

of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the end, insert the following:

The Committee on Appropriations is requested to study the impact of any delay in implementing the provisions of the Act on job creation on a regional and national level.

SA 3313. Mr. REID proposed an amendment to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the end, add the following:

“and includes statistics of specific service related positions created.

SA 3314. Mr. REID proposed an amendment to amendment SA 3313 proposed by Mr. REID to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the end, add the following:

“and the impact on the local economy.”

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on February 11, 2010, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 11, 2010, at 2:15 p.m., in S-120 of the Capitol, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 11, 2010 at 2:30 p.m.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, we have a number of nominations that have been cleared. I appreciate the cooperation of the Republicans in this regard. I have said enough on this subject. I am glad we are able to get this many done.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos.

531, 580, 602, 615, 622, 623, 627, 631, 642, 645, 646, 650, 651, 658, 659, 660, 662, 666, 686, 687, 689, 690, 691, 692, 693, 694, and 695; that the nominations be confirmed en bloc and 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 then resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

UNITED STATES SENTENCING COMMISSION

Ketanji Brown Jackson, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2013.

DEPARTMENT OF JUSTICE

Susan B. Carbon, of New Hampshire, to be Director of the Violence Against Women Office, Department of Justice.

DEPARTMENT OF STATE

Betty E. King, of New York, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador.

DEPARTMENT OF HOMELAND SECURITY

Caryn A. Wagner, of Virginia, to be Under Secretary for Intelligence and Analysis, Department of Homeland Security.

DEPARTMENT OF LABOR

Sara Manzano-Diaz, of Pennsylvania, to be Director of the Women's Bureau, Department of Labor.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Patrick Alfred Corvington, of Maryland, to be Chief Executive Officer of the Corporation for National and Community Service.

DEPARTMENT OF VETERANS AFFAIRS

Robert A. Petzel, of Minnesota, to be Under Secretary for Health of the Department of Veterans Affairs.

DEPARTMENT OF COMMERCE

Nicole Yvette Lamb-Hale, of Michigan, to be an Assistant Secretary of Commerce.

DEPARTMENT OF THE TREASURY

Marisa Lago, of New York, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Ellen Gloninger Murray, of Virginia, to be an Assistant Secretary of Health and Human Services.

Bryan Hayes Samuels, of Illinois, to be Commissioner on Children, Youth, and Families, Department of Health and Human Services.

DEPARTMENT OF THE TREASURY

Charles Collins, of Maryland, to be a Deputy Under Secretary of the Treasury.

Mary John Miller, of Maryland, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF JUSTICE

André Birotte, Jr., of California, to be United States Attorney for the Central District of California for the term of four years.

Richard S. Hartunian, of New York, to be United States Attorney for the Northern District of New York for the term of four years.

Ronald C. Machen, Jr., of the District of Columbia, to be United States Attorney for the District of Columbia for the term of four years.

DEPARTMENT OF DEFENSE

Mary Sally Matiella, of Arizona, to be an Assistant Secretary of the Army.

Douglas B. Wilson, of Arizona, to be an Assistant Secretary of Defense.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Irvin M. Mayfield, Jr., of Louisiana, to be a Member of the National Council on the Arts for a term expiring September 3, 2014.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Cynthia L. Attwood, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2013.

SECURITIES INVESTOR PROTECTION CORPORATION

Sharon Y. Bowen, of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2012.

Orlan Johnson, of Maryland, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2011.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Douglas A. Criscitello, of Virginia, to be Chief Financial Officer, Department of Housing and Urban Development.

Theodore W. Tozer, of Ohio, to be President, Government National Mortgage Association.

DEPARTMENT OF COMMERCE

David W. Mills, of Virginia, to be an Assistant Secretary of Commerce.

Suresh Kumar, of New Jersey, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Kevin Wolf, of Virginia, to be an Assistant Secretary of Commerce.

NOMINATION OF CARYN WAGNER

Mrs. FEINSTEIN. Mr. President, I support the nomination of Ms. Caryn Wagner to be Under Secretary of Intelligence and Analysis at the Department of Homeland Security, DHS, and urge my colleagues to confirm her. The Intelligence Committee unanimously approved the nomination by voice vote on December 10, 2009.

