

needs to effectively prosecute criminal antitrust cartels for years to come. I thank Senator KOHL for his hard work in securing passage of this important legislation.

I have long supported vigorous enforcement of the antitrust laws. ACPERA provides a necessary complement to the Justice Department's highly successful corporate leniency program by limiting civil damages recoverable against a party who submits an application for leniency. Without this legislation, potential leniency applicants could be deterred from self-reporting antitrust violations that otherwise would result in significant criminal prosecutions.

I would have preferred that ACPERA be permanently reauthorized. Even so, a 10-year extension ensures that the Justice Department can still provide applicants with certainty that the rules of the game will not suddenly shift underneath them. ACPERA's incentives are critical to the Justice Department's criminal antitrust enforcement efforts, and I look forward to continuing to work to provide the Antitrust Division to ensure it has the resources necessary to protect consumers.

Mr. DURBIN. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5330) was ordered to be read a third time, was read the third time, and passed.

ORDER FOR PRINTING—H.R. 4173

Mr. DURBIN. I ask unanimous consent that H.R. 4173, as passed by the Senate on May 20, 2010, be printed.

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

AUTHORIZING PRODUCTION OF RECORDS

AMERICAN EAGLE DAY

SUPPORT FOR NATIONAL PRADER-WILLI SYNDROME AWARENESS MONTH

SUPPORTING INCREASED MARKET ACCESS FOR EXPORTS OF U.S. BEEF AND BEEF PRODUCTS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions: S. Res. 542, S. Res. 543, S. Res. 544, and S. Res. 545.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. DURBIN. I ask unanimous consent the resolutions be agreed to, the

preambles be agreed to, the motions to reconsider be laid upon the table en bloc, and any statements related to the resolutions be printed in the RECORD.

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

Mr. REID. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has received requests from Federal and State government entities seeking access to records that the subcommittee obtained during its recent investigation into Wall Street and the financial crisis of 2008, examining the role of mortgage lenders, bank regulators, credit rating agencies, and investment banks in causing the crisis.

S. Res. 545 would authorize the chairman and ranking minority member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the subcommittee in the course of its investigation, in response to these requests and to other government entities and officials with a legitimate need for the records.

The resolution (S. Res. 543) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 545

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into Wall Street and the financial crisis of 2008, examining the role of mortgage lenders, bank regulators, credit rating agencies, and investment banks in causing the crisis;

Whereas, the Subcommittee has received requests from federal and state government entities for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into Wall Street and the financial crisis of 2008, examining the role of mortgage lenders, bank regulators, credit rating agencies, and investment banks in causing the crisis.

The resolution (S. Res. 542) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 542

Whereas on June 20, 1782, the bald eagle was officially designated as the national em-

blem of the United States by the founding fathers at the Second Continental Congress;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

- (1) the Office of the President;
- (2) the Office of the Vice President;
- (3) Congress;
- (4) the Supreme Court;
- (5) the Department of the Treasury;
- (6) the Department of Defense;
- (7) the Department of Justice;
- (8) the Department of State;
- (9) the Department of Commerce;
- (10) the Department of Homeland Security;
- (11) the Department of Veterans Affairs;
- (12) the Department of Labor;
- (13) the Department of Health and Human Services;
- (14) the Department of Energy;
- (15) the Department of Housing and Urban Development;
- (16) the Central Intelligence Agency; and
- (17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

- (1) the spirit of freedom; and
- (2) the democracy of the United States;

Whereas, since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, commerce, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas, by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas, due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned individuals from the Federal, State, and private sectors banded together to save, and help ensure the recovery and protection of, bald eagles;

Whereas, on July 20, 1969, the first manned lunar landing occurred in the Apollo 11 Lunar Excursion Module, which was named "Eagle";

Whereas the "Eagle" played an integral role in achieving the goal of the United States of landing a man on the Moon and returning that man safely to Earth;

Whereas, in 1995, as a result of the efforts of those caring and concerned individuals, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas, by 2007, the population of bald eagles that nested in the lower 48 States had increased to approximately 10,000 nesting pairs, an increase of approximately 2,500 percent from the preceding 40 years;

Whereas, in 2007, the population of bald eagles that nested in the State of Alaska was approximately 50,000 to 70,000;

Whereas, on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles remain protected in accordance with—

