

counsel, as well as Lacey Oliver, an intern on my Finance Committee staff, and John Kalitka, a former detail to my Finance Committee trade staff from the Department of Commerce, for their work on trade adjustment assistance.

Our work has been supported by the substantial efforts of dedicated professionals at the Department of Labor, and my appreciation there begins with Erin Fitzgerald in the Division of Trade Adjustment Assistance, as well as Mark Morin and Lois Zuckerman in the Office of the Solicitor, and Erica Cantor, the administrator of the Office of National Response. I also want to thank Mason Bishop, Blake Hanlon, and Geoffrey Burr, formerly of the Department of Labor, as well as Justin McCarthy and John Bailey, formerly on the White House staff of the previous administration.

I mentioned that Chairman BAUCUS and I have been engaged in joint oversight of the trade adjustment assistance programs since 2002, and our oversight has included requesting a series of reports from the Government Accountability Office to examine various aspects of the operation of these programs. Among current and former personnel at the Government Accountability Office who merit special recognition for their hard work are Sigurd Nilsen, Dianne Blank, Lorin Obler, and Wayne Sylvia.

Finally, I want to acknowledge the tremendous effort of our House and Senate legislative counsels to deliver timely drafts and constructive critiques of proposed legislative provisions. On the House side I want to thank Sandra Strofford and Mark Synnes, and here in the Senate I want to thank our experts on customs and international trade law, Polly Craighill and Margaret Roth-Warren.

As you can see, today's achievement is the result of the dedication, hard work, and commitment of many individuals. It is the culmination of years of effort, and I am confident that the result will serve to benefit American workers in Iowa and across the United States for years to come.

Mr. COCHRAN. Mr. President, although I voted against the motion to waive the Congressional Budget Act on the conference report to accompany H.R. 1, the so-called stimulus bill, and on the adoption of the conference report to H.R. 1, I must acknowledge the courtesies and thoughtful leadership of the Appropriations Committee by the distinguished Senator from Hawaii, Mr. INOUYE.

He carried out his responsibilities as chairman of our committee in a fair minded way that reflected credit on the Senate.

This legislation was written by our committee, but in many respects it reflected the attitude and interests of the other body. The bill in my opinion creates too many new programs and policies that will have a major impact on the Federal budget for years to come.

Our Nation faces an economic emergency, but a health information program is not an emergency and should not have been included in this bill. Upgrading the electric grid is not an emergency and neither is improving our Nation's scientific capacity, but they should have been considered in the President's budget request and through a deliberative congressional process.

There are many things like this that should not have been included in this bill.

The process has been anything but deliberative.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask we now go to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### HONORING JOE BURKE

Mr. DURBIN. Mr. President, today I would like to recognize Mr. Joseph "Joe" Burke for his 33 years of service with the U.S. Capitol Police.

Joe was raised and educated in Pennsylvania and Virginia. He attended Moravia College in Pennsylvania and graduated with a degree in criminal justice. Joe's studies didn't occupy all his time while at Moravia; he was an extremely talented baseball player and tried out for the Pittsburgh Pirates.

After choosing a career in law enforcement, Joe joined the U.S. Capitol Police on December 8, 1975. He served in several positions within the department before finding his true calling—the Containment and Emergency Response Team, CERT, in 1981.

Joe was among the original members of CERT upon its inception in 1981. The tryouts for CERT were strenuous; held at the FBI Academy, they consisted of shooting drills, running an obstacle course and jumping into a pool with a rubber gun before swimming the length of the pool. The Unit started with three five-man teams that train twice a month. This modest beginning has grown into the CERT we see today—a highly trained, full-time tactical team.

Over the years, Joe has remained committed to serving the congressional community. He has served during several challenging periods for the Capitol Police including the tragic shooting at the Capitol, the attacks on September 11, 2001, and the anthrax mailings. Joe's experience was invaluable during big events, too—the state funerals of Presidents Reagan and Ford, demonstrations, eight Presidential Inaugurations and numerous State of the Union Addresses.

Joe Burke's experience and service have helped CERT become a SWAT team that ranks among the top teams in the country. He is responsible for many of the programs currently used by the Capitol Police to train CERT personnel.

Joe has been recognized for his leadership and efforts to develop an enhanced and professional tactical team and for his work with area teams to develop response and coverage capabilities across the region.

Mr. President, Joe Burke retired from the U.S. Capitol Police on January 3, 2009. I would like to thank him for his years of service to the congressional community and ask that my colleagues join me in wishing Joe well in his retirement.

#### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP RULES OF PROCEDURE

Ms. LANDRIEU. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. Today, February 12, 2009, the Committee on Small Business and Entrepreneurship held a business meeting during which the members of the committee unanimously adopted rules to govern the procedures of the committee. Consistent with Standing Rule XXVI, I am submitting for printing in the CONGRESSIONAL RECORD a copy of the rules of the Senate Committee on Small Business and Entrepreneurship for the 111th Congress.

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

#### RULES FOR THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP —111TH CONGRESS

##### GENERAL

All applicable provisions of the Standing Rules of the Senate, the Senate Resolutions, and the Legislative Reorganization Acts of 1946 and of 1970 (as amended), shall govern the Committee.

##### MEETINGS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chair. All other meetings may be called by the Chair as he or she deems necessary, on 5 business days notice where practicable. If at least three Members of the Committee desire the Chair to call a special meeting, they may file in the office of the Committee a written request therefore, addressed to the Chair. Immediately thereafter, the Clerk of the Committee shall notify the Chair of such request. If, within 3 calendar days after the filing of such request, the Chair fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chair is not present at any regular, additional or special meeting, such member of the Committee as the Chair shall designate shall preside.

(b) It shall not be in order for the Committee to consider any amendment in the

first degree proposed to any measure under consideration by the Committee unless thirty written copies of such amendment have been delivered to the Clerk of the Committee at least 2 business days prior to the meeting. This subsection may be waived by agreement of the Chair and Ranking Member or by a majority vote of the members of the Committee.

#### QUORUMS

(a) (1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term "routine business" includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments, and steps in an investigation including, but not limited to, authorizing the issuance of a subpoena.

(3) In hearings, whether in public or closed session, a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee.

(b) Proxies will be permitted in voting upon the business of the Committee. A Member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, or through oral or written personal instructions to a Member of the Committee or staff. Proxies shall in no case be counted for establishing a quorum.

#### NOMINATIONS

In considering a nomination, the Committee shall conduct an investigation or review of the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. In any hearings on the nomination, the nominee shall be called to testify under oath on all matters relating to his or her nomination for office. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis.

#### HEARINGS, SUBPOENAS, & LEGAL COUNSEL

(a) (1) The Chair of the Committee may initiate a hearing of the Committee on his or her authority or upon his or her approval of a request by any Member of the Committee. If such request is by the Ranking Member, a decision shall be communicated to the Ranking Member within 7 business days. Written notice of all hearings, including the title, a description of the hearing, and a tentative witness list shall be given at least 5 business days in advance, where practicable, to all Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chair and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting, but must be in writing.

(b) (1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact.

(2) The Chair and Ranking Member shall be empowered to call an equal number of witnesses to a Committee hearing. Such number shall exclude any Administration witness unless such witness would be the sole hearing witness, in which case the Ranking Member shall be entitled to invite one witness. The preceding two sentences shall not apply when a witness appears as the nominee. In-

terrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chair or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least two business days in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chair and the Ranking Minority Member.

(c) Any witness summoned to a public or closed hearing may be accompanied by counsel of his or her own choosing, who shall be permitted while the witness is testifying to advise the witness of his or her legal rights. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(d) Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, and other materials may be authorized by the Chair with the consent of the Ranking Minority Member or by the consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting, but must be in writing. The Chair may subpoena attendance or production without the consent of the Ranking Minority Member when the Chair has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours of being notified of the intended subpoena, excluding Saturdays, Sundays, and holidays. Subpoenas shall be issued by the Chair or by the Member of the Committee designated by him or her. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents, records, and other materials shall identify the papers or materials required to be produced with as much particularity as is practicable.

(e) The Chair shall rule on any objections or assertions of privilege as to testimony or evidence in response to subpoenas or questions of Committee Members and staff in hearings.

#### CONFIDENTIAL INFORMATION

(a) No confidential testimony taken by, or confidential material presented to, the Committee in executive session, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members. Other confidential material or testimony submitted to the Committee may be disclosed if authorized by the Chair with the consent of the Ranking Member.

(b) Persons asserting confidentiality of documents or materials submitted to the Committee offices shall clearly designate them as such on their face. Designation of submissions as confidential does not prevent their use in furtherance of Committee business.

#### MEDIA & BROADCASTING

(a) At the discretion of the Chair, public meetings of the Committee may be televised, broadcasted, or recorded in whole or in part by a member of the Senate Press Gallery or an employee of the Senate. Any such person wishing to televise, broadcast, or record a Committee meeting must request approval of the Chair by submitting a written request to the Committee Office by 5 p.m. the day before the meeting. Notice of televised or broadcasted hearings shall be provided to the Ranking Minority Member as soon as practicable.

(b) During public meetings of the Committee, any person using a camera, micro-

phone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of Committee members or staff on the dais, or with the orderly process of the meeting.