The Under Secretary of Intelligence and Analysis leads the Office of Intelligence and Analysis at the Department of Homeland Security, which is among the youngest elements of the U.S. intelligence community. The main responsibilities of the Office are to ensure that information related to homeland security threats is (1) collected, analyzed, and disseminated to homeland security customers in the Department, at the State, local, and tribal levels; (2) shared as appropriate with private sector entities; and (3) provided to other intelligence community agencies. The Under Secretary of the Office leads these efforts, provides homeland security intelligence and advice to the Secretary and other senior officials in the Department of Homeland Security, and serves as the Department's senior interagency intelligence representative.

The cases of Najibullah Zazi in New York and David Headley in Chicago, both U.S. persons allegedly involved in plotting terrorist acts and having ties to noted terrorist groups overseas, show the threat of violent Islamist radicalization occurring in this country is real. The Department of Homeland Security was created in 2002 to

focus on the threat of terrorist activity in the United States, a mission that is vitally dependent on good, accurate, actionable intelligence.

Nonetheless, the Office of Intelligence and Analysis has experienced numerous problems in its short tenure and members of the Intelligence Committee and the Homeland Security Committee have frequently raised concerns. Of particular note have been the Office's ill-defined planning, programming and budget processes; a gross overreliance on contractors to the point that 63 percent of the workforce was contractor personnel as of this summer; and a lack of a strategic plan. 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.

Clearly, the Office is in need of strong leadership from an Under Secretary with an extensive background in management and intelligence.

The Intelligence Committee is confident that Ms. Wagner is such a person and is up to the challenge of setting the DHS Office of Intelligence and Analysis on a proper course. 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.

Ms. Wagner's distinguished career in public and private service prepares her well for this position. Ms. Wagner is currently an instructor in intelligence resource management for the Intelligence and Security Academy, LLC.

She retired from the House Permanent Select Committee on Intelligence on October 1, 2008, where she served as budget director and cybersecurity coordinator. Prior to that, Ms. Wagner served in the Office of the Director of National Intelligence as an Assistant Deputy Director of National Intelligence for Management and the first chief financial officer for the National Intelligence Program. She assumed this position after serving as the executive director for Intelligence Community Affairs.

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

President Obama nominated Ms. Wagner on October 23, 2009. After completing the prehearing procedures, the Intelligence Committee held a confirmation hearing on the nomination on December 1, 2009. As part of the confirmation process, Ms. Wagner was

asked to complete a committee questionnaire, prehearing questions, and posthearing questions for the record. The answers she provided have all been posted to the Intelligence Committee's Web site. The Senate Homeland Security and Government Affairs Committee also held a hearing on Ms. Wagner's nomination on December 3, 2009.

In sum, I am confident that Caryn Wagner will be an asset to the Department of Homeland Security and to the intelligence community. I look forward to working with her and I urge the Senate to approve Ms. Wagner's nomination.

NOMINATION OF ANDRÉ BIROTTE, JR.

Mr. President, nominations in this Chamber are moving at a snail's pace.

Last week, it took us three votes—spanning 3 days—to move only two nominations.

Last Thursday, we had a cloture vote on Martha Johnson, the nominee to lead the General Services Administration. The Homeland Security and Governmental Affairs Committee reported her to the floor unanimously last June, but since then her nomination has been blocked on the floor for 7 months. Seven months of a hold. And then once cloture was invoked, 94 Members of this body voted to confirm her.

Unfortunately, the minority's blocking of noncontroversial nominees is becoming the rule rather than the exception.

Last Tuesday, I spoke about two nominees for posts in the intelligence community—Caryn Wagner to be the Under Secretary of Intelligence and Analysis at the Department of Homeland Security, DHS, and of Ambassador Phil Goldberg to be the Assistant Secretary for Intelligence and Research at the Department of State.

Neither nomination is controversial. Both were reported out of the Senate Intelligence Committee by voice vote. And both of these posts are critical to efforts to protect the security of our Nation.

Yet both nominations are still blocked on the floor.

Today, I rise to speak on yet another noncontroversial nomination that members of the minority are blocking.

André Birotte, Jr., is the nominee to be the U.S. attorney for the Central District of Los Angeles. He was reported out of the Judiciary Committee by voice vote.

He is highly qualified, and he is not controversial.

