

As far as I know, and I have seen no evidence to the contrary, her instructions were followed. They were separated. I have seen no evidence to the contrary. So I hope our debate and what I have been able to say and put in the record will put to rest any concerns colleagues may have about Mrs. Smith's honesty and her integrity.

Her honesty and her integrity are unassailable. Is she infallible? Never makes a mistake? Well, I do not know of any living human being who can say that. But does she recognize and correct it? Absolutely—as we all do. Well, again, honesty and integrity, unassailable in her performance as commissioner of labor in the State of New York.

Again, I will point out, this pilot project was a \$6,000 pilot project. She was in charge of running an agency with an \$11 billion, that is spelled with a B, \$11 billion budget; 4,000 employees across the State of New York. This was a \$6,000 pilot project. We have to kind of keep that in perspective as to how high it was on her viewing screen.

Well, quite frankly, I think this whole delay from last April would have been avoided if more of my colleagues on the other side had taken the time to sit down with Patricia Smith, talk with her, and hear her side of the story.

I also think it would have been avoided if you read all the letters of support from business groups in New York, from the attorneys, the district attorneys in New York representing all different political parties and ideologies. All these attorneys are saying she does a great job—if they had just looked at her record.

Well, I did. I looked at her record. I have spoken with her. I have read the transcripts. I have looked at the background of all this. I can say, with confidence, never did she have any intention of misleading the committee. Why? This was a perfectly legal, above-the-board project. Why would you want to mislead anybody about it? She had every intention of dedicating her life to be the best and most effective Solicitor of Labor she can possibly be.

Our Nation is very fortunate to have public servants of this caliber. I mean, you look at this. I have no doubt Patricia Smith, with her legal skills, managerial skills in the private sector, can be making a lot of money. I have no doubt. But she has chosen a different career path—to be a public servant, a public servant, dedicating her life to helping people for whom there is not a lot of government help. No one is sticking up for them, people at the bottom end of the ladder.

To me, this is one of the highest callings I think anyone can do in our society, is to be that kind of a public servant. So I think our Nation is very fortunate to have this kind of a person in Patricia Smith for this critical position. I look forward to her swift confirmation.

I would hope we would not have to drag out 30 hours, but it seems the Re-

publicans are intent on wasting time. There is nothing happening here. Anyone can see that. Anybody watching on C-SPAN can see nothing is happening here and we just waste time. We can have the vote now. We could have the vote in 20 minutes. Nothing would change. But we have the 30 hours. I guess we have to waste it. But I wanted to take this time, again, to set the record straight one more time on Patricia Smith, her integrity, her honesty, her exemplary background, and the fact that she is going to be an outstanding Solicitor for the Department of Labor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

NOMINATION OF M. PATRICIA SMITH TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized as in morning business for 15 minutes.

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

NORTHERN UGANDA

Mr. INHOFE. Mr. President, last week I came to the floor to talk about an issue that has kind of been drowned out by a lot of other things that are going on, other conflicts and disasters around the world. This is having to do with northern Uganda. It is something I have been on the floor talking about for several years now, and I have had occasion to be there several times.

For over two decades, a guy named Joseph Kony has led what they call the LRA, the Lord's Resistance Army, in violence all throughout northern Uganda, in that whole Great Lakes Region of east and central Africa. They have killed tens of thousands—little kids—displacing over 1 million, and terrorizing and kidnapping over 30,000 little kids, forcing them to fight. It is this child soldier thing a lot of people are aware of, but not nearly enough people are aware of it.

With all the problems there are in Africa—people are more concerned about Zimbabwe. They hear about that. They

have heard about Somalia, Sudan. Everyone knows about that. But nobody says anything about the Lord's Resistance Army and what they have been doing in that area of Africa for 25 years.

I have been there. I have been all the way up there to Gulu in northern Uganda. Let me share the problem that exists up there.

This madman, kind of a spiritual leader, by the name of Joseph Kony has taken advantage of all the unrest and the disasters by going into villages and kidnapping, taking young people and training them to be soldiers. We are talking about little kids, little boys. They are from 11 to 14 years old. Once they train them to be soldiers, they actually give them AK-47s. I do not have my chart now, but I have pictures of that. They train them to be soldiers, and then they have to go back to their villages and murder their parents and their siblings. If they do not do that, then they will dismember them. They will cut their noses off, cut their ears off, cut their lips off.

This has been going on for a long period of time. Quite frankly, I have gotten to know President Museveni in Uganda quite well, President Kagame in Rwanda, and President Kabila in Congo, and all of them agree that we need to do something about this monster Joseph Kony. It happens that two of the three Presidents I mentioned—President Museveni from Uganda and President Kagame from Rwanda—are Presidents who have really come to power in the bush. They are warriors. These are people who really are reluctant to admit they cannot go after one guy and get him. Well, they have finally all gotten together.

What we are trying to do—well, we have already introduced it; the author of the bill is Senator FEINGOLD of Wisconsin—is to go after these people, and this bill provides about \$35 million to help these kids who have been brutalized, as well as to give whatever assistance we have to give to these different countries in order to bring this guy to justice.

During one of the trips I made up to northern Uganda, to Gulu, I ran into three young men. They are college-age types—Bobby Bailey, Lauren Poole, and Jason Russell. They have started a documentary on Joseph Kony. They have gone around to universities, and we now have thousands—tens of thousands—of young people who are rallying around this thing, trying to get us to do something as a nation. These young people have become very effective.

This week, this Senate has an opportunity to act in unison to shine the light on this forgotten place and to begin to bring relief to these children.

The Great Lakes Region in Africa has suffered from years of devastating fighting between tribes, and as a result the area is home to massive numbers of displaced people who are vulnerable to this type of treatment. So those are

the conditions that allow Joseph Kony and his LRA rebels to thrive. Kony preys on the weak. He gets little kids who cannot defend themselves. He gets young girls. He sells them to be sex slaves and these kids to become murderers.

In December of 2008, the Government of Uganda, Southern Sudan, and the DRC—that is the Democratic Republic of the Congo—launched a coordinated offensive against the LRA. It was called Operation Lightning Thunder. During the operation, over 300 rebels were killed, over 40 were captured, and more than 500 kids who were abducted were rescued. So we are making some headway in doing this.

According to estimates by the U.N., between September of 2008 and June of 2009, the LRA killed over 1,300 civilians, abducted 1,400 more boys and girls, and displaced nearly 300,000 others.

I know something about this because I took the time to go to—you hear a lot about western Congo—Kinshasa and the problems there. This is eastern Congo that butts up against Rwanda and then, further north, Uganda.

In going to Goma, we thought that was where Joseph Kony was at the time. We thought we had an effort that could get him, but we barely missed him. He went north on a tirade, after that, going up toward Sudan and murdered thousands of people during that short period of time. It averages out, he murders or mutilates about three kids a day. That is why this is important. We can get this guy. We cannot do it if we just try the way we have tried it before because it has not worked and it is not going to work.

Well, anyway, we have watched this take place. It is spreading now to other areas. I would anticipate before too long, if left unchecked, it would go not just to the Central African Republic but also maybe back into Sudan and maybe even Ethiopia. So it is very serious.

In 2009, a total of 186 people were killed by the LRA just in Southern Sudan. One survivor describes his experience and the murders of his family at the hands of the LRA. This is a quote. This is actually what this person said:

We were eating dinner outside of our hut when several LRA—

That is the Lord's Resistance Army—rebels appeared and told us in broken Lingala—

This is their local language—to get inside of our hut. They looted our food, locked us inside our hut and burned it. There were 10 of us; my whole family was inside. When I realized they were burning us alive, I started to push against the door, forcing it open. One rebel standing outside of the door tried to hit me with a heavy club but I dodged it and ran in the bush. They shot after me but missed. Apparently they shot or hit everyone else in my family who tried to come out. Except for one other person, everyone else was burned alive.

This is the type of thing we have documented that has been happening for a long period of time.

What we are trying to do with this—as I mentioned before, the cost is not great. This, by the way, is not any appropriation. This is an authorization bill, to authorize probably what the CBO says is about \$28 million to get this done. It is not offset. When the bill first came out, it was offset by a reduction in certain types of military expenditures. I disagreed with that, so it is not offset at this time. But of all the efforts out there right now, this is something that absolutely has to happen.

Just by contrast, we had a bill, the other African bill, just a couple years ago, called the PEPFAR bill. That was one that actually had about \$35 billion—much larger than this—and it sailed right through. So I would say, if we were willing to do that, we ought to be willing to do this.

By the way, we have a lot of cosponsors now. I do believe we are going to be successful in getting this bill passed, and I will be bringing this up, I am guessing, probably either Wednesday or Thursday.

So with that, I will yield the floor and hope that any of the other Members of this body who are not already a cosponsor to this bill—it is S. 1067—we would like to get a few more cosponsors on here if at all possible.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. GILLIBRAND. Mr. President, I rise in support of the nomination of Patricia Smith for Solicitor of the Department of Labor. Commissioner Smith is a dynamic and effective leader with over 30 years of experience in labor law, and I am very proud to support her nomination.

She has exhibited exceptional leadership during her 10 years as New York's Labor Commissioner. In this capacity, she managed 3,700 employees in 80 offices and oversaw an annual budget of \$11 billion.

In response to the current economic climate, Ms. Smith executed critical programs to reduce the impact of layoffs. She also implemented career training to assist individuals in entering high demand fields. Additionally, she has enhanced labor law enforcement in order to safeguard workers and reward responsible employers.

Commissioner Smith fully embodies the integrity and the diligence this position demands and has a wealth of experience, making her well qualified to enforce critical issues such as workplace safety and health, fair wages, equal employment opportunity, veterans protection, and retirement and health benefits.

Prior to her term as labor commissioner, she served as Chief of the Labor Bureau in the New York Attorney General's Office for 8 years. In that capacity, she established a method of labor law enforcement that other attorneys general and enforcement agencies have used as a model. She was an innovative leader here, increasing efficiency and effectiveness of the bureau by developing ethics standards, targeting enforcement efforts on an industrywide basis, and strategically focusing on workers.

Commissioner Smith's nomination, which has been pending since April, was reported with the unanimous support of all committee Democrats. Additionally, she has the enthusiastic support of labor groups, women's groups, and worker advocates. A number of prominent business organizations have also endorsed Commissioner Smith, including the Business Council of New York State, the Manufacturing Association of Central New York, the Partnership for New York, the Long Island Forum for Technology, and the Plattsburgh North Country Chamber of Commerce.

Commissioner Smith has endured a rigorous vetting process and has made herself available to answer over 50 questions from our friends from the other side of the aisle and met with all interested Senators.

I urge my colleagues to move quickly to confirm Patricia Smith for Solicitor for the Department of Labor.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The 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 (Mrs. GILLIBRAND). Without objection, it is so ordered.

CONTINENTAL CONNECTION FLIGHT 3407

Mr. DORGAN. Madam President, we are approaching the 1-year anniversary of the fatal crash of Continental Connection flight 3407 in Buffalo, NY, and today the National Transportation Safety Board is actually holding a public meeting to consider the final report they are making on that crash.

I think almost everyone has heard the tragic story of that crash last February 12. Two pilots, two flight attendants, 45 passengers on that airplane, and 1 person on the ground lost their lives. This flight was operated by Colgan Air. The plane was a Bombardier Dash 8-Q400 operated by a captain and a copilot, both of whom had commuted long distances to get to work to make that flight, both of whom had been found to have very little rest before that flight.

The copilot revealed her inexperience in the cockpit recording that I listened

to—inexperience in flying in icy conditions—in the transcript of the voice recordings. The captain failed a number of tests in his career as a pilot. The NTSB is now considering 45 findings and conclusions at a public meeting as I speak.

This morning the NTSB members said the plane and the flight crew were properly certified, and the plane was in good condition before takeoff. They also said the ice buildup that night flying into Buffalo was typical and did not affect the ability of the flight crew to fly the airplane. So while we are waiting for the final conclusions of the National Transportation Safety Board, the members of that board spoke about crew training, pilot fatigue, and pilot error as reasons for the crash.

These are the issues I have been holding some hearings on this past year. The NTSB is going to make recommendations to the FAA. We already know that when they make recommendations, the appropriate agencies don't always pay attention to those recommendations. For example, pilot fatigue has continually been on the National Transportation Safety Board's most wanted list for 19 years; that is, most wanted list of safety recommendations. Let me say that again. For 19 straight years, the National Transportation Safety Board has said "pilot fatigue" is on the most wanted safety recommendations list. Yet no one has been listening. Nobody seemed to ring the bell on those issues.

I have held seven hearings on safety in the aviation subcommittee that I chair in this Congress. We have heard from the FAA, the NTSB, pilots, regional airlines, major carriers, and safety experts. We have heard especially from the families who lost their loved ones in that fatal crash, that tragic crash in Buffalo, NY.

Let me be quick to say, we have had, fortunately, reasonably few airline crashes in this country in recent years. It is, generally, a very safe way to travel. But there isn't room for error with respect to these commercially airplane flights. I am going to be holding followup hearings with Senator ROCKEFELLER and others in the Commerce Committee with respect to the NTSB recommendations. We are supposed to have what is called "one level of safety." The NTSB said, in the middle of the 1990s, there is one level of safety for commercial airplane flights in this country. The big, major trunk carriers that are national and international and the regional carriers shall have one level of safety. But it is the case that regional airlines often employ pilots with much less experience, much lower pay, which forces difficult conditions.

In many cases, when you get on a small airplane for a regional flight, you see a crew with obviously much less experience. There are questions, from time to time, raised about the training—questions raised in this investigation, as a matter of fact. We know there are a lot of factors that play into

this one level of safety. But I think most people believe that one level of safety standard, at this point, doesn't quite measure up. That is the reason we will examine the recommendations from the NTSB as a result of this crash.

At the time of the crash outside Buffalo, NY, Colgan Air didn't have a remedial training program for pilots. The captain of the flight had failed numerous performance checks over the course of his career and would have made an excellent candidate for remedial training. I know the FAA has been working on the industry to try to get them to do this for a long while. If the traveling public ever begins to have very significant concerns about safety on a commercial airline flight, it will be devastating to that industry. So safety must not just be a perception. Safety on commercial airlines, whether they be the major trunk carriers or regional airlines, has to be something everybody takes seriously and that the American people believe is taken seriously.

I wish to show you a chart that shows something that common sense would tell you doesn't work. This chart shows where Colgan Air pilots were commuting to. You will see they were commuting to Newark, their base of operations. On that fateful flight going into Buffalo, NY, the copilot flew all night long from her home in Seattle, WA, I believe deadheaded on a FedEx plane, stopped in Memphis, TN, changed planes, and got to Newark Airport. After flying all night long, she is now ready to take an airplane on its flight. There is no record of evidence of that copilot having a crash pad or someplace to find a bed and sleep. That is the copilot.

The pilot, on the other hand, came from Florida to Newark Airport. There is no evidence, outside of being in the crew lounge at the airport, that the pilot had a bed in which to sleep or that he had rest. So you have a pilot and a copilot who get on that airplane to take, in this case, those 45 passengers on that airplane on its flight to Buffalo, NY. On that flight, ice built up on the wings, and there is what is called a stick shaker on that airplane. There was rapid shaking of the control stick, which would have said to the pilot you must put the nose down in order to gain additional speed. The pilot didn't put the nose down but pulled the nose up, as I understand it, which is apparently a training issue as well. So you have a pilot and copilot traveling across the country all night long just to get to their duty station, and things happened in the cockpit. In the transcript, the copilot said she had very little experience flying in icing. Both the pilot and copilot lost their lives.

I take no joy in reciting what happened in that cockpit. Their loss of life was a tragedy for their families as well. My point is simply this: What happened here—by the way, I believe five

out of the most recent seven airline crashes in our country have been on commuter carriers. This, it seems to me, raises a series of questions that must be addressed—and now I believe will be addressed in recommendations from the NTSB by the FAA, dealing with the issue of fatigue. Who is flying the planes? Are they getting proper rest? It deals with the issue of compensation. Is it the case that you get on a small jet and know that the copilot is making \$18,000 a year or \$20,000 a year, doing two jobs and flying across the country at night in order to get into an airplane cockpit? Does that give you confidence? The fact is, all these issues are now coming to the forefront—not just of this crash but other circumstances as well—and that requires the FAA to take a hard look at what happened.

At one of my hearings, I showed a Wall Street Journal article, in which Mr. Wychor, an 18-year veteran pilot described the routine commuter flights with short layovers in the middle of the night. He said:

Take a shower, brush your teeth, and pretend you slept.

That is not what you want in the cockpit of an airplane.

A 737 pilot flying to Denver said this, and this is an NBC News quote:

I have been doing everything in my power to stay awake—coffee, gum, candy. But as we entered one of the most critical phases of the flight, I had been up for 20 straight hours.

That is an issue with me. It is one we have to address. I think all thoughtful people in that industry—and I have great admiration for people in the airplane industry. They do a great job. They understand we have to address these issues of fatigue, training, and compensation. That is just the fact.

All I wished to do today was to say the National Transportation Safety Board, I think, does a great job investigating accidents. The family members of the victims of that flight that crashed in Buffalo, NY, have been extraordinary. They have come to every single hearing held on Capitol Hill. They are witnessing, on behalf of their brothers and sisters and wives and children, saying: I don't want Congress or the FAA to let up. We want you to address these issues. That crash didn't have to happen. Our loved ones did not have to die. That is their message.

I say to them: You are doing exactly the right thing. What you are doing—showing up here at all these hearings and keeping the pressure on the Congress and, yes, on the FAA—will save lives. You will not know their names, but you are saving lives. Good for you.

CLOTURE MOTIONS

Madam President, the issue of cloture motions sounds like a foreign language to a lot of people. If you are back home someplace and are getting up in the morning and struggling to get to work and putting in a full day and trying to make enough money to raise your family and get along in life, you

don't know about cloture motions or the 2-day ripening or 30 hours postcloture. That sounds foreign to almost everybody.

This is a graph of cloture motions in Congress. In the 1950s, there were two cloture motions filed in the entire decade. What does cloture mean? If you decide in this body—and you are the most junior Member of this body, you are the last one elected, you are the 100th in seniority and you sit back by the candy door because that is the last desk—I guess we should not talk about a candy drawer, perhaps, but you sit way back in the corner and you are No. 100 in the Senate. Once you are on your feet and recognized by the Presiding Officer, nobody else can take the floor from you—not the majority leader, not the most senior Member of the Senate. The floor is yours and you can speak until you are physically and mentally exhausted. That is the way the rules are; it is the way the Senate works. Washington described the Senate as a saucer that cools the coffee. You pour the coffee into the saucer and it cools. The Senate isn't supposed to work quickly or efficiently. It is supposed to slow things down, take a better look at it, and have more evaluation and ask: Does this make sense for the country?

