.

Finally, Chief Judge of the Superior Court, Lee F. Satterfield, wrote to both the majority and minority leaders in October pleading for the swift approval of Judge Demeo because the court is already five members short.

In his letter, Judge Satterfield wrote:

The Superior Court is a busy, urban court with a caseload of over 100,000 cases a year. Each day we make important decisions about neglected and abused children, juveniles alleged to have committed crimes, and accused charged with everything from minor misdemeanors to first degree murder and sexual abuse. Vulnerable families in the District rely on Superior Court judges to make timely and fair decisions regarding domestic violence, housing, child custody and support, and numerous issues that affect them every day. Our goal is to serve the community well by handling the important decisions we are entrusted with fairly, justly and efficiently.

And last month, Judge Satterfield sent another letter to the majority and minority leader with this dire warning, "We are beginning to experience delays in meeting performance measures and standards for how quickly cases should go to trial."

But, a shorthanded court cannot achieve these goals, which means justice is delayed for many. It's long past time that we approve this highly qualified nominee and I urge my colleagues to vote yes on this nomination and allow her to get to work administering justice for the citizens of our Nation's Capital.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Delaware.

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

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

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business for up to 6 minutes.

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

IN PRAISE OF DOROTHY METCALF-LINDENBURGER

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

Forty-nine years ago, President Kennedy stood before Congress and offered a bold profession of his faith in American innovation. Convening a special joint session to share with the American people his plans for economic re-

covery and global leadership, President Kennedy challenged us to reach the Moon in 9 years. He reminded us that leading the way in exploring space was central to leading a vibrant innovation economy, and that the causes of economic recovery and national security would benefit from investing in a Moon shot, and that the newly free around the world, caught between East and West, would draw inspiration from such a difficult mission undertaken by a free people. He challenged us to reach the Moon in 9 years. We made it there in 8 years.

Kennedy's call echoed a timeless adage: "Ad Astra Per Aspera"—to the stars through rough times.

When we are faced with difficult challenges, we look for inspiration beyond the bounds of our farthest frontier. We can choose, despite uncertainty, to be forward looking and set lofty goals. That, more than anything, is the mission of those great Federal employees who work at the National Aeronautic and Space Administration, NASA.

I was among those called to the study of engineering in the late 1950s during the years of Sputnik and the start of the space station. We benefited not only from the amount of investment the government was making in STEM fields, but also by the strong sense of purpose the space program inspired in all of us.

America's reach into space is intricately linked with our need to train the next generation of scientists, engineers, technologists, and mathematicians who will drive our 21st century innovation economy, and I know there is no one in the Senate any more committed to STEM education than the Presiding Officer.

That is why I have chosen this week to honor a great Federal employee from NASA who spent the last 2 weeks orbiting the Earth on STS-131 and has dedicated her career to promoting STEM education.

Dorothy Metcalf-Lindenburger is one of NASA's new educator astronauts. A native of Fort Collins, CO, Dottie, as she is called, took an unusual path to space. As a child, Dottie was always fascinated with astronomy and space exploration. When she narrowly lost a contest to win a free trip to space camp, her parents saved up enough money for her to go. It turned out to be an excellent investment not only in their daughter's future, but also in the many students Dottie has inspired.

Dottie pursued her love of science at Whitman College, where she majored in geology. She began teaching Earth science and astronomy at Hudson's Bay High School in Vancouver, WA, in 1999. In her 5 years there as a science teacher, she won awards for achievement. An avid marathon runner, Dottie also coached the school's cross-country team.

In 2003, one of her students asked a question that would change her life. The student curiously asked: How do

astronauts use the bathroom in space? When Dottie went on line to research the answer for her student, she discovered on NASA's Web site a recruitment call for teachers to join the space program. She jumped at the chance, though it was a long shot. Over 8,000 teachers applied. Dottie was one of three who made it and is currently NASA's youngest active astronaut.

She joined NASA in 2004 and began the rigorous, 2-year Astronaut Candidate Training. Dottie learned how to fly jets and operate complex space shuttle and International Space Station systems. She undertook scientific and technical briefings, engaged in physiological training, and practiced water and wilderness survival skills. As an educator astronaut, Dottie works with NASA's education program, helping to develop new ways to bring space and STEM subjects into the classroom and inspiring girls and boys alike to follow in her footsteps by studying science.

When she is not training to be a mission specialist on the shuttle, running a marathon, or singing lead vocals for an astronaut band, Dottie is also inspiring her own daughter. She and her husband Jason, who is a history teacher, have taught their 3-year-old daughter, Cambria, how to sing "Twinkle, Twinkle, Little Star" and other songs about the Sun and the Moon.

On April 5, Dottie and the rest of the crew of Discovery's STS-131 mission lifted off from Cape Canaveral for a 2-week trip to the International Space Station. Dottie's primary tasks were overseeing the transition of the station's computers to a new Ethernet network and orchestrating the space walks conducted by two of her colleagues. She also recorded a video to help promote robotics, science, and engineering.

