

March 10, 2010. Ms. Yates also served as vice chair of the Attorney General's Advisory Committee.

Ms. Yates has not been afraid to take on complex and challenging cases and has handled herself with professionalism and integrity. She is effective in problem-solving and provides reasonable and rational solutions. I am confident she will serve the American people with distinction and dedication. I look forward to working with her in my role as vice chairwoman of the Senate Appropriations Committee and the Subcommittee on Commerce, Justice, Science and Related Agencies Subcommittee.

AMTRAK TRAIN DERAILMENT

Mr. NELSON. Mr. President, just a quick comment, if I may, about this tragedy that is now up to 7 deaths and about 150 people who were injured in this Amtrak derailment. There was a report out of the Wall Street Journal just a few minutes ago that apparently the train was going 100 miles per hour going into a curve and that the curve speed should have been 50 miles per hour. If that is the case, that would indicate the conductor would not have been aware of what was happening or was negligent in what was happening. But there is something we can do about that, and it is called positive train control. Indeed, this is an issue which is facing all of the railroads. The infrastructure is very expensive, and the question is, How much should it be delayed in the future because it is not ready to go?

Positive train control would—in places where there is potential danger or the potential of two trains colliding, there is automatic monitoring, and electronically it would change the speed of the train.

Interestingly, Amtrak in the Northeast corridor already has some of this positive train control on the tracks, but apparently it did not at this particular location, in which case, that begs the question, What do we need to do if this is ultimately, by the NTSB investigation, determined to be the cause?

One of the things this Senator would suggest is that we certainly do not want to cut Amtrak's budget. To the contrary, I would think we would want to increase Amtrak's budget. I am rounding numbers here, but Amtrak basically has about \$3 billion in revenues, but they have about \$4 billion in expenses. The difference is made up by the Federal Government. In the past, that difference has been about \$1.4 billion. The House is considering legislation that would cut that down to \$1.1 billion, when, in fact, Amtrak is asking for \$2 billion.

Is the funding the only question? I do not think we will know until we get the NTSB investigation report. However, we should know this: Railroads and roads and bridges and other infrastructure are in desperate need of repair and enhancement and expansion, and that is going to take revenue.

Is this country going to allow itself to be considered a third-rate country in infrastructure? By the way, that is not even to speak about what infrastructure does when you build it, the number of jobs. If you talk to road builders, they will tell you that for every billion dollars, thousands of new jobs are created.

Confronting the safety issue is what we are focused on here with this terrible accident. Our heart goes out to the victims. But at the same time, we have to look to the future, and we have to get our heads out—our collective heads—of the sand and start producing the funding for infrastructure investment.

I think back to the time in the depths of the recession—as the Senator from Vermont will recognize—that we were going to do an economic stimulus bill. We tried to get increased infrastructure spending, and we were voted down in the stimulus bill. Here we are years later, out of the recession, the economy is returning, the jobs are increasing, but our infrastructure is still crumbling.

I speak about this as the ranking member of the commerce committee, and fortunately we have a chairman who feels the same way. Senator THUNE and I are going to be working on this as well as things I suggested a moment ago about positive train control to improve the safety of our traveling public.

Mr. President, I have one more thing I would like to say.

Mr. LEAHY. Is it on the pending business?

Mr. NELSON. It is not. Does the Senator want me to stop so he can talk about the Assistant Attorney General?

Mr. LEAHY. If we could.

Mr. NELSON. Of course.

I yield the floor.

Mr. LEAHY. I thank the senior Senator from Florida.

Mr. President, earlier I spoke praising Sally Yates. In my words on the floor, I also spoke about the senior Senator from Georgia, about all the help he has given on this. I want to make sure I also include the distinguished Presiding Officer, Senator PERDUE, who, under our rules, cannot speak from the chair, but I would note for the other Senators how his testimony was so supportive of Sally Yates, and also, in the committee on which he and I serve, he voted for Sally Yates. Thus, both he and his colleague, Senator ISAKSON, were extremely valuable in this. I do not want anybody to think I was not aware of their support. I would say to both Senators from Georgia that I am deeply appreciative.