That is the way the Senate was created. It is hard to get things done. But it is near impossible to get things done these days because of something called a filibuster and cloture motions.

I wish to provide some interesting statistics. This could not happen and wouldn't happen in any city council in America. There is no city council in America where this sort of thing could happen, no matter what the rules were, because they would be laughed out of town. We have people blocking bills they support. Can you imagine that? If you were on the city council and your business was to block things you support and your neighbor said: What are you doing, are you nuts? No, I am blocking things I support because it has a strategy attached to it. What is the strategy, they would say.

Here is the situation: In 2009 and 2010, it is projected we will have 146 cloture motions to shut off debate in this Congress. Let me describe what we are involved with next. We are on one now, by the way. We are now in what is called 30 hours postcloture. We had a nomination that should have been approved in 5 minutes. Those who want to vote against the nomination should vote no. But we could not do that. Instead, those who oppose the nomination for the Solicitor for the Department of Labor, a nomination—instead of having an up-or-down vote, during which those who don't like this nominee should vote no, they said you cannot even have a vote. You have to file a cloture motion and then wait for 2 days and then have a vote and see if you get 60. If you get 60, after you get the 60, we are going to insist you bleed off 30 more hours because the rules allow us to do that. Only then can you

have a vote. That is where we are now. We had a cloture vote. It prevailed. Now we are waiting for 30 hours to elapse so nothing can be done during the 30 hours. It is just stalling. So then the 30 hours is done, and we will vote on this. Then we will go to the next nomination. So this week we will do two nominations, both of which should have taken 5 minutes, if people of goodwill worked together and decided: Here is the agenda; let's bring up these candidates for a vote. And if you like the candidate vote yes; if you don't, vote no.

So the next one is going to be Martha Johnson, GSA Administrator. By the way, this one has been objected to, and it has waited for 7 months. So 7 months ago this President nominated Martha Johnson to be GSA Administrator. April 3, 2009, was her nomination. June 8, the nomination passed through the Senate Homeland Security and Governmental Affairs Committee unanimously. So this nomination was voted on unanimously and approved by the committee, and that was June 8. Here it is February of the year following, and we now are going to get to vote on this nomination that passed the committee unanimously, but not until we are able to shut off a filibuster and then have 30 hours postcloture. It is the most unbelievable thing in the world.

Is this person qualified? Yes, absolutely. She served as the head of GSA during the Clinton administration and is hailed by former and current GSA employees as the "golden heir of GSA." She was the chief of staff back during the Clinton administration. She would be a vast improvement, by the way, over the previous head of the GSA, the previous head of the GSA—and I spoke about her on the floor of the Senate—Lurita Doan.

On April 29, 2008, the Office of Special Counsel for the United States asked that she be disciplined to the full extent for the most pernicious of political activity prohibited by the Hatch Act. She then submitted her resignation, in accordance with that request by the White House. She had been accused of providing no-bid contracts to friends with whom she had extensive personal and business relationships. She and a deputy in Karl Rove's office at the White House had joined in a video conference with 40 regional GSA Administrators after a PowerPoint on polling about the 2006 election, and she said: "How can we help our candidates?" This is a nonpolitical office—heading the GSA—in our country.

This person got drummed out of office—and should have gotten drummed out of office—and resigned under pressure. So here is someone who is fully qualified and it is 7, 8 months later and we are finally going to get to have a vote, but only if we go through the motion of filing a cloture petition to end a filibuster. That is unbelievable to me.

Let me give some other examples of what is happening. Here is a bill that

was filibustered—the credit card holders bill of rights. There is a filibuster against that by the other side, the Republicans. They filibuster everything—everything. So the credit card holders bill of rights, they went through a filibuster, delayed, and after the delay it passed 90 to 5. Obviously, we had a bunch of folks who said: I am going to lay down on the track until it is inconvenient for everybody, and then I will get up and vote for it.

We have people blocking things they support. You would get laughed out of town in any town in this country if you tried that on the city council.

The Department of Defense appropriations—filibuster. Had to go through the motion of filing—2 days, 30 hours—and then it passed 88 to 10. So, obviously, we had a bunch of folks on the other side who decided they were going to block something they supported, kind of a curious strategy.

The Energy and Water appropriations bill—that was my bill that I chaired—went through filibuster, cloture, and in the end 80 people voted yes. The Fraud Enforcement and Recovery Act was filibustered by the Republicans. Then when it was finally voted upon, after they had delayed it, 92 of them voted yes. Again, we see people blocking things they support. Only in the United States Congress, I guess.

Unemployment compensation extension was the subject of a filibuster, and then 98 people voted yes. People blocking things they support. What a curious thing.

I mean, what do you tell your children if they ask: What was your role, Dad or Mom?

My role was to slow things down. I just wanted to sort of spread glue around the Senate. Not that we don't think it is slow enough the way it is, we want to slow it down even further.

The fact is, people send men and women of goodwill to this Chamber. One of the things I have learned in many years in this Chamber is that almost every desk is occupied by someone who has pretty unique and interesting and special skills to get here. In almost every case, there are people here with very substantial skills. But they are not sent here with an agenda that says: You know what I would like you to do? I would like you to block everything and then vote for it in the end. That is not a message that comes from any State that I am aware of. They are sent here to try to do good things for this country. All of us are. We might have a disagreement about what that means and how to do it, but there shouldn't be any disagreement about these kinds of things.

In the middle of the deepest recession since the Great Depression, seven of this President's high-level nominees for the Treasury Department are not yet confirmed—seven of them. How do you justify that? How do you justify deciding, in the middle of the deepest recession since the 1930s, that you are

going to prevent the U.S. Treasury Department from having a full complement of people who can think through and work through trying to put this country back on track; who can restart the economic engine and put people back to work again? How do you justify deciding we shouldn't have a full complement of people to do that?

We had a fully qualified Surgeon General who was nominated, and that Surgeon General nominee was blocked. And this was after the H1N1 flu had been declared a major health threat. Think of that. That nominee was blocked even after we had a major health threat. We had the Ambassador of Iraq—obviously an important position—blocked during a time of war just when we most needed to resolve some political issues there.

One single Senator on the other side held up the nomination of the Deputy U.S. Trade Representative for 9 months—9 months that was held up—to try to force that U.S. Trade Representative's Office to file a complaint against Canada on some issue. I don't have the foggiest idea what that issue was, but I will tell you this: I would never, and have never, held up a nomination for 9 months in order to try to force something that I insist should happen. That is not the way the Senate is supposed to work.

One Senator on the other side blocked a highly qualified nominee to be Assistant Under Secretary for the Western Hemisphere at the State Department, and it had to do with our relationship with Hugo Chavez, which left us without the person who was supposed to be responsible for coordinating our response to the difficulty in Honduras last year. One Senator held up that nomination on and on and on.

Again, the fact is, as I said, this is called the great debating body, the most exclusive club in the world, and all of those descriptions. But this is not the way it is supposed to work. We have some models of how it is supposed to work. In the old days—and when I say the old days, I mean some decades ago—people would get together and decide what is the major challenge facing our country and how do we work together to find a way to resolve it; not who gets the credit or who gets the blame, but what is needed to be done to fix what is wrong in America. That is the way the Senate used to work. Regrettably, these days, it does not.

Our country rests on the precipice of a very significant cliff. We are still not out of this financial and economic crisis, although I think there has been some stability and we have, hopefully, found some foundation. But at a time when we most need cooperation, we see almost none—almost none. It doesn't. Just read the record: An estimated 146 cloture petitions are filed to shut off filibusters, and on issue after issue after issue we have the minority in this Chamber blocking things they ultimately vote for. How do you explain that—I was against it before I was for it?

Madam President, this country deserves and expects a whole lot better. This country is going through tough times. While I speak here, and while my colleagues are objecting to proceeding on anything—while we are in a 30-hour period where nothing is happening on the floor of the Senate—nothing—a whole lot of people are out looking for work. They are stopping by business after business with their resume, and thinking: Can I find a way? Can I please find a way to get on a payroll and get a job to help my family?

There are a whole lot of folks who need a job, need some hope, need to keep their house, who are struggling. They deserve a lot better from this Congress. The last thing they deserve is a Congress that decides its mission in life is to stop things from happening. The mission for every Senator ought to be to get up in the morning and reach out and see how we can work together to get the best ideas of what both parties have to offer this country. That is happening far too seldom in this Chamber.

It is not my habit to come to the Senate floor to be critical of the Republican side of the Senate. I don't do that often, but I see what is happening. We are sitting here today—and this is a good example of it—for 30 hours doing nothing. Why? Is it because there is nothing to do? No. It is because the other side insists on cloture, insists on the 2 days, then insists on the 30 hours. So what they will have done this week is insist that we will only be able to confirm two Presidential nominees—one is a Solicitor General in the Labor Department and the second is to head the GSA. That is what we will get done this week. That should have been done in 5 minutes, having a vote on those nominations. If you don't like the nominee, vote no; if you like the nominee, vote yes. Dispose of the nominations.

In my judgment, this system is broken, and it can't be 1 person or 10 people who fix it. It has to be 100 people with reasonably goodwill who want to make good things happen for the future of this country.

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

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

THE TAX CODE

Mr. DORGAN. Madam President, on Wednesday of last week the President gave his State of the Union Address and talked about a lot of issues. One of the issues he mentioned that is especially important to me is one I have worked on for some long while here in the Senate, and that is changing the Tax Code to begin cutting out and getting rid of the tax break that is offered

to companies that shut their American factories and move their jobs overseas. It is strange to most people to hear, but we actually have in the American Tax Code a reward for companies that would say: You know what I should do? What I want to do is shut down my American factory, I want to fire my American workers, I want to move those jobs to China and hire somebody for 50 cents an hour. By the way, if they do that, they actually get a tax break in this country. They get rewarded by the American tax system for moving American jobs to other countries.

That is an unbelievably ignorant and pernicious part of our Tax Code and needs to be changed. I have offered amendment after amendment here on the floor of the Senate on it, and the President in his State of the Union Address last week indicated he believed we needed to do this and do it soon. I could not agree more.

We are talking about jobs a lot in this Congress. We have had some discussions today about jobs again. Senator DURBIN and I have worked to put together a jobs package that would try to stimulate and incentivize more jobs, especially small and medium-size businesses to be able to hire people and have the incentive to put people on payrolls. We are working on all of that.

Senator BAUCUS and certainly Senator REID and others have been working together with us to put together a jobs initiative. Even as we try to find a way to create more jobs in our country, we still have this backdoor approach in the Tax Code that rewards people for moving jobs outside of our country. Most of us believe what we want to do is see more of those signs that say "Made in the USA." Made in the USA means there is a job someplace here, particularly in a factory that is producing something, that is putting somebody to work to be able to make a living, to provide for their family. No special program is as important as a good job that pays well.

I have both written a book about this issue of moving jobs overseas and I have spoken on the floor so many times people have either nearly or completely gotten tired of it. But the stories are legend of what has happened in recent years. All of the little things we know and have expected to be American made—almost all of those things are gone. Radio Flyer Little Red Wagon—we have all ridden in it. It was a 110-year-old company in this country. They made those wagons for kids in America, made in Illinois. Not anymore. All those Radio Flyer Little Red Wagons are made in China.

Huffy Bicycles—all those people in Ohio lost their jobs. They were all fired and all those bicycles are now made in China. In the book I wrote I told the story about the last day at work at Huffy Bicycles in Ohio and those workers. As they left their parking lot, they left an empty pair of shoes in the space where their car was parked. It was a

way for them to say to that company, the Huffy Bicycle Company: You can move our jobs if you want, but you are not going to be able to effectively replace us. Those shoes, in an empty parking space in a big parking lot in Ohio when all those people lost their jobs, were a symbol of what is wrong.

A little company made something called Etch A Sketch. Every kid used an Etch A Sketch. It was also made in Ohio. Not anymore. It is now made in China. The list goes on and on, those American products that are gone in search of 50-cent labor and higher profits.

The people who make these products—Radio Flyer Little Red Wagons or Huffy Bicycles or Etch A Sketch or, yes, even airplanes—the people who make these products ask the question, What is wrong with my work? The answer is nothing is wrong with your work. You just can't compete with somebody who makes 50 cents an hour.

The second question is, Should I have to compete with somebody who makes 50 cents an hour? The answer to that is no, you should not. This country needs a vibrant manufacturing base and it needs to fix this unbelievable tax provision that says if you move your jobs overseas, we will give you a tax break.

In order to remain with a manufacturing base in this country, we need to reward the production of things in this country. "Made in the USA" should not be a distant memory. "Made in the USA" ought to be something applied to things made here that we are proud of.

The Senator from Washington State is here. She is going to speak in a moment. I will not be long.

But in every circumstance in this area of trade and the movement of jobs, other countries take advantage of us because we allow them to. For example, airplanes—Washington State makes some great airplanes in the Boeing Company manufacturing plants. A country such as China that has an unbelievable trade deficit with us, over \$200 billion a year, says to us: If you want China to buy your planes you have to build most of it in China. It doesn't make any sense to me. If we are buying all those products from China in this country when we have something they need, they ought to buy American products to be shipped to China, not say to us you must move your product to be produced in China.

It is going on all the time and this country doesn't have the backbone or nerve or will to deal with it. What we ought to say to other countries is we are going to hold up a mirror and you treat us as we treat you.

If I might make one additional comment on automobile trade. Our automobile industry has been in a very serious problem. We came close to losing our automobile industry in this country, which is so important for our manufacturing capability. This country has a trade agreement with China, with whom we have a \$200-plus billion a year deficit in trade. We have a trade agree-

ment with China that says to the Chinese—who are, by the way, ramping up a very large automobile export industry and you will see Chinese cars on the streets of America very soon—we say to China: If you ship Chinese cars to the United States of America you will have a 2.5-percent tariff attached to those cars. But the agreement also says if we ship American cars to be sold in China, they may impose a 25-percent tariff. We have an agreement with the Chinese that says we will give you a 10-to-1 advantage on tariffs in bilateral automobile trade. That is a recipe for undermining America's manufacturing and economic strength and it goes on all the time. Frankly, I am sick and tired of it. One piece of it is something the President talked about last week and that is let's at least cut out this unbelievably ignorant and pernicious provision that says: You move your jobs overseas and we will give you a big tax reward. We will cut your taxes if you move your jobs overseas.

I say to the President: Good for you. Help us shut that provision down. Let's have "Made in America" be something we see more and more frequently these days.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank the Senator from North Dakota for his passion on this issue. I would add one other issue within this, which is that we have to be training our workforce for the coming years with those skills to make those things in America—whether it is airplanes in my State or cars in the Midwest or South, or whether it is the widgets he talked about. We are losing people today in this country who have those basic skills—welding, electricians, those kinds of skills that are basic to these industries. As we move into this coming year and look into our budget and look at our education policy—and we will be talking about the President's education policy on the committee on which I sit—we have to make sure we are going down into our middle schools and high schools and making sure our kids have career pathways that help fill these skilled manufacturing jobs we want to have here in this country. I thank the Senator for his words.

I am here this afternoon to rise again in support of President Obama's nominee to serve as Solicitor of Labor, Patricia Smith. I have to tell everyone I am very confident she is the right person for this critical job. The work she is going to do to protect our workers is more important than ever before.

American workers are facing an incredible challenge today. We all know that. They are struggling with record unemployment, a devastating economic crisis. Today more than ever they need and they deserve strong leaders in the Department of Labor who are passionate about public service and committed to being there to fight for them. The Department of Labor is this

agency with a name that sounds bureaucratic, but it is important because that agency is charged with a very critical mission in our Nation's government. Its role is to foster and promote the welfare of America's workers by improving their working conditions, by advancing their opportunities for profitable employment, by protecting workers' retirement and health care benefits and helping employers find workers who are skilled in the jobs provided and strengthen free collective bargaining.

I believe during these challenging economic times it is absolutely critical that the Department has leadership within that Department to make those goals a reality. I was very pleased when I heard President Obama nominate such a strong candidate for the position of Solicitor of Labor.

Ms. Patricia Smith, as the Presiding Officer knows, is Commissioner of the New York State Department of Labor. She has been there since 2007. She is cochair of the New York State Economic Security sub-cabinet and she oversees today 3,700 employees in 80 offices with an annual budget of \$4 billion.

For the previous 20 years, Tricia worked in the Labor Bureau of the New York Attorney General's Office and she served on the Obama administration's transition review team for the Department of Labor.

I have received many letters of support for Patricia Smith from people who admire her work, from people she has worked with, and from workers she has helped. I want to take a couple of minutes this afternoon to read some excerpts from those letters because I believe they demonstrate Patricia's broad support and why she should be confirmed by the Senate.

One letter I received was a letter of support from the CEO of the Plattsburgh, NY, Chamber of Commerce, who knows Tricia well. He said:

Patricia Smith has been an outstanding partner as Commissioner of the New York State Labor Department and will be an outstanding Solicitor for the U.S. Labor Department. We strongly encourage her earliest possible confirmation by the Senate.

I heard from the United States Women's Chamber of Commerce. They wrote to me and said:

After learning of Ms. Smith's qualifications, her expertise and the laws she has worked to uphold, I can clearly see that she is someone who would work with conviction to enforce the laws of the United States of America. Additionally, I am impressed with her out-of-the-box thinking in creating programs that will keep jobs. We especially need these attributes in these times of economic challenge.

That is from the United States Women's Chamber of Commerce.

I also received a letter from a group of professors and scholars of labor and employment law and labor relations, from over 50 scholars of highly respected institutions, institutions such as Georgetown University Law Center, Columbia Law, Thomas Jefferson

School of Law, Yale Law, and Cornell University School of Industrial and Labor Relations. They wrote to me and urged speedy confirmation saying that Tricia has:

consistently demonstrated the highest integrity and commitment to ethical standards. She is experienced, intelligent, thoughtful and energetic. We believe this is exactly what the U.S. Department of Labor needs in a Solicitor. Once confirmed, she will be among the best Solicitors of Labor the Department has known.

I would tell my colleagues that her support transcends party lines. Former New York Attorney General Dennis Vacco, who is a Republican, had this to say about his former employee:

Patricia Smith has proven herself as one of the foremost experts in the nation in the realm of labor law, which is why President Obama saw fit to nominate her. . . . She was an asset to the New York Attorney General's office and I am confident . . . she will be an asset to the Department of Labor.

