

outrageous interest rates for small loans which most of them default on because it is impossible to pay back. They roll over and roll over and finally they cannot pay them. Then they face foreclosures and the kind of seizures of property that many of us are aware of. That, to me, is an outrage.

Years ago, Senator Talent, a Republican from Missouri, heard from the Pentagon that these payday loan operations, those fly-by-night loan operations, were undermining our military because they were parking themselves outside military installations and making these loans. When our men and women in uniform got dragged into them, they became financially insolvent to the point where some had to leave the military, they were so broke.

So we made it a matter of policy across the United States that these predatory lenders could not lend money to military families. We said: As a matter of law and national security, we were going to stop their business with military families. But we did not protect the rest of America, and we should.

Senator HAGAN has an amendment to deal with that. Senator SANDERS of Vermont is going to address the issue of what is a fair interest rate in America. Should there be a limit? I think there should. I do believe there should be. I have my own bill. He has his. Between us, we hope one of them will pass, to establish that at least there is a limit to how much you can be charged in interest on a loan you take out.

This is a critically important bill that is going to come up soon. Senator DODD, of Connecticut, has done a great job. He is the chairman of the Banking Committee. He will be bringing this bill to the floor. So far we have had no Republican support. There have been some indications in the media recently that they are now interested in the bill. We welcome them if they want to come on board and help us pass it.

But if they do not, if they want to stand for these financial institutions, to just say no when it comes to reform and regulation, then that is a debate worth engaging in.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

#### RHODE ISLAND FLOODING

Mr. WHITEHOUSE. I rise to describe the catastrophic flood damage in my home State of Rhode Island and to ask all my colleagues, to appeal to my colleagues, for swift action to deliver to our families and businesses badly needed aid.

Rhode Island saw more rain last month than any month on record: over 16 inches, with over 5 inches of rain falling on March 30 alone. The devastation wrought by these storms exceeds anything in living memory.

Meteorologists who have reviewed this are calling it the most damaging

storm to hit the "Ocean State" since the Great September Gale of 1815, a monstrosity of a storm that tossed ships through the streets of Providence and carried out to sea the shops on Newport's Long Wharf.

Rhode Island's floods of March 2010 could not have come at a worse time. They struck a Rhode Island already weakened by the worst recession we have seen since the Great Depression. Even before the recent flooding, unemployment in our State stood near 13 percent and homelessness was on the rise. We have already experienced 27 months of severe recession. For a year, we have been in the top three States for unemployment.

It is too soon yet to estimate the full economic impact of the March flooding, but it is clear the flooding's economic damage will be prolonged and severe.

The peak storm of March 30 and 31 brought commerce in the entire region to a halt. Route I-95, the main artery that connects the major cities of the New England and Middle Atlantic States, was closed for 2 full days, flooded out, following a surge of the Pawtuxet River.

The river, which has a flood level of 9 feet, crested at its alltime high, almost 21 feet on March 31. It is hard to overstate the importance of this highway to Rhode Island's economy because it is not only a regional artery, but it is the main commuter artery for our home State.

Similarly, Amtrak's Northeast service was closed for 5 days due to flooding of the track in our State.

This next picture shows the Warwick Mall. It is one of the largest shopping centers in the State. It was completely flooded following the unprecedented rainfall of March 30 and 31. You can see the top of a car right up to the hood. You can see the entry is completely flooded. There are thousands of Rhode Islanders who work at the mall, others use the mall, many have kiosks who sell within the mall. Suddenly, with very little warning, they are temporarily unemployed.

I toured this complex with its owner, Aram Garabedian, just after the water had gone down. The water was only about an inch deep when we were there. You could still see—it says "Food Court." You could still, in the food court, some of the flooding was vanilla and some of the flooding was chocolate because of the ice cream stores that had lost their power and melted into the flood.

Mr. Garabedian and his workers are in the middle of a heroic job cleaning up, and they are determined to reopen as soon as possible. But it could be weeks or even months until all those stores are back in business. Those, of course, are weeks and months when families who depend on paychecks from this mall will need to survive on unemployment benefits; unemployment benefits, I might add, with which our friends on the other side are trying to interfere.

