

Judiciary Committee: "I believe him to be an intelligent and highly qualified nominee, who brings to the job not only experience but also demonstrated good judgment and skill. He . . . [has] a temperament that has shown him to be both firm and fair."

James Comey, a former Deputy Attorney General and the former U.S. Attorney in the Southern District of New York, echoed this praise. "In a district with many fine trial judges, he was a star—smart, fair, honest, careful, firm, apolitical, and a brilliant writer. . . . [W]hile always in control of the proceedings, he never lost the sense of humility that allowed him to listen to an argument with an ear toward being convinced and to give all a fair hearing," wrote Mr. Comey.

Judge John S. Martin, appointed by President George H.W. Bush, wrote to emphasize that Judge Chin "is an exceptionally able lawyer" and a "decent and thoughtful individual . . . who has earned the respect of those who have appeared before him."

When Judge Chin is confirmed today, he will become the only active Asian Pacific American judge to serve on a Federal appellate court. He was also the first Asian Pacific American appointed as a U.S. district court judge outside the Ninth Circuit.

I cannot understand the stall of this nomination. It is time that we get to work. Let's move the people who should be moved forward. Let's get on with our job. After all, the American public pays us well to do this job. They pay us to vote yes or no. They don't pay us to vote maybe. With all of these stalls, we are saying we want to vote maybe. Come on, let's have the guts to vote yes or no.

Today I look forward to congratulating Judge Chin and his family on this historic achievement. I commend both Senator SCHUMER and Senator GILLIBRAND for their persistence in supporting this important nomination and bringing this matter to fruition. His confirmation is long overdue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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. LEAHY. Madam President, I ask unanimous consent that the time during the quorum call be charged equally to both sides, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Madam President, I ask unanimous consent that the vote on the confirmation of the nomination of Denny Chin to be a U.S. circuit judge for the Second Circuit occur at 12 noon today, and that the time until then be divided as previously ordered; further, that the other provisions of the previous order remain in effect, and that upon confirmation, the Senate then return to legislative session and proceed to a period of morning business with Senators permitted to speak therein for up to 15 minutes each.

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

Mrs. BOXER. Madam President, I yield the floor, and 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. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

#### FINANCIAL REGULATORY REFORM

Mr. MCCONNELL. Madam President, in the fall of 2008, I reluctantly voted for a bill that sent taxpayer money to Wall Street banks that should have paid for their own mistakes. We were told it was needed in order to avert a global calamity. So I did it. Then I went back to my constituents and vowed: Never again. Never again should taxpayers be on the hook for recklessness on Wall Street, and no financial institution should be considered too big to fail.

So when the financial regulatory bill the majority was about to bring to the floor last week still contained a number of loopholes allowing future bailouts, I raised the alarm. I wasn't about to take Democratic assurances that this bill protected taxpayers. I wanted them to prove it. That is what this debate is all about. It is about proving to my constituents and to the rest of the country that we actually do what we say we are going to do around here because if you haven't noticed, there is a serious trust deficit out there. Public confidence in government is at one of the lowest points in half a century. Nearly 8 in 10 Americans now say they do not trust the government and have little faith it can solve America's ills. And it is no wonder.

Over the past year, the American people have been told again and again that government was doing one thing when it was doing another. Just think about some of the things Americans have been told.

As a Senator, the current President rallied against deficits and debt. He said America has a debt problem and that it was a failure of leadership not to address it. Yet last year, his administration released a budget that doubles the debt in 5 years and triples it in

10. The debt has increased over \$2 trillion since he took office. In February, the Federal Government ran the largest monthly deficit in the history of the United States.

How about the bailouts? The President said he didn't come into office so he could take over companies. But whether or not that is the case, Americans can't help but notice that some people did better than others. When it came to bailing out the car companies, the unions fared a lot better than anyone else.