Tricia Smith has bipartisan support. As Chair of the Subcommittee on Employment and Workplace Safety, I know the challenges American workers are facing today. I know they deserve a Solicitor of Labor such as Tricia who is going to fight every single day to protect them. When she is confirmed as the Department's top legal counsel, she is going to have the profound responsibility of enforcing more than 180 Federal laws and managing more than 450 attorneys nationwide. She is going to be responsible for defending the Department in litigation, as well as providing legal advice and guidance on nearly every policy, legislative, regulatory, and enforcement initiative of the Department. But, most importantly, she is going to be responsible for defending the rights of workers when they are not able to speak for themselves. Tricia has a big job ahead of her, but we need to act now to allow her to get started. We owe it to our country's workers to have a confirmed Solicitor of Labor in place.

I have had a number of conversations with Tricia myself, and I am confident she is highly qualified, and she is eager to get to work. So I will be voting, hopefully later this afternoon or soon thereafter, to confirm Tricia Smith. I come to the floor this afternoon to urge my colleagues to do so as well.

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. KAUFMAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KAUFMAN. I ask unanimous consent to speak in morning business for up to 7 minutes.

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

IN PRAISE OF JEREMY TEELA, SHAUNA ROHBOCK, AND HEATH CALHOUN

Mr. KAUFMAN. Madam President, I rise today to speak once more about America's great Federal employees.

Next week, in Vancouver, the 21st Olympic winter games will begin amid great fanfare and high hopes. Every four years, the world's top athletes in skiing, skating, hockey, and several other winter sports compete to win medals and to win hearts.

Olympic athletes push themselves to their limits not only to win personal or team glory but also to represent their nations on the world stage. A ticket to the Olympics is purchased with years of arduous training and a commitment to personal integrity and athletic fairness.

The values of Olympians are those of perseverance, integrity, teamwork, and national service.

If this list of values sounds so familiar to many Americans, this is because they are the same values that motivate those Federal employees who serve our Nation in civilian roles and in the military branches.

This week, in honor of the upcoming winter games, I have chosen to highlight three incredible American Olympians. They share these values, and all three of them chose to serve our Nation in the U.S. Army.

Jeremy Teela is an infantry sergeant. Originally from Anchorage, AK, Jeremy joined the Army in 1997. In addition to serving in the infantry, he participates in the Army's World Class Athlete Program. Jeremy is one of America's best in the sport of biathlon.

Biathlon is a grueling race that begins with cross-country skiing and ends with precision rifle shooting. Jeremy is a seven-time national champion, and he was a member of the U.S. Olympic team in the 2002 Salt Lake games and the 2006 games in Torino. Jeremy will once again be competing in the biathlon at this year's games in Vancouver. Last year, at the 2009 Whistler World Cup, which took place at the same venue, he won a bronze medal—the first American to medal in biathlon in 17 years.

Joining Jeremy in Vancouver will be SGT Shauna Rohbock of the Army National Guard. She is one of America's champion bobsled drivers. A native of Orem, UT, Shauna enlisted in 2000. Around that time, she began training in bobsled in the hopes of making it to the Olympics in Salt Lake City, just 40 miles from her hometown. While she didn't make it to those games, Shauna made it to Torino 4 years later. There, she won the silver medal in Women's bobsled.

Comparing the teamwork required to succeed in the Army to the kind necessary in Olympic bobsledding, Shauna said recently: "Just like any team or platoon, you're only as good as your weakest person. It takes two people to push the sled in a race. Bobsled drivers can't do this alone." This month Shauna will return to compete with Team USA in Vancouver.

The Olympics are not the only games taking place in Vancouver this season. Following the Olympics will be the 2010 Paralympic winter games. There, the world's best athletes with physical disabilities will compete in several winter sports.

Among those vying for a medal is retired Army SSG Heath Calhoun. Heath grew up in Bristol, TN, and joined the Army in 1999. In doing so, he followed a family tradition—his grandfather fought in World War II, and his father served in Vietnam. Heath trained at Fort Benning, GA, and was deployed to Iraq with the 101st Airborne Division.

While on patrol in Iraq, his convoy was fired upon with a rocket-propelled grenade, and Heath lost both legs above the knee. After months of recovery at Walter Reed, he was losing hope that he would ever walk again. But with the help of the Wounded Warrior Project, Heath became an advocate for other soldier-amputees.

Determined to regain his mobility, Heath began training with special prosthetic legs and computerized knees. Soon he was able not only to walk but also to run, golf, and drive an unmodified car.

In 2008, Heath began training for the Vancouver Paralympic Games in the sport of adaptive skiing. He has been training in Aspen, CO, and won gold in last year's Super-G National Championships in Men's sit-ski. He will be headed to Vancouver in a few weeks to compete for medals there as well.

All three of these inspirational soldiers are not only Army strong they are Olympic strong. The values that called them to the Army teamwork, perseverance, integrity, and service are the same ones that drive them toward Olympic glory. It is the same set of values that calls other Americans to serve in the Navy, Marines, Air Force, Coast Guard, and civilian careers in Federal Government.

We have such talented citizens who are Federal employees, and whether they are Nobel laureates or Army sergeants, whether they work behind a desk or a spacesuit, they all share the common bond of having chosen—let me repeat that—chosen to give back to the country we all love.

This is the case with all of the great Federal employees I have honored from this desk so far and for those whose stories I have not yet shared or will not be able to during my brief term.

Shauna Rohbock put it best when she said: "I feel it's a great honor to be able to represent my country as a soldier and an athlete."

All Federal employees, military and civilian, athletes and non-athletes alike, represent us well.

I hope my colleagues will join me in saluting Jeremy Teela, Shauna Rohbock, and Heath Calhoun and offering them and their fellow American Olympians our support in the pursuit of victory in Vancouver.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

NOMINATION OF JUDGE JOSEPH GREENAWAY

Mr. LAUTENBERG. Mr. President, I think it is important we respond to the public discourse and concern about what it is we do here to accomplish what is in the public interest. We know that for some time now there has been obstructionism to moving ahead with the people's business, that the price obtained for obstructionism is political gain. But, like any other transaction, when you do that—when we take the time and the energy devoted toward trying to move ahead and do not move ahead—the price that is paid for this by the American public. It is apparent that our friends on the other side have decided they would rather sacrifice the people's need for action on critical issues for their party's political gain.

We have seen delay, diversion, parliamentary gimmicks, wasted time, and a throwaway of huge resources to distort and distract us from accomplishing better lives for American families. Republicans have used stalling tactics such as the filibuster over 100 times since the start of this Congress just over 1 year ago. The problem is, the victims of these delay-and-destroy tactics are people who need to get back to work, have affordable health care, better education, and other essentials for decent living.

The victims are also well-qualified nominees for high government positions who seek to serve in order to carry America forward—nominees to fill an appeals court position, such as Judge Joseph Greenaway from my State of New Jersey.

Joseph Greenaway is a well-qualified judge who has served on the Federal bench in New Jersey for over a decade. He has been nominated by President Obama for a seat on the Third Circuit Court of Appeals. He brings exceptional credentials and experience that are second to none. But his nomination has been blocked without any criticism of his education, experience, or merit.

This wonderful example of America at its best came from a modest-income family. He has great academic credentials, excelling at Columbia University and Harvard Law School. He brings a rare blend of experience, clerking for a Federal judge, serving as an assistant U.S. attorney in Newark in 1985, and then working in private practice. He distinguished himself prosecuting bank fraud and white-collar criminals before rising through the ranks to become chief of the Narcotics Division. He moved on to serve as a U.S. district court judge in New Jersey. In that position, he has built up a wealth of experience, presiding over more than 4,000 cases in his courtroom.

He has received numerous honors and awards recognizing his work, among them, the Earl Warren Legal Scholar, Thurgood Marshall College Fund Award of Excellence, Garden State Bar Association Distinguished Jurist Award—the list goes on—Columbia University Medal of Excellence, chair emeritus of the Columbia College Black Alumni Council.

Judge Greenaway has spent his career protecting the people of the State of New Jersey. Despite his critical bench responsibilities, he has always found time to give back to the community. He teaches criminal trial practice classes at Cardozo Law School and courses about the Supreme Court there and at Columbia University.

Judge Greenaway will be an outstanding addition to the bench. The American Bar Association rated him “unanimously well qualified” for this position. That is why he was passed unanimously out of the Judiciary Committee. Not one Republican on that committee dissented. There was not one vote against him. Yet Judge Greenaway has been sidelined for over 4 months, waiting for a vote on the Senate floor, despite the need to fill that position. Every time we try to schedule a vote, Republicans have objected.

I am pleased to note there has been consent to go to a vote on Monday evening. The wait has been long. It has been tortuous. There can't be any understanding of why. With all the wonderful accolades Judge Greenaway has had for his work, his experiences, his climb to the position he has had, what could be objected to? I say, if he is not acceptable in our colleagues' eyes, speak up. Vote against him. Show the American people why this educated, brilliant legal scholar is not fit to serve.

Obstructionism last year led to the lowest number of judicial confirmations in more than 50 years. It is time for this to end, and it doesn't end with a vote on Judge Greenaway. There are lots of positions that have yet to be filled. I wish to say to those who hear this or understand otherwise what is going on, this man, people like him, and our country deserve better.

When a confirmation is blocked, it is not just one judge who suffers. The whole system suffers under the weight of vacancies in the judiciary. The American people suffer with longer waits for justice in overburdened courts.

The Third Circuit Court has a vacancy that needs to be filled. It is time for our friends—Republican Senators who I know love their country—to stop obstructing things, when we have well-qualified nominees, and allow the Senate to confirm them without further delay.

When we have objections that are purposeful, come to the floor, explain why, and explain it honestly and frankly in front of the American people. But to hide behind objections reminds me

of what we used to call people who refused to serve: conscientious objectors. That says something in that phrase. I heard it often in America when I was in uniform as a soldier. Conscientious objectors, people who objected because they have a conscience. If that is the case, and if we relate that to the current condition here, then let people who want to object come up and explain why exactly it is they don't want to vote. But, again, I am pleased our Republican colleagues have seen there was no longer any purpose in delay.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I wish to join my colleague from New Jersey and speak for just a few minutes about Judge Greenaway. I had come to the floor in hope and expectation that we could actually go to his nomination this afternoon. I am pleased we will get a vote on Monday but, even still, this process has taken much too long.

This is a nominee for the Third Circuit Court of Appeals who has about as good as it gets in terms of bipartisan support. At the age of 40, he became a U.S. district court judge. Then, he passed by unanimous consent of this Chamber—Republicans and Democrats alike, unanimous consent. Now he passes out of the Judiciary Committee by, again, a unanimous agreement. Yet he has been held up for months on the Senate floor. Why? Simply because you can?

That is not acceptable. It is not acceptable, when I have heard my colleagues on the other side of the aisle for years talk about an up-or-down vote: Give us an up-or-down vote on a nominee, particularly a nominee who is eminently qualified, who is non-controversial by virtue of the fact that he has achieved the ability to be agreed to in terms of his nominations, both past and present, as it relates to the Judiciary Committee without qualification, without objection.

So it is clear that up to this point the obstruction of this nominee is not about what is right for the Nation; it is not about acting in the best interests of an overburdened judicial system; it is not about ideology; it is not even about Judge Greenaway. It is about the politics of obstruction. That is consequential to the judicial system and to our citizens who depend on that system for the administration and delivery of justice. This is more than a nominee; it is everyone who is waiting for their cases on appeal.

I will point out to my friends on the other side that, hopefully, when we go to Monday's vote, we will understand that on countless occasions, they argued for an up-or-down vote, demanding that a simple majority vote on the President's nominees is all that is necessary, a position diametrically opposed to their position today. I recall they went so far as to proclaim that filibusters of the President's nominations, particularly for the court, were

unconstitutional, and they threatened what we call the nuclear option. I ask, again, which is it? Do my friends on the other side believe it is right that filibustering the President's nominees is unconstitutional or is the question what do they believe will work for them at any given moment?

So we are looking for this up-or-down vote. I don't hear arguments of the unconstitutionality of filibusters now, and I submit to my friends you can't have it both ways. I urge my colleagues to—I know there will be a unanimous consent request offered. I suspect it will be approved. If not, I will return to the floor and have more extensive remarks on this issue.

It is time for this nominee to the Third Circuit Court of Appeals to get a vote, up or down. This is an eminently qualified nominee. My colleague from New Jersey, Senator LAUTENBERG, talked a lot about his history. There is even more. This is a superb nominee. If this nominee can be held up for months, I can only imagine what we are in for as we move forward. At least when it comes to nominees of New Jersey or the district in which New Jersey is involved, I intend to come to the floor each and every time. But I look forward to some success here, at least today, and being able to make our system of justice actually work for our citizens and for that we need judges and justices in place.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, are we in a period of morning business?

The PRESIDING OFFICER. No, we are not.

Mr. CHAMBLISS. I ask unanimous consent to speak as in morning business.

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

(The remarks of Mr. CHAMBLISS pertaining to the introduction of S. 2977 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ENZI. Mr. President, since we are technically under 30 hours of debate on the nomination of Patricia Smith to be Solicitor of Labor, I will rise in opposition to that nomination, as I did yesterday. I will elaborate a little on my concerns about the personal privacy violations in a program she created in 2009 called the Wage and Hour Watch.

The Wage and Hour Watch program recruits and trains union organizers and public interest groups to go into businesses with compliance literature and interview employees to discover violations of wage-and-hour law. The State of New York gives participants materials to disseminate and official cards identifying them and their group as being part of the program for when they enter businesses and speak with employers and employees.

As part of this process, union and community organizers were directed to gather personal telephone numbers, ve-

hicle license plates, and home addresses of business owners, as well as details about the employees working there. These are people with 1 day's training and a special card from the government. Labor organizers and community activists were allowed to use this information for their own organizing activities.

State identification cards were provided to individuals from various unions and community organizing groups to investigate businesses—but the State conducted no background checks on those they trained and provided identification cards to. Is this the kind of program we could expect Ms. Smith to federalize if she is confirmed as Solicitor?

Another deep concern to me is how Ms. Smith described the decision not to conduct any vetting or background checks for Wage and Hour participants who could collect this personal information. When Ms. Smith was questioned about this by the HELP Committee last year, she explained that "there is no formal vetting process for the New York State Department of Labor to partner with any entity. . . . The Department did consider the possibility of background checks on the groups but ultimately rejected that idea after inquiring as to whether Neighborhood Watch groups are subjected to background checks. The Department was informed that the groups participating in this more sensitive crime prevention partnership were not subject to a check."

Ms. Smith explains the lack of a background check because the program is modeled after the National Sheriff Association's Neighborhood Watch program. However, unlike Wage and Hour Watch, Neighborhood Watch is purely an observe-and-report program. Calling the police about suspicious activity in a public area is different than investigating the wages and hours of individual employees and recording their personal contact information and investigating OSHA violations.

For all of these reasons, I have grave concerns about Ms. Smith's decision to allow those who may have criminal records or may not be legal residents of the United States to be trained and gather information under the auspices of New York State authority.

These instances reinforce the serious reservations I hold regarding Ms. Smith's judgment, competency, and ability to lead the Solicitor's Office. I urge my colleagues to oppose this nomination for those reasons.

I want to also elaborate on my concerns about her agency's treatment of small businesses.

Ms. Smith's Wage and Hour Watch program specifically targets small- and medium-size businesses, including, for example, supermarkets, laundromats, nail salons, for State-authorized investigations by unions and community groups. Five trade associations representing small- and medium-size businesses wrote to Ms. Smith to question

her agency's decision to target them and launch her program without any input from them. To quote them:

The image painted by the Department of Labor in its January 26 release is of a posse of activists, duly deputized by the weighty imprimatur of the Department, demanding access to any employer in the state whom they have chosen either at random, or by prejudice.

Notably, the program had been launched and in existence for 2 months before she met with the trade associations. The New York Post characterized the program as "vigilante labor justice" targeting small business.

In documents produced to the committee, we also find that there is a culture in the New York State Department of Labor where bureaucrats often feel little responsibility for treating business fairly. For example, when a reporter misquoted Ms. Smith's Deputy and protégé, Terri Gerstein, she responded in an e-mail:

I never have said that any part of our job is to protect employers against employees who abuse their rights. I have been in this field for 15 years, and I have never said anything like that. Employers have attorneys who can play that role. All the workers have is us.

Small business doesn't just run out and hire attorneys, and they are not used to having people come in at random and flash cards and take a look at their business.

In announcing the Wage and Hour Watch program, Ms. Smith stated her opinion of the business community as follows:

And as the economy continues to reel, businesses find any way they can to cut corners. Unfortunately, this is often at the expense of the workers who keep them going. . . . The future is now, it's here, and today the Labor Department expands its field of battle.

I have found that whether it is employees or employers, there is probably about 1 to 1.5 percent that will do the wrong thing no matter what the law is. We have to set up mechanisms to make sure that doesn't happen and that people are properly treated. But to assume they are all going to cut corners and harm employees is the wrong approach. Moreover, according to internal e-mail, the program was designed for "community enforcement" and created by organized labor, allied public interest groups, and her Deputy without any consideration of small business.

There are also questions whether the State honors its commitments to business. Ms. Smith met with the trade associations concerned about Wage and Hour Watch in March 2009—2 months after it started—and personally committed to banning the pilot participants from promoting their individual organizations simultaneously with Wage and Hour Watch activities. The official documents received from New York, however, do not show this agreement was implemented and, in fact, appear to show the Department allowing the groups to continue these activities.

These instances reinforce the serious reservations I hold regarding Ms.

Smith's judgment, competency, and ability to lead the Solicitor's Office—more reasons I oppose her nomination.

Leaving aside the clear inaccuracies of her testimony to the Senate, you will recall that I spoke extensively on that yesterday, where she gave us testimony and then we gave her a chance in written questions to correct her testimony. She did not. So there are also concerns with Commissioner Smith's ability to be a fair arbitrator and enforcer of our Nation's labor laws. In every instance I am aware of, Ms. Smith has shown herself to be a trusted ally of organized labor and even allows them to participate heavily in the formulation of her agency's initiatives.

Indeed, the State of New York's official records show that two of the pilot groups for Wage and Hour Watch, a senior union organizer and a public interest entity financed in part by unions, were heavily involved in developing all aspects of the Wage and Hour Watch program, including participant eligibility, program documents, training, and press strategies.

One of the union's written work plans stated they were going to use Wage and Hour Watch in "all of our organizing campaigns," including those outside their designated area.

Also, a food and commercial worker union's newsletter states plans to specifically investigate "nonunion" groceries as part of the Wage and Hour Watch.