#### SUBCOMMITTEES

The Committee shall not have standing subcommittees.

#### AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended; provided, however, that not less than a majority of the entire Membership so determined at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Mr. DODD. Mr. President, I rise today to honor and celebrate the 100th anniversary of the National Association of the Advancement of Colored People—the NAACP—and thank my colleagues for unanimously adopting H. Con. Res. 35, introduced by my friend, Congressman AL GREEN, of Texas. I was honored to introduce companion legislation in the Senate.

Yesterday we were reminded once again of the historic nature of the work the NAACP has done over the last century as our Nation's first African-American President came to the United States Capitol to pay tribute to President Abraham Lincoln on his 200th birthday.

When we reflect on how far we have come in this country, we must acknowledge the crucial role the NAACP has played in making so many of those steps possible.

Founded on February 12, 1909, in New York City by a small multiracial group of activists that included Ida Wells-Barnett and W. E. B. Dubois, the NAACP spent decades working to eliminate discrimination in schools and throughout our society at the grassroots. Nearly a half century later, it would make itself known to the world with one of our Nation's greatest legal victories, the Supreme Court case *Brown v. Board of Education*.

In 1955, the Secretary of the NAACP's Montgomery, AL, branch suffered humiliation and unwarranted arrest for refusing to give up her front seat on a segregated bus in Montgomery, AL. Rosa Parks' simple yet powerful action would ignite the largest civil rights grassroots movement in the history of this country, reminding us once again of the difference that even one American can make to change the course of history.

The NAACP also played an essential role in ensuring the passage of the Civil Rights Acts of 1957, 1960, and 1964.

Though the right to vote was declared to be a basic human right under the U.S. Constitution, persons of color, especially African Americans, were historically—and shamefully—denied this fundamental right. The NAACP played a substantial role pushing for the passage of the Voting Rights Act of 1965, partnering with the likes of Cesar Chavez.

While the NAACP's political work is extraordinary, its community service efforts deserve recognition as well. In

2005, it created the Disaster Relief Fund to provide assistance for Hurricane Katrina victims in Louisiana, Texas, Mississippi, Florida, and Alabama at a time when they needed it most.

As President Obama said, "A nation cannot prosper long when it favors only the prosperous." The NAACP has reminded us of those words for a century.

For all this achievement symbolizes to Americans and the world, the NAACP still recognizes the importance of remaining vigilant in our fight for equality, never allowing the past to be forgotten. I am honored that it has supported the passage of the Emmett Till Unsolved Civil Rights Crime Act that I introduced last Congress, in commemoration of the unspeakably brutal and unjustified murder of an African-American youth, ensuring that criminals of the unsolved hate crimes of the civil rights struggle are brought to justice and that its victims can finally find peace. And I am pleased that this legislation has become law.

Much progress has been made in the lives of persons of color because of the NAACP and its tireless, life-risking, and never-ending work.

As Thurgood Marshall, who a dozen years after arguing *Brown v. the Board of Education* before the Supreme Court would become the first African American to serve on our nation's highest court, said:

In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute.

Today, the U.S. Senate and House of Representatives return that tribute to the NAACP and everyone who has been associated with its achievements and advocacy for this last century.

May its work to ensure equality for all American citizens continue as each of us in this institution and across our country commit to diminishing its necessity.

#### FINANCIAL FRAUD HEARING

Mr. KAUFMAN. Mr. President, I want to bring my colleagues' attention to an important hearing held this past Wednesday by the Judiciary Committee. We have been focused on the economy over the past few weeks, and particularly on the recovery bill that will soon start saving and creating jobs.

But there are more steps we need to take to restart our economy. One step is to renew confidence in our markets, by cracking down on the kind of criminal behavior that has contributed to our current crisis. I am talking about fraud in our financial markets.

On Wednesday, Chairman LEAHY convened a Judiciary Committee hearing on financial fraud. We heard testimony from John Pistole, Deputy Director of the FBI; Rita Glavin, Acting Assistant Attorney General for the Criminal Division; and Neil Barofsky, Special Inspector General for the Troubled Assets Relief Program.

I will ask to include in the RECORD, following my remarks, three articles reporting on the hearing.

Two things became clear at the hearing: First, that the Justice Department's Criminal Division, the FBI and the Special Inspector General are deadly serious about finding and prosecuting financial fraud.

FBI Deputy Director Pistole told the committee that the agency is investigating 530 open corporate fraud investigations, including 38 directly related to the current financial crisis. He said the total number of fraud investigations has nearly doubled, from 881 in fiscal year 2006 to 1,600 in fiscal year 2008.

Second, we learned that Federal law enforcement needs additional resources to do so effectively.