- (1) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the "Bald Eagle Protection Act of 1940"); and

(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas, on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald eagle commemorative coins under the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108-486; 118 Stat. 3934);

Whereas the sale of the limited edition bald eagle commemorative coins issued by the Secretary of the Treasury has raised approximately \$7,800,000 for the nonprofit American Eagle Foundation of Pigeon Forge, Tennessee to support efforts to protect the bald eagle;

Whereas, if not for the vigilant conservation efforts of concerned Americans and the enactment of strict environmental protection laws (including regulations) the bald eagle would probably be extinct;

Whereas the American Eagle Foundation has brought substantial public attention to the cause of the protection and care of the bald eagle nationally;

Whereas November 4, 2010, marks the 25th anniversary of the American Eagle Foundation;

Whereas the dramatic recovery of the population of bald eagles—

(1) is an endangered species success story; and

(2) an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—

(1) the continued progress of the recovery of bald eagles; and

(2) that the population and habitat of bald eagles will remain healthy and secure for future generations; Now, therefore, be it

Resolved, That the Senate—

(1) designates June 20, 2010, as “American Eagle Day”; and

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to generate critical funds for the protection of bald eagles; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

The resolution (S. Res. 543) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 543

Whereas Prader-Willi syndrome is a complex genetic disorder that occurs in approximately 1 out of every 15,000 births;

Whereas Prader-Willi syndrome is the most commonly known genetic cause of life-threatening obesity;

Whereas Prader-Willi syndrome affects—

(1) males and females with equal frequency; and

(2) all races and ethnicities;

Whereas Prader-Willi syndrome causes an extreme and insatiable appetite, often resulting in morbid obesity;

Whereas morbid obesity is the major cause of death for individuals with the Prader-Willi syndrome;

Whereas Prader-Willi syndrome causes cognitive and learning disabilities and behavioral difficulties, including obsessive-compulsive disorder and difficulty controlling emotions;

Whereas the hunger, metabolic, and behavioral characteristics of Prader-Willi syndrome force affected individuals to require constant and lifelong supervision in a controlled environment;

Whereas studies have shown that individuals with Prader-Willi syndrome have a high morbidity and mortality rate;

Whereas there is no known cure for Prader-Willi syndrome;

Whereas early diagnosis of Prader-Willi syndrome allows families to access treatment, intervention services, and support from health professionals, advocacy organizations, and other families who are dealing with the syndrome;

Whereas recently discovered treatments, including the use of human growth hormone, are improving the quality of life for individuals with the syndrome and offer new hope to families, but many difficult symptoms associated with Prader-Willi syndrome remain untreated;

Whereas increased research into Prader-Willi syndrome—

(1) may lead to a better understanding of the disorder, more effective treatments, and an eventual cure for Prader-Willi syndrome; and

(2) is likely to lead to a better understanding of common public health concerns, including childhood obesity and mental health; and

Whereas advocacy organizations have designated May as Prader-Willi Syndrome Awareness Month; Now, therefore, be it

Resolved, That the Senate—

(1) supports raising awareness and educating the public about Prader-Willi syndrome;

(2) applauds the efforts of advocates and organizations that encourage awareness, promote research, and provide education, support, and hope to those impacted by Prader-Willi syndrome;

(3) recognizes the commitment of parents, families, researchers, health professionals, and others dedicated to finding an effective treatment and eventual cure for Prader-Willi syndrome; and

(4) expresses support for the designation of a National Prader-Willi Syndrome Awareness Month.

The resolution (S. Res. 544) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 544

Whereas in 2003, United States beef exports to China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam were valued at \$3,300,000,000;

Whereas after the discovery of 1 Canadian-born cow infected with bovine spongiform encephalopathy (BSE) disease in the State of Washington in December 2003, China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam, among others, closed their markets to United States beef;

Whereas for years the Government of the United States has developed and implemented a multilayered system of interlocking safeguards to ensure the safety of United States beef, and after the 2003 discovery, the United States implemented further safeguards to ensure beef safety;

Whereas a 2006 study by the United States Department of Agriculture found that BSE was virtually nonexistent in the United States;

Whereas the internationally recognized standard-setting body, the World Organization for Animal Health (OIE), has classified the United States as a controlled risk country for BSE, which means that all United States beef and beef products from cattle of all ages is safe for export and consumption;