I yield to the senior Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. I thank the distinguished ranking member of the Judiciary Committee and my dear friend Senator LEAHY for all his help and for his kind remarks. Sally Quillian Yates

would not be before us if it were not for the Senator from Vermont. He has been great in the process.

I think it is fortuitous and it is a good omen that the junior Senator from Georgia is the Presiding Officer at a time when we will elect the Deputy Attorney General, Sally Quillian Yates, to her position.

Sally Quillian Yates is a human being I have known for almost 40 years. For 25 years, she has been the lead prosecutor in the Northern District of Georgia. She has been an equal opportunity prosecutor—she has prosecuted Democrats, Republicans, Independents, Olympic Park bombers, anybody who violated the public trust. Any abuse of power, Sally Yates has gone after them, and she has won. She is fair. She is smart. She is intelligent.

As a Georgia Bulldog—I realize the junior Senator is from Georgia Tech, so I am going to throw this in—as a Georgia Bulldog, she is what we call a double dog. She has her bachelor's degree and law degree from the University of Georgia and graduated magna cum laude from the University of Georgia Law School.

Sally Quillian Yates is a great Georgian who will become a great Deputy Attorney General of the United States of America. I commend her to each of our colleagues and ask the Senators to vote and send a unanimous vote for Sally Quillian Yates to be Deputy Attorney General.

The distinguished chairman of the committee is coming to the floor. Let me end my remarks by saying that Senator GRASSLEY has been of immeasurable help in ensuring that Sally Quillian Yates gets to this position. I thank the Senator for his support. Unless he has something to say, I yield back the remainder of our time.

Mr. GRASSLEY. No.

Mr. ISAKSON. I yield back my time and the remainder of the majority time.

Mr. LEAHY. Mr. President, if we have nobody here seeking recognition, we have a few minutes left, and I am perfectly willing to yield back that time also.

I do yield it back.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Sally Quillian Yates, of Georgia, to be Deputy Attorney General?

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Florida (Mr. RUBIO) and the Senator from Pennsylvania (Mr. TOOMEY).

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 12, as follows:

[Rollcall Vote No. 177 Ex.]

YEAS—84

Alexander	Fischer	Mikulski
Ayotte	Flake	Murkowski
Baldwin	Franken	Murphy
Barrasso	Gardner	Murray
Bennet	Gillibrand	Nelson
Blumenthal	Graham	Paul
Booker	Grassley	Perdue
Boxer	Hatch	Peters
Brown	Heinrich	Portman
Burr	Heitkamp	Reed
Cantwell	Heller	Reid
Capito	Hirono	Roberts
Cardin	Hoeben	Rounds
Carper	Isakson	Sasse
Cassidy	Johnson	Schatz
Coats	Kaine	Schumer
Cochran	King	Scott
Collins	Kirk	Shaheen
Coons	Klobuchar	Stabenow
Corker	Leahy	Tester
Cornyn	Lee	Thune
Cruz	Manchin	Tillis
Daines	Markey	Udall
Donnelly	McCain	Warner
Durbin	McCaskill	Warren
Enzi	McConnell	Whitehouse
Ernst	Menendez	Wicker
Feinstein	Merkley	Wyden

NAYS—12

Blunt	Inhofe	Sessions
Boozman	Lankford	Shelby
Cotton	Moran	Sullivan
Crapo	Risch	Vitter

NOT VOTING—4

Casey	Sanders
Rubio	Toomey

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ENSURING TAX EXEMPT ORGANIZATIONS THE RIGHT TO APPEAL ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, this morning, I restated my commitment to working with Senators in a serious way to move our country ahead on trade in the economy of the 21st century. I said that we need to allow debate on this important issue to begin and that our colleagues across the aisle need to stop blocking us from doing so.

That is the view from our side, it is the view from the White House, and it is the view of serious people across the political spectrum. I have repeatedly stated my commitment to serious, bipartisan ways forward on this issue. Now, serious and bipartisan does not mean agreeing to impossible guarantees or swallowing poison pills designed to kill the legislation, but it does mean

pursuing reasonable options that are actually designed to get a good policy result in the end.

