

such, Senator BARRASSO's name should not be listed as a requestor.

Mrs. MURRAY. My colleague and subcommittee ranking member, Senator BOND, is correct. This resulted from a clerical error involving confusion between two different projects in the city of Casper. Senator BARRASSO should not be listed as a sponsor of the Civic Auditorium project.

Mr. BOND. I thank the chair for her assistance in this matter.

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, March 10, tomorrow, after the opening of the Senate, the Senate resume consideration of H.R. 1105; that the remaining amendments be considered, debated, and that after all debate is concluded on the remaining amendments, the Senate then proceed to vote in relation to the amendments in the sequence established under a subsequent order, with 2 minutes of debate equally divided and controlled in the usual fashion prior to a vote in relation to each; and that after the first vote in the sequence, remaining votes be limited to 10 minutes each; that upon the disposition of all remaining amendments, there be 30 minutes of debate prior to a vote on the motion to invoke cloture on H.R. 1105 that will be equally divided and controlled between the leaders or their designees, with the remaining provisions of the order of March 6, 2009, remaining in effect.

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

Mr. REID. What this means is we will tomorrow debate all of the amendments. I think there are seven left. A number of those may not be brought to a vote. After the debate is completed, we will set a time to start voting, and we will go right through the sequence as indicated in the unanimous consent order.

It should work out very well. Everyone has had an opportunity to offer the amendments they want that are on the list.

EXECUTIVE SESSION

NOMINATION OF DAVID W. OGDEN TO BE DEPUTY ATTORNEY GENERAL

Mr. REID. I now move to executive session to consider Calendar No. 21, the nomination of David Ogden to be Deputy Attorney General.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The clerk will report the nomination. The assistant legislative clerk read the nomination of David W. Ogden, of Virginia, to be Deputy Attorney General.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of David W. Ogden, of Virginia, to be Deputy Attorney General.

Harry Reid, Patrick J. Leahy, Sheldon Whitehouse, Richard Durbin, Charles E. Schumer, Ron Wyden, Patty Murray, Amy Klobuchar, Debbie Stabenow, Bernard Sanders, Russell D. Feingold, Benjamin L. Cardin, Dianne Feinstein, Daniel K. Akaka, Herb Kohl, Jon Tester, Edward E. Kaufman.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived.

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

Mr. REID. I regret that we need to file cloture on the nomination of David Ogden to be the Deputy Attorney General.

Mr. Ogden is eminently qualified for this job. He is a graduate of Harvard Law School and clerked on the Supreme Court for Justice Harry Blackmun. During the Clinton Administration, he served as the Assistant Attorney General for the Civil Division and as Chief of Staff to the Attorney General. He is currently a partner in a major Washington law firm.

His nomination was reported favorably by the Judiciary Committee by a vote of 14-5, with 3 Republicans including Ranking Member SPETER supporting him. So there is little doubt cloture will be invoked and he will be confirmed.

As I understand it, the argument of those who oppose him is that he took positions on behalf of law firm clients that some members do not agree with. In my view, that is an unfair basis for opposing a nominee.

In any event, it is unfortunate we could not enter into a unanimous consent agreement to debate the nomination and have a simple up/down vote. President Obama deserves to have his advisors, especially members of his national security team, in place as quickly as possible. If we are forced to file cloture on nominees who are obviously going to be confirmed, we are wasting up valuable time that should be used to address the pressing problems facing the nation.

LEGISLATIVE SESSION

Mr. REID. I now move that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

EXECUTIVE SESSION

NOMINATION OF AUSTAN DEAN GOOLSBEE TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS

Mr. REID. Mr. President, I now move to executive session to consider Cal-

endar No. 15, the nomination of Austan Dean Goolsbee to be a member of the Council of Economic Advisers.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

The clerk will report the nomination.

The assistant legislative clerk read the nomination of Austan Dean Goolsbee, of Illinois, to be a member of the Council of Economic Advisers.

CLOTURE MOTION

Mr. REID. I now send a cloture petition to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Austan Dean Goolsbee, of Illinois, to be a Member of the Council of Economic Advisers.

Harry Reid, Christopher J. Dodd, Patrick J. Leahy, Sherrod Brown, Byron L. Dorgan, Jack Reed, Jeff Merkley, Michael F. Bennet, Charles E. Schumer, Amy Klobuchar, Richard Durbin, Patty Murray, John F. Kerry, Sheldon Whitehouse, Ben Nelson, Jeff Bingaman, Herb Kohl.

Mr. REID. Mr. President, I ask unanimous that the mandatory quorum be waived.

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

LEGISLATIVE SESSION

Mr. REID. Mr. President, I now move that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

EXECUTIVE SESSION

NOMINATION OF CECILIA ELENA ROUSE TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS

Mr. REID. I now move to executive session to consider Calendar No. 16, the nomination of Cecilia Elena Rouse, of California, to be a member of the Council of Economic Advisers.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

The clerk will report the nomination.

The assistant legislative clerk read the nomination of Cecilia Elena Rouse, of California, to be a member of the Council of Economic Advisers.

CLOTURE MOTION

Mr. REID. I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been filed pursuant to rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Cecilia Elena Rouse, of California, to be a Member of the Council of Economic Advisers.

