

has met the challenges of this difficult economic climate head on and continues to grow and thrive.

Bull Moose is a small retail chain originally founded in Brunswick, ME. The company initially focused on providing its customers solely with music but has now branched out into many forms of entertainment and media, including movies, games, and books. Its founder and president, Brett Wickard, characterizes Bull Moose as selling "inexpensive fun stuff." Twenty years ago, when Mr. Wickard was a college student at Brunswick's Bowdoin College, the local record store closed down. Now many of us would have just found another place to buy cassettes or records, but this young Bowdoin entrepreneur had a different idea. With just \$7,000 of his own money and a small loan, Brett Wickard launched Bull Moose Music in the summer of 1989, and a truly homegrown business success story began. Mr. Wickard arranged his course schedule around his new store hours and had friends work in the store while he was in class.

The Bull Moose business plan began by looking up record distributors in the Yellow Pages and ordering one album by every artist and band that had released at least two albums. The thought process was if you made a second album, you must be a good band. In the first summer, Bull Moose Music had sales of barely \$100 a day, and Brett was forced to use his credit card as a tool to survive. But with dedication and perseverance, Bull Moose has grown from these humble beginnings in Brunswick to include 10 stores in both Maine and New Hampshire with over 100 employees. To keep up with the added demand, the company has now produced its own software to analyze which albums and artists it should carry based on the purchasing history of each of the store's customers. Mr. Wickard actually designed the Bull Moose purchasing software as his senior project while still a Bowdoin student—quite an upgrade from scouring the Yellow Pages!

Bull Moose recently celebrated its 20th anniversary and is on track to have its best year ever despite the current recession. Nevertheless, it continues to face the challenges confronting many small businesses. Beyond the severity of the economic downturn, large chain stores make it increasingly difficult to compete, and digital downloads of music have reduced the number of customers buying music in stores. As a result of these overwhelming roadblocks, many small businesses have been forced to cut staff and eliminate bonuses. In contrast, Bull Moose has tripled Christmas bonuses and continues to hire more staff, including a location in Bangor, ME, that has tripled in size. Mr. Wickard credits Bull Moose's commitment to customer service and convenience to their unprecedented success and growth.

It is indeed refreshing to see a superb small business overcome the many ob-

stacles it faces in today's market. Stories such as this should renew our focus to help small entrepreneurs succeed because as small businesses like Bull Moose continue to grow, they provide a substantial positive impact on the health of the local community and our overall economy. My home State of Maine has benefited greatly from Bull Moose's success, and I wish Mr. Wickard and everyone at Bull Moose continued success for years to come.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 9:37 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3695. An act to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes.

At 12:51 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2314. An act to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

#### ENROLLED BILL SIGNED

At 2:35 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

4532. An act to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3695. An act to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4796. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Laminarin; Exemption from the Requirement of a Tolerance" (FRL No. 8812-1) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4797. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trichoderma gamsii strain ICC 080; Exemption from the Requirement of a Tolerance" (FRL No. 8799-4) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4798. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Nicosulfuron; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8812-5) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4799. A communication from the Administrator of the National Organic Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Organic Program; Access to Pasture (Livestock)" ((Docket No. AMS-TM-06-0198)(RIN0581-AC57)) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4800. A communication from the Administrator of the Research and Promotion Branch, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Processed Raspberry Promotion, Research, and Information Order; Referendum Procedures" ((Docket Nos. AMS-FV-07-0077; FV-07-705-FR)(RIN0581-AC79)) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4801. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in a Designated Area of

Southeastern California and Imported Table Grapes; Change in Regulatory Periods" (Docket Nos. AMS-FV-06-0184; FV03-925-1 FIR) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4802. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Child Welfare Outcomes 2003-2006: Report to Congress"; to the Committee on Finance.

EC-4803. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling: 2010 Prevailing State Assumed Interest Rates" (Rev. Rul. 2010-7) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Finance.

EC-4804. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—March 2010" (Rev. Rul. 2010-8) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Finance.

EC-4805. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Correction to Composite Loss Discount Factor for Nonproportional Assumed Property Reinsurance in Revenue Procedure 2009-55" (Ann. 2010-11) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Finance.

EC-4806. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice: Qualified Zone Academy Bond Allocations for 2010" (Notice 2010-22) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Finance.

EC-4807. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Whistleblower Protections for Contractor Employees" (DFARS Case 2008-D012) received in the Office of the President of the Senate on February 22, 2010; to the Committee on Armed Services.

EC-4808. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Emerson N. Gardner, Jr., United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4809. A communication from the Deputy Secretary of Defense, Department of Defense, transmitting, pursuant to law, a report relative to Taiwan's Air Defense Force; to the Committee on Armed Services.

EC-4810. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Fiscal Year 2009 Competitive Sourcing Activity Report; to the Committee on Energy and Natural Resources.

EC-4811. A communication from the Executive Director, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Annual Update of Filing Fees" (RIN1902-AD90) received in the Office of the President of the Senate on February 22, 2010; to the Committee on Energy and Natural Resources.

EC-4812. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treas-

ury, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Regulatory Capital; Impact of Modifications to Generally Accepted Accounting Principles; Consolidation of Asset-Backed Commercial Paper Programs; and Other Related Issues" (RIN1557-AD26) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4813. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, a report entitled "Final Clarification for Chemical Identification Describing Activated Phosphors for TSCA Inventory Purposes"; to the Committee on Environment and Public Works.

EC-4814. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Volatile Organic Compound Emission Control Measures for Lake and Porter Counties in Indiana" (FRL No. 9107-2) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Environment and Public Works.

EC-4815. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia Revisions to the Definition of Volatile Organic Compound and Other Terms" (FRL No. 9116-1) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Environment and Public Works.

EC-4816. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Opacity Source Surveillance Methods" (FRL No. 9115-9) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Environment and Public Works.

EC-4817. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines" (FRL No. 9115-7) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Environment and Public Works.

EC-4818. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "National Airspace System Capital Investment Plan FY 2011 through 2015"; to the Committee on Commerce, Science, and Transportation.

EC-4819. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Guidelines and Requirements for Mandatory Recall Notices" (16 CFR Part 1115) received during adjournment

of the Senate in the Office of the President of the Senate on February 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4820. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-306, "Department of Small and Local Business Development Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4821. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-307, "Pre-k Acceleration and Clarification Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4822. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-308, "Old Morgan School Place, N.W. Renaming Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4823. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Commissioner, U.S. Customs and Border Protection, received in the Office of the President of the Senate on February 2, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-4824. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Administrator, Federal Emergency Management Agency, received in the Office of the President of the Senate on February 2, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-4825. A communication from the Secretary of the Department of the Interior, transmitting, a report relative to the management of individual Indian trust accounts; to the Committee on Indian Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 404. A resolution supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan, and for other purposes.

S. Res. 414. A resolution expressing the Sense of the Senate on the recovery, rehabilitation, and rebuilding of Haiti following the humanitarian crisis caused by the January 12, 2010, earthquake in Haiti.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

\*Donald E. Booth, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia.

Nominee: Donald Ernest Booth.