

There is no enforcement mechanism built into the rule. They are just saying: Make us follow the rule. You can't make us, so we are not going to follow it. We know it is a rule—we voted for it, and it passed with enormous bipartisan support. It is a rule of the Senate, but we just choose not to follow it because we get too much advantage out of secret holds. Senate rules don't really apply to us unless you can make us follow them.

That is a sad place for the Senate to be, if that is where we are on this issue. But there are only two alternatives. The other one is that they still have holds, but it is not a hold by the same Senator who had the hold when the unanimous consent was asked for and, therefore, he has, under the rule, relinquished his hold. But what he has done is gone and found another Senator and gotten that other Senator to take up the hold for him. That has been called a couple of things on the Senate floor. It has been called the hold switcheroo.

For those of us who are prosecutors, it looks a lot like money laundering. It is hold laundering. The person who has the real principal and interest with the hold has gotten someone else to aid and abet their scheme to interrupt the process of nominations and to violate the rules by taking on the hold for them and allowing them to dodge the rule. That is not a great way of doing business either.

So whether we have a direct and outright willful violation of the Senate rules—massive violation of the Senate rules—or a scheme to hold-laundry—to get people to aid and abet you in your secret hold and dodge the rule that way—neither is a great situation. So we need to fix the rules so this cannot continue. But it is a sad reflection on the use of the secret hold that we are in a circumstance now where the only two possible sets of facts are those two. It just plain isn't right.

If you are here as a Senator, you should follow the rules of the Senate. If you are not prepared to do that, find something else to do. There are plenty of people who would love to serve here. To find another Senator to put a sham hold in to protect your hold so that you can dodge this rule is, frankly, unscrupulous. That is something that, if you could figure out who it was and you could get them in front of a jury and make that case, oh boy. But we don't have the enforcement mechanism. So we have to continue.

But let me tell you who I was going to be asking for. There are two judges for the Fourth Circuit, Albert Diaz and James Wynn. They are a Republican and a Democrat. They are paired for appointment. They cleared the Judiciary Committee with only one opposing vote. One was unanimous and the other was everybody but one. They have been on the calendar now for weeks, and I would like to ask unanimous consent, but I am informed that because there are no Senate Republicans in Washington I am unable to do that right

now. But they have been on the calendar for many weeks and there is no reason for them not to be confirmed.

The following judicial candidates, or nominees for a judgeship, are also pending: Jon E. DeGuilo to be a U.S. district judge for the Northern District of Indiana; Audrey Goldstein Fleissig to be a U.S. district judge for the Eastern District of Missouri; Lucy Haeran Koh to be a U.S. district judge for the Northern District of California; Tanya Walton Pratt to be a U.S. district judge for the Southern District of Indiana; Jane E. Magnus-Stinson to be a U.S. district judge for the Southern District of Indiana; Brian Anthony Jackson to be a U.S. district judge for the Middle District of Louisiana; Elizabeth Erny Foote to be a U.S. district judge for the Western District of Louisiana; Mark A. Goldsmith to be a U.S. district judge for the Eastern District of Michigan; Marc T. Treadwill to be a U.S. district judge for the Middle District of Georgia; Josephine Staton Tucker to be a U.S. district judge for the Central District of California; Gary Scott Feinerman to be a U.S. district judge for the Northern District of Illinois; and Sharon Johnson Coleman to be a U.S. district judge for the Northern District of Illinois.

All of these candidates are waiting. They are on the calendar, all pending, all cleared with either unanimous or very strong votes out of the Judiciary Committee, and all blocked. Yet I believe all are supported by Republican Senators from their home States. These are all district judges.

This is a judge who sits in a local district within a State. These are not people who are setting national policy. These are people who are handling local trials, local motions practice, local Federal court litigation.

If you have the support of your two home Senators, and if you have cleared the Judiciary Committee, that ought to be pretty simple. That ought to be pretty simple. But they are being held, and they are being held for a reason. They are being held because, if the Republicans can force the Democrats to burn floor time, it takes floor time away from the work we need to do to rebuild our economy. It takes floor time away from the work we need to do to clean up Wall Street. It takes floor time away from the bills we need to pass to fund our troops overseas. It takes floor time away from our ability to do the work of governing. It is obstruction, pure and simple.