Dottie sees her role as a teacher for all, helping to make science exciting for adults and children alike. She and her husband even built a telescope that they brought on summer vacation, and wherever they stopped they would encourage people to look through it at objects like Jupiter or the Moon.

She said, "Wherever we go out in our solar system, from a teaching standpoint, I really hope that students are engaged in learning math and science. We should always try to be a leader in this."

America's astronauts—like Dottie—carry out important work with far-reaching impact.

Once again we find ourselves as a nation in difficult times, just as we were when President Kennedy challenged us to look skyward.

Just last week, President Obama laid out his vision for the future of American space exploration. No matter what their next mission, it will be carried out by NASA employees.

The outstanding public servants at NASA give flight to our dreams and remind us that, in America, when we will it, there is no impediment to grand achievement.

"Ad Astra Per Aspera." Let us look once more, in these rough times, to the stars—to the limits of space and those who would take us there.

Let us recommit ourselves to inspiring students, just as astronauts like Dottie do each day, to study science, math, engineering, and technology in pursuit of innovation in space and here on Earth.

I hope my colleagues will join me in thanking Dorothy Metcalf-Lindenburger and her crewmates from STS-131 for their hard work and contribution. We welcome them home.

They are all truly great Federal employees.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KAUFMAN. Madam President, I ask unanimous consent that the time during the quorum call be divided equally between the two sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. AKAKA. Mr. President, I rise to speak in support of Marisa Demeo to be an associate judge in the District of Columbia Superior Court. I chaired her nomination hearing before the Committee on Homeland Security and Governmental Affairs and believe she is a very well-qualified candidate.

Since 2007, she has served as a magistrate judge of the DC Superior Court. Prior to that, she was an assistant U.S. attorney for the District of Columbia, prosecuting criminals on behalf of the Federal Government.

Judge Demeo also worked as an attorney for the Mexican-American Legal Defense and Education Fund, an organization that provides legal services to individuals of Hispanic descent. She received her bachelor's degree from Princeton University and her J.D. from the New York University Law School.

Candidates from the DC Superior Court are identified by the nonpartisan Judicial Nomination Commission, which sends three names of qualified candidates to the President for his final selection. This process has consistently produced excellent nominees for DC's local courts. Similar to others chosen through this process, I believe

Judge Demeo has much to offer the DC Superior Court.

Judge Demeo has a strong record as magistrate judge and has presided over many cases of the busy criminal calendar. My staff spoke with DC Superior Court Chief Judge Satterfield today, and he emphasized how pleased he has been with her performance. Judge Satterfield said he could not understand the concerns raised about Judge Demeo's impartiality—she has an open record as a magistrate judge, and no one is criticizing her work on the court.

The committee also interviewed many of her colleagues during the nomination process who described her as fair, having a good temperament and knowledge of the law. Judge Demeo herself emphasized the importance of fairness, impartiality, integrity, and respect for all parties appearing before her during her nomination hearing.

In May 2009, the Committee on Homeland Security and Governmental Affairs favorably reported her nomination. The committee of jurisdiction clearly considered her to be well qualified because no objections to her nomination were voiced.

I was pleased that the Senate confirmed Stuart Nash to be an associate judge of the DC Superior Court earlier today. However, there remains a critical need to fill vacancies at the court. DC Superior Court is a trial court that hears over 100,000 cases a year. With many judges nearing retirement, it is important to fill empty seats quickly.

This need is so great that Chief Judge Satterfield wrote two letters to Majority Leader REID asking us to fill these vacancies. Judge Satterfield described the situation as dire and stated that unfilled vacancies hinder the court's ability to administer justice for the people of DC.

Mr. President, I ask unanimous consent to have printed in the RECORD both of Judge Satterfield's letters.

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

SUPERIOR COURT OF THE
DISTRICT OF COLUMBIA,
Washington, DC, Oct. 14, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. MAJORITY LEADER: As Chief Judge of the Superior Court of the District of Columbia, I wanted to take a moment to bring to your attention two nominations for associate judges positions on the Superior Court that have been pending for several months. The nominees are Marisa Demeo and Stuart Nash. I understand the press of business before the Senate, given the economy, the push for health care reform, and the myriad of nominees in a relatively new administration. However, I wanted to draw your attention to the dire situation the Superior Court will face by the end of the year due to the announced retirements of three other Superior Court judges, if these nominees are not confirmed in the next few months.

If these two vacancies are not filled before the Senate adjourns, we will be five judges below our full complement of 62 associate

judges by the end of January 2010. These vacancies would have serious consequences for the administration of justice in the District of Columbia and for the people we serve. We have been working without a full complement of judges most of the year since one of my colleagues, Judge Robert Rigsby, was sent to Iraq with the National Guard. Fortunately, another colleague, Judge Rafael Diaz, who retired in March 2009 at the end of his term, graciously agreed to stay and handle a full caseload while we await his replacement. I am not sure how long Judge Diaz will be able to continue full time. If the two pending nominations are not confirmed before the Senate adjourns for the year, and Judge Diaz can no longer handle cases full time, by the end of January 2010, we will have only 57 associate judges. Such a scenario would certainly test our ability to administer justice for the people of the District of Columbia in a timely fashion, particularly in our Criminal Division and Family Court.

