

not enhance foreign competitiveness against U.S. businesses.”

This motion to instruct would say we need to keep that mandate in the final version of the budget. This is important because, unfortunately, the President has proposed tax increases in all those areas, and all those significant increases in domestic energy production are part of his budget proposal.

It would be tremendously wrong-headed and would hurt Americans to increase taxes on energy, particularly now in the midst of a deep recession. I ask all my colleagues to support this motion to instruct, and I respectfully ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, 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. REID. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. REID. Mr. President, I have been conferring off and on during the day with my distinguished Republican counterpart. I think this is where we are.

Monday, at about 5:30, we will have a vote on cloture on the underlying financial fraud legislation. We will determine what time Tuesday morning we will vote on final passage of that bill, if cloture is invoked. Again, we will vote Monday night at about 5:30 on cloture, and sometime Tuesday morning we will vote on final passage.

At this stage, we have a tentative agreement to have 6 to 8 hours of debate on Sebelius, and we would have passage of that by a 60-vote margin on her sometime late Tuesday.

Following that, we are trying to work something out on Mr. Strickland, who is one of the secretaries for Ken Salazar. I talked to Senator BUNNING. We are trying to get him some information to which he is entitled. If we can get that information, we will get that done very quickly. If we cannot, then Senator BUNNING has agreed to a reasonable period of time—and Senator MCCONNELL and I will determine what that is—to have a debate and a 60-vote margin on his approval.

Hopefully, if the conference is completed on the budget, we would go to that sometime Wednesday, with a statutory 10 hours on it.

That is where we are. It has been a difficult time. I am sorry to have everyone concerned about the Saturday cloture vote, but that is how things work.

I say to my friend Dr. COBURN, he is a thorn in my side, but he is a real gentleman, as I have said before. I think this is going to work out very well for everybody. We all have a lot of things already scheduled the next few days. Having the Saturday vote would do a lot of damage to a lot of plans—these

are not vacation plans, but whatever plans people have in their home States. I hope that answers everybody's questions.

I have not said this often enough. I remind everyone that all the press is interested in is seeing Senator MCCONNELL and me jostle. We jostle very little. We have an understanding as to what is good for this body, and sometimes our views of what is good for this body are different but not very much. I express my appreciation to him for all the work we have been able to get done this week, which has been very difficult, and to work this out for a Monday vote.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we still have pending the motion of Mr. VITTER, the Senator from Louisiana. That was an amendment that was taken by unanimous consent or voice vote during the budget resolution. It is now here as a motion to instruct. Obviously, we are going to have a rollcall vote on it. We asked the Senator to withhold. He has asked to have a rollcall vote, which is absolutely his right. Senators will vote their judgment.

The PRESIDING OFFICER. The question is on agreeing to the Vitter motion.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. SANDERS), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 63, nays 30, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—63

Akaka	Crapo	Lugar
Alexander	DeMint	Martinez
Barrasso	Dorgan	McCain
Baucus	Ensign	McCaskill
Bayh	Enzi	McConnell
Begich	Feingold	Nelson (NE)
Bennet	Graham	Nelson (FL)
Bennett	Grassley	Pryor
Bond	Gregg	Reid
Brownback	Hagan	Risch
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Byrd	Inhofe	Snowe
Carper	Isakson	Specter
Chambliss	Johanns	Stabenow
Coburn	Johnson	Thune
Cochran	Klobuchar	Udall (CO)
Collins	Kohl	Vitter
Conrad	Kyl	Voinovich
Corker	Landrieu	Webb
Cornyn	Lincoln	Wicker

NAYS—30

Bingaman	Dodd	Kerry
Boxer	Durbin	Lautenberg
Brown	Feinstein	Leahy
Burr	Gillibrand	Levin
Cantwell	Harkin	Lieberman
Cardin	Inouye	Menendez
Casey	Kaufman	Merkeley

Mikulski	Schumer	Udall (NM)
Murray	Shaheen	Warner
Reed	Tester	Wyden

NOT VOTING—6

Kennedy	Roberts	Sanders
Murkowski	Rockefeller	Whitehouse

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, all statutory time is yielded back, and the Chair appoints the following conferees on the part of the Senate: Mr. CONRAD, Mrs. MURRAY, and Mr. GREGG.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009—Continued

Mr. REID. Mr. President, I ask unanimous consent that the vote on the cloture motion on the substitute amendment to S. 386 occur at 5:30 p.m., Monday, April 27; that if cloture is invoked, all postcloture time be yielded back and any pending germane amendments be disposed of; then the substitute amendment, as amended, be agreed to; that the bill, as amended, be read a third time, and that the vote on passage of the bill occur at 12 noon on Tuesday, notwithstanding rule XII, paragraph 4, without further intervening action or debate; that once cloture has been filed, the mandatory quorum be waived; provided further that at 4:30 p.m. Monday, there be 60 minutes of debate prior to the cloture vote, with the time equally divided and controlled between the leaders or their designees.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute amendment to S. 386, the Fraud Enforcement and Recovery Act of 2009.