Because there are only so many hours in a day, there are only so many days in a week, and only so many weeks in a month, it is a zero sum game. You take time and make us spend it on these judges, and it is time we can't spend on floor work on the necessary legislation we have to get through. That is why we see these strange votes where we have cloture demanded and all that procedure; and then when the vote is finally taken we have 98 to 0 or where we have had 100

to 0. Why go through all that trouble when we end on a vote of 98 to 0 or 100 to 0? It is because there are ulterior motives. It is to burn the floor time of the Senate and to give the leader less and less time to accomplish the things that we need to accomplish.

So I can go through many other names, but I will not do that now. I will await the return of a Republican Member of the Senate to Washington so that somebody can be on the floor of the Senate to either object or not object to these nominees. I would hope at this point that we will find they do not object. That would be consistent with the rule.

If they have been on the calendar this long, if they have had their unanimous consent objected to, if the 6 days have run and if nobody has come up and actually said they have a hold on that person, then a unanimous consent ought to pass. Under the rule, a unanimous consent ought to pass. If it doesn't, it is a sign that they are either flatout violating the rule or that they have done this hold laundering scheme with a colleague to dodge out from under the rule. I think neither is credible and we need to work our way through this process. So on the next possible occasion, I will be doing that.

I thank the Presiding Officer for his courtesy and his time. I yield the floor, and 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. WHITEHOUSE. Mr. President, 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. WHITEHOUSE. Mr. President, 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.

MOTHER'S DAY

Mr. BYRD. Mr. President, this Sunday, May 9, is Mothers Day in the United States.

Many European nations have long observed "Mothering Sundays," which are also part of the liturgical calendar in several Christian denominations. Catholics observe Laetare Sunday, the fourth Sunday in Lent, in honor of the Virgin Mary and the "mother" church. Some historians believe the tradition of sending flowers on Mothers Day grew out of the practice of allowing children who worked in large houses that day off to visit their families. The children would pick wildflowers to take to their mothers on their way home for the visit. The ancient Greeks celebrated the Vernal Equinox with a springtime festival devoted to Cybele,

a mother of many Greek gods. The ancient Romans dedicated the March holiday Matronalia to Juno, mother of the gods, and gave gifts to mothers on that day.

In the United States, the origins of Mothers Day are rooted deep in the West Virginia hills. Anna Jarvis, the daughter of Ann Maria Reeves Jarvis, was born in Webster, WV, on May 1, 1864. Her family moved to Grafton during her childhood. On May 12, 1907, 2 years after her mother's death, Anna Jarvis held a memorial service to honor her mother's memory. From that small event began Anna Jarvis' eventually successful campaign to institute "Mothers Day" as a recognized U.S. holiday.

Today, the International Mother's Day Shrine, located in Grafton, continues to commemorate Anna Jarvis' accomplishment. Yet there are mothers who will not receive cards or flowers, or enjoy a Mothers Day brunch with their husbands and children. In Montcoal, WV, there are 29 families who are grieving the loss of sons, husbands, brothers, and friends. The Nation grieves with them, but that is little comfort for those mothers who will wake on the second Sunday in May to quiet houses and silent phones. Mothers Day holds little comfort for the wives and mothers who must now get on with raising children and paying bills alone following this tragic event.

Mothers Day is a lonely day as well for the "Gold Star" mothers, wives and families of soldiers lost to battle in Iraq and Afghanistan. First used in World War I, service flags—a blue star on a white background, surrounded by a red border—are hung to signify that the family has a loved one overseas in harm's way. Should the awful news arrive that their loved one had lost his or her life, a gold star replaces the blue star, signaling the supreme sacrifice that has been made.

Miners' mothers and soldiers' mothers, as well as the mothers of anyone facing dangerous working conditions on a daily basis, know well the constant stress and tension of having a dearly loved child in harm's way. Every day is a long, silent, chanting prayer: "Please, God, keep my child safe and bring him home to me."

Tragedy reminds us just how much mothers care, and how much their children mean to them. This Mothers Day, we once again have an opportunity to thank our mothers for that loving care, and to thank all mothers for the great generosity of spirit that marks a caring mother.

TIMES SQUARE BOMBING ATTEMPT

Mr. REID. Mr. President, last weekend's close call is a wake-up call. The attempt to bomb New York City's Times Square should remind us both of the vigilance we must maintain to keep Americans safe, and the triviality of political fingerpointing.