The Superior Court is a busy, urban court with a caseload of over 100,000 cases per year. Each day we make important decisions about neglected and abused children, juveniles alleged to have committed crimes, and accused charged with everything from minor misdemeanors to first degree murder and sexual abuse. Vulnerable families in the District rely on Superior Court judges to make timely and fair decisions regarding domestic violence, housing, child custody and support, and numerous issues that affect them every day. Our goal is to serve the community well by handling the important decisions we are entrusted with fairly, justly and efficiently. I would appreciate any help you can provide in moving the two nominations forward.

Thank you for your consideration.
Sincerely,

LEE F. SATTERFIELD,
Chief Judge.

SUPERIOR COURT OF THE
DISTRICT OF COLUMBIA,
Washington, DC, Mar. 12, 2010.

Hon. HARRY REID,
*Majority Leader, U.S. Senate,
Washington, DC.*

DEAR MR. MAJORITY LEADER: I wanted to provide you with an update on the circumstances in the D.C. Superior Court with the five vacancies we are currently experiencing. Judge Diaz, who has been continuing to hear cases on one of the unassigned calendars after announcing his retirement, will be stepping down within the next month. This will leave us with five full vacancies, which clearly hinders our ability to administer justice for the people of the District of Columbia in a timely fashion, especially worrisome in the Criminal Division and the Family Court. We are beginning to experience delays in meeting the performance measures and standards for how quickly cases should get to trial.

As I mentioned in my October letter, the Superior Court is a busy, urban court with a caseload of over 100,000 cases per year. Each day we make life and death decisions about neglected and abused children, juveniles alleged to have committed crimes, criminals charged with everything from minor misdemeanors to first degree murder and sex abuse. Vulnerable families in the District rely on Superior Court judges to make timely and fair decisions regarding domestic violence, housing, child custody and support, and numerous issues that affect them every day. These cases need to be handled effectively but also efficiently.

I understand the great press of business before the U.S. Senate, and the multitude of bills affecting the lives of people across the country. However, the people of the District of Columbia deserve a court with a full com-

plement of judges making the crucial decisions affecting the lives of D.C. residents.

Thank you for your consideration.
Sincerely,

LEE F. SATTERFIELD,
Chief Judge.

Mr. AKAKA. Mr. President, the Committee on Homeland Security and Governmental Affairs works quickly to hold its nomination hearings because we understand what an important role the court plays in the District's legal system. It saddens me that the District's courts and its residents continue to suffer while a highly qualified candidate's nomination is slowed.

I am confident that once confirmed, Judge Demeo will exercise sound and unbiased judgment when ruling on cases before her. She has the education and experience to make valuable contributions to the DC Superior Court bench. I plan to vote in support of Judge Demeo's nomination, and I urge my colleagues to do the same.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that any remaining time for debate with respect to the Demeo nomination be yielded back, and the Senate now proceed to vote on confirmation of the nomination; further, that upon confirmation, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the cloture motion with respect to the nomination be withdrawn.

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

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Marisa J. Demeo, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

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

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 120 Ex.]

YEAS—66

Akaka	Burr	Feingold
Baucus	Cantwell	Feinstein
Bayh	Cardin	Franken
Begich	Carper	Gillibrand
Bennet	Casey	Gregg
Bingaman	Collins	Hagan
Bond	Conrad	Harkin
Boxer	Dodd	Inouye
Brown (MA)	Dorgan	Johnson
Brown (OH)	Durbin	Kaufman

Kerry	Merkley	Shaheen
Klobuchar	Mikulski	Snowe
Kohl	Murkowski	Specter
Landrieu	Murray	Stabenow
Lautenberg	Nelson (NE)	Tester
Leahy	Nelson (FL)	Udall (CO)
Levin	Pryor	Udall (NM)
Lieberman	Reed	Voinovich
Lincoln	Reid	Warner
Lugar	Rockefeller	Webb
McCaskill	Sanders	Whitehouse
Menendez	Schumer	Wyden

NAYS—32

Alexander	DeMint	LeMieux
Barrasso	Ensign	McCain
Brownback	Enzi	McConnell
Bunning	Graham	Risch
Burr	Grassley	Roberts
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Cochran	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	

NOT VOTING—2

Bennett Byrd

The nomination was confirmed.

Mr. LEAHY. Mr. President, today the Senate finally confirmed the nomination of Marisa Demeo for a 15-year term as a judge for the District of Columbia Superior Court. Her nomination was the longest pending judicial nomination on the Executive Calendar, having been stalled since it was reported by the Homeland Security and Governmental Affairs Committee last May—nearly a year ago—by voice vote.

There was no reason for this nomination to have been delayed so long. Indeed, once the majority leader pressed the matter by filing for cloture, Republicans agreed to 6 hours of debate and then used only a small portion of that. The bipartisan vote in favor of Judge Demeo is hardly unexpected, just delayed a year.