Mr. Birotte is a former Federal prosecutor in the office who currently serves as the inspector general for the Los Angeles Police Commission. In this role, he has the often unenviable job of determining whether disciplinary action is necessary against law enforcement officials who have been accused of official misconduct. His position requires him to review the facts and follow where they lead—even in highly sensitive situations.

In this tough role, Mr. Birotte has stood out for integrity and

evenhandedness. He has earned the overwhelming respect and support of both law enforcement officers and the civil rights community.

Mr. Birotte is tough. He is independent. He has management experience. He has prosecution experience. And I believe he will make an excellent U.S. attorney.

He will also be the first African-American U.S. attorney in the central district. It is my hope that his historic appointment as the lead Federal law enforcement official in Los Angeles will be one more step forward for a city that has known both great progress and, at times, acute disappointment in race relations.

For all of these reasons, I would like to see him confirmed as soon as possible.

This nomination is not just important to me because of the strength of the nominee, however. I also believe it is essential that we get this Office's leader into place.

The U.S. Attorney's Office in the Central District of California is the second largest in the country. Only the Office in the District of Columbia is larger, and that is because it has unusual responsibility for both local and Federal crimes.

The central district office employs more than 250 Federal prosecutors. They bear responsibility for prosecuting violations of Federal law across seven counties—Los Angeles County, Orange County, Riverside County, San Bernardino County, San Luis Obispo County, Santa Barbara County, and Ventura County—that span more than 40,000 square miles. The district includes Los Angeles and 34 other cities, with a combined population of more than 18 million.

It is a huge operation.

As in all of the U.S. attorneys' offices, the prosecutors in the Central District of California are busy.

In the past year alone, the U.S. Attorney's Office has brought in over \$150 million in judgments, won significant convictions against leaders of gangs and fraudulent enterprises, and placed people behind bars for crimes committed around the world.

Let me give you a few examples, all from 2009 and 2010:

Central District prosecutors secured a \$46 million restitution order in a case against a former real estate appraiser who committed massive mortgage fraud.

They put the leader of a \$64 million Ponzi scheme behind bars for 300 months and won a \$44 million restitution order against him.

They indicted 88 members and associates of a street gang called the Avenues on various charges, including the 2008 murder of a Los Angeles deputy sheriff; they indicted 24 people on gang-related drug trafficking in an investigation known as Operation Knock-out; they took down an international sex trafficking ring that was forcing Guatemalan girls into prostitution in

Los Angeles; they put a foreign national behind bars for 78 months for participating in the transport of over 9,000 illegal aliens to and from Los Angeles; and they obtained a conviction and 16-year prison sentence against the founder of a domestic terrorist group that was planning attacks on U.S. military operations.

All of those prosecutions have occurred in the last 13 months alone.

André Birotte is a highly qualified individual who has been nominated not to lead an office embroiled in the politics of Washington, but instead that bears responsibility for investigating, prosecuting, deterring, and preventing Federal crimes against Americans and their families.

I do not believe the leadership of this office should get caught up in an unrelated dispute. If someone objects to Mr. Birotte, I hope they will come forward. Otherwise, I hope that we can move forward quickly to confirm this nominee.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume legislative session.

CALLING FOR A RENEWED FOCUS ON THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN'S VIOLATIONS OF HUMAN RIGHTS

Mr. REID. Mr. President, I ask unanimous consent to proceed to the consideration of S. Res. 415.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 415) calling for a renewed focus on the Government of the Islamic Republic of Iran's violations of internationally-recognized human rights as found in the Universal Declaration of Human Rights.

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

Mr. KAUFMAN. Mr. President, today I rise to express support for the people whose voices have been silenced by the Government of Iran. For 8 months, violence has been waged against peaceful protesters. Free speech, free expression, and a free press have been suppressed, and access to information and news has been limited through the jamming of international broadcasting and restrictions on the Internet.

According to a joint statement released by the United States and the EU on Monday, since the flawed Iranian election in June, there have been large scale detentions and mass trials of peaceful demonstrators; threatened executions of protestors; intimidation of family members of those detained; and the continued denial of peaceful expression, contrary to universal norms of human rights.