That is why I have agreed to keep my party's significant concession of offering to process both TPA and TAA on the table. It is why I have said we could also consider other policies that Chairman HATCH and Senator WYDEN agree to. That is why I will keep my commitment to an open amendment process once we get on the bill.

Of course, our friends across the aisle say they also want a path forward on all four of the trade bills the Finance Committee passed. This isn't just an issue for our friends on the other side, but there is a great deal of support on our side for many of the things contained in these other bills. However, as a senior Senator in the Democratic leadership reminded us yesterday, we have to take some of these votes separately or else we will kill the underlying legislation.

So the plan I am about to offer will provide our Democratic colleagues with a sensible way forward without killing the bill.

The plan I am about to offer will allow the regular order on the trade bill, while also allowing Senators the opportunity to take votes on the Customs and preferences bills in a way that will not imperil the increased American exports and American trade jobs that we need. We would then turn to the trade bill with TPA and TAA as the base bill and open the floor to amendments, as I have suggested all week. It is reasonable.

So I look forward to our friends across the aisle now joining with us to move forward on this issue in a serious way.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that at 10:30 a.m., tomorrow, May 14, the Senate proceed to the immediate consideration of Calendar No. 57, H.R. 1295, and Calendar No. 56, H.R. 644, en bloc; that the Hatch amendments at the desk, the text of which are S. 1267 and S. 1269, respectively, be considered and agreed to; that no further amendments be in order; and that at 12 noon the bills, as amended, be read a third time and the Senate then vote on passage of H.R. 1295, as amended, followed by a vote on passage of H.R. 644, as amended, with no intervening action or debate, and that there be a 60-affirmative-vote threshold needed for passage of each bill; and that if passed, the motion to reconsider be considered made and laid upon the table. I further ask that following disposition of H.R. 644, the motion to proceed to the motion to reconsider the failed cloture vote on the motion to proceed to H.R. 1314 be agreed to, the motion to reconsider the failed cloture vote on the motion to proceed to H.R. 1314 be agreed to, and that at 2 p.m. the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 1314; further, that if cloture is invoked, the 30 hours of postcloture consideration

under rule XXII be deemed expired at 10 p.m. on Thursday night.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Reserving the right to object, Mr. President.

First of all, I want to take just a very brief minute and express my appreciation to all my Democratic colleagues who have been understanding and vocal in their opinions as to what we should do to move forward. I also extend my appreciation to the Republican leadership, the majority leader, for having this suggestion to go forward. We have worked together the last 24 hours, and I think we have come up with something that is fair.

The bipartisan majority of the Finance Committee reported out four trade measures, fast-track, trade adjustment assistance, trade enforcement, and a bill expanding trade for Africa. Democrats want a path forward on all four parts of this legislation. Yesterday, we made it clear that we didn't accept merely a fast-track for new trade agreements. We also must enforce the trade agreements we make.

The proposal before us today will provide us that path forward. I look forward to consideration today and tomorrow of the trade enforcement package and the Africa bill. Once we proceed to the fast-track measure, the majority leader has offered an amendment process that in his words will be open, robust, and fair. I appreciate that offer.

This is a complex issue and one that deserves full and robust debate. Once we get on the trade bill, then we have to debate and vote on a number of amendments. So with that background and the understanding that we have on both sides, I do not object.

The PRESIDING OFFICER. (Mr. SCOTT). The Senator from Georgia.

Mr. ISAKSON. While I do not rise with the intention of objecting, may I propound a question to the majority leader?

Mr. REID. Why don't we get the approval first.

Mr. ISAKSON. I would prefer to propound the question first. Mr. Leader, as I understand it, the Africa bill and the trade enforcement bill will be in tandem together and not subject to amendment, and then we will go to TPA and TAA, which will be open to amendments; is that correct?

Mr. McCONNELL. The Senator from Georgia is correct.

Mr. ISAKSON. In that case, I will not object, but I ask unanimous consent that Senator COONS and I be able to make a 1-minute statement.

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

Mr. ISAKSON. Mr. President, in the committee on the AGOA Act, we put in an amendment to ensure an in-cycle and out-of-cycle review of South African trade practices vis-à-vis poultry and other issues important to the United States. We would have offered an amendment on the floor had it been