Some store owners doubt whether they will be able to reopen at all. I recently held a telephone townhall during which a store owner named Kathleen told me about the damage to her store in the mall which had been in business for 25 years. Her payment counter and her register were destroyed. The drywall in her store was ruined. Little if any of the merchandise or fixtures appear to be salvageable. Kathleen's flood insurance company has claimed that her damage is not covered. She said if she doesn't receive some grant assistance from the government, she will not be able to reopen, after 25 years.

We can see from this picture the scale of hardship that business owners are facing as they begin to clean up their stores. It is difficult to relay in a single speech the extent of the devastation wrought by the floodwaters. Flooding in places where, as I went around the State, the thing I heard more than anything else was: 35 years I have lived here, never even water in the basement, and now look at this.

I wish to take a few more minutes to show some pictures that represent the damage. These were taken as I toured throughout the State in the immediate aftermath of the storms. This is the Natick pumping station which sits near a river bank in west Warwick. It is the sewage treatment plant overwhelmed by the floodwaters and largely submerged. The flooding crippled the station's ability to process sewage and caused essentially all of the untreated waste that would have gone through it to flow out into local waterways. This station was submerged. The Warwick sewage treatment plant was submerged, and Bristol's sewage treatment plant was also inundated. The Warwick treatment plant became really part of the river. It just flowed right through and across it. So for days Rhode Island's floodwaters were contaminated with raw sewage.

On March 30, I visited Glen Rock Reservoir in south Kingstown with town manager Steve Alfred. As we can see, the reservoir has overflowed the banks of this dam and has washed out this section of Old Usquepaugh Road. This is a very typical photograph of the sort of road damage we are going to see from the flooding in Rhode Island. When we have water like that flowing as white water over a road, one can imagine what damage it does to the road. Our infrastructure requirements to rebuild from this are going to be very considerable.

At the height of the rains, Providence Street, a main road in west Warwick, a small, largely working class, great Rhode Island town which was probably, per capita, hardest hit of any of the towns, its main street looked more like a river than a road. This picture shows local emergency workers out rescuing people who had been flooded into their homes and apartments, driving them through the street with a boat and a jet ski. It is not often

that one sees local emergency workers driving down the streets of Rhode Island towns on boats and jet skis, but that is what it took to get the residents out who had been trapped by the unprecedented floodwaters.

The day after the rain subsided, the flooding was still substantial. This is the scene behind a local mechanic's shop on Elmwood Avenue in Cranston. As we can see, the garage building is almost entirely underwater. Nearby I was able to see cars and trailers for this mechanic's shop just under the surface. Later on when the water came down, I could see that under this were cars. The water is right over the roof of the cars and so they are not visible now, but what I thought was an empty parking lot was filled with cars. I went back and saw it later when the waters had gone down.

Here is a different shot of Elmwood Avenue, looking across to an old mill complex filled up through the ground floor. The floodwaters are not only covering the road itself but the entire parking lot and into the mill building itself. The local residents obviously were distraught by this kind of damage. The bridge that is down below this, the Wellington Avenue bridge, thankfully, held against the pressure of the water rushing past and over it. But two other bridges in Coventry and North Providence were so damaged by the flow of the water past and over them, they have been condemned and have to be completely rebuilt.

I went up to Cumberland to visit Mayor Dan McKee and to see some of the damage there. His first responders took us in this boat out to Hope Global, which is a company on the banks of the river. It is the Blackstone River this time, not the Pawtuxet. This river was the cradle of the Industrial Revolution. The famous Slater Mill in Rhode Island, a true spark that lit off America's Industrial Revolution, was a riverside mill that used the rivers for power. Historically, Rhode Island's working waterfront has been a riverfront where mills up and down the Blackstone, up and down the Pawtuxet, up and down other rivers took advantage of water power. Then, as we moved from water power to electric power, they stayed. But they stayed very vulnerable to the rivers. So from Hope Global down to Ashaway Line and Twine Manufacturing Company and Bradford Printing and Finishing, down near Westerly, the riverside businesses in Rhode Island were swamped and flooded.

Now businesses that had existed for generations, that employed many hundreds in each plant, lie submerged and silent and out of work.

One of the things that impressed me during the course of my visit was the resilience and courage shown by Rhode Islanders. We took this picture at the Okonite Company. It was also covered by the floodwaters, but it was nice to see both the American and the Rhode Island flags flying high, notwith-

standing the devastation that surrounded them. This struck me as a fitting example of the perseverance and resilience of Rhode Islanders responding to this crisis. It is often true that trying times bring out the best in people. Certainly this flood brought out the best in many folks in Rhode Island.