Judge Demeo has served for 3 years as a magistrate judge on the court to which she has been confirmed. She is only the second Hispanic woman to hold that position. Judge Demeo is an experienced former prosecutor and Justice Department veteran with a sterling professional record. The Chief Judge of the Superior Court, Lee Satterfield, has written several times to the majority and minority leaders about the "dire situation" created by vacancies on that court for administration of justice in Washington, DC, and in support of Judge Demeo's nomination.

Judge Demeo should have been confirmed long ago. This sort of obstruction of a DC Superior Court nomination is unprecedented. These nominations for 15-year terms on the District's trial court are not usually controversial.

Those Senators who opposed this nomination and voted against it will have to explain their vote. Some tried. I do not think references to "lifestyle" have a place in this debate. I was also struck by those who selectively cited her advocacy for various causes when she was previously employed as an advocate as somehow rendering her unfit for judicial service. These same Senators were willing to give President Bush's nominees the benefit of the

doubt, but apparently not those of President Obama. Their mantra when there was a Republican President nominating Republican activists was that they would be able to put aside those views or that they were merely doing their job or representing a client. Apparently that leeway only applies to Republican nominees.

I commend those Republican Senators who bucked their party to vote in favor of this fine young woman and well-qualified nominee.

I strongly supported the confirmation of Judge Demeo and regret that it has taken nearly a year for her nomination to receive an up-or-down vote in the Senate. I congratulate her on her confirmation to the Superior Court and have every confidence she will be a fair and thoughtful judge.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table. The President will be immediately notified of the Senate's action, and the cloture motion on the nomination is withdrawn.

The Senator from North Dakota.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. DORGAN. Mr. President, I indicated yesterday, when I asked unanimous consent on a nomination, that I would be back on the floor today at 4:30. So following this vote I wanted to come to the floor to once again ask unanimous consent. I told my colleague from Louisiana, Senator VITTER, that I was going to do this. I told him last week when I came to speak about this. I said I don't, under any conditions, come to the floor of the Senate wanting to be critical of another Senator. That is not something I enjoy doing. In this case, I explained to Senator VITTER that I was going to be critical of something he has done and I felt it appropriate and as a matter of courtesy I should tell my colleague from Louisiana what I was going to do.

Let me describe the circumstance. It bothers me a lot. I am pretty unhappy about it and so should all of my colleagues be unhappy. There is a man named GEN Michael Walsh, a soldier who served this country for 30 years. He served in wartime. I know him, know him fairly well. I am not related to him. I don't have anything other than a professional relationship because I have seen his work in the U.S. Army Corps of Engineers. He is an extraordinary guy.

He was recommended unanimously by the Armed Services Committee, Senator LEVIN and Senator MCCAIN and the unanimous vote of the Armed Services Committee, to be promoted from a one-star general to a two-star major general. That was last year.

It has dragged on now for nearly 6 months and this soldier has not been promoted because the nomination to promote him, which came from the Armed Services Committee unanimously, has been held up by one Senator. That is Senator VITTER from Louisiana.

I understand that Senator VITTER is holding this nomination up all of these months because he is demanding certain things from the Corps of Engineers for his home State.

Regrettably, it represents a list of things, for the most part, that the Corps of Engineers cannot do—they don't have the legal authority to do, they don't have the funding, they don't have the authorization to do. In any event, the general we are talking about, General Walsh, doesn't make policy for the corps on whether to do these things, even if they have the authority. He does policy. That is what the job of this general is. He is the commander of the Mississippi Valley Division of the Corps of Engineers. He spent a tour in Iraq for this country. He has done a lot of work not only in a war zone but all around the country, has a distinguished 30-year career. Yet despite the fact that last October, he was to have been promoted to major general, this soldier's professional life is on hold because of the actions of one Senator.

I say to my colleague from Louisiana, this is fundamentally unfair to General Walsh. It is fundamentally unfair. It is not the way we should treat soldiers. The demands that are being made of the Corps of Engineers are demands the corps cannot meet. I put the exchange of letters in the CONGRESSIONAL RECORD. There are two letters from my colleague, Senator VITTER, and two responses from the Corps of Engineers. They make it clear that the Senator from Louisiana is asking something the corps cannot possibly do. He has made six or eight requests. I believe the corps has indicated they will proceed on two of them because they do have the authority. The others they cannot because they are not authorized. They don't have money, and they don't have the legal capability.

This is 1 out of 100 nominations that is being held up, 1 out of 100 on the Executive Calendar. This person is someone I know, a one-star general who deserves to be a two-star general. That is what Senator MCCAIN and Senator LEVIN believe. Unanimously, the Armed Services Committee reported this out last September. This soldier's career is on hold because one Senator is demanding of the corps something the corps cannot and will not be able to do. It does not have the legal authority and does not have the funding and does not have the authorization to do it.