The cochairman of the State's Wage and Hour Watch program is the president of a union.

Several program expansion applicants have as their sole purpose union organizing.

State officials also planned to ensure upstate trade unions would be eligible.

Documents also show the New York Labor Department allows unions to participate in the wage-and-hour law investigations, including interviews of workers with potential claims.

Ms. Smith's interaction with some of the organized labor allied groups goes back to when she headed the labor bureau for then-New York State Attorney General Elliott Spitzer. Records show these same groups teaming up to coerce neutrality agreements and organize business.

With the Wage and Hour Watch program, union organizers now had official State identification cards they could use to enter any business in New York—possibly allowing them to avoid nonsolicitation laws or policies—to gather information on employers and employees. The unions were allowed to contact employees or employers at their homes or at the business as part of "community organizing."

Ms. Smith twice also attempted to alter a longstanding legal position to restrict charter schools for the benefit of organized labor—once while in the Attorney General's Office in 2007 and again when she became Commissioner of Labor. In both instances she was reversed by a court.

Commissioner Smith also maintains a senior executive for outreach solely to organized labor—currently staffed by someone who worked for 23 years for the AFL-CIO in organizing and with the SEIU. Notably, there is no such equivalent role for outreach to small business or nonunion employees.

While I appreciate that organized labor is an important stakeholder in New York, this record of favoritism, including allowing union organizers to participate in State labor law enforcement, strikes me as clearly inappropriate. Indeed, I cannot imagine how my colleagues would react if a Republican nominee in a future administration deputized trade associations to investigate or enforce laws with regard to unions.

As you can tell, I have grave concerns about this nominee because of these actions. But having also learned that she misled the Senate, and then didn't correct her answers when she got the chance, I cannot support her. I urge my colleagues to oppose Ms. Smith.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

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

BUILD AMERICA BONDS

Mr. WYDEN. Mr. President, after holding 20 townhall meetings in my home State of Oregon over the past month, I can certainly report that people are hungry for good economic news, particularly news about job creation growing our economy. Our people want fresh ideas that work, and clearly they are saying, and saying passionately, that it is time to set aside government that doesn't work for them.

That is why I am proud to come to the floor this afternoon and talk about a positive economic development—a development that has far exceeded the projections and the hopes of those who advocated for it—and that is the Build America Bonds program. Build America Bonds works, and it works because it puts our people to work at good-paying, family-wage jobs.

Mr. President, when I started working on Build America Bonds about 6 years ago with a number of colleagues on the other side of the aisle, it was because I believed there was bipartisan support for shoring up our Nation's crumbling infrastructure and, at the same time, getting our economy back to work. It is a fact that investing in infrastructure, dollar for dollar, is one of the best economic multipliers we have in our country, and it is a way to jump-start economic growth.

As communities deal with the recession, I and my colleagues on the other side of the aisle want to give our communities new tools to finance essential construction projects. What Build America Bonds has always been about is not taking any of the tools out of the toolbox we have today, but putting in some additional ones for our communities. Build America Bonds is certainly not a replacement for direct Federal spending on infrastructure, but I think all people who have looked at this subject understand the need is so great for roads and bridges and water systems and schools that we ought to be looking for all cost-effective, efficient ways to fund this essential infrastructure that does have bipartisan support in the Senate.

To report, we thought that maybe getting the Build America Bonds Program off the ground would result in somewhere in the vicinity of \$5 to \$10 billion worth of additional investment in infrastructure. The program was authorized as part of the stimulus legislation. It did not get off the ground until the middle of the next year, and my colleagues and I thought perhaps the \$5 to \$10 billion of Build America Bonds that were authorized would allow us to make the case that when the program expires at the end of this year we could call for its renewal.

When the year wrapped up, the figures showed that almost \$64 billion worth of Build America Bonds had been issued. In fact, a number of independent experts say that Build America Bonds are now the hottest, most attractive vehicle in the municipal bond market.

In my home State of Oregon, it has been proven time and time again that private money follows public investment. People get back to work building a bridge, for example, and all the businesses near the construction site get more activity from the people who need their services. Once the project is finished, private investment follows the public investment. That bridge makes it easier for folks to get to work or take their kids to school, and communities grow.

As I mentioned, this bill has a long bipartisan lineage. Then-Senator Talent joined with me about 6 years ago for this program. The program would have created a Federal tax credit bonding program to fund investment in transportation infrastructure. Since then, our colleague Senator THUNE and four others on both sides of the aisle have joined us to make sure the Senate was on record as saying we can find sensible, commonsense, nonpartisan solutions that address the basic needs this country has to a great extent overlooked.

I have mentioned to date more than \$60 billion worth of these innovative bonds have funded hundreds of projects in 39 States—fixing our roads and bridges, rebuilding our schools, upgrading our utilities. These are projects that have been funded, I advise my

good friend from Delaware, because we had a lot of discussion about exactly what works in infrastructure and what does not.

On top of this \$60 billion of Build America Bonds infrastructure investment, we have seen \$80 billion of direct Federal infrastructure spending that was included in the Recovery Act. So you have a one-two punch now for the first time to mobilize all possible resources to fund infrastructure. You have a significant investment in what is called direct spending. I particularly appreciate what a number of my colleagues on the Appropriations Committee have done in this area, particularly Senator MURRAY, who has championed our cause in the Pacific Northwest with respect to infrastructure. Senator HARKIN, the chairman of the Pensions and Labor Committee, also has done a great job in school construction.

I want it understood that those of us who support Build America Bonds see the bonds as a complement to the outstanding work a number of my colleagues whom I have mentioned are doing. This is not to supplant that kind of direct spending effort but to shore it up, to offer additional assistance, particularly additional assistance when the need is so great.

As our proposal was developed, we had an opportunity to work with Chairman BAUCUS and Senator GRASSLEY, the chair and ranking minority member on the Finance Committee, because we wanted to make sure this effort continued to be bipartisan at every step of the way. I am very grateful that Chairman BAUCUS and Senator GRASSLEY in effect gave us a chance to jumpstart this idea, to get it off the ground.

The reality is, I suggest to my colleague from Delaware, the Federal Government has never bonded in the transportation area. A lot of States and communities wonder if they would even exist without bonds, but the Federal Government had never bonded in the transportation area. We, our bipartisan coalition, believed a tax credit bond could be especially effective. But because Chairman BAUCUS and Senator GRASSLEY were willing to bet on our bipartisan coalition, our coalition that said Build America Bonds are going to be an efficient tool, we saw all the predictions for the success of this program exceeded. The reality of Build America Bonds blew past the predictions like a bullet train. Build America Bonds sold like hotcakes, getting desperately needed funding going into local communities, creating jobs, and helping to strengthen our infrastructure.

As I have suggested, anyone concerned that in some way this bond program would displace current assistance on infrastructure ought to look at the numbers I have cited. Under the Recovery Act, there was \$80 billion for direct Federal infrastructure spending. It has been spent on infrastructure or will be spent within the next year. And Build America Bonds were sold on top of that assistance.

Here are some examples of Build America Bonds quickly putting folks to work. In Oregon's Dayton school district, they used Build America Bonds to employ up to 150 people building and remodeling classrooms. By using Build America Bonds, the school district saved an estimated \$1.2 million in interest costs. It is a small school district. Those kinds of savings make a difference.

Communities in Wisconsin have also used Build America Bonds. One small community used them to lower their financing costs by 2.3 percent, allowing them to turn plans to upgrade roads, sewers, and buildings into reality. One of their leaders told *Business Week* magazine that without Build America Bonds, "some projects might not be done" and "there would be less employment."

Recently a CBO/Joint Tax Committee report highlighted a number of other benefits from Build America Bonds. CBO and the Joint Tax Committee found that tax credit bonds, like our Build America Bonds, are more cost effective than tax-exempt bonds. The report also concludes that because the bonds are more attractive to investors, they are more efficient at raising capital. This saves municipalities time and money and effort that can be spent on other priorities. Aside from the fact that the funds are raised efficiently, what I have heard again and again—and I think this is what colleagues are going to be looking at when it comes to infrastructure investment—Build America Bonds get the job done quickly. Because they have to adhere to Federal spending guidelines, all of the bond funds have to be spent within 2 years of the date the bond is issued. This means that money is not just flowing into projects, it is being spent in the short term, paying to build roads and bridges and other infrastructure and putting folks back to work quickly. That is the kind of bang for our buck that Americans are hungry for right now. That is what Build America Bonds deliver.

Back in the days before Build America Bonds were issued, the market for normal municipal bonds was almost frozen. It was very hard to sell municipal bonds. It certainly didn't mean the need for financing infrastructure was not there, it was just very hard to get them through the traditional bond market. Build America Bonds have changed that. The private sector, folks who represent the country's largest businesses—the Chamber of Commerce and National Association of Manufacturers—have been strong supporters of it. Many of the labor groups, the trades in particular, have been supportive of it because clearly business and working families need a working infrastructure to give businesses the security they need to think long term about their future.

But it is not just businesses that buy Build America Bonds. Nonprofits, like pension funds, have also found Build

America Bonds an attractive investment. Although nonprofits cannot benefit from the tax credits, bond issuers can pass on the value of the tax credits in the form of a higher interest rate for Build America Bonds than other types of bonds. By contrast, traditional tax-exempt municipal bonds are not a good investment for pension funds and other institutional investors that do not pay taxes. So Build America Bonds are especially attractive as a way for nonprofits to invest in American infrastructure that traditional tax-exempt bonds do not provide.

I am not surprised, and I think the judgment I have made would be shared by colleagues on the other side of the aisle because a lot of them have been involved over these last 6 years—we are not surprised that Build America Bonds are reinventing the municipal bond market. They have been a good deal for our communities and for all types of investors. They have freed up financing for badly needed infrastructure construction and ensured long-term economic growth. In some cases these bonds, according to people in communities across this country, make the difference between whether infrastructure projects are actually going to get done. In other cases they lower the cost of the projects and allow communities to reinvest those savings in other projects.

By any scenario you look at with respect to this program, this is one that helps local governments, local businesses, and the people who rely on infrastructure for jobs and economic security. My view is that is exactly the kind of solution folks are asking for from the Congress at this time. It is fine to speculate about programs you wish to have considered and you will look at down the road to see if they actually produce. The Obama administration now wants to make Build America Bonds permanent because they have seen the extraordinary response our country is demonstrating. Build America Bonds have produced, and they have produced exactly what was intended: a prompt infrastructure investment in an efficient fashion.

I express my appreciation to Chairman BAUCUS. Under his leadership the Finance Committee, on which I am honored to serve, is currently looking at expanding and improving Build America Bonds in the upcoming jobs bill. I told Secretary Geithner this morning that I had appreciated his leadership and the administration's leadership on this issue.

We have some questions about how to proceed—for example, whether, as I would like, Build America Bonds should be devoted to new job creation as opposed to assistance for operating expenses and other areas. But the bottom line is those are the kinds of issues that Democrats and Republicans here in the Senate can take on in a bipartisan way. What we know is we have something that is working, that is making a difference in this critical infrastructure area, and that literally

has 6 years worth of bipartisan history where Democrats and Republicans have come together on an issue that is extraordinarily important to our Nation.

If we keep working together on good ideas such as Build America Bonds, by the time the current economic storm passes our country's infrastructure will be finally ready to support a strong, healthy economy that lies ahead for our Nation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NOMINATIONS

Mrs. FEINSTEIN. Mr. President, I come to the floor as the chairman of the Select Committee on Intelligence to speak on two nominations that have been before our committee. Both of these nominees have been unanimously passed out by our committee.

The first is the top person for intelligence and analysis at the Department of Homeland Security. Her name is Ms. Caryn Wagner. Second, Ambassador Phil Goldberg, who is nominated to be Assistant Secretary for Intelligence and Research at the Department of State.

These nominations are critically important to the safety and security of this Nation. These are the top intelligence officials in two different departments. There has been an objection to a unanimous request from the other side on the question to confirm these nominees. The majority leader of the Senate has come to the floor twice to implore, to request, to ask that these two nominees be approved because these are top intelligence people for the respective departments.

We just had a national threat hearing, a world threat hearing in the Intelligence Committee, open to the public and press, this afternoon. I asked the question: What is the possibility of an attack against the homeland in the next 3 to 6 months? Is it high? Is it low? Director Blair; Director Panetta; Director Mueller of the FBI; the head of the Defense Intelligence Agency, General Burgess; the acting head of the INR, the intelligence agency of the State Department, Ambassador Dinger—every one of them said that there will be an attempt at an attack. The threat is high. Yet we cannot get confirmed two top people whose job it is to see that the analysis of this intelligence is correct.

Let me speak for a moment about Caryn Wagner. She has had a distinguished career in public and private service that has prepared her to be the Under Secretary of Homeland Security for Intelligence and Analysis.

We just had an attempted Christmas attack on the homeland. Ms. Wagner is

the top person of that Department to deal with the intelligence related to exactly this—protection of the homeland.

You might think, well, is there a problem with the nominee? And the answer to that is no. She is currently an instructor in intelligence resource management for the Intelligence and Security Academy. She was hired from the House Permanent Select Committee on Intelligence. Prior to that, she served as the Assistant Deputy Director of National Intelligence for Management and as the first Chief Financial Officer for the National Intelligence Program. She assumed this position after serving as Executive Director for Intelligence Community Affairs.

She also previously served as the senior Defense Intelligence Agency representative to the U.S. European Command and the North Atlantic Treaty Organization, as well as Deputy Director for Analysis and Production at the Defense Intelligence Agency. She was also formerly staff director of the Subcommittee on Tactical and Technical Intelligence on the House Permanent Select Committee on Intelligence and a signals intelligence and electronic warfare officer in the U.S. Army.

She has been an intelligence official all of her professional life. She is serious. She is capable. She is a good candidate for the position of Under Secretary of Homeland Security.

We held a confirmation hearing on Ms. Wagner's nomination on December 1. Given the overlapping interest of the Homeland Security Committee, the Homeland Security and Government Affairs Committee held a hearing on her confirmation on December 3. There were no issues with her nomination in that committee.

The position to which she is nominated is the top intelligence position in the Department of Homeland Security. The main responsibilities of this office are to ensure that information related to homeland security threats are collected, analyzed, and disseminated to homeland security customers in the department at the State, local, and tribal levels.

So this is an important job. There is no one in it. We have just had an attack, and the chances of another attempted attack in the next 6 months are high. Yet somebody on the other side—I suspect for political reasons—is holding her up. It makes no sense, if you want to protect this Nation, to hold up this position. I hope whoever it is will come to the floor and explain why they are holding up this nominee, a woman who has had a lifetime dedicated to intelligence, who would be the top intelligence person in the Department of Homeland Security. One person holding her up, vetted by two committees, Intelligence and Homeland Security, without a negative vote at Intelligence. Why would someone hold her up? For their own agenda? Is it appropriate to hold her up for someone's

own personal agenda, when you have the top person in that department responsible for intelligence, at a time when we have just had an attempted attack? I think not.

The Under Secretary of the office leads efforts to collect and analyze intelligence, to see that it is shared appropriately and provided to other intelligence community agencies. The Under Secretary provides homeland security intelligence and advice to the Secretary, as well as to other senior officials in the Department, and serves as the Department's senior interagency intelligence representative. They have no one right now. It makes no sense to me.

In short, this individual, the Under Secretary for Intelligence of the Department of Homeland Security, is responsible for ensuring that intelligence relating to a threat to the United States is acted upon. That spot is vacant. From an intelligence point of view, this is quite terrible. It is deleterious. It is not right for this body to hold up this nominee.

Unfortunately, the Office of Intelligence and Analysis has experienced numerous problems in its short tenure. Let me note some: The office's ill-defined planning, programming, and budgeting processes; a gross overreliance on contractors, to the point that 63 percent of the workforce was contracted out as of this summer; and a lack of a strategic plan. These are three major problems for which the Under Secretary needs to get on board. The Under Secretary needs to solve these problems.

On a number of occasions, the office has produced and disseminated finished intelligence that has been based on noncredible, open-source materials or focused intelligence resources on the first amendment-protected activities of American citizens.

So what is my bottom line? The office is in need of strong leadership from an Under Secretary with an extensive background in management of intelligence. The Intelligence Committee is confident Ms. Wagner is such a person. She is up to the challenge. She testified that, if confirmed, among her first tasks will be to review a draft plan to restructure and refine the office's mission, which will be a good first indication of how Ms. Wagner will manage the organization. We should get cracking. We should get it done. We should get this spot filled.

I, respectfully, ask that if there is something we do not know, that the Homeland Security Committee does not know, that the Intelligence Committee does not know, that the person holding her up come to the floor and tell us what it is. It is a significant deficit not to have this position filled.

Let me turn to the nomination of Ambassador Philip Goldberg to be Assistant Secretary for Intelligence and Research at the State Department. Again, the Intelligence Committee had a hearing. We unanimously approved

Ambassador Goldberg's nomination on December 10, the same day we reported out Ms. Wagner's nomination.

Ambassador Goldberg has a distinguished 20-year career in the Foreign Service, where he has served as the charge d'affaires and deputy chief of mission in Santiago, Chile; the chief of mission in Pristina, Kosovo; and in the U.S. Embassies in Bogota, Colombia, and Pretoria, South Africa. Ambassador Goldberg is a graduate of Boston University and, before joining the Foreign Service, he worked for the city of New York.

From 2006 to 2008, he served as Ambassador to Bolivia, during a period of heightened tensions between our two countries.

In mid-September 2008, President Evo Morales accused Ambassador Goldberg of supporting opposition forces, declaring him *persona non grata*, and expelled him from the country.

The Intelligence Committee carefully reviewed Ambassador Goldberg's conduct in Bolivia. We have found he acted appropriately during his tenure and carried out the policies of the U.S. Government. In fact, an inspector general report on the Embassy, published in September of 2008, gave Ambassador Goldberg and his deputy high marks, stating:

The Ambassador and the deputy chief of mission (DCM) provide clear policy guidance and leadership . . . [They gather] input and the advice from their staff, forging an excellent working relationship among all agencies and sections at post.

After Ambassador Goldberg's expulsion from Bolivia, the State Department strongly defended the Ambassador, both in the public press as well as in internal memoranda. In short, the Intelligence Committee believes Ambassador Goldberg acted professionally and bears no blame for the Bolivian decision to expel him.

Since June of 2009, Ambassador Goldberg has served as the coordinator for the implementation of United Nations resolution 1874, which imposed economic and commercial sanctions on North Korea. In this position, he has relied on sensitive intelligence reporting to build a diplomatic consensus to search North Korean cargo.