Everywhere I have traveled in the days since the floods began, I have seen neighbors helping neighbors, and I have witnessed the extraordinary diligence and courage of the municipal workers, the first responders, the police and fire folks, public works, literally all municipal employees who worked long hours, wet hours, cold hours, tired hours helping their communities.

A couple in Westerly had to evacuate their home in 30 minutes as the floodwaters picked their house up off its foundation. Amazingly, after all they had been through, they were still more concerned for their neighbors than for themselves. They wrote to me:

... as tough as things are for now, we see so many of our neighbors that had no insurance and they lost everything. Many of the people who were renting apartments were given five minutes to evacuate. As we were leaving, we took all of the food from our fridge and were able to distribute it to some of the folks running for cover. Life seems to throw lots of curveballs and you never anticipate when you get up in the morning that you will be homeless by the afternoon but Mother Nature has a mind much her own.

I want to point out that the word on the Rhode Island State flag is "hope." As I look at this picture and see the flag flying high amidst the devastation from the flood below, I am reminded of countless acts of kindness and generosity, indeed hope, which have accompanied the troubling, sad, and difficult events of recent weeks. The flooding has destroyed homes, closed businesses, and ended jobs, but the people of Rhode Island have stood up remarkably well. Spirits are strong. But the job of rebuilding roads, bridges, sewage treatment plants, public facilities, homes, and businesses is a colossal and daunting task for a State 27 months into severe recession.

Now we in Rhode Island need help from the Federal Government to fulfill that hope and to help us rebuild. Just as Congress was quick to respond in the wake of Hurricane Katrina in 2005 and following the flooding in Iowa and North Dakota in 2008 and 2009, I ask my colleagues to work with my senior Senator, JACK REED, and I to bring needed assistance to Rhode Island as quickly as possible.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Madam President, may I be advised when I have spoken for 7 minutes.

The ACTING PRESIDENT pro tempore. Yes.

#### JUDICIAL CONFIRMATION PROCESS

Mr. KYL. Madam President, I rise to talk about the judicial confirmation

process, given the fact that President Obama will soon be nominating someone for the Supreme Court to replace retiring Justice Stevens. There has been a lot written about this subject. It would be useful, at least from my standpoint, to clarify or elucidate how I view this and how I think a lot of my colleagues do on both sides of the aisle.

The question of a filibuster arises. The best way to put into context what folks mean when they talk about judicial activism as potentially bringing about a filibuster is to at least describe what I think about that. All of us in the Senate, whether we have supported a filibuster or not, would agree that all else being equal, it is not something we should do for judicial nominations, especially for a Supreme Court nomination. There has not been a successful filibuster of a Supreme Court nomination, thankfully, despite the fact that the last two nominees—especially the last nominee to the Court by President Bush, there was an attempt to filibuster, and even then-Senator Obama, now President Obama, participated in that attempt.

What would cause Senators to not just vote against a nominee but actually go so far as to try to prevent the nominee from receiving a vote up or down?

There is this concept of extraordinary circumstance that evolved about 4 years ago when the so-called Gang of 14, seven Republicans and seven Democrats, agreed that it would not be appropriate to filibuster a judicial nominee except in extraordinary circumstances. That is where that phrase "extraordinary circumstance" came about.

There are a lot of Members of the Senate who believe one of those extraordinary circumstances could be a situation where a nominee is particularly activist in the sense that it would appear that he or she goes on to the bench with preconceived notions about specific kinds of societal issues or questions that may come before the Court and a bias toward resolving those matters one way or the other, as opposed to simply taking the facts of each case and reading the law to see what the precedents of the Court are, what the statute is, if there is a law involved, and deciding the case on the merits of that specific case irrespective of the judge's views about the question from a political or philosophical standpoint.

There are a couple of recent examples I wanted to bring to the attention of my colleagues which illustrate the kind of activism to which I and some of my colleagues would object.

The chairman of the Judiciary Committee, the Senator from Vermont, was quoted in Politico today as making a statement which I think illustrates the issue well. Senator LEAHY is quoted as saying this, that he thinks one of the questions to the potential nominees is going to be this: "Do you share our concern about the fact that the court