Harry Reid, Christopher J. Dodd, Patrick J. Leahy, Sherrod Brown, Byron L. Dorgan, Jack Reed, Jeff Merkley, Michael F. Bennet, Charles E. Schumer, Amy Klobuchar, Richard Durbin, Patty Murray, John F. Kerry, Sheldon Whitehouse, Ben Nelson, Jeff Bingaman, Herb Kohl.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

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

LEGISLATIVE SESSION

Mr. REID. Mr. President, I now move that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

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

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

MORNING BUSINESS

Mr. DURBIN. 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.

PRESIDENTIAL PROBLEM SOLVING

Mr. ALEXANDER. Mr. President, in the midst of much talk about bipartisanship and not much to show for it, I have a nomination for an issue upon which we can work together, and that is this: review the maze of conflicting forms, FBI investigations, IRS audits, ethics requirements, and financial disclosures to make it possible for President Obama and future Presidents to put together promptly a team to help them solve big problems.

This is an urgent problem today because during the worst banking crisis since the Great Depression, the man in charge of fixing the crisis, Treasury Secretary Timothy Geithner, apparently is sitting in his office without much help, at least from any Obama Presidential appointees.

According to news accounts, among the key vacant positions at the Treasury Department are the Assistant Secretary for Tax Policy; the Deputy Assistant Secretary for Tax Policy; the Deputy Assistant Secretary for Tax

Analysis; the Deputy Assistant Secretary for Tax, Trade, and Tariff Policy; and the Deputy Assistant Secretary for International Tax Affairs. The first choice for Deputy Secretary of the Treasury appears to have withdrawn her name from consideration.

Four months after the President's election, according to TheBigMoney.com, the list of vacancies on the Treasury Department Web site shows that "Main Treasury Building is a lonely place, conjuring up visions of Geithner signing dollar bills one by one . . . , watering the plants, and answering the phones when he's not crafting a bank rescue plan."

Of course, there are the career employees available and at least one hold-over Assistant Secretary and various czars in the White House—but even one of the czars has expressed concern about the slow pace of filling Treasury Department jobs at a critical time.

Part of the problem may be attributed to the Treasury Secretary's boss, our impressive new President, who is nevertheless subject to the criticism that he is living over the store but not minding it.

Presidents have many problems to solve, but no one ever suggested that the wisest course is to try to solve them all at once. There is a tradition that Washington, DC, can only do one thing well at a time. And Presidents are supposed to exclude from the White House the merely important issues so they may deal with the truly Presidential problems, which surely must not include being distracted by debates with radio talk show hosts.

President Eisenhower, who knew something about leading complex organizations, said in 1952: "I will go to Korea." The country relaxed and elected him, confident that the general would end the Korean war.

We need for President Obama to say in Eisenhower fashion "I will fix the banks"—and then stay home long enough to do it. Then the country might relax a little and gain some confidence that this might actually happen, which is the first step and perhaps the main step in economic recovery.

But the President needs a team at Treasury to help persuade the American people that he can and will get the job done.

The President has brought on himself some of the difficulty of putting together a team. In addition to having too many balls in the air at once, in my opinion, his standards for hiring sometimes seem to have the effect of disqualifying people who know something about the problem from being hired to solve the problem.

But another part of the President's difficulty in filling jobs—one that has afflicted every President since Watergate—is the maze of investigations and forms that prospective senior officials must complete and the risk they run that they will be trapped and humiliated and disqualified by an unintentional and relatively harmless mistake.

I voted against the nomination of Secretary Geithner because I thought it was a bad example for the man in charge of collecting the taxes not to have paid them. And I thought his excuse for not paying was not plausible. But that does not mean that we should disqualify every Presidential nominee for minor tax discrepancies that result from the complexity of our Byzantine Tax Code, a Tax Code which has reached 3.7 million words, according to a January report by the National Taxpayer Advocate, and which is badly in need of reform.

I suspect very few Americans with complex tax returns can go through a multiple-year audit without finding something with which the IRS might disagree.

Take the case of former Dallas mayor Ron Kirk, President Obama's nominee to be U.S. Trade Representative, who headlines report paid back taxes primarily because he failed to list as income—and then take a charitable deduction on—speaking fees that he gave away to charity. Common sense suggests, and his tax preparer thought, what Mr. Kirk did was appropriate. After all, he did not keep the money. The IRS apparently has a more convoluted rule for dealing with such things. In any event, the matter is so trivial as to be irrelevant to his suitability to be the trade nominee.

Tax audits are only the beginning. There is the FBI full field investigation during which friends of the nominee are asked such questions as: Does he live beyond his means?

When I was nominated for Education Secretary a few years ago, one of my friends replied to the FBI agent: Don't we all?

There are Federal financial disclosures. Then there is the White House questionnaire, and, of course, the questions from the confirming Senate committee. The definition of what constitutes "income" on some forms is different than the definition of "income" on others. It is easy to make a mistake.

This is not as bad as it could be. We have a Democratic President and a Democratic Congress with big majorities in both Chambers. So the nominees have gone through fairly quickly. But when the Congress is of a different party than the President, the congressional questionnaires expand and sometimes delay the nomination for more weeks.

Washington, DC, has become the only place where you hire a lawyer, an accountant, and an ethics officer before you find a house and put your kid in school.

The motto around here has become: "Innocent until nominated."

Every legal counsel to every President since Nixon would, I suspect, agree that in the name of effective government, this process needs to be changed. Most have tried to change it, but in Washington style, new regulations pile up on top of old ones, creating a more bewildering maze.