Ambassador Goldberg appeared before the Intelligence Committee for a confirmation hearing on December 1, 2009. Given its jurisdiction over the State Department, the Senate Foreign Relations Committee also held a hearing on Ambassador Goldberg's nomination on November 19, 2009. No problems with the nomination were identified.

The unanimous view is, Ambassador Goldberg is an experienced professional who is very capable and ready to assume his new duties.

The position of Assistant Secretary for Intelligence and Research is a unique one in the intelligence community. The bureau, which we refer to simply as INR, produces all source intelligence analysis to advise the Secretary of State and other senior policy

officials and presents an important viewpoint in the internal deliberations of the intelligence analytic community. INR analysts are highly expert in their fields and often improve the quality of coordinated intelligence assessments by challenging the views of other agencies and, if necessary, dissenting from consensus judgments, if they believe them to be incorrect or unsubstantiated.

I first came to appreciate INR's independent-minded approach in 2002, when its analysts dissented from the official judgment of the intelligence community regarding Iraq's weapons of mass destruction. INR analysts expressed less certainty regarding the claim that Iraq was reconstituting nuclear weapons, believing that Saddam Hussein's pursuit of aluminum tubing was not for nuclear purposes.

History, of course, proved the INR analysts to be correct, as Iraq was not reconstituting a nuclear weapons program.

Bottom line: Ambassador Goldberg is well qualified, and the position for which he has been nominated to fill is an important one within the intelligence community. There has been no reason put forward why he should not be confirmed. Two committees have held hearings. The Intelligence Committee recommended his confirmation unanimously. We did for both these nominees. Yet there is a hold on the other side of the aisle.

As chairman of the Intelligence Committee, I believe it places our Nation at a security disadvantage. I urge that change. I urge that whoever has the hold, if they have something that is consequential against either one of these nominees, do the honorable thing. Come to the floor of the Senate, express your objections. Have the debate and dialog on the ability, the experience, the doings of these two people. They are superbly qualified. Neither one of these was plucked out of some political community and thrust into these positions. They have both been dedicated professionals. That is one of the reasons why this hold is so difficult to understand.

I wish the Senate to know that the Intelligence Committee, which I am proud to chair, takes its responsibility to review the President's nominees to positions requiring Senate confirmation very seriously. Our process is thorough and bipartisan. The staff does an investigation. The documents are reviewed. The hearing is held. Written questions are sent. Written questions are answered. The questions and their answers are read. The committee discusses it and votes. In this case, three committees have reviewed these two nominees. The Intelligence Committee has found them qualified for their positions. Yet they are held up.

Consider that on Christmas Day we had someone who tried to explode a device, a device which will be perfected, which will be used again, which is basically impossible to find by a magne-

tometer in an airport, which will be used again, and that intelligence professionals assess with confidence that we face another attack. We ought to get these positions filled.

Unless there is some reason why these two nominees are faulty, if they are not qualified, if they have done something wrong, then I say come to the floor and oppose them openly. But "time's awastin'." These positions have to be staffed. This country has to be protected. Our intelligence professionals need to be in place. In two departments, we have two high-level positions relating to intelligence that are not filled and should be filled and these nominees are waiting.

So I hope someone is listening. I hope, somehow, somehow, this will make a difference. And I very much hope we will be able to confirm both of these nominees—reviewed by the Foreign Relations Committee, one; by the Homeland Security Committee, the other; and reviewed and approved by the Intelligence Committee, both.

Thank you very much, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. HARKIN. Well, Mr. President, here we are. It is about 5 minutes to 6 p.m. We have been here all day today postcloture on Patricia Smith. Again, to recap why we are here—I am not certain why we are here but to recap the fact that we are here—Patricia Smith was reported out of our committee last year, was held up to be the Solicitor for the Department of Labor, and finally we had to file cloture because she was being filibustered. That cloture motion ripened last night and we had a cloture vote last night. Sixty people voted to end debate and bring her up for a vote. Well, under the rules of the Senate, there is then 30 hours of debate. So we have been here. It has been nearly 30 hours.

We have been here all day today, and, as I understand, only one person showed up today to talk against her nomination. That was my colleague and good friend, Senator ENZI from Wyoming, the ranking member of our committee. I looked at the transcript of what he said, and basically it was just about what was said yesterday. Nothing new came out today. I know Mr. ENZI opposes her nomination. That is no secret. It is his right to do that. But here we are using 30 hours and only one person today has come over to speak against her.

So, again, I just say this to inform the public that here we are, the lights are on, the electricity is running, the bills are going up, and we are here for

no good reason whatsoever. We could have voted on the nominee last night. We could have voted this morning and moved on to other business. There is other business before the Senate that needs to be attended to. But the Republicans have decided under their leadership to slow everything down.

I have heard it said by the leadership on the Republican side that the public wants them to stop bad legislation. That is why they use the filibuster. Well, this is not legislation. This is a person to be the Solicitor for the Department of Labor, and obviously she has more than enough votes to get confirmed. She is eminently well qualified. She has a broad swath of support. Again, they can filibuster, but we had the vote on that last night to end the filibuster. But, again, it is their right under the rules—I am not denying that—it is their right to drag it out for 30 more hours. But to what end? To what purpose? Has more information come out about Ms. Smith that might change somebody's mind on how they are going to vote, whether she should take this position? No, nothing more has come out, no new information. So here we are wasting time, slowing everything down. The public has to know this. People out there are frustrated because we are not getting anything done. This is a perfect example of how the Senate has become dysfunctional—dysfunctional. Here we are for 30 hours doing absolutely nothing, to no end whatsoever.

Usually, as to the 30 hours after a cloture vote has been had, people will say: Well, there is new information. We have to bring out something new. We can maybe change some votes.

Nothing new has come out and nothing new will come out. She has been thoroughly vetted since last April, almost a year. She has responded to every written question. She has responded to any personal request to meet with her. So everything is out there in the open. Yet the Republicans insist on dragging it out for 30 hours. Again, the public has a right to ask why. Again, to what end? To what end are we dragging out the 30 hours? Well, I guess the end is to try to keep us from doing anything else.

As President Obama said in his State of the Union Address, just saying no is not leadership. Just saying no is not leadership. That is all we are hearing from the Republican side—no to everything. Well, it is all right if they want to say no, but at least let's vote. Let's vote.

It is very frustrating—very frustrating. I know they can use the rules, but you can also abuse the rules. The filibuster is being abused. It used to be used only for weighty measures in which there was a true disagreement and for which, perhaps, some could be swayed one way or the other through the debate and arguments that came forward on the floor—not for nominations. So everything is slowed down.

I also wish to say a few more words on behalf of Patricia Smith. Again, we

have not heard anything new during these 30 hours. There was one thing my colleague and friend Senator ENZI said today that I do want to respond to. Again, it was nothing new, but it was just said again today about this Wage Watch that was instituted in New York as a pilot program, about how they were going to investigate and go into businesses and all that kind of stuff. Again, I do not want to repeat what somebody lower down has said. I want to know what Ms. Smith herself said about it.

Here, as shown on this chart, is an e-mail from Commissioner Smith—right now from her—dated January 15, 2009, when they were starting up this program. Here is her e-mail—not some underling's, not some staff person's, but Ms. Smith's, who is the subject of the nomination—

Wage Watch groups will be conducting activities which promote labor law compliance . . . including handing out leaflets about labor laws to workers at community events or supermarkets; giving know-your-rights training to workers; talking to workers at restaurants and other businesses open to the public; and talking with employers about labor law compliance.

Please note that the groups and individuals who participate as Wage Watchers will not be agency employees or official representatives of the Labor Department. They are not replacing staff and they are not going to be conducting investigations of any kind. Their role is limited to doing outreach and community education, and to reporting any violations they encounter to the division.

So that is what the Wage Watch was set up to be. But, again, we keep hearing all of these accusations about vigilantes and all that kind of stuff. They are not empowered to enter any place of business unless the employer lets them or unless it is a place of business where the general public can go such as a restaurant, a Wal-Mart, whatever—stores. Wherever the public can go, they can go, but they cannot enter a business that is not generally accessible to the public. I wanted to set the record straight one more time.

Again, if Ms. Smith were so bad, I would daresay you couldn't find a business group that would support her. I have here a whole bunch of letters from business groups in the State of New York where she is presently the labor commissioner extolling her virtues and her ability to work with the business community. Here is the Business Council of New York State. I won't read it all, but it says:

As the president and CEO of a statewide business trade organization, I believe Ms. Smith is superbly qualified to assume the responsibilities of Solicitor General and urge the Committee's favorable disposition of her nomination.

He goes on to say:

Ms. Smith's long tenure as an Assistant Attorney General of New York leading its Labor Bureau showed her to be thorough, fair, and judicious in the use of the tools at her disposal to ensure compliance with New York's labor law.

Then he goes on further:

What is important to note is that under Ms. Smith's leadership, she made an extra effort to communicate directly with the business community, to elicit feedback, to provide us with a heads-up, and to balance our comments as she framed policy and practice within her Department. Her outreach to us and communication with us was open, honest, candid, and frequent.

I ask unanimous consent that the letter from Kenneth Adams, president and CEO of the Business Council of New York, be printed in the RECORD at this point.

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

THE BUSINESS COUNCIL
OF NEW YORK STATE, INC.,

Albany, NY, August 14, 2009.

Re Nomination of M. Patricia Smith, U.S. Department of Labor Solicitor General.

Hon. MICHAEL B. ENZI,
U.S. Senate, Senate Russell Office Building,
Washington, DC 20510.

DEAR SENATOR ENZI: On behalf of the 3,000 members of The Business Council of New York State, I write in support of President Obama's nomination of Ms. Patricia Smith for the position of Solicitor General at the United States Department of Labor. As the president and CEO of a statewide business trade organization, I believe Ms. Smith is superbly qualified to assume the responsibilities of Solicitor General and urge the Committee's favorable disposition of her nomination.

As the Committee has the broadest access to Ms. Smith's resume and credentials, I write to add a perspective which often does not translate well from written documents or background checks. Ms. Smith's long tenure as an Assistant Attorney General of New York leading its Labor Bureau showed her to be thorough, fair and judicious in the use of the tools at her disposal to ensure compliance with New York's Labor Law. She carefully balanced the disparate issues before her and sought resolution as opposed to prosecution, when that result would serve the best interests of New York's citizens. And where blatant fraud, abuse and disregard for New York's Labor Law was evident, she did not rush for headlines and photo opportunities, but rather worked closely with appropriate officials to build a legal case which would withstand scrutiny and higher level appeals.

In her tenure as New York's Commissioner of Labor, Ms. Smith continued her vigilance and diligence on behalf of New York's citizens, again balancing the many different roles the Department of Labor serves in New York State. To those not familiar with the responsibilities of that Department, they may not understand the challenge it can be to manage an agency which issues unemployment benefits; must be vigilant about fraud in that \$2.5 billion unemployment system; engages with businesses and individuals to help put people back to work; manages a workforce development system designed to improve skills of our workforce; and, enforces rigorous minimum wage, safety and health, and various labor standards' statutes. At times, a Commissioner is asked to decide between what may seem to be conflicting goals and objectives; Ms. Smith always demonstrated to the business community a willingness to listen, to reflect and to respond.

To be sure, our organization did not always agree with the policy direction taken under Ms. Smith's tenure. But there are well-established processes through which we can pursue changes to policies with which we disagree. What is important to note is that

under Ms. Smith's leadership, she made an extra effort to communicate directly with the business community, to elicit feedback, to provide us with a heads-up, and to balance our comments as she framed policy and practice within her Department. Her outreach to us and communication with us was open, honest, candid and frequent. While some may view her tenure as one of strict enforcement, with little regard to practical day-to-day business realities, our membership would disagree, as we believe she offered an opportunity to the business community to be a part of the solution, rather than just reacting to the problems.

New York's Labor Laws date back a century and reflect the seriousness with which policymakers then and now feel the law should protect workers and be responsive to their needs. That is the statutory and regulatory environment within which New York employers must operate. Where employers engage in fraud and abuse of employees, enforcement of the law is a duty, not an option. Ms. Smith has shown a clear ability to balance her duty as a public official to enforce the law and her obligation as a public official to ensure that the law provides for reasonable application and reasonable solutions.

It is those critical skills—listening, interpreting, and balancing—that make Ms. Smith an ideal candidate to serve as the United States Department of Labor's Solicitor General and I would ask that the Committee move on her nomination upon its return in September.

Should any Committee members benefit from further discussion on her nomination to which I can contribute, please feel free to contact me at your convenience.

Sincerely,

KENNETH ADAMS,
President and CEO.

Mr. HARKIN. Mr. President, here is a letter from the Partnership for New York City. Again, I won't read it all, but it says:

As an advocate for businesses and economic development in New York for more than twenty-five years, I have had the opportunity to interact with many public officials. Ms. Smith stands out as one of the most dedicated and effective of our state commissioners and I consider her to be an excellent choice for the post that the President has selected her for.

That is from the president and CEO of the Partnership for New York City.

I ask unanimous consent that it be printed in the RECORD.

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

SEPTEMBER 1, 2009.

Hon. MICHAEL B. ENZI,
*U.S. Senate, Senate Russell Office Building,
Washington, DC.*

DEAR SENATOR ENZI: I am writing in support of President Obama's nomination of M. Patricia Smith for Solicitor General of the United States Department of Labor.

The Partnership for New York City is an organization whose members include many of the nation's most prominent business leaders. Our mission is to work with government, organized labor and the not-for-profit sector to build a stronger city and state, with a focus on education, infrastructure and the economy.

During the past year, we have been particularly concerned about the threat that the global financial crisis and recession have had on the financial services industry, which is a key source of jobs and tax revenues for

New York. Thousands of city businesses and workers, either directly or indirectly, have been casualties of this crisis. As New York State Labor Commissioner, Patricia Smith has been a strong voice and essential partner in addressing the issues arising from this crisis and helping to insure that New York remains the financial capital of the country and the world.

Ms. Smith acted decisively to mobilize New York, Connecticut and New Jersey to collaborate as a region with a shared interest in the recovery of the financial services industry and keeping top talent here. She led efforts to secure a \$20 million National Emergency Grant that is currently helping thousands who have been laid off to train for new careers. She established a New York Early Alert/Retention Team to respond to small businesses in danger of closure, relocation, or financial crisis that would result in mass layoffs.

She has aggressively promoted programs that help employers retain productive workers during downturns and fund employer-sponsored worker training initiatives. She increased employer participation in the federal Work Opportunity Tax Credit (WOTC), which provides incentives to employers to hire people who are hard to employ. The Partnership strongly supports these programs, and every one of them has seen unprecedented success in New York City under Commissioner Smith's leadership.

As an advocate for businesses and economic development in New York for more than 25 years, I have had the opportunity to interact with many public officials. Ms. Smith stands out as one of the most dedicated and effective of our state commissioners and I consider her to be an excellent choice for the post that the President has selected her for.

We hope you will support her nomination and would be happy to answer any questions you might have about her work with the New York business community.

Sincerely,

KATHRYN S. WYLDE,
President & CEO.

Mr. HARKIN. Here is a letter from the Manufacturers Association of Central New York:

The Department of Labor under the leadership of Commissioner Smith has been fully supportive in our mission to enhance and improve our sector's workforce. Commissioner Smith and her team have been informative, helpful, and involved every step of the way, ensuring our membership has the tools, education and skills they need in order to succeed.

It is signed by Randy Wolken, president of the Manufacturers Association of New York.

I ask unanimous consent that this letter be included in the RECORD.

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

MANUFACTURERS ASSOCIATION
OF CENTRAL NEW YORK,
Syracuse, NY, September 11, 2009.

Re Nomination of M. Patricia Smith as Solicitor General, United States Department of Labor.

Hon. JEFF MERKLEY,
*U.S. Senate, Russell Senate Office Building,
Washington, DC.*

DEAR MR. MERKLEY: On behalf of MACNY, the Manufacturers Association and its members, I fully give my support to the nomination of Patricia Smith as Solicitor General of the United States Department of Labor.

MACNY is a trade association representing over 330 member companies with over 55,000

employees within a 19-county region, and we serve and advocate for the growth and development of the manufacturing sector of New York State. Founded in 1913, we pride ourselves on not only being the largest association of manufacturers in New York, but also one of the oldest and most widely recognized associations in the nation.

For Central and Upstate New York to retain its manufacturing base, manufacturers must be able to compete in the global economy. Manufacturing strength is contingent upon the quality of the region's workforce. Manufacturers often cite the quality of the workforce as a key reason for business expansion and the lack of it as a reason for closing and/or relocating. Expanding the trained and educated manufacturing workforce is therefore crucial to the Upstate New York economy. As such, one of MACNY's core mission areas remains workforce development. Training programs help manufacturers educate workers and remain in Central and Upstate New York.

The Department of Labor under the leadership of Commissioner Smith has been fully supportive in our mission to enhance and improve our sector's workforce. Commissioner Smith and her team have been informative, helpful, and involved every step of the way, ensuring our membership has the tools, education and skills they need in order to succeed.

One such example is the partnership between MACNY and DOL on the successful Shared Work Program. Since its inception, MACNY has lent its support and continued to promote this beneficial DOL program. Through this unique and successful partnership, over 34 member companies have utilized and benefited from the Shared Work program, including Revere Copper Products, Endicott Interconnect and Manth Brownell, Inc.

In another similar partnership, in May of 2009, MACNY hosted a Workforce Development partnership meeting for the planning of reemployment services on behalf of Magna Power train, a longtime MACNY member and major market manufacturing employer located in Dewitt, New York. The meeting, in partnership with the Department of Labor, focused on the company's employees and the anticipated downsizings and possible future plant closure. Since economic and labor pool questions are regular inquiries from our membership, MACNY holds a vested interest in the related progress. As a result of this meeting, and with thanks to the expertise and hard work of the Department of Labor, MACNY remains readily available to promote an applicant pool and highly qualified resumes to their membership.

Commissioner Smith has also spent her tenure advocating on the federal level for funding in workforce development initiatives and continued Federal workforce training dollars, a cause that has greatly benefited MACNY's membership. Meeting with editorial boards and local officials, New York's Congressional delegation, as well as key Congressional committee members and staff, Commissioner Smith was able to draw attention to and oppose the 50% cut in New York's Workforce Investment Act (WIA) dollars since 2000. In recent years, MACNY has been grateful in securing federal funding for workforce and training initiatives, allowing members to receive discounted advanced skills training as a way to keep their costs down and advance their workforce. Without Commissioner Smith's tireless efforts in this capacity, this critical program would not be possible.