I am here to make a unanimous consent request again. I ask of my colleague from Louisiana if at long last he might allow this nomination to proceed. This general should not be a one-star general. He should have, last September, been a two-star general because unanimously the Armed Services Committee believed he was owed that and deserved that promotion in rank. Months and months and months and months later, this general has had his career stalled by the actions of one Senator.

My hope is that today perhaps that Senator will tell us he will lift that hold and that we will be able to give the second star to General Walsh, a patriot, a soldier, someone who served this country in wartime and does not deserve what has happened to him in the Senate.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Michigan.

Mr. LEVIN. Madam President, let me join my colleague from North Dakota in making a plea to the Senator from Louisiana. As the Senator from Louisiana knows, I am chairman of the Armed Services Committee. Our committee operates on a bipartisan basis. I see one other member of the committee sitting on the floor; in fact, two other committee members are on the floor, including the Presiding Officer. I know they would confirm what I am saying. We should keep our uniformed military officers out of any kind of political crossfire. They don't make these decisions. They put on the uniform of the United States. They give their lives. Their families support them. The least we can do is give them bipartisan support. We do that on this committee.

This nomination was approved and put on the calendar on October 27. This is a document we call the Executive Calendar of the Senate. It is printed every day. This general has been sitting here now, MG Michael J. Walsh, since October 27. The Senator from Louisiana has expressed himself to the Corps of Engineers. He has made his arguments. This general cannot do what the Senator from Louisiana is asking for. No. 1, he can't do it because the corps has told the Senator they don't have the authority to do what he wants them to do in terms of these three projects. In any event, this general does not have the authority within the corps to make these kinds of decisions, even if the corps had the authority to approve these projects.

As chairman of the committee, I know I am speaking not only for myself, I am speaking for every member of the committee who has voted for this general's nomination. I know I am speaking for Senator MCCAIN, who has told me specifically that I can invoke his name in support of a plea to the Senator from Louisiana to no longer hold this nomination. It cannot achieve what the Senator from Louisiana wants to achieve. It is a terrible message to the men and women in uniform that a nomination such as this is obstructed because there is a request from one Senator for some projects for his State which the corps cannot approve, according to the letter which the corps has sent to the Senator from Louisiana.

I join my friend from North Dakota. On behalf of the Armed Services Committee, I make this plea. I spoke to the Senator from Louisiana a number of months ago. He indicated to me that he just needed a few more weeks. He thought he could straighten this out in a few more weeks. A couple months

have now passed since that conversation. I would make this plea as chairman of the Armed Services Committee, but I know, representing the unanimous view of the committee, that this man, this soldier, this general should not have his promotion held up for these kinds of reasons or any kind of reason, as far as I am concerned, but surely not a reason where he himself is personally involved. Once in a while we will disagree with a nomination, including of a uniformed officer, where we have problems with that uniformed officer's activities, something they may have done that we disapprove of—rarely, but it happens. But in this case, this has nothing to do with this officer. The objection or the effort of the Senator from Louisiana has nothing to do with this officer. It is not this officer who is blocking anything the Senator from Louisiana wants.

I join this plea the Senator from North Dakota has made. I know he will be making a unanimous consent request. I will be joining in that request when he makes it.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I do object. General Walsh today, before any promotion, is one of nine leading officers of the U.S. Army Corps of Engineers. He is part of that leadership. I am happy my two colleagues are satisfied with his leadership and the corps' leadership and how that agency is being run. I can tell them, as a Senator from Louisiana, I am absolutely not satisfied with their leadership and how that agency is being run at all.

Since Hurricane Katrina, there were 14 major report deadlines put on the Corps of Engineers, required of the corps. The corps missed all 14 of those major deadlines. Today, as we speak, the corps is still actively missing and has failed to respond to 13 of the 14, having accomplished 1 many months late.

I have brought nine significant issues before the Corps of Engineers in conversations with them, not minor projects, major issues with regard to hurricane recovery and hurricane and flood protection. I have outlined the authority they have to do constructive things under each of those categories. They have not responded in a positive or timely way on eight of those nine issues.

One of those issues is a particularly good example. That is the Morganza to the gulf hurricane protection project. That is a vital hurricane protection project that would protect significant portions of south Louisiana that was originally proposed in 1992. The Senators want to talk about authority from Congress. That project has been authorized by Congress three different times in three different water resources bills. Yet the corps continues to drag its feet and is still not moving forward toward full implementation of that project, after three specific authorizations by Congress, 18 years later.

I am sorry the corps leadership is frustrated with an 18-day delay or an 18-week delay. But I suggest they try 18 years on for size. That is how long the people of Lafourche and Terrebonne Parishes, many folks throughout Louisiana, have been waiting on the Corps of Engineers.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, let me say to my colleague from Louisiana, if he will stay in the Chamber—let the record note he has left the Chamber—there is no State, none that has received more help more consistently from this Chamber, from the American people, and, yes, from the Corps of Engineers in the aftermath of Hurricane Katrina. That State and the city of New Orleans were leveled. It was an unbelievable catastrophe for the Senator's State and for his city. But after billions and billions and billions of dollars that has come from this Congress and, yes, from my subcommittee, the subcommittee on appropriations I chair, I think it would be nice for a change to hear that maybe the Corps of Engineers, the Senate, and the American people have been a great help to New Orleans and to Louisiana.