Whereas China continues to prohibit imports of all beef and beef products from the United States;

Whereas Japan has opened its market for United States exporters of beef and beef products from cattle less than 21 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas Hong Kong has opened its market for United States exporters of deboned beef from cattle less than 30 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas Taiwan has opened its market for United States exporters of deboned and bone-in beef and certain offal products from cattle less than 30 months of age and has agreed to open, but has not yet opened, its market for all United States beef and beef products from cattle of all ages;

Whereas South Korea has opened its market for United States exporters of beef and beef products from cattle less than 30 months of age and has agreed to open eventually, but has not yet opened, its market for all United States beef and beef products from cattle of all ages;

Whereas Mexico has opened its market for United States exporters of deboned and bone-in beef and certain offal from cattle less than 30 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas Vietnam has opened its market for United States exporters of beef and beef products from cattle less than 30 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas between 2004 through 2009, United States beef exports declined due to these restrictions, causing significant revenue losses for United States cattle producers, for example, United States beef exports to Japan and South Korea averaged less than 15 percent of the amount the United States sold to Japan and South Korea in 2003; and

Whereas, while China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam remain important trading partners of the United States, unscientific trade restrictions are not consistent with their trade obligations; Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) sanitary measures affecting trade in beef and beef products between the United States and China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam should be based on science;

(2) since banning United States beef in December 2003, China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam have, to varying degrees, failed to comply with internationally recognized scientific guidelines with respect to United States beef and beef products;

(3) China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam should fully comply with internationally recognized scientific guidelines;

(4) China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam should open their markets to United States exporters of all beef and beef products from cattle of all ages, consistent with OIE guidelines; and

(5) the President should continue to insist on full access for United States exporters of

beef and beef products to the markets in China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 282, the adjournment resolution, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 282) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 282) was agreed to, as follows:

H. CON. RES. 282

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, May 27, 2010, through Tuesday, June 1, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 8, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 27, 2010, through Tuesday, June 1, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 7, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble

at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

APPOINTMENT AUTHORIZATION

Mr. DURBIN. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or inter-parliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

ORDERS FOR FRIDAY, MAY 28, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 10 a.m. on Friday, May 28; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. DURBIN. Mr. President, there will be no rollcall votes during Friday's session of the Senate.

RECESS UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 9:53 p.m., recessed until Friday, May 28, 2010, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

J. THOMAS DOUGHERTY, OF WYOMING, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAOR-

DINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

ERIC D. BENJAMINSON, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE GABONESE REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE.

DEPARTMENT OF LABOR

PAUL M. TIAO, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF LABOR, VICE GORDON S. HEDDELL, RESIGNED.

NATIONAL BOARD FOR EDUCATION SCIENCES

ROBERT ANACLETUS UNDERWOOD, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012, VICE ROBERT C. GRANGER, TERM EXPIRED.

ANTHONY BRYK, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2011, VICE HERBERT JOHN WALBERG, TERM EXPIRED.

BEVERLY L. HALL, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING MARCH 15, 2012, VICE CRAIG T. RAMEY, TERM EXPIRED.

KRIS D. GUTIERREZ, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012, VICE GERALD LEE, TERM EXPIRED.

THE JUDICIARY

JAMES E. SHADID, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS, VICE MICHAEL M. MIHM, RETIRED.

MAX OLIVER COGBURN, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE LACY H. THORNBURG, RETIRED.

DEPARTMENT OF JUSTICE

WILLIAM J. IHLENFELD, II, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS, VICE SHARON LYNN POTTER.

JOHN WILLIAM VAUDREUIL, OF WISCONSIN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS, VICE ERIK C. PETERSON.

DEPARTMENT OF ENERGY

NEILE L. MILLER, OF MARYLAND, TO BE PRINCIPAL DEPUTY ADMINISTRATOR, NATIONAL NUCLEAR SECURITY ADMINISTRATION, VICE WILLIAM CHARLES OSTENDORFF, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

AXEL L. STEINER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CLIFFORD R. SHEARER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 531:

To be major

ADAM M. KING
MATTHEW N. MCCONNELL
DEREK A. POETEET
JOHN J. STEPHENS
JAMES D. VALENTINE