As earlier stated, for over 95 years MACNY has been tirelessly working to ensure we have the most up-to-date services and information needed to allow our manufacturing

community to grow and prosper. In examples as cited above, plus many more, our collaborative partnership with the Department of Labor allows us to learn and educate our membership on how the state's workforce development programs can best help them. The continued leadership of Commissioner Pat Smith in such instances has been exemplary, and our collective membership is grateful for both her and the Department of Labor's years of dedication to the state's manufacturing community.

It is Commissioner Smith's dedication, leadership, and innovative thinking that make her an exceptional candidate for Solicitor for the United States Department of Labor, and on behalf of MACNY, I fully support her nomination for this position.

If you have any other questions in this capacity, please do not hesitate to contact me. Sincerely,

RANDY WOLKEN,
President.

Mr. HARKIN. Here is a letter from the Plattsburgh North Country Chamber of Commerce. They said:

Since she assumed leadership of the New York State Labor Department in 2007, we have enjoyed not only attention and engagement from Patricia Smith but a genuine working partnership.

It goes on to say:

I could cite additional examples, but the bottom line is this. Patricia Smith has been an outstanding partner as Commissioner of the New York State Labor Dept., and will be an outstanding solicitor for the U.S. Labor Department. We strongly encourage her earliest possible confirmation by the Senate.

This letter is signed by Garry F. Douglas, president and CEO of the Plattsburgh North Country Chamber of Commerce. I ask unanimous consent that it be printed in the RECORD.

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

PLATTSBURGH NORTH COUNTRY
CHAMBER OF COMMERCE,
Plattsburgh, NY, August 10, 2009.

Re Nomination of Patricia Smith to be DOL Solicitor.

Hon. MICHAEL B. ENZI,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR ENZI: Our Chamber is the largest business and economic development alliance in northern New York and one of the five largest in our state, representing more than 3,250 companies. I have had the pleasure of serving as President and CEO since 1993, having previously served as Executive Assistant to former Congressman Gerald Solomon (R-NY 23) for fourteen years.

During my sixteen years of engagement in business and workforce development in this region, I have had many occasions to work with our New York State Labor Department in various efforts to assist employers and to design and implement meaningful workforce training programs. I am writing to tell you firsthand that until Patricia Smith was named Commissioner, we enjoyed an excellent working relationship with our local State Labor Dept. officials but enjoyed little leadership, engagement or even interest from the Commissioner's office.

Since she assumed leadership of the New York State Labor Dept. in 2007, we have enjoyed not only attention and engagement from Patricia Smith but a genuine working partnership.

This includes the design, funding and implementation of a three-year Aerospace,

Transportation Equipment & Green Tech Workforce Strategy for our region, our first multifaceted approach to the creation of a capacity in our region to attract and support employers in these targeted sectors. The creative approach features everything from support for the start-up of Plattsburgh Aeronautical Institute, an FAA-certified A&P mechanics' school, to further development of a new Global Supply Chain Management school at our local university, to the launch of new electronics and alternative energy technology programs at our community college, and more.

And although we are just beginning the second year of implementation under the three-year plan, the results are already tangible. Plattsburgh Aeronautical Institute is set to fully open its doors next month, and is already putting us in play in terms of marketing the former Plattsburgh Air Force Base for future aerospace activities. And Volvo/Nova Bus has just opened a new plant in our community with 300 employees for the production of transit buses in the U.S., a venture that would not have been feasible without the programs she helped us get up and running.

In these and other ways, Patricia Smith has worked with us to give true life to the notion of wedding economic and workforce development. But at the same time, she has also been a partner in serving the current needs of our employers.

A prime example is a major workplace safety training program administered through our Chamber under contract with the State Labor Dept., bringing meaningful safety training to hundreds of small employers who could never access it otherwise.

Even in current tough situations, in which some of our manufacturers have needed to reduce production, she and her team have been there with creative solutions. This includes a Shared Work program now being used by a major railcar assembly plant. Rather than fully lay off a percentage of their workers, they are using this program to reduce their hours, with NYS DOL allowing them to access unemployment insurance benefits for the percentage of hours they are not working while being paid by the company for the remainder. The obvious result is a better economic interim for the employees, and the ability for the company to hold onto skilled employees they want to bring back to fulltime when orders pick up.

I could cite additional examples, but the bottom line is this. Patricia Smith has been an outstanding partner as Commissioner of the New York State Labor Dept., and will be an outstanding Solicitor for the U.S. Labor Department. We strongly encourage her earliest possible confirmation by the Senate.

Please let me know if there are any questions we might be able to answer, and thank you for your consideration.

Sincerely,

GERRY F. DOUGLAS,
President and CEO.

Mr. HARKIN. Here is a letter from the Long Island Forum for Technology. It says:

With a strong record of achievement and leadership, Patricia Smith has been an outstanding Commissioner of the NYS Department of Labor. With her vision and her energy, we believe she will make an outstanding addition to the U.S. Department of Labor's leadership team and we urge her earliest confirmation.

It is signed by the president of the Long Island Forum for Technology.

I ask unanimous consent that it be printed in the RECORD.

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

LONG ISLAND FORUM FOR TECHNOLOGY,
Bay Shore, NY, August 21, 2009.
Re Nomination of M. Patricia Smith, U.S. Department of Labor Solicitor.

Hon. MICHAEL B. ENZI,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR ENZI: As the President of the Long Island Forum for Technology I am writing in support of the nomination of Ms. Patricia Smith for the position of Solicitor General at the United States Department of Labor.

Founded in the 1970's, LIFT is a not-for-profit organization whose focus is on technology-driven economic development throughout the Long Island region. Our success is evidenced by the recognition and responsibilities conferred on us by our partners in the State and Federal Government including:

LIFT serves as the U.S. Department of Commerce Manufacturing Extension Partner (MEP), one of nearly 350 MEP locations across the country;

LIFT serves as the NYS Foundation for Science, Technology and Innovation (NYSTAR) designated Regional Technology Development Center (RIDC) for the region;

LIFT serves as the NYS DOL Sector Intermediary in the Advanced Manufacturing Sector and on the National Governors Association (NGA) Sector Policy Academy.

It was in the last role that we have come into contact and worked with NYS Department of Labor Commissioner Smith and the programs she sponsored on work force transformation in the Manufacturing and Healthcare sectors.

Under Commissioner Smith's able and visionary leadership, the New York State Department of Labor conceived, launched and funded a program known as Regional Workforce Transformation (13N). This program broke new ground in the connectivity between industry and education. With its industry-driven initiative structure it created an environment for innovation, and increasing skill growth, focused on creating Long Island's future workforce.

This program is now entering its 2nd year, with over 600 individuals having gained a wide variety of new and upgraded skills training. This has led to the transformation of many individual lives with the results borne out in job placements and position upgrades.

With a strong record of achievement and leadership, Patricia Smith has been an outstanding Commissioner of the NYS Department of Labor. With her vision and her energy, we believe she will make an outstanding addition to the U.S. Department of Labor's Leadership team and we urge her earliest confirmation by the United States Senate.

Yours truly,

C. KENNETH MORRELL,
President.

Mr. HARKIN. Lastly, here is one from the U.S. Women's Chamber of Commerce:

After learning of Ms. Smith's qualifications, expertise and the law she has worked to uphold, I can clearly see that she is someone who would work with conviction to enforce the laws of the United States of America. Additionally, I am impressed with her out-of-the-box thinking in creating programs that will keep jobs. We especially need these attributes in this time of economic challenge.

Please accept Ms. Patricia Smith's nomination, and confirm Ms. Smith as Solicitor General of the United States Department of Labor.

It is signed by Margot Dorfman, CEO of the U.S. Women's Chamber of Commerce.

I ask unanimous consent that it be printed in the RECORD.

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

U.S. WOMEN'S CHAMBER OF COMMERCE,
Washington, DC, August 25, 2009.
Re Nomination of M. Patricia Smith, U.S. Department of Labor Solicitor General.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the U.S. Women's Chamber of Commerce, our 500,000 members and the millions of women nationwide, I am writing to send our strong support for President Obama's nomination of Ms. Patricia Smith, and I urge the Committee to confirm Ms. Smith as Solicitor General at the United States Department of Labor. Ms. Smith has demonstrated that she is well prepared and qualified for the position, and will act on behalf of those who are facing unfair labor practices.

The U.S. Women's Chamber of Commerce represents both working women and women business owners. While one would think that these two constituents would be contradictory in viewpoint, they are not.

From 1997–2006, the number of women-owned firms grew by 42.3% largely due to women leaving Corporate America in droves in search of equal pay, opportunities for promotions and a family friendly work environment. What they found instead was more barriers to opportunity. In fact, during this same time period, the revenues for all women-owned small businesses grew only 4.4%—representing a 38% overall decrease in revenues.

Clearly, women found that business ownership came with a whole new set of challenges including the inability to fairly access federal contracts, capital and affordable health care. And, most profoundly, they are faced by the growing challenge of competing with businesses that undercut their competitiveness by engaging in unfair labor practices.

Those that pay fairly and play fairly do not fear Ms. Smith's no-nonsense approach to labor law enforcement. They, in fact, see that they are being protected.

After learning of Ms. Smith's qualifications, expertise and the laws she has worked to uphold, I can clearly see that she is someone who would work with conviction to enforce the laws of the United States of America. Additionally, I am impressed with her out-of-the-box thinking in creating programs that will keep jobs. We especially need these attributes in this time of economic challenge.

Please accept Ms. Patricia Smith nomination, and confirm Ms. Smith as Solicitor General at the United States Department of Labor.

Sincerely,

MARGOT DORFMAN, CEO.

Mr. HARKIN. Mr. President, it is clear that Patricia Smith is eminently well qualified. She has been thoroughly vetted. We need a Solicitor at the Department of Labor. This nomination has been hanging here since last April. It is time to move on. But, again, the Republicans are exercising their right—although I think it is an abuse of that right—to drag it out for 30 more hours, to keep the Senate in session, for no purpose whatsoever other than to slow things down in this Chamber.

To me, that is not a good enough excuse, when only one person came here today to speak against her, and that person spoke against her yesterday. I read the transcript. Nothing new; same stuff.

I would hope we could collapse this timeframe and vote on it, but evidently the Republicans are intent on stretching this out to the maximum 30 hours. As I said, it may be their right, but I think it is an abuse of that right.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SANCTIONS AGAINST IRAN

Mr. SPECTER. Mr. President, I have sought recognition to express my views on the issue of sanctions against Iran. The Senate, on the unanimous consent calendar last Thursday, passed legislation calling for sanctions against Iran. This was the first opportunity I have had to address the subject. I wish to do so now.

The threat posed by Iran armed with nuclear weapons is obvious and very serious. It is a threat which applies for the region, for the world. It is a vital national security interest of the United States that Iran not be armed with nuclear weapons. It is obviously of great importance to Israel that Iran not have nuclear weapons in light of the history—the fact that the Iranian President has called for wiping Israel off the face of the Earth.

I have prepared a comprehensive statement of my views on this subject in anticipation of the matter coming to the Senate floor. I will ask unanimous consent to have it printed in the RECORD.

I have been reluctant to call for sanctions because I am a firm believer in diplomacy and have undertaken a number of steps to try to encourage a parliamentary exchange between Iranian Parliamentarians and Members of Congress. I have been working on that for the better part of a decade. The extensive written statement summarizes in some detail those efforts.

I have met with the last three Iranian Ambassadors to the United Nations. I found them all to be highly intelligent, to be articulate, to be cordial, and to be interested in a dialog and in conversations. I believe if their views were reflected by the Iranian Government, it would be a very different picture than it is at the present time.

One year I got permission from the State Department to have the Iranian Ambassador to the U.N. come to Washington at my so-called hideaway office a few feet away from the floor and have dinner with Members of Congress and the Iranian Ambassador to talk about

these issues. At one time, there was a meeting set between Iranian Parliamentarians and Members of Congress in Geneva that was canceled by the Iranian Government. My detailed statement specifies the efforts I have made over that period of time. But I think we have come to a point now where we have to get candidly tough, and we have to impose sanctions.

President Obama said he would give Iran until the end of the year—referring to the year 2009—to come to the table. There were some indications that Iran would do so. British Prime Minister Gordon Brown has made a similar statement and, in a sense, they have drawn a line in the sand.

My own personal assessment is that we are approaching the point of clear and present danger that Iran poses as a threat to the region, especially to Israel, to the national security interests of the United States, and to the world. So I think it is time that firm action be taken.

We have seen it evolve that gradually Russia has moved to join the United States, Great Britain, France, Germany, and other nations in moving toward sanctions. China, regrettably, has not done so.

Comments by Secretary of State Hillary Clinton just last week are important on this subject. The Secretary of State said:

China will be under a lot of pressure to recognize the destabilizing effect that a nuclear-armed Iran would have in the Persian Gulf from which they receive a significant percentage of their oil.

Secretary of State Clinton further remarked that a nuclear-armed Iran would risk setting off an arms race in the Persian Gulf and that it could provoke a military strike from Israel which she said she would regard a nuclear Iran as an existential threat.

It has long been articulated that the military option is on the table. Israel has demonstrated its resoluteness—a small nation surrounded by, vastly outnumbered by the Arab population, still technically at war with many of the Arab countries, peace treaties only with Egypt and Jordan. Israel demonstrated its capability and willingness to take out the Iraq reactor in June of 1981 and more recently the Syrian installation which is believed to have been working on nuclear weapons.

Secretary of State Clinton is blunt in the grave threat posed by the situation that Israel is concerned about with Iran becoming a nuclear force.

I think the time has come to act. In the course of my statement, I have gone into some detail as to the sanctions and how effective they could be. But I think there is no doubt that if China joined the United States, Russia, Great Britain, France, Germany, India, and other nations in imposing tight sanctions, financial sanctions on the financial institutions, on trade, on supplying gasoline, on supplying Iranian needs that the world could make its

point. I think Iran would have to capitulate. How much better it is to use economic sanctions than to take the military option off the table.

I do believe if the United Nations, with China's concurrence, showed its determination to impose sanctions that it would have the potential to bring compliance by Iran. Russia has made a proposal that it would enrich Iran's uranium. If Iran is sincere that it does not want enriched uranium for military purposes, for a bomb, but only wants it for civilian purposes, well, take up Russia's offer to have the uranium enriched by Russia. At one point, Iran appeared to be willing to do that. Then they revoked the indication of willingness. That is still a possibility.

I had occasion to visit Vienna on two occasions—met with the International Atomic Energy Agency head, Mohamed ElBaradei—to discuss the activities he has undertaken. He is a very able, skilled international diplomat who recently left that position, which he held for years. But Mr. ElBaradei was very pessimistic as to what Iran was prepared to do and resisted efforts to have the kind of inspections which would give assurance.

I was very reluctant to see sanctions imposed on Syria, in the hope that diplomacy might work there, but did join in those efforts a few years back when the matter came up for a vote.

I had been trying to visit Iran personally since 1989, at the end of the Iran-Iraq war, and in 1989 made my first trip to Iraq. In 1990, Senator SHELBY and I had a talk with Saddam Hussein, and it was a very professional conversation. Iraq, at that time, had just launched a three-power rocket system, and I led the conversation by asking President Saddam Hussein if he would be willing to negotiate with Israel because they would take out his new weapons, just as they had taken out his reactor in June of 1981. He dismissed it, saying: No, he wouldn't negotiate with Israel; they weren't a border state. Then he asked me a question. He wanted to know why all the Russian Jews were going to Israel. I saw him shuffling some papers, and I knew he knew I was Jewish. I wanted him to know I knew that he knew that I knew, and so I said: My father was a Russian Jew who immigrated to the United States, and I believe the Russian Jews ought to go wherever they want to go. There was a 50,000 limit at the time on Russian Jews who could come into the United States.

In the course of an hour-and-a-quarter discussion, it was a substantive talk, and I came back and told a number of my colleagues that I thought we ought to have more discussions with Saddam Hussein. I don't know if anything could have deterred him from his aggression against Kuwait or his later activities, but I have long been a believer in the maxim that you make peace with your enemies and not with your friends.

In my work as chairman of the Intelligence Committee in the 104th Con-

gress and work on the Foreign Operations Subcommittee, I have had the privilege of traveling extensively in foreign countries and sought out the people who might be categorized as our enemies. I had a useful talk a few years back with Chavez in Venezuela; several visits to Fidel Castro in Cuba; conversations with Arafat, both in Ramallah, Gaza, and when he came to Washington, to my office downstairs, looking for money from the Foreign Operations Subcommittee. I have made many trips to Syria, gotten to know Hafez al-Assad and Bashar al-Assad; had cordial conversations, as one of six Senators who visited Syria about a month ago to talk to Bashar al-Assad about the possibility of a peace treaty.

I believe Syria could hold the key to a peace in the Mideast. Only Israel could decide if Israel wants to give up the Golan, and they ought to make that decision without any pressure from the United States or anyone. But if Israel should make that decision, there could be a great deal gained in terms of having Syria stopping the destabilization of Lebanon, stopping the support of Hamas, stopping the support of Hezbollah. It is a different world today than it was in 1967, when Israel took the Golan. It is an era of rockets. It is not the same strategic importance.

But the point I make is, I think diplomacy is the way out. But sometimes there has to be a carrot and a stick, and I think we have come to the point where sanctions do need to be imposed, and that is why I have joined the effort. I think the President has given fair notice to Iran that they come to the table by the end of the year, and we are a little past that.

We, obviously, have problems with China on a number of fronts. We have problems on the Taiwan issue and our sale of arms to Taiwan. We have problems with them with respect to Tibet and our issue of human rights. We have very serious problems on trade, and we have broader issues on human rights. China is emerging as a tremendous world power, and we are challenged at every line, but I do believe the logic of the situation is, it is in China's interest not to have a nuclear Iran.

Our CODEL, after visiting in Syria, went on to India and talked to Prime Minister Singh, who was emphatic in agreement that it is not in India's interest or the world's interest to have an Iran which is armed with nuclear weapons. So it is my hope the action by the Senate, in voting for sanctions, will increase the momentum for sanctions from the United Nations. It can only be done in an effective way if China is persuaded to go along.

Mr. President, I ask unanimous consent to have printed in the RECORD my full written statement and ask that the CONGRESSIONAL RECORD recite the language I am using now.

Usually, when summary is concluded and the formal statement is put in the RECORD, it is changed. If anybody reads

the CONGRESSIONAL RECORD—and I think there is a chance somebody does—they wonder why Senator SPECTER is making this repetitious statement; that he has made this statement, and here is all this repetition. If you put this explanation in, as I have said, the reader will know I have summarized and amplified, to some extent, and that what follows now is not a repetition as such but the formal statement which was prepared in advance.