Let me describe what my colleague just said on the floor, why this is such an unbelievable mistake for him to make. He says, just to pick an example: Well, the Morganza to the gulf issue is a perfect example of how the corps simply will not do what it is supposed to do. It has been authorized three times, he says, on and on.

Let me read what the Corps of Engineers says and let me tell my colleagues what I know as an appropriator. The Corps of Engineers is not authorized to construct the Houma lock, which is what he wants in this Morganza to the gulf—the Houma lock, as an independent, freestanding project—or separable elements of the Morganza to the gulf project. An additional authorization will have to be required to construct the Morganza to the gulf project in accordance with the new design criteria.

My colleague might not like that. I understand that. There are a whole lot of things he doesn't like. But it is a fact. He cannot possibly go to sleep believing that holding up the promotion of a soldier who has gone to war for his country because of something that soldier can't do that he demands be done, he cannot possibly sleep easy believing that is the right course of action. It is not the right course of action. This is but 1 of 100 names on the Executive Calendar to date, 100. This was put on the calendar nearly 6 months ago for a general who has an unblemished record, has served America for 30 years, gone to war for this country, and was told by the Armed Services Committee, Republicans and Democrats unanimously by Senator LEVIN and Senator MCCAIN: You deserve a promotion to the second star as a major general. But

6 months later, this is not a major general.

This soldier has lost his promotion for the last 6 months because of one Senator saying: I am going to use this soldier as a pawn in my concerns and demands about the Corps of Engineers.

I could go through the rest of these demands. In fact, let me go through a couple, if I might. Outfall canals and pump to the river. He is making demands about that. Let me tell you about that. We had a vote on this. He lost. He doesn't like it. The Appropriations Committee, the full committee, voted and he lost. Why did he lose? Because what he wants to do is the most costly approach that will provide less flood protection for New Orleans. So you want to spend more money for less protection? No, the Appropriations Committee voted on that. I led the opposition. The appropriations subcommittee voted no. He is demanding holding up, by the way, the promotion for this major general. He is demanding it be done. The Corps of Engineers says if Congress appropriates the funds for this study, we will do it. But there are no funds appropriated.

Why? Because we voted against it. That is why. Unbelievable. And the list goes on. Ouachita River levees. The authorization for this project specifies that the levee maintenance is a non-federal responsibility. Congress has not enacted a general provision of law that would supplant this nonfederal responsibility or that would allow the Corps to correct levee damages that are not associated with flood events.

That is just two. I mentioned three with Morganza. The fact is, we have a circumstance here where a soldier deserves a promotion, and that promotion is being held up because we have a Senator who is demanding things the Corps of Engineers cannot do. That is unbelievable to me. I do not come here very often getting angry about what a colleague does. Everybody here has their own desk. Everybody comes here with their own election and their own support. But I am saying this to you: These demands and using a soldier's promotion as a pawn in demands of the Corps that the Corps cannot do is just fundamentally wrong, and I do not know how someone can sleep doing it.

Madam President, I have not yet made the consent request. I would alert my—

Mrs. MCCASKILL. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield. But I do intend to make a unanimous consent request. I have not made it. So I would alert the folks who are here that I will be doing that momentarily.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. It is my understanding, through the Chair, that there are dozens and dozens of these holds that are secret and nobody knows what demands are being made or why. We do not know.

In this instance, it is my understanding that this Senator has proclaimed publicly why he is holding it. Is my understanding correct about that, I say to the Senator.

Mr. DORGAN. That is correct, I think perhaps boasting about it. He is saying: I have to do this for my State. But there is nothing he can gain for his State because the Corps of Engineers cannot move on these issues. They do not have the authority. They do not have the legal capability. The result is, this soldier, whose promotion he is holding up, meanwhile is wafting in the wind for 6 months and loses his promotion.

Mrs. MCCASKILL. That is the part I want to inquire about. Let's just say hypothetically, if the Army Corps of Engineers succumbed to what the Senator is asking and said: OK, you are going to hold up this brave soldier's promotion that he deserves because you want something for your State—if they did that, would that not be illegal?

Mr. DORGAN. Absolutely.

Mrs. MCCASKILL. So what he is saying is, he is asking the Army Corps of Engineers to do something that is illegal, and if they refuse to do something that is illegal, he is going to refuse to allow a soldier's promotion to go through? Am I actually getting that right?

Mr. DORGAN. I say to the Senator, I believe you have it pretty close to right. As I understand it, the Senator is demanding things of the Corps of Engineers that they do not have the legal authority to do. Until they do them, he is going to hold up the promotion of General Walsh, which I think—it is unbelievable to me that someone would do that.

Mr. LEVIN. If the Senator would yield further?

Mr. DORGAN. I am happy to yield.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Let me read to you from the March 19 letter from the Corps on this issue. The Senator from Louisiana said the example he wanted to use was something called the Morganza project. That is the example. He said, let me just give you one example. Three times, he says, this project has been authorized.

