

Reform in the U.S. House of Representatives. Chairman Nottingham is unquestionably qualified for the duties required of a board member and a good example of what the STB needs in a nominee.

Vice Chairman Francis Mulvey, with a Ph.D. in Economics, is likewise qualified. He has legislative experience as the Staff Director for the Railroad Subcommittee in the House of Representatives. He was the Deputy Assistant Inspector General for Rail, Transit, and Special Programs in the Department of Transportation. He was the Assistant Director charged with analyzing transportation issues at the GAO. His experiences outside government are equally valuable: He was the Programs Manager for the National Academy of Sciences, Transportation Research Board. He was also the Vice President for Research with the American Bus Association. Again, Vice Chairman Mulvey is an exemplary member and a model for future nominees.

Former Chairman Linda Morgan, an attorney with a Georgetown law degree, was supremely qualified to work on the STB. For 15 years she held various positions with the Senate Committee on Commerce, Science, and Transportation. While there, she was responsible for much of the legislation that established the framework for today's surface transportation system. She also served as the general counsel of the committee.

Former Chairman Roger Nober was the counselor to the Deputy Secretary of Transportation for a year before joining the STB. Before that he spent 4 years as the chief counsel for the Committee on Transportation and Infrastructure of the House of Representatives. For the 4 years before that, he held a variety of positions on that committee's staff. And for the 4 years before that, he put his Harvard law degree to use in New York City. His breadth of experience, most of it relating to transportation issues, made him very well qualified to serve as a board member and chairman.

Former Vice Chairman Wayne Burkes served in the Mississippi legislature for 14 years; 4 years in the House of Representatives, and 10 years in the Senate. He served on the Highways and Transportation Committee all 14 years. After his time in the legislature, he then spent 10 years as the Mississippi Transportation Commissioner for the Central District. His understanding of transportation issues was certainly unquestioned.

Even a cursory review of current and former board member qualifications makes it clear what kind of nominee this important regulatory body requires. I would like to bring the Senate's attention now to our current nominee, Mr. Husein Cumber. There are stark differences between what you have just heard and what I will present to you now.

Mr. Cumber's regulatory experience in transportation is limited to his short tenure as a political appointee at the Department of Transportation—1 year as the Deputy Chief of Staff, and some time as the Assistant to the Secretary for Policy. For his private sector expertise, he can point to his year as the spokesman for Florida East Coast Industries. And before that, he was a political fundraiser for President George W. Bush and Governor Jeb Bush. He was what some referred to as a fundraising wunderkind. One story noted that he "devours business cards like most mortals do potato chips." Developing these political relationships, he said, allowed him to "meet some great people and there's going to be a payoff in the end."

The President has nominated Mr. Cumber to work on a vital regulatory board with the capacity to impact our economy, our infrastructure, and the wages of hard-working Americans across the Nation. Reviewing the qualifications of other members, be they PH.D.s, attorneys, or career legislators, I see that broad experience in regulatory, policy, and economic matters surrounding rail transportation is essential. Understanding the common carrier obligation of the rail industry is essential. Advocacy for consumers in the face of enormous pressure from powerful industry representatives is essential.

Mr. Husein Cumber is, by all accounts, a hard-working man. But hard work alone is not sufficient qualification for nomination to the board of an important consumer protection agency. It is also essential that a nominee have demonstrated experience and expertise in the issues that come before the agency.

I recently met with Mr. Cumber to discuss his nomination. I found him to be polite, personable, and eager. I did not, however, find him to be knowledgeable of the critical issues that have come before the STB. His experiences in lobbying and fundraising stand out and will no doubt help him in his future endeavors outside of government. But what is important here is what he has been nominated to do while serving in a government position.

Members of the Surface Transportation Board have to make important decisions affecting our Nation's transportation policy from the moment they are sworn in. They do not have time for on-the-job training.

Mr. Cumber's nomination to the STB may in fact be "the payoff in the end" he has been working toward. But a seat on the Surface Transportation Board shouldn't be a payoff. It's not a prize to be won—it is a job to be done. And it is a job to be done by someone armed with credentials and credibility, not by someone armed with only cash and connections.

I am compelled to object to this nomination for the reasons I have provided.

My hope is that the administration will acknowledge the importance of the STB in their search for a qualified nominee and keep looking for one.

#### ADDITIONAL STATEMENTS

#### RECOGNIZING MONFORTON SCHOOL

• Mr. BAUCUS. Mr. President, I wish today to recognize the achievements of an outstanding teacher and her seventh grade students. This is a story of community and folks coming together to make their town a better place to live. The students at Monforton School in Bozeman, MT, with their teacher, Sally Broughton, saw a playground at the school that was outdated and unsafe. These ambitious young people then sprung into action and set out to inform the principal, school board, other students, and community members of the subpar condition of the playground and gathered input and support for building a new playground.

In the Montana spirit of folks working together to make their community a better place to live, local businesses pitched in by donating nearly \$40,000 worth of supplies and labor toward completion of the playground. Monforton parent and carpenter, Alan Ripley, worked with students to design the octagonal climbing structure for the playground. The students spent countless hours with volunteers in building the playground.

Thanks to the work of these students, their teacher, and the community all Monforton students now have a safe playground at their school. The efforts of these fine young people have not gone unnoticed. The Corporation for National and Community Service honored the students and their teacher, Sally Broughton, with the 2008 Spirit of Service Award, and We the People: Project Citizen presented them with the Montana Project Citizen Award for their contributions to the community.