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

STATEMENT OF SENATOR ARLEN SPECTER:
ENHANCEMENT OF SANCTIONS AGAINST IRAN

Mr. President: There is no question that a nuclear armed Iran poses a direct threat to the security of the U.S. and its allies, particularly Israel. It is for this reason that preventing such a situation remains a principal focus of mine. Although Iran claims that its nuclear program is directed solely toward peaceful energy production, the fact that this program has been conducted in secret and that Iran is a known supporter of certain terrorist organizations betrays that assertion.

I have long been an advocate of the proposal, currently offered to Iran, to have Russia enrich Iran's uranium. If Iran's interests with enrichment are benign, as it claims, then it should have no problem with Russia enriching the uranium to the low levels required for civilian nuclear power and medical uses. Iran's refusal suggests otherwise. At an Appropriations Committee hearing on April 9, 2008, I questioned Secretary of State Condoleezza Rice on this proposal:

Sen. Specter: "Let me move to . . . President Putin's proposal to have the Russians enrich [Iran's] uranium. That apparently would provide an answer. . . . To what extent has the Putin proposal been pressed? In a sense, if we join Putin and they refuse what is really a good offer to have somebody else enrich their uranium so that they have it for peaceful purposes, but there is a check on using it for military purposes—why hasn't that worked?"

Sec. Rice: "Well, we are fully supportive of it, and the president just told President Putin that again at Shchuchye, that he is fully supportive of the Russian proposal. And in fact, not only did President Putin himself put that proposal to the Iranians when he was in Tehran, his foreign minister went back within a few days and put the same proposition to the Iranians, which makes people suspicious, Senator, that this is not about civil nuclear power but rather about the development of the capabilities for a nuclear weapon. . . . So I think this really speaks to the intentions of the Iranians."

Sen. Specter: "Well, we agree on that. My suggestion would be to try to elevate it. It's been in the media and the press a little, but not very much. So if we could elevate that, I think you'd really put Iran on the spot that they deserve to be on."

Then, in a May 20, 2009 Appropriations Committee hearing, I questioned Secretary of State Hillary Clinton on the proposal:

Sen. Specter: "Let me come to a question with respect to Iran. Prime Minister Netanyahu was very pleased with the meeting with President Obama, and the timetable which the president has set, looking to the Iranian elections as the potential for dialogue and holding out the possibility of bilateral dialogue, and I hope you will pursue that, and putting a timetable for the first time on not waiting indefinitely with all the options on the table. And I speak in generalities not to beat a tom-tom unnecessarily."

"The offer that the Russians made some time ago to enrich the uranium, I think, has never been pursued or publicized. Perhaps it has been pursued, but not known and not publicized. But that seems to me to be a perfect line. When Iran insists that they're developing—enriching uranium for peaceful purposes and the Russians can provide for them, what conceivable excuse? When they resist something so obvious as that, it seems that that would be a good wedge to get more cooperation from China, Russia and other countries. What can be done to pursue Russian enrichment of their uranium?"

Sec. Clinton: "Well, Senator Specter, that is an option that is being considered within the P-5 plus one as well as within our own deliberations. We have a broad range of issues to discuss with the Iranians if they respond affirmatively to the president's invitation to do so. And obviously they are in the midst of election season. We know what that means. So it's unlikely that we'll get a response or a dialogue going until there is some settling of the political scene. But your reference to the enrichment potential is one that we are exploring."

Finally, on June 9, 2009, I raised the issue with Secretary of Defense Robert Gates at an Appropriations Committee hearing:

Sen. Specter: "Mr. Secretary, I was intrigued with one of the points you made in testifying before the Appropriations Committee on the war supplemental, where you said that it would be useful in our dealings with Iran to have a missile defense that is aimed only at Iran."

"And that played into the relationship that we have with Russia, and it is generally recognized that if we're to be successful in dealing with Iran, we're going to have to have cooperation with other countries, perhaps mostly Russia. We've talked before about the issue of having Russia enrich Iran's uranium, which Russia has offered to do and Iran has declined, as a way of being sure that Iran is not moving toward the use of enriched uranium for military purposes."

"A two-part question. Number one, is any progress being made on publicizing Russia's offer, which I think has gotten scant—little attention? And the Iranian refusal really shows—raises the inference of potential bad faith."

"And secondly, where do we stand on efforts to pick up your suggestion that missile defense be aimed only at Iran and not at Russia, which has given so many political problems?"

Sec. Gates: "First, I think that although it's certainly not been a secret, it has not been, I think, widely enough publicized—Russia's offer and Iran's turn-down of it. And I think equally not publicized was the fact that the United States indicated that we thought that was a pretty good idea and would be supportive."

"With respect to the missile defense, I think that the Russian—I still have hope that we can get the Russians to partner with us on missile defense directed against Iran."

But, in remarks reported by the New York Times on November 18, 2009, Iran's foreign minister, Manouchehr Mottaki, said "We will definitely not send our 3.5-percent-enriched uranium out of the country." Then, on December 2, 2009, the New York Times reported that Iran's president, Mahmoud Ahmadinejad, said on December 1, "Friendly relations with the [International Atomic Energy Agency] are over," and that Iran has no duty to report to the United Nations about its recently announced plan to build 10 new nuclear sites.

To this point I have resisted calling for increased sanctions because I did not think it constructive given the diplomatic climate;

however, considering Iran's growing avowals that it will not cooperate with the International Atomic Energy Agency or allow foreign countries to process its uranium, I think it is time to enhance sanctions. The international community has offered Iran a deal which is more than fair; Iran refuses to consent. We cannot make ourselves a toothless tiger.

I did not come to my decision to support the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009 (S. 2799) lightly. During my tenure in the Senate, I have been among Congress' most ardent advocates for aggressive diplomacy, believing it holds the key to resolving international disputes. As I noted in my December 2006 article in *The Washington Quarterly* titled "Dialogue with Adversaries":

"My Senate assignments on the Intelligence Committee and Appropriations Subcommittee on Foreign Operations have provided me the opportunity to meet with Syrian President Hafiz al-Assad, Palestinian Chairman Yasser Arafat, Iraqi President Saddam Hussein, Cuban President Fidel Castro, Venezuelan President Hugo Chavez, and others."

"Those meetings have shown me that people are people, even at the highest levels of government. They are interested in a candid dialogue. They accept differences and disagreements as long as the tone is courteous."

"Sun-tzu's advice to 'keep your friends close and your enemies closer' is a good admonition to keep in mind as we approach our relationships in the world. . . . It may not work, but it is certainly worth a try when the stakes are so high and our other strenuous efforts are not bearing fruit" (p. 9).

Diplomacy has produced some results many thought impossible. Negotiations with North Korea have reduced that nation's nuclear threat although that situation remains volatile and uncertain. Negotiations have moved Libya's Muammar Qaddafi, with whom I met in August 2006, from horrendous acts of terrorism, including the bombing of Pan Am 103 and a Berlin discotheque, resulting in the murder of US military personnel, to a willingness to negotiate and reform. Libya made reparations in excess of \$1,000,000,000 and abandoned plans to design nuclear weapons in order to be admitted to the family of nations.

This is not the first time I have supported sanctions in the region. On November 11, 2003, I voted for the Syria Accountability and Lebanese Sovereignty Restoration Act, a bill to impose sanctions on Syria to hold Damascus accountable for its support for terrorism, its occupation of Lebanon, its illegal shipment of arms to Iraq, and its efforts to develop weapons of mass destruction. The bill became law in December 2003. Regarding my vote, I said on the Senate floor on November 11, 2003:

"Sanctions are imposed by Congress with some frequency. At first blush, this appears to be a straightforward affirmative vote, but I believe the matter is more complicated than that, and I have come to the view after having traveled to Syria almost every year since 1984, and after having had considerable contact with the Syrian Government. After considering the matter at some length, I have decided that I will vote in favor of the Syrian Accountability Act because the problems of terrorism are so serious and because I believe that Syria needs to do more" (p. S14403).

Prior to my vote on the Syrian Accountability Act, I wrote to Syrian President Bashar al-Assad on September 17, 2003:

WASHINGTON, DC,
SEPTEMBER 17, 2003.

His Excellency BASHAR AL-ASSAD,
President, Syrian Arab Republic,
Damascus, Syria.

DEAR PRESIDENT ASSAD: I write to inform you of growing concern in the United States Senate about Syria and the fact that the Syrian Accountability Act now has 76 co-sponsors. I had discussed this proposed legislation some time ago with your Ambassador to the United States. I had refrained from co-sponsoring the Syrian Accountability Act on the premise that we should try to work out the problems without resorting to legislation calling for sanctions.

Yesterday, Undersecretary of State John R. Bolton submitted testimony to the House of Representatives' International Relations Committee that Syria is permitting "volunteers" to pass over your border into Iraq where those so-called volunteers are intent on killing U.S. troops. This follows Administrator L. Paul Bremer's statement on August 20th that Syria is allowing "foreign terrorists" to cross Syria's borders into Iraq.

When you met with Secretary of State Powell last May, there was an understanding that Syria would shut Damascus offices of Hamas, Islamic Jihad and other terrorist groups. In June, Secretary Powell stated that Syria's efforts to shut these offices were "totally inadequate". The Bush Administration which had opposed the Syrian Accountability Act now is neutral, taking no position.

After extensive dealings with your father, President Hafez al-Assad, since the 1980s and with you on our meetings in the past several years, I have tried to assist in finding answers to these difficult problems. With the Syrian Accountability Act gaining so much support, it is my hope that your Government will respond to the concerns outlined in this letter before the U.S. Government resorts to sanctions.

I call these matters to your personal attention with the hope that prompt action can be taken by Syria to resolve these problems. The United States greatly appreciated the help that Syria provided to our intelligence services after September 11, 2001 in our fight against al-Qaeda.

Sincerely,

ARLEN SPECTER.

It is my hope that Congress' passage of the Comprehensive Iran Sanctions, Accountability, and Divestment Act would effect change in Tehran before the implementation of additional sanctions would be necessary, as sanctions invariably impact more people than just the leaders responsible for shaping a country's policy.

During my time in the Senate, I have pushed hard to engage Iran diplomatically. I have tried to visit Iran since the Iran-Iraq War ended in 1988, with my first attempts coming during my visits to Iraq in January 1989 and January 1990, but I have not yet succeeded. Going back to 2000, I have met repeatedly with Iranian officials in an effort to foster an exchange of visits by members of Congress to Iran and Iranian parliamentarians to the United States to try to open dialogue between our two countries. On May 11, 2000, I joined nine other senators in writing to Iranian Ambassador Hadi Nejad Hosseini proposing such an exchange (attached). I followed this with a meeting with Ambassador Hosseini on May 31, 2000. On October 17, 2001, I hosted Ambassador Hosseini in my Senate hideaway with Senator Mike DeWine, former Representative Lee Hamilton, Ambassador William Miller, and Representative Bob Ney. On November 18, 2002, I had lunch with Ambassador Zarif at the Wilson Center at an event hosted by former Representative Lee Hamilton.

As I wrote in the Washington Quarterly in December 2006, "I thought my efforts finally came to fruition in January 2004 when plans were made for U.S. members of Congress to meet with Iranian parliamentarians in Geneva. Unfortunately, Tehran later rescinded the invitation, declaring it was 'not on their agenda'" (p. 10). I met in New York City with Ambassador Hosseinian's successor, Ambassador Javad Zarif, in October 2006 and February 2007. On May 3, 2007, I joined eight colleagues in Congress writing to Gholam Ali Haddad Adel, then the speaker of Iran's parliament, to propose again "a diplomatic exchange between members of the United States Congress and Parliamentarians from the Islamic Republic of Iran" (attached). I followed this with a personal letter to Ayatollah Khamenei on October 16, 2007 (attached). Again, the offer was rebuffed (attached). My efforts to facilitate engagement continued with meetings with the current Iranian ambassador to the UN, Mohammed Khazaei, in February and December 2008.

On January 2, 2008, I traveled to the headquarters of the International Atomic Energy Agency in Vienna with IAEA Director General Mohamad ElBaradei to discuss the Iranian issue. On January 22, 2008 I discussed my meeting with Mr. ElBaradei on the Senate floor:

"When solicited about his views on President Putin's idea to have Russia handle Iran's nuclear material, he stated that Iran did not reject it but that they wanted their own capability. He suggested that an acceptable security structure must be negotiated with Iran to deter them. The [Director General] agreed that it is not acceptable for Iran to have nuclear weapons and that his job was to verify that the program is clean and under IAEA inspections.

"I pressed him on Iran's devious behavior in the past to conceal nuclear efforts and asked if we can ever be 100 percent sure. He stated that you can never be 100 percent positive but that he thinks Iran has things to tell him and that he has told them they should come clean.

"The Director General suggested that direct U.S.-Iranian negotiations should begin immediately to resolve the impasse. The U.S. and international community need to understand what the nuclear issue means to Iran with respect to its position in the region and the world, that there needs to be an understanding of the repercussions and that it must be done in a manner that allows all sides to save face.

"We discussed Secretary Rice's precondition that the U.S. would only meet with Iran if they halt enrichment. He said there must be middle ground to bring the parties together on this issue. He emphasized that sanctions alone won't resolve the situation and only makes people more hawkish. Iran's concealment of its [research and development] program, according to the Director, led to a confidence deficit in the international community.

"I asked about the capabilities of an inspection regime given Iran's substantial size. He confirmed the need to have a robust verification system on the ground. [El]Baradei stated that the Additional Protocol to the Nuclear Non-Proliferation Treaty (NPT) was helpful but that Iran stopped implementing it. The Additional Protocol was the result of an IAEA initiative to better constrain NPT member-states' ability to illicitly pursue nuclear weapons after secret nuclear weapons programs in Iraq and North Korea exposed weaknesses in existing agency safeguards. That effort eventually produced a voluntary Additional Protocol, designed to strengthen and expand existing IAEA safeguards for verifying that non-nuclear-weap-

on states-parties to the nuclear Non-proliferation Treaty (NPT) only use nuclear materials and facilities only for peaceful purposes. He stated that the Protocol gives him a good handle on Iran's nuclear program in that it provides access to additional facilities and information" (p. S74).

Following up on this conversation, I spoke with Mr. ElBaradei over the phone when I was in Vienna in January 2009, again following travels in the Middle East. On January 12, 2009, I said on the Senate floor:

"A year ago, I had an opportunity to meet with IAEA Director Mohamed ElBaradei. He was out of town when we were there [in 2009]. I had a conversation with him by telephone on the issue of the efforts by the IAEA to conduct the inspections and that at the moment Iran is not cooperating and, further, international action needs to be taken to be sure Iran does meet its obligations under international agreements and that there are adequate safeguards to prevent Iran from developing a nuclear weapon."

On November 26, 2009, shortly before stepping down from his position at the IAEA, Mr. ElBaradei said, "I am disappointed that Iran so far has not agreed" to proposals to ship nuclear material out of Iran, "[W]hich I believe are balanced and fair and would greatly alleviate the concerns relating to Iran's nuclear program" (Reuters, 11/26/09).

Our offers of diplomatic engagement, and the limited United Nations sanctions enacted to date, have not ended Iran's nuclear ambitions. I voted on September 26, 2007 in favor of an amendment to the Fiscal Year 2008 Department of Defense Authorization Bill to encourage the U.S. State Department to place the Islamic Revolutionary Guards Corps on its list of foreign terrorist organizations, as well as to expedite the enforcement of U.N. Sanctions mandated by December 2006 and March 2007 United Nations Security Council Resolutions, in the hope that this could bring about positive change. Unfortunately these efforts have not done enough, and for that reason, with the desire to avoid greater military conflict in the Middle East, I think more comprehensive sanctions are necessary.

If any sanctions are to be effective, they will need to be supported by the other permanent members of the UN Security Council, particularly Russia and China. While "Neither [Russia nor China] thinks Iran's missiles are aimed at them," as the Economist noted in a December 5, 2009 editorial, both would suffer from the instability that a nuclear armed Iran would bring about. The Economist editorial concluded, "Do nothing to give Iran pause and one way or another its illicit ambitions will eventually destabilize the entire Middle East."

It is important that the next round of sanctions be measured. As RAND scholar Alireza Nader noted in a September 30, 2009 paper, "Additional sanctions may create popular resentment against the government, and may even increase protests and opposition stemming from Iran's disputed presidential election." The New York Times highlighted this dissent on December 8, 2009 when it ran a headline stating, "Thousands Defy Iranian Authorities in Protests and Clashes at Campuses." Edward Alden, a trade expert at the Council on Foreign Relations, told Politico on September 29, 2009:

"A coordinated sanctions effort by the U.S. and Europe could put tremendous pressure on Iran. After 9/11, the Treasury developed new tools that forced banks and other financial companies around the world to cut ties to charities that were deemed to be supporting terrorist groups. Those same tools were turned against North Korea in 2005, effectively cutting off what little capability

the regime had to engage in foreign commercial transactions. For a country like Iran that depends so heavily on oil exports, similar actions against the companies that insure outgoing shipments from Iran could have a devastating economic impact."

On July 22, 2009, Patrick Clawson of the Washington Institute for Near East Policy told the House Committee on Foreign Affairs:

"For several years, Iran's economy was cushioned from foreign pressure by the high price of oil. That has changed as oil prices have declined and Tehran's poor policies have exacerbated serious structural weaknesses. The most likely prospect is that during the next few years, Iran's economy will face serious problems. Foreign economic pressure could add to those problems. Furthermore, Iranian public opinion is likely to exaggerate the impact of the foreign pressure and to blame the Ahmadinejad government's hardline stance for the country's economic difficulties" (1).

"[T]here is every reason to expect public opinion to lay the blame for the economic problems on the Ahmadinejad government. Already, reform politicians blame that government for isolating Iran from the world. If Iran is forced to reduce imports substantially, the most likely popular reaction will be to blame hardliners for the problems." (6).

"Foreign pressure cannot cause Iran's economy to collapse, nor should that be our goal. But such pressure may well be able to contribute to what is becoming an intense debate inside Iran about the wisdom of a confrontational and isolationist policy towards the international community. That debate offers the best prospect for a fruitful resolution of the nuclear impasse, because those who want Iran to join the world are not willing to pay a high price for a nuclear program which they increasingly see as part of the Ahmadinejad agenda, not part of a national project" (6).