This statement was issued in advance of today's protests in Iran marking the

31st anniversary of the Islamic revolution, in anticipation of widespread violence and additional arrests which are occurring as we speak. These and other events in Iran represent blatant violations of international standards for human rights. This is why I have come to the floor today—to condemn the repression of the Iranian people, and to call on the government of Iran to bring its unconscionable behavior to an end.

On December 23, the Senate unanimously passed a resolution condemning the government of Iran for ongoing human rights abuses and for suppressing freedom of speech, assembly, expression, and the press. This resolution, which I introduced along with Senators LIEBERMAN, MCCAIN, and others, reiterated the concerns that we also conveyed in the Victims of Iranian Censorship, or VOICE Act, which authorized funding for the development of technology to circumvent online censorship in Iran.

Despite these and other international expressions of solidarity with the Iranian people, the government of Iran has become even more brutal in recent weeks. In a statement released on January 24, Human Rights Watch called the situation in Iran a "human rights disaster." Protestors are not the only group which has been targeted. The Iranian authorities have also launched an aggressive campaign against the press.

On Monday, Iranian state media reported the arrest of seven individuals charged with espionage for alleged ties to the U.S.-funded Farsi-language radio station, Radio Farda. These allegations and arrests coincide with a large-scale crackdown on independent media that has intensified in the past week. In the lead-up to today's demonstrations, Radio Farda broadcasts have been jammed, and there have been widespread service disruptions to the Internet and text message services. These and other government efforts have impeded the free flow of information, news, and basic means of communication.

This is why I will join Senator CASEY and others in introducing another resolution denouncing the atmosphere of impunity in Iran for those who employ intimidation, harassment, or violence to restrict basic freedoms of speech, expression, assembly, and the press. I am also proud to co-sponsor legislation introduced today by Senators MCCAIN, LIEBERMAN, CASEY, BAYH, DURBIN, GILLIBRAND, KYL, COLLINS, GRAHAM, and BROWNBACK which gives the President the ability to impose—at his discretion—sanctions against those Iranians who have committed human rights abuses or acts of violence against civilians engaged in peaceful political activity.

Unfortunately, the grave and deteriorating human rights situation is not the only concern of the international community with regard to Iran. In a speech earlier today, the Iranian president declared Iran a "nuclear state"

due to its ongoing enrichment program. The UN has spoken in one voice—on three separate occasions—repudiating Iran's ongoing enrichment of nuclear material in violation of its international obligations.

As the United Nations considers a fourth round of sanctions against Iran, the United States has imposed a new round of unilateral sanctions. Just yesterday, Treasury announced sanctions targeting the Islamic Revolutionary Guard Corps, or IRGC, for its involvement in spearheading Iran's nuclear and missile programs. As the IRGC continues to consolidate control over the Iranian economy, including the telecommunications sector, it is crucial to ensure that the Government of Iran is held to account for its ongoing violations of international law and activities which have made it a growing threat to global security.

The people taking to the streets in Iran are some of the most courageous in the world, and Congress will continue to reiterate its support for their right to have their voices heard. We will not sit idly by as the Government of Iran continues to deny its people essential freedoms and human rights, and we will put the Iranian Government—or any government which aims to silence its people—on notice that its behavior is unacceptable to the United States.

As President Obama stated in his Nobel Peace Prize acceptance speech:

We will bear witness to the quiet dignity of reformers . . . to the hundreds of thousands who have marched silently through the streets of Iran. It is telling that the leaders of these governments fear the aspirations of their own people more than the power of any other nation. And it is the responsibility of all free people and free nations to make clear to these movements that hope and history are on their side.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, first, I thank my friend, the Senator from Delaware, for his strong statement. I thank him for his support of freedom and democracy in Iran. I thank him for his longtime advocacy of human rights. I and others are pleased to have the opportunity to work with him in a common cause of human rights and democracy. I thank the Senator from Delaware.

Mr. KAUFMAN. I thank the Senator.

Mr. MCCAIN. Mr. President, I ask unanimous consent to have a colloquy with the Senator from Connecticut, Mr. LIEBERMAN, and I am aware of the time constraints of being in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, today is the 31st anniversary of the Islamic Republic. Unfortunately, it is a record that many would rather forget—31 years of economic potential lost, stolen by a corrupt elite. We know what has gone on over the last 31 years.

Right now, as we speak, if anyone watching wants to turn on cable news,