What about jobs? Last year, the White House rushed a stimulus bill through Congress because it said we needed to create jobs. They said we needed to borrow the \$1 trillion it cost the taxpayers to keep unemployment from rising above 8 percent. Well, more than a year later, unemployment is hovering around 10 percent. All told, we have lost nearly 4 million jobs since the President was sworn in.

Then there was health care. I will leave aside the substance for a moment and just talk about the process. Americans were told the process would be completely transparent, that all the negotiations would be broadcast live on C-SPAN. Instead, they got a partisan back-room deal that was rammed through Congress during a blizzard on Christmas Eve.

This is the context for the debate we are currently in. So it should come as no surprise to anyone that when we are talking about a giant regulatory reform bill, the American people aren't all that inclined to take our word for it when we say it doesn't allow for bailouts or that it will not kill jobs or that it won't enable the administration to pick winners or losers. They have heard all that before, and they have been burned. This time, they want us to prove it.

The first thing they want us to prove is that this bill ends bailouts. That was the one thing this bill was supposed to do, and if this bill didn't do anything else but that, a lot of people would be satisfied. The administration has said it wants to end bailouts. I say to them: Prove it.

Some of us have pointed out concerns that this bill would give the administration the authority to use taxpayer funds to support financial institutions at a time of crisis. Yes, the bill says taxpayers get the money back later, but that sounds awfully familiar. Isn't that exactly what we did with the first bailout fund—a bailout fund Americans were promised would be repaid but which Democrats are now trying to raid in order to pay for everything else under the Sun?

If a future administration thinks there is a crisis that requires using taxpayer funds, then they should have to get permission from the taxpayers first. It is not enough for someone in the administration to say it is so; they need to come to Congress before they write the check. If this bill isn't like the first bailout, prove it.

As I said, we have seen in other bailouts that some are treated better than others. This bill appears to enable the same thing by allowing the FDIC to treat creditors with equal claims differently. If the proponents of this bill think this bill does not allow the administration to pick winners and losers, they need to prove it.

This bill also contains a number of provisions that threaten the ability of small businesses to hire new workers. Other provisions would send jobs overseas. And just this morning, the Wall Street Journal pointed out a provision that would put new regulatory burdens on startup businesses that would make it harder for them to get off the ground. If this bill doesn't create new burdensome regulations that will make it harder for Americans to dig themselves out of this recession, then prove it. Prove it.

Every indication is that the chairman and the ranking member are making progress in their discussions and that this bill will have needed improvements. That is good. Some of the concerns I have just raised are among the topics being discussed. But in the end, Americans are not rooting for some deal. They have asked us for clarity. They are asking us, not for verbal assurances but for concrete proof, because at the end of the day I need to be able to look my constituents in the eye and prove to them that this bill does not allow for any bailouts. I need to prove to them that this bill doesn't treat some favored groups better than others. I need to prove to them that this strengthens the economy, that it doesn't make it worse.

People need to be convinced that we are doing what we are saying we are doing. This time they want proof and, frankly, I don't blame them.

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

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

#### STALLED NOMINATIONS

Mr. DORGAN. Madam President, I know we have a vote scheduled at 12 noon on a nomination. I know that is but 1 of 100 nominations that are on the calendar awaiting action by the Senate. It is probably not very surprising that people do not think much of this place when we cannot get nominations through, we cannot get business done. But people should understand the reason there are 100 nominations waiting on this calendar is because the minority has decided to say no to everything, just to dig in their heels and decide they are not going to cooperate on anything.

This afternoon I will again come to the floor and ask unanimous consent on the nomination of GEN Michael Walsh. I just wanted Senator VITTER

from Louisiana to be aware that I intend to do that again.

Let me say I am going to be back this afternoon to talk about the START treaty and also to talk about financial reform and a couple of issues that are important to me, particularly the issue of too big to fail and the issue of, what I call just gambling on naked credit default swaps. I will talk about both of those this afternoon.

But when I come this afternoon, I am going to ask unanimous consent on the nomination or the promotion of General Walsh. Let me again describe why this is important.