I first want to once again thank the men and women who helped avert disaster—and saved untold lives—in one of America's most iconic and crowded spaces. The system in place appears to be working as designed: improved aviation security measures helped authorities apprehend the subject as he attempted to flee, and the suspect is now reportedly providing valuable information that could help disrupt and prevent future attacks. I am confident he and anyone else who contributed to this atrocious act will be held to account.

But I have been disappointed that some have tried to politicize this attempted attack on our homeland. Let's use this opportunity to pursue justice and make sure our law enforcement, military, and intelligence services have every tool they need to do their jobs. Let's also be sure we examine what worked and didn't so we can improve the system. But let's not mistake it as an opportunity to score political points or make baseless accusations that do nothing to ensure our citizens' safety.

A thwarted terrorist attack in the heart of our Nation's most populous city reminds us that we have enough real enemies—we need not be our own.

Let's also put this latest incident in context: It follows a successful series of steps the administration has taken to protect us here at home.

We have disrupted numerous terrorism plots and prosecuted dozens of terrorist suspects, including the ring-leader of a plan to bomb New York City's subway system last year. Attorney General Holder called that plot "one of the most serious terrorist threats to our nation since September 11th, 2001." That attack never happened; we cannot know how many lives were saved, and our country is safer because of this administration's swift and smart leadership.

Our Nation is also prosecuting David Headley, who is accused of plotting with the Pakistani terrorist organization Lashkar-e-Taiba to launch the devastating terrorist attacks in Mumbai in 2008, as well as to carry out other plots in South Asia and Europe. Attorney General Holder has credited the criminal justice system for achieving both a guilty plea and valuable intelligence about terrorist activities from Headley.

And earlier this year, the FBI disrupted an international network of extremists operating through the Internet to plot attacks, raise funding for terrorism and recruit new terrorists. Two Americans—Colleen LaRose and Jamie Paulin-Ramirez, also known as Jihad Jane and Jihad Jamie—were arrested along with six foreign co-conspirators. The two Americans will soon be tried in Federal court.

That's not all. We have also enhanced intelligence sharing, strengthened aviation security and boosted human-intelligence collection capabilities. We have fully implemented the 9/11 Commission's recommendations. And we

have significantly increased funding for the FBI, the Defense Department, the Department of Homeland Security and the intelligence community.

At the same time, we're keeping Americans safer at home by taking the fight to terrorists abroad. In recent months we have helped kill or capture the most wanted terrorist leaders across Iraq, southeast Asia, Africa and the Afghanistan-Pakistan region. We have disrupted al-Qaida's operations, finances and safe havens, and killed or captured more than half of its top 20 leaders. It is widely agreed that al-Qaida is the weakest it has been since 9/11.

We have also begun to reverse the Taliban's momentum in Afghanistan, in part by tripling the number of U.S. troops there. And we have strengthened our partnership with Pakistan, empowering it to mount major offensives against terrorists within its borders.

I am praising the administration's vigilance not because the President is a Democrat. I am praising it because it is, by any objective measure, successful. America is as prepared as ever to defend against any threat, domestic or foreign.

If, as this past weekend showed us, private citizens, street vendors, law enforcement and intelligence officials can work together in everyone's best interest, I would expect U.S. Senators to be able to do the same.

COMMENDING CONGRESSMAN DAVID OBEY

Mr. FEINGOLD. Mr. President, we recently learned that DAVID OBEY, one of the longest serving Members of the other body, a friend, and a fellow member of the Wisconsin delegation, has decided to retire. To come here and try to sum up his record and accomplishments isn't easy to do; Congressman OBEY has achieved so much for Wisconsin, and for this Nation. He has been the dean of the Wisconsin delegation, the chairman of the House Appropriations Committee, and a national leader on many issues affecting hard-working families.

Congressman OBEY understood the concerns of the people of the 7th District of Wisconsin, and he has been their champion for more than 40 years. He and I are both so fortunate to represent this beautiful swath of Wisconsin's north woods, including the magnificent Apostle Islands. In fact, Congressman OBEY and I worked together to protect the Apostles, designating almost 80 percent of the Apostles as federally protected wilderness.

That was just one of many ways that Congressman OBEY and I worked together. Recently, we were also proud to come together to honor our friend, the late Gaylord Nelson, on the 40th anniversary of Earth Day. And through the years, I have had the chance to work with Congressman OBEY in areas where he has shown tremendous leadership,