According to Deputy Director Pistole "The increasing mortgage, corporate fraud and financial institution failure case inventory is straining the FBI's limited white collar crime resources."

The FBI's very necessary shift of resources to counterterrorism efforts has had a significant impact on its ability to investigate sophisticated financial crime.

Currently, the FBI has only 240 agents investigating complex financial fraud.

During the savings and loan crisis in the 1980s, the FBI had more than 1,000 agents investigating financial fraud connected to that scandal.

Mr. President, it is clear we need to scale up dramatically the number and training of FBI agents investigating financial fraud, because the financial meltdown of 2008 is much bigger than the savings and loan crisis.

That is why I was proud to join with Chairman LEAHY and Senator GRASSLEY to introduce S.386, the Fraud Enforcement and Recovery Act of 2009.

Mr. President, I look forward to working with Chairman LEAHY and Senator GRASSLEY to pass this important legislation, and I applaud them for their leadership.

Mr. President, I ask unanimous consent to have the three articles to which I referred printed in the RECORD.

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

[From CQ Today, Feb. 11, 2009]

#### SPIKE IN FRAUD INVESTIGATIONS TAXING LAW ENFORCEMENT RESOURCES, OFFICIALS TESTIFY

(By Seth Stern)

More resources are needed to combat financial fraud, which has soared amid the meltdown of financial markets, officials told lawmakers Wednesday.

FBI Deputy Director John Pistole told the Senate Judiciary Committee that the agency is investigating 530 open corporate fraud investigations, including 38 directly related to the current financial crisis. He said the total number of fraud investigations has nearly doubled, from 881 in fiscal 2006 to 1,600 in fiscal 2008.

"The increasing mortgage, corporate fraud and financial institution failure case inventory is straining the FBI's limited white-collar crime resources," Pistole said in his written testimony to the committee.

Others noted that the problem was likely to worsen as criminals target funds from the financial bailout (PL 110-343) and the economic stimulus measure being considered by a House-Senate conference (HR 1).

"We stand on the precipice of the largest infusion of government funds over the shortest period of time in our nation's history," testified Neil M. Barofsky, the special inspector general for the Troubled Assets Relief Program. "Unfortunately, our history teaches us that spending so much money in such a short period of time will inevitably draw those seeking to profit criminally."

Patrick J. Leahy, D-Vt., the Judiciary Committee chairman, and Charles E. Grassley, R-Iowa, have introduced legislation (S 386) to extend federal fraud laws to cover more mortgage lenders and funds expended under the financial bailout and authorize the hiring of additional federal prosecutors and FBI agents.

"If we don't address this head-on, we'll have a hard time chasing taxpayer money," Grassley said.

Pistole said the scale of the potential fraud dwarfs the savings and loan crisis of the 1980s. He said 240 FBI agents are currently involved in investigating mortgage fraud, as opposed to the 1,000 agents and forensic experts who investigated the savings and loan crisis.

"More must be done to protect our country and our economy from those who attempt to enrich themselves," Pistole said.

"We're going to see demands on law enforcement really increase" with the stimulus package and financial bailout, Rita M. Glavin, the acting assistant attorney general of the Justice Department's Criminal Division, told the panel.

[From Newsday, Feb. 12, 2009]

#### RISE IN FRAUD CASES IS "STRAINING" FBI

The economic crisis has sparked an increase in criminal fraud, including an "exponential rise" in mortgage scams that is straining the FBI's resources, a leader of the agency said.

The Federal Bureau of Investigation has more than 1,800 open investigations into mortgage fraud, more than double the number in fiscal 2006, Deputy FBI Director John Pistole told a U.S. Senate hearing yesterday in Washington.

The FBI also has more than 530 open corporate fraud investigations, including 38 linked to the financial crisis, he said.

"The increasing mortgage, corporate fraud and financial institution failure case inventory is straining the FBI's limited white-collar crime resources," Pistole said in prepared testimony.

Yesterday's Senate Judiciary Committee hearing focused on whether there should be beefed-up enforcement to cope with the economic decline. The panel's chairman, Sen. Patrick Leahy (D-Vt.), is pushing legislation to authorize funds to hire fraud prosecutors and investigators. The bill, backed by the Justice Department, also would strengthen financial crime laws.

The 38 corporate cases linked to the financial crisis have the potential to be as complex as that of Enron Corp., which collapsed in 2001. The cases involve companies that "everybody knows about," Pistole said without naming them, and include possible manipulation of financial statements, accounting fraud and insider trading, he said.

The FBI has reassigned some agents from terrorism cases to financial crimes.

The government's \$700-billion Troubled Asset Relief Program and the proposed economic stimulus legislation likely will result in increased criminal activity, Neil Barofsky, special inspector general of the TARP program, said in prepared testimony.