We must be careful with sanctions so as to not play into the hands of the Iranian leadership, who would very much like to blame Iran's current economic struggles on the West. As the Economist noted on December 5, 2009, "... Mr. Ahmadinejad is just now having to contemplate ending ruinous petrol subsidies to balance his books and would be delighted to blame the pain on foreigners ... [A] UN-backed embargo on investment in Iran's oil and gas industries would hurt badly, and signal resolve. So would a ban on weapons imports. And Iran's repeated breach of nuclear safeguards is surely justification for ending nuclear trade with its regime."

Time to find a diplomatic solution is running out. On September 25, 2009, United Kingdom Prime Minister Gordon Brown said, "Confronted by the serial deception of many years, the international community has no choice today but to draw a line in the sand." On the same day, President Barack Obama said, "We weren't going to duplicate what has happened in North Korea, in which talks just continue forever without any actual resolution to the issue." "[T]he Iranian government," President Obama said, "must now demonstrate through deeds its peaceful intentions or be held accountable to international standards and international law."

On November 30, 2009, United States Ambassador to the United Nations, Susan Rice, told reporters:

"There has been an engagement track which we have been very actively engaged in, but there is also a pressure track. And as Iran makes choices that seem to indicate that it is not at this stage ready and willing to take up the offers on the engagement track then we will put greater emphasis on the pressure track. Time is short, and we are

serious about implementing to the fullest extent that dual track policy.”

“We will continue . . . to consult with our P5 + 1 colleagues both in capitals and elsewhere. I think the President and other leaders have been quite clear that we would take stock at the end of the year and see where we are. And I think as the indications mount that Iran is not yet in a position to take up the very concrete and constructive offers that have been put to it by the P5+1 and by the IAEA, it seems more likely that we will be on the pressure track, even as the door remains open to Iran to accept those offers.”

On December 7, 2009, Israeli Prime Minister Binyamin Netanyahu told members of the Knesset, “In the last year, two things have happened: Iran has advanced its military nuclear program, and Iran has lost its legitimacy in the eyes of the international community,” adding that preventing Iran from securing a nuclear arsenal was Israel’s “central problem,” according to a December 8, 2009 article in the Jerusalem Post.

Israel did not agree with the 2007 US National Intelligence Estimate on Iran’s nuclear program which concluded that Iran halted its nuclear weapons program in 2003. The New York Times noted on December 5, 2007 that then Israeli Defense Minister Ehud Barak rejected the American assessment of “moderate confidence” that Tehran had not restarted its nuclear weapons program by mid-2007 and that the end of the program “represents a halt to Iran’s entire nuclear weapons program.” Defense Minister Barak said, “It is our responsibility to ensure that the right steps are taken against the Iranian regime.” “As is well known, words don’t stop missiles,” he continued. Assessments may differ, Mr. Barak said, “but we cannot allow ourselves to rest just because of an intelligence report from the other side of the

Earth, even if it is from our greatest friend.” According to a December 11, 2007 New York Times article, “Israeli intelligence estimates say Iran stopped all its nuclear weapons activities for a time in 2003, nervous after the American invasion of Iraq, but then resumed those activities in 2005, accelerating enrichment and ballistic missile development and constructing a 40-megawatt heavy-water reactor in Arak that could produce plutonium.”

According to a December 5, 2009 article in the Economist, “Last year Israel carried out a long-distance military air exercise over Greece that looked like a rehearsal for action in Iran. In June [2009] a missile-carrying Israeli submarine ostentatiously sailed through the Suez Canal.” These military exercises, coupled with Israel’s public disagreement with the US over intelligence estimates on Iran’s nuclear program and Prime Minister Netanyahu’s recent public comments, show that Israel’s security calculus differs from our own. Time to find a diplomatic solution is running short; Israel—like every other nation—will act in defense of what it sees to be its own best interests.

Iran’s continued nuclear program is a ticking time bomb. All parties—Iran included—will benefit from its end. On this state of the record, enhanced sanctions, with the goal of ending Iran’s nuclear program and preventing wider conflict in the Middle East, are our best option.

Mr. SPECTER. Mr. President, I yield the floor, and in the absence of any other Senator seeking recognition, 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. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

JOB LOSS

Mr. CASEY. Mr. President, I rise to speak about job loss in the United States but in particular some of the individuals—the real people and real families—across our State whom I have met in the last couple weeks and who have told some of their stories about how they are struggling in this recession.

Unfortunately, just in terms of numbers, they have not gotten better in our State. We went a long period of time, when at least as a percentage of those who were out of work, we were fortunately in the bottom tier or in the middle. At least we didn’t have double-digit unemployment. That is changing, to a large extent. We are not in the 10 percent number that most of the country is, but we are at about 8.9 percent right now. We got some regional numbers today. Our State is divided into 14 labor markets and, unfortunately, in almost every one of them, that number keeps going up.

Mr. President, I ask unanimous consent to have printed in the RECORD a two-page summary of the unemployment data from Pennsylvania.

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

REGIONAL LABOR MARKET DATA
[Seasonally Adjusted—December 2009]

	Labor force	Employment	Unemployment	Rate (percent)
United States (Civilian—Dec 2009)	154,235,000	139,339,000	14,895,000	10.01
Pennsylvania (Dec 2009)	6,310,100	5,750,600	559,500	8.9
Allentown-Bethlehem-Easton-NJ (Carbon, Lehigh, Northampton plus Warren County, NJ)	416,100	375,300	40,700	9.8 (+.5)
Altoona (Blair)	63,400	58,400	5,000	7.9 (+.3)
Erie (Erie)	138,000	124,200	13,800	10 (+.6)
Harrisburg-Carlisle (Cumberland, Dauphin, Perry)	280,500	258,200	22,300	7.9 (+.4)
Johnstown (Cambria)	67,700	61,300	6,400	9.4 (+.3)
Lancaster (Lancaster)	262,400	242,200	20,200	7.7 (+.2)
Lebanon (Lebanon)	70,200	65,200	5,000	7.1 (+.1)
Philadelphia Metro (Not full MSA; excludes non-PA: Bucks, Chester, Delaware, Montgomery, Philadelphia)	1,945,200	1,781,100	164,100	8.5 (+.1)
Pittsburgh (Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, Westmoreland)	1,199,600	1,104,100	95,300	7.9
Reading (Berks)	199,900	181,100	18,800	9.4 (+.3)
Scranton/W-B (Lackawanna, Luzerne, Wyoming)	278,800	251,700	27,100	9.7 (+.3)
State College (Centre)	74,200	69,700	4,500	6.0 (+.1)
Williamsport (Lycoming)	53,900	53,100	5,800	9.8 (+.6)
York-Hanover (York)	224,000	204,200	19,800	8.9 (+.3)
Philadelphia	624,800	556,800	67,900	10.9
Pittsburgh (not seasonally-adjusted)	151,100	139,000	11,100	7.4 (−.1)
Allegheny County	628,600	581,500	47,100	7.5 (+.1)
Lackawanna County	105,900	96,100	9,800	9.2 (+.2)
Luzerne County	158,700	142,700	16,000	10.1 (+.4)
Lehigh County	174,700	157,800	16,800	9.6 (+.2)
Dauphin County	134,300	123,300	10,700	8.0 (+.2)

Mr. CASEY. Mr. President, I will highlight one or two regions to give a sense of the gravity of the problem.

In southeastern Pennsylvania, we have two major regions that have had very strong economies over time. The Philadelphia metropolitan region—the city of Philadelphia—and the suburban counties have done well economically, but that number is going up. The total number of unemployed is over 164,000 Pennsylvanians in that corner of the State. That is about 5 counties—164,000 people.

Just above that and north of that in the Lehigh Valley—the Allentown, Bethlehem region—they are at 9.8 per-

cent, with some 40,700 people out of work. In my home area of northeastern Pennsylvania—north of the Lehigh Valley—we received reports today of the job market going up to 9.7 percent unemployment, the highest in 17 years. You could go across the State and hear the same story.

So the numbers are going higher. Of course, that means the challenges, the misery, and the heartache for those who have lost their jobs are only rising.

We have to meet that challenge. Part of meeting that challenge is not just addressing it in terms of policy—I will talk about that tonight for a couple of

minutes—but also to try to understand as best we can from the distance of Washington, but even when you are, as I was, sitting in the same room more than a week ago with eight of our unemployed Pennsylvanians. I will just give two examples.

One individual sitting right across from me, his name was Ron. He was laid off last April. He is 61 years old. His was one of the most compelling stories in terms of where he was with a job and where he is today. Before he was laid off, he managed a staff of 12 people. Over the course of his long and successful career, he worked in various

management positions, at international trade groups, manufacturing facilities, and rental companies.

During my conversation with Ron, he talked about his fear that his wide experience seemed to be working against him in this labor market. Ron was earning more than \$100,000 before he was laid off. Today he and his wife are currently getting by with her earnings in a clerical job and his unemployment compensation, which amounts to just \$40,000. In his life it is a \$100,000 income versus now a \$40,000 income.

I also met Annetta. She was just on my right as we were talking to these eight individuals. She had a lot of energy and vigor. You could tell she was a very good employee. She worked for a retirement home until she was laid off. Annetta has been using her time to study to be a CNA, certified nurses aide, through the Yorktown School of Technology. In order to obtain her certification, Annetta had to pay for a final exam and a physical. She didn't have the money to up-front the costs of those tests and thus could not obtain her certified nurses assistant certification.

According to Annetta, the most frustrating part of her situation is that she has the experience of a certified nurse from a previous employer who did not require formal certification. But I was particularly touched by her comments that, as a single person, Annetta fears having no one to fall back on in these tough times. Also, her embarrassment. We would always say to her or anyone in this situation: You shouldn't be embarrassed. You are in a very difficult situation. You have lost a job through no fault of your own.

But, of course, that is not the way she sees it in terms of what she feels in her heart. She does feel a sense of embarrassment over having to turn to churches for food. That is why we have an increase in food stamps. We legislate to do that because it is not only good for that individual, taxpayers have an added economic benefit from an increase in food stamps and an increase in unemployment insurance, just to name two examples.

What strikes me most about the stories that each of these individuals told, but in particular as I cite them tonight, Ron and Annetta, they are looking for work in the worst job market in modern times, but they speak very candidly about their fears. But mostly they talk about the incredible efforts they have made to get back to work.

I know the Presiding Officer would remember the presentation that President Obama made to us in December, on a Sunday. We were meeting in a caucus about health care and he came over to talk to us. He talked about meeting individuals who were out of work in another part of Pennsylvania, in Allentown, at a job site. What he said in early December was very similar to what I heard in late January, and that is these are individuals who are out of work through no fault of

their own. They are working and struggling, leading lives of tremendous struggle and sacrifice and heartache, but they are not complaining. They are determined to get a job. They are filling out scores and scores of applications—sometimes being rejected formally and sometimes hearing nothing at all. That is the life they are leading.

I think the President's visit and other visits by some of us in the Senate are confirming that sense of determination, that sense of gratitude they have that there are programs to help them while they are unemployed, but also a tremendous resilience and ability to live and work through this struggle.

What do we do? We could cite their cases and say how much we hope their prospects will improve. We could continue to enlarge and expand, as we must and we should, a safety net. We could pass other legislation. But I think one of the best ways to jump-start job creation is to provide significant tax incentives to employers, lots of employers out there who want to hire, who want to invest in their business, who want to maybe move people up who have done a good job and increase their payroll in that way—but especially to hire more people, to hire folks who are out of work.

I believe the best way to do that, not the only way but the best way, is to pass legislation like the bill I introduced yesterday, the Small Business Job Creation Tax Credit Act. It is rather simple, but I think the impact of it could be substantial—a very substantial number of jobs created. What this act does is provide a nonrefundable quarterly payroll tax credit based upon an increase in the employer's wages that are paid. It would be a 1-year bill. It would be in effect for 1 year so it is very targeted in terms of the time. The credit would apply to an employee's wages up to the Social Security base of \$106,800—that would be the limit of what you could count for the tax credit. If you had fewer than 100 employees, you would get a 20-percent credit; more than 100 employees, 15 percent.

We know as we have heard today and on so many other occasions that the driver of our economy tends to be almost overwhelmingly small business. In Pennsylvania, if you look at a 3-year period from 2003 to 2006, small businesses accounted for more than 91 percent of the job creation. So we know that by giving small businesses a 20-percent tax credit for those with under 100 employees, that can have a substantial benefit for those employers, obviously, for those who can obtain work, and I think in a larger way our economy. We put a limit on the credit. One company could not have more than \$½ million by way of a credit. You would basically compare one quarter in 2010, for example, versus that corresponding quarter in 2009.

We know one of the referees around here is the Congressional Budget Office, maybe the main referee, in terms

of how legislation is given a price or a score or a number, so to speak. The Congressional Budget Office has said that a tax credit based upon an increase in payroll would have the greatest positive impact on America's gross domestic product and employment, when compared to other job creation strategies.

I believe Congress should pass a job creation tax credit to reduce up-front labor costs. This credit could provide for one small business, just one business alone, a 20-percent job creation tax credit.

Other economists across the board, the Economic Policy Institute as well as others, have estimated that a job creation tax credit would create approximately 40 percent more jobs than other proposals.

Finally, I would make a point about how it works. Sometimes we pass legislation around here and we do not often think about how it works in the real world—the real world of being an employer, the real world of hiring people and making ends meet, meeting your bottom line, getting your product out the door, all of the real-world challenges our employers face.

The way this would work is, every employer is familiar with what the IRS calls form 941. It is just one of many forms we hear about. But all we would need to do, if we pass this tax credit, is to have a line or two added to that form. The employer would fill it out quarterly and see it right in front of him. He wouldn't have to hire a team of lawyers or tax accountants or other experts, he would just fill that in and be eligible and receive the credit.

It is vitally important that we take these steps for people such as Ron, whom I spoke of before, and others as well, such as Annetta and those individuals I have met. I know the Presiding Officer has met individuals in the State of Colorado and across our country who are facing similar challenges.

Especially when we see more and more the rise in these job loss indicators, to have headline after headline say: Highest job loss in 17 Years, highest job loss in 20, in 23, in 25 years—these are just headlines I have seen over the last couple of weeks in Pennsylvania. To see that, it is not enough to say we will weather the storm and we will try to provide a safety net. We have to have a safety net, but I believe we have to have very targeted and focused strategies that are not theoretical.

We know this will work. We have prior evidence and experience with it. We need to pass the Job Creation Tax Credit to jump-start the creation of jobs this year, in 2010, in the next couple of months and throughout the year.

Mr. President, I yield the floor and 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. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF PROCEDURE

Mr. CASEY. Mr. President, I ask unanimous consent that on Thursday, February 4, after the opening of the Senate and the Senate proceeds to executive session and resumes consideration of Calendar No. 474, the nomination of Patricia Smith to be Solicitor of the Department of Labor, all postcloture time be considered expired except for 20 minutes, with that time equally divided and controlled between Senators HARKIN and ENZI or their designees; that upon the use or yielding back of time, the Senate then proceed to a vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table, no further motions be in order, and the President be immediately notified of the Senate's action; that there be 2 hours of debate prior to a cloture vote with respect to Calendar No. 188, the nomination of Martha Johnson to be Administrator of the GSA, with the time equally divided and controlled between the leaders or their designees; that upon the use of time, the Senate then proceed to a vote on the motion to invoke cloture on the nomination; that if cloture is invoked, all postcloture time be yielded back and the Senate then immediately vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CASEY. I ask unanimous consent that the Senate proceed en bloc to Executive Calendar Nos. 654, 661, 667, to and including 685, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Robert William Heun, of Alaska, to be United States Marshal for the District of Alaska for the term of four years.

Willie Lee Richardson, Jr., of Georgia, to be United States Marshal for the Middle District of Georgia for the term of four years.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Kory G. Cornum

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Carol A. Lee

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Eric W. Crabtree
Brigadier General Wallace W. Farris, Jr.
Brigadier General Craig N. Gourley
Brigadier General David S. Post
Brigadier General Donald C. Ralph
Brigadier General Jon R. Shasteen
Brigadier General Richard A. Shook, Jr.
Brigadier General James N. Stewart
Brigadier General Lance D. Undhjem

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Dixie A. Morrow

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Paul S. Dwan

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Daniel B. Fincher
Col. David C. Wesley

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Colonel Gary C. Blaszkievicz
Colonel Arthur C. Haubold
Colonel Michael D. Kim
Colonel Linda S. Marchione
Colonel Richard O. Middleton, II
Colonel Robert N. Polumbo
Colonel Jane C. Rohr
Colonel Patricia A. Rose
Colonel Peter Sefcik, Jr.
Colonel James F. Smith
Colonel Edmund D. Walker
Colonel William O. Welch

The following named officer for appointment as Deputy Judge Advocate General of the Air Force and appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 8037:

To be major general

Brig. Gen. Steven J. Lepper

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 8081:

To be major general

Col. Gerard A. Caron

The following named officer for appointment in the United States Air Force to the grade indicated and for appointment as the Judge Advocate General of the Air Force under title 10, U.S.C., section 8037:

To be lieutenant general

Brig. Gen. Richard C. Harding

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brigadier General Samuel C. Heady
Brigadier General William E. Hudson
Brigadier General Gary T. Magonigle
Brigadier General James M. McCormack
Brigadier General Alex D. Roberts
Brigadier General Gregory J. Schwab

To be brigadier general

Colonel Carl F. Bess, Jr.
Colonel Gregory J. Biernacki
Colonel James C. Blaydon
Colonel Francis X. Carrillo
Colonel Deborah L. Carter
Colonel Robert F. Cayton
Colonel William J. Crisler, Jr.
Colonel Gregory L. Ferguson
Colonel James E. Fredregill
Colonel Anthony P. German
Colonel Ann M. Greenlee
Colonel Mark D. Hammond
Colonel Richard N. Harris, Jr.
Colonel Mark E. Jannitto
Colonel Larry R. Kauffman
Colonel Jon K. Kelk
Colonel David T. Kelly
Colonel John E. Kent
Colonel Donald M. Lagor
Colonel Michael E. Loh
Colonel Constance C. McNabb
Colonel Clayton W. Moushon
Colonel Phillip E. Murdock
Colonel John E. Murphy
Colonel Gerald E. Otterbein
Colonel Martin J. Park
Colonel Nicholas S. Rantis
Colonel Robert L. Shannon, Jr.
Colonel Cassie A. Strom
Colonel Gregory N. Stroud
Colonel Thomas A. Thomas, Jr.
Colonel Carol A. Timmons
Colonel Steven J. Verhelst
Colonel Tony L. West
Colonel Robert S. Williams
Colonel Michael A. Webbema

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Mary A. Legere

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Thomas P. Bostick

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert L. Caslen, Jr.

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Steven W. Smith

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. William D. Frink, Jr.