This spirit of service is prevalent at Monforton School as all students participate in service-learning projects. Classroom lessons are combined with meaningful service to their community. Through these efforts students have been responsible for improving the food service at the school, constructing a walking path, and informing the larger community about the need for a new jail and a warning system for Hyalite Dam among other projects.

I would like to join the chorus recognizing the seventh grade students of Monforton and their teacher, Sally Broughton. They are a perfect example of how Montana's world-class education system is preparing children across Big Sky country to meet the challenges they will face. These outstanding young people are the future of

our Nation, and I am sure that they will continue to serve and make many contributions to their communities.●

#### TRIBUTE TO MARIAN ORFEO

● Mr. KERRY. Mr. President, I would like to take this opportunity to congratulate Ms. Marian Orfeo, director of Planning and Coordination with the Massachusetts Water Resources Authority, MWRA, on being named the new president of the National Association of Clean Water Agencies, NACWA.

Ms. Orfeo has been an environmental champion for the city of Boston, State of Massachusetts, and the Nation. She is an exceptional leader and public steward dedicated to the improvement of Boston's water quality and public health.

Ms. Orfeo has worked for with MWRA, a founding member of NACWA, for nearly 20 years. The Authority provides wholesale water and sewer services to 2.5 million people in 61 communities across eastern and central Massachusetts 24 hours a day, 7 days a week.

As the director of Planning and Coordination, her responsibilities include long-range planning to construct and renew MWRA's water and wastewater facilities, as well as infrastructure and short-term strategic business planning for all agency functions. She also manages the Authority's performance reporting system and is a member of the steering committee for the MetroFuture initiative of the Boston Metropolitan Area Planning Council.

Before joining the Authority, Ms. Orfeo previously worked in Boston city government for 16 years. She held a range of positions including operations, administration and finance, and planning.

She has been an active member of NACWA since 1994, was elected to its board of directors in 2000, and has chaired the Association's Legislative Policy, Strategic Planning, Finance, and Awards Committees. Ms. Orfeo is also a consistent champion for the need to develop a new, holistic approach to the nation's complex 21st century water challenges.

Being elected NACWA president is not only an impressive personal accomplishment but will help secure NACWA's role as the leading advocate for responsible national policies that advance clean water and a healthy environment.

Mr. President, I congratulate Marian Orfeo on becoming president of NACWA. I am certain the association will greatly benefit from her able leadership.●

#### CONGRATULATING THE OLDENBURG GROUP

● Mr. KOHL. Mr. President, I would like to congratulate Oldenburg Group on the 150th anniversary of the Oldenburg Lake Shore product line. The Oldenburg Group has a major pres-

ence in Milwaukee and Rhinelander, WI. What began on the shores of Lake Superior as a line of outboard motors has grown into a significant contributor to our Nation's defense.

As a qualified small business with both military and commercial product lines, Oldenburg Group has shown that they are a leader within the Nation's defense industry. Their products support the U.S. Navy with refueling systems to allow our ships to remain at sea and ready. They support the U.S. Army with systems for offloading war-fighting equipment when no port facility is available, as well as supporting the U.S. Department of Defense in many other ways as well. Oldenburg Group's history of customer satisfaction and excellence is immensely important as it contributes daily to the security of our Nation.

It is because of quality products and exceptional support service that the U.S. Department of Defense trusts Oldenburg Group to provide vital equipment and services used by the military. Oldenburg's dedication to continually looking toward the future and considering how products can practically be applied to homeland security is one reason for their considerable success, and I congratulate that spirit.●

#### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the Committee on Armed Services.

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

#### MESSAGE FROM THE HOUSE

#### ENROLLED BILL SIGNED

At 6:43 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2967. An act to provide for certain Federal employee benefits to be continued for certain employees of the Senate Restaurants after operation of the Senate Restaurants are contracted to be performed by a private business concern, and for other purposes.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3257. A bill to extend immigration programs to promote legal immigration and for other purposes.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Appropriations, without amendment:

S. 3258. An original bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2009, and for other purposes (Rept. No. 110-416).

By Mr. DURBIN, from the Committee on Appropriations, without amendment:

S. 3260. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2009, and for other purposes (Rept. No. 110-417).

By Mrs. MURRAY, from the Committee on Appropriations, without amendment:

S. 3261. An original bill making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2009, and for other purposes (Rept. No. 110-418).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DORGAN:

S. 3258. An original bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2009, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. WHITEHOUSE (for himself and Mr. DURBIN):

S. 3259. A bill to amend title 11, United States Code, with respect to the priority of certain high cost credit debts; to the Committee on the Judiciary.

By Mr. DURBIN:

S. 3260. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2009, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mrs. MURRAY:

S. 3261. An original bill making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2009, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mrs. HUTCHISON:

S. 3262. A bill to reauthorize the women's entrepreneurial development programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FEINGOLD (for himself, Mr. ISAKSON, Mr. CARDIN, Mr. HARKIN, Mr. WHITEHOUSE, Mr. KERRY, Mr. NELSON of Florida, Mr. DURBIN, Mrs. BOXER, Mr. LEAHY, Mrs. CLINTON, Mr. SUNUNU, Mr. CHAMBLISS, Ms. SNOWE, Mrs. DOLE, Mr. INHOFE, Mr. SPECTER, Mr. STEVENS, Mr. MARTINEZ, and Mr. SMITH):

S. Res. 611. A resolution expressing the sense of the Senate on the crisis in