Well, this is what the Corps says relative to Morganza. OK. This is in writing, a letter to Senator VITTER:

The Corps does not have authority to implement the Houma Navigation Lock as an independent project. Section 425 of WRDA 1996 authorized a study of an independent lock, but did not authorize construction. Section 425 in part read . . . "The Secretary shall conduct a study of environmental, flood control, and navigation impacts associated with the construction of a lock structure in the Houma Navigation Canal as an independent feature of the overall damage prevention study being conducted under the Morganza,—

That is his project—

Louisiana, to the Gulf of Mexico feasibility study." The Corps conducted a study in re-

sponse to Section 425, but that study did not recommend construction of an independent Houma Navigation Lock feature due to uncertainties of benefits and concerns over justification of an independent lock structure.

That is their answer. They do not have the authority to do it.

Again, I know the Senator from Missouri is on the committee, so she understands that we act in a bipartisan way. We try to protect and defend and support the uniformed members of the U.S. military. We have unlimited bipartisan support for what they do for us, and this is the response—a hold on a nomination because the Corps will not do something they are not authorized to do?

I think it is so unacceptable, I made this unanimous consent request about 2 months ago. The Senator from Louisiana objected then. He said to give him a few more weeks. He thinks he could work it out. Those few weeks have long gone. So I very much support the effort of the Senator from North Dakota here.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, it is unbelievable to me that we have 100 of these. This is one I am particularly concerned about because I think it misuses a soldier's promotion in pursuit of something that really cannot be done by an agency, and I regret this is happening. This should not happen. And how on Earth are we going to find ways to work together in this place if this is the way we do business?

This makes no sense to me. It is not fair to a soldier. People listening to this would understand somebody demanding that an agency do something it cannot do in exchange for releasing a hold on a soldier's promotion? Is that what we have come to here? I hope not.

So my intention is to offer a unanimous consent request. My understanding is, someone is—

Mr. LEVIN. If the Senator will yield?

Mr. DORGAN. I am happy to yield.

Mr. LEVIN. I think the Senator from Delaware has a unanimous consent request which has been cleared. I wonder, just to make sure the Senator from Louisiana does have notice—apparently, he has been notified there is going to be a unanimous consent request.

Mr. DORGAN. I would be happy to have the Senator from Delaware do his request. I would say, however, that the Senator from Louisiana was on the floor, and I would have hoped he would have stayed on the floor to object to something that deals with the holdup he has made on this nomination. But apparently he has left the floor.

So let me yield to the Senator from Delaware for his unanimous consent request, and then I will propound a unanimous consent request on the subject just discussed.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, I thank the Senator from North Dakota.

Madam President, I ask unanimous consent that on Wednesday, April 21, following a period of morning business, the Senate proceed to executive session to consider Executive Calendar No. 699, the nomination of Christopher Schroeder to be an Assistant Attorney General; that there be 3 hours of debate with respect to the nomination; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; further, that the cloture motion with respect to the nomination be withdrawn; provided that upon disposition of the Schroeder nomination, the Senate then proceed to Executive Calendar No. 578, the nomination of Thomas Vanaskie to be a U.S. circuit judge for the Third Circuit; that there be 3 hours of debate with respect to the nomination; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; that the cloture motion with respect to the nomination be withdrawn; provided further that on Thursday, April 22, following a period of morning business, the Senate proceed to executive session to consider Executive Calendar No. 607, the nomination of Denny Chin to be a U.S. circuit judge for the Second Circuit; that there be 60 minutes for debate with respect to the nomination; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; with the cloture motion withdrawn, and the President be immediately notified of the Senate's action with respect to the above-referenced nominations; with all time covered under this agreement equally divided and controlled between Senators LEAHY and SESSIONS or their designees; finally, the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, the cloture motions on the Schroeder, Vanaskie, and Chin nominations are withdrawn.

Mr. KAUFMAN. Madam President, I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. DORGAN. Madam President, I ask unanimous consent that the Senate proceed to Executive Calendar No. 526, the nomination of BG Michael J. Walsh; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Louisiana.

Mr. VITTER. Yes, Madam President, for the reasons I have clearly laid out, I again object.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. Madam President, let me again say the reasons that were clearly laid out were inappropriate reasons. The very specific project my colleague described as the problem—at least one of the problems—it turns out he would know, because he has received written notice from the Corps of Engineers, that they do not have the legal authority to do that which he demands.

So I do not know. I do not know where you go from here. If facts do not matter in this place, then I guess we have a fact-free debate and one does what they want to do without regard to the consequences. The consequence in this case—the negative consequence is for a soldier, a patriot who has gone to war for this country is now, in my judgment, being treated unbelievably unfairly by at least one Senator.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

MORNING BUSINESS

Mr. LAUTENBERG. Madam 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.

GUN SHOW LOOPHOLE

Mr. LAUTENBERG. Madam President, I rise because today marks 11 years since the massacre at Columbine High School in Littleton, CO, occurred. This is a painful recall of a horrible moment in our country that should remind us all of a condition that could easily happen again.