General Walsh is a decorated American soldier, served 30 years in the U.S. Army. He now commands a division of the U.S. Army Corps of Engineers. He has served in wartime. He has served in Iraq. Six months ago, on a bipartisan vote, unanimous vote, the Armed Services Committee decided to promote this general to major general, give this one-star general a second star. And 6 months later, this general has not been promoted. This person with a distinguished Army career has not received his promotion. His promotion has been derailed by one Member of the Senate. That Member has the right to object, and so he has objected to the promotion for this general.

My point has been that the objection to promoting a general with a distinguished wartime record and a distinguished record for 30 years is an objection based on a demand from one Member of the Senate that the Corps of Engineers do something that the Corps of Engineers has already told the Senator it does not have legal authority or legal ability to do.

As I have indicated on two other occasions, I do not come to the floor to criticize another Member by name. I have never done that before by name. But I did tell Senator VITTER from Louisiana that I intended to do that. As a matter of courtesy, I wanted him to know. I think it is wrong. I think it is a horribly bad decision for him to decide that he is going to hold up the promotion of a general who served this country for 30 years because he is demanding certain things for New Orleans and Louisiana the Corps of Engineers says it cannot do and does not have the legal authority to do.

Let me say as the chairman of the subcommittee that funds all of the water issues, and there are plenty of water issues in Louisiana—I know because I have been involved in it—we have sent billions and billions and billions of dollars of the American taxpayers' money to New Orleans and Louisiana in the aftermath of Hurricane Katrina. I am pleased we have done that because they were hit with an unprecedented natural disaster called Hurricane Katrina.

So I was one of those who helped, who helped do some of the lifting to get the money to New Orleans and Louisiana. But our colleague indicated the other day that he is unhappy with the

U.S. Government's response down in Louisiana.

Well, I would simply say to the folks in New Orleans and Louisiana: You know what life would be like were this money and were the Corps not down there with the billions of dollars that have now been spent. I think it is important to understand the value of that cooperation and the value of that partnership.

I understand there are some things about which people disagree. One of the issues raised by my colleague is an issue of the pumping stations down there. There is a disagreement about how they should proceed. He is demanding they proceed with a study in the manner that he determines it should proceed. My point is, the Appropriations Committee has already voted against that and said: We will not do it. No. 1, it costs more; and, No. 2, it provides less flood protection. So we are not going to do that.

To demand that be done, which the Corps does not have the authority to do at this point, and as leverage for that demand to hold up for 6 months the promotion of a distinguished soldier who has served in wartime, I think, is unbelievable.

So this afternoon I will come again and ask unanimous consent once again that this soldier get the promotion that he is owed and deserves. Senator JOHN MCCAIN, Senator CARL LEVIN, the ranking member and the chairman of the Armed Services Committee, both support this promotion. The entire Armed Services Committee voted for it unanimously, and yet 6 months later this soldier is not promoted.

I can understand people using a lot of leverage around here for various things. I have used some leverage myself on certain things. But I do not understand someone using the career of a soldier to make demands that cannot possibly be met. If he continues to do that for 6 or 16 months, the situation will be the same as it is now because the Corps of Engineers cannot do what the Senator from Louisiana is demanding they do.

It is simply, in my judgment, using this soldier's career as a pawn. That is terribly unfair to any uniformed soldier who serves this country, especially a soldier who has gone to war for this country. So this is fair notice that I will ask unanimous consent. I assume it will be somewhere in the 4 or 5 o'clock range today. My expectation is that the Senator from Louisiana will be on the Senate floor at that point. My hope is he would not object.

Finally, at long last, my hope is that he will allow the Senate to do the right thing and give this soldier's career and this soldier's promotion the due that it is owed by this Senate.

As I said, I am going to come back later today. I want to talk at some length about the START treaty, which I think is very important. I was in Moscow, Russia, within the last week and a half taking a look at global