I and millions of other Americans watched in horror as young students hung out of windows in that schoolhouse to try to save their lives, while two of their schoolmates went on a rampage and killed 12 students and a teacher. Those images will forever be burned in our memory.

But here is what a lot of people do not know: All the firearms used by the shooters were bought by an underage friend at a gun show. That purchase was able to be made because of the gun show loophole. Because of the gun show loophole, they were bought with no questions asked, no background check, no questions about who you are, where you might live. The weapons were bought “cash and carry,” without, again, any identifying questions being asked or being supplied. Those 13 people should never have died that day because those teenagers should not have had access to those guns. The young

woman who bought the guns for the shooters said she would not have done it if a background check had been required.

Our laws require a background check for all gun sales by licensed dealers. But a special exemption allows anyone—including terrorists such as bin Laden, criminals, gun traffickers, and the severely mentally ill—to buy guns without a background check from so-called private sellers, who sell hundreds of guns every year at gun shows, fully exempt from any responsibility for those sales.

In 1999, I introduced legislation to close the gun show loophole and to keep guns from falling into the wrong hands. In the aftermath of Columbine, the Senate passed my legislation, with Vice President Al Gore casting the tiebreaking vote. It was a great victory but a short-lived one. The gun lobby stripped my legislation in conference with the House, and in the decade since then we have done absolutely nothing at the national level to close the gun show loophole. No wonder domestic terrorists frequently use gun shows to sell their firearms to fund their illegal activities.

Just yesterday, we commemorated the 15th anniversary of the Oklahoma City bombing. It claimed 168 lives, including 19 children under the age of 6. Timothy McVeigh—the killer responsible for those horrific deeds—frequently set up his own booth. He sold weapons at gun shows.

We continue to see the tragic consequences of senseless gun violence fueled by gun show dealers who are not really licensed.

Just a few weeks ago, a few miles from this Chamber, John Patrick Bedell opened fire on two police officers at the Pentagon Metro station. They were wounded before they returned the fire and killed Bedell. One of his semi-automatic guns was linked directly back to a gun show sale. And it is no surprise that his gun was bought outside the normal stream of commerce because Bedell would have failed a background check. He actually tried to buy a gun from a licensed firearms dealer in California, but because of his diagnosed mental illness, he couldn't pass the check.

If that doesn't make it clear that we have to stop guns from falling into the wrong hands, just think of the Virginia Tech shootings. Last Friday, we marked the third anniversary of that horrible day. In that tragedy, a mentally deranged man killed 32 students and faculty in the worst mass shooting in American history.

Whether it is Virginia Tech, the recent shootings at the Pentagon, or Columbine, we are reminded over and over that our gun laws are not strong enough. Yet, while gunshots continue to ring out across this country, the silence from this Chamber is deafening.

I am a veteran. I served in the military in Europe during wartime, World War II, and I understand the desire to

protect one's self and family. But I know how important it is to keep terrorists, convicted criminals, and domestic abusers from having guns.

Some would argue that gun owners are against sensible gun laws, including closing the gun show loophole, but that is simply not true. Recent polling has shown that there is overwhelming support for closing the gun show loophole among gun owners. Here we have a placard that shows that gun owners themselves want the loophole closed. Sixty-nine percent of NRA members agree, and 85 percent of other gun owners agree: Shut down that gun show loophole. Republican pollster Frank Luntz recently found that 69 percent of National Rifle Association members and, as pointed out, 85 percent of other gun owners want us to close this loophole. After all, the vast majority of gun owners are law-abiding Americans who pass background checks and use their firearms responsibly. They know their lives and the lives of their children are in danger when a firearm is purchased by an unqualified buyer at a gun show, by someone who could never pass a background check at a neighborhood gun store. It is as easy as ever for criminals to buy guns—easier, in fact, than it is to get a library card.

We have an opportunity to save lives, and that is why I call on my colleagues to please join me and pass my bill to close the gun show loophole once and for all. Eleven years ago, we lost 12 students and a teacher to gun violence in Littleton, CO. One of the best ways to honor those who perished and those who have suffered is to make sure a tragedy like Columbine never happens again. We owe that and nothing less to the young people who died 11 years ago and the young people who count on us today. We have to step up to our responsibilities and ask all gun dealers to step up to their responsibilities.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

UNANIMOUS-CONSENT REQUESTS—EXECUTIVE CALENDAR

Mrs. MCCASKILL. Madam President, earlier today I came to the floor to talk about transparency and the bright sunshine of public service and how foundational it is to that service being open. It is impossible to do the people's business if we do not allow the people to see what we are doing.

I remember sound and fury coming from some of my friends on the other side of the aisle when they believed there were decisions being made about the health care bill behind closed doors, sound and fury that somehow someone wasn't telling the public everything that was going on. Meanwhile, dozens and dozens of nominees to do the work of our government have piled up under the heading of a “secret hold.”

I don't really understand how the secret hold came about. I don't really understand why one would ever need a