Patrick J. Leahy, Debbie Stabenow, Kent Conrad, Barbara Boxer, Patty Murray, Herb Kohl, Jeff Bingaman, Russell D. Feingold, Bernard Sanders, Bill Nelson, Ben Nelson, Richard Durbin, Jack Reed, Amy Klobuchar, Robert P. Casey, Jr., Claire McCaskill, Harry Reid.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as in executive session I ask unanimous consent that on Tuesday, April 28, at 10 a.m., the Senate proceed to executive session to consider the Calendar No. 62, the nomination of Kathleen Sebelius to be Secretary of Health and Human Services; that there be 8 hours of debate with respect to the nomination, with

the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the confirmation of the nomination and that the confirmation be subject to an affirmative 60-vote threshold; that upon achieving that threshold, the nomination be confirmed, the motion to reconsider be laid on the table and there be no further motions in order, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. MCCONNELL. Mr. President, I ask there be a modification to allow Senator BUNNING 20 minutes of the time available for the nomination of Kathleen Sebelius.

Mr. REID. No problem at all with that, Mr. President.

The PRESIDING OFFICER. If there is no objection to the request as modified, it is so ordered.

Mr. REID. Mr. President, I would finally say we are working on Tom Strickland. Senator BUNNING has written a letter to Mr. Strickland. He is entitled to a response, either orally or in writing. We hope to get that for him tomorrow. But we will work that out next week, we hope. We are going to be in session tomorrow. Hopefully I can have that information for Senator BUNNING tomorrow.

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#### EXECUTIVE SESSION

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#### EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 47; that the nomination be confirmed, the motion to reconsider be laid upon the table, no further motions be in order; that any statements relating to the nomination be printed in the RECORD; that 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.

The nomination considered and confirmed is as follows:

#### DEPARTMENT OF DEFENSE

Ashton B. Carter, of Massachusetts, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

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#### MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent 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.

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#### TRIBUTE TO STEVEN MOSLEY

Mr. REID. Mr. President, we talk a lot around here about being a family,

and we are. There are people we learn to like a lot. A lot of times we see these people just passing through as they are doing their jobs.

One of the people I have known since I have come to the Senate is a man by the name of Steve Mosley. If I had a picture of Steve Mosley, everyone would recognize him. He is a big man, always smiling. He was someone who came to my office quite often for different things he was assigned to do. I had a number of conversations with him.

He loved sports activities. He was a season ticket holder for the Washington Wizards. He never missed a home game. He loved the Redskins and hated the Dallas Cowboys. He was certainly willing to say that at any time.

Steve has been a member of the Sergeant at Arms team and family. For 32 years he has been with Capitol Facilities, ensuring the service needs of the Capitol were met. It was bringing wood to an office, it was doing some work that needed to be done because someone had messed up an office, moving furniture—whatever it was, he was available.

He was a native Washingtonian, married to his wife Michelle for 26 years. Steve had one child, a son, Steven, Jr. He is 25 years old. His son Steven, Jr. and his wife Michelle of course were both stunned when Steve died. He was only 52 years old. He was born on April 12.

As I said, he loved the Redskins; was a season ticket holder. Also, he loved Cadillacs and he had two of them.

I think one of the most important things to remember about Steve is that he cared deeply about people. He was always the first to help, whether it was an Easter basket for one of the people who worked here who was in need of a little extra, or, for people who needed a ride, his Cadillac was always available to take them wherever they needed to go.

He died way too soon and we, as a Senate, certainly are not as good as we were before Steve died. He was loved by all of his coworkers at Capitol Facilities in the Capitol. I will miss him. We all will miss him. I want the RECORD to be spread with the knowledge to his family that we cared about Steve as he cared about us.

Our thoughts go with his family, that they will be able to work through this time of bereavement as we look toward a brighter day.

Mr. MCCONNELL. Mr. President, I rise to note the sad and sudden passing of a very familiar face to me and to many others around the Capitol.

Steve Mosley had been a fixture on the Capitol Facilities staff for 32 years when he passed away last night—and those of us who knew him will miss his great disposition and all that he did for so many years behind the scenes to keep this place running smoothly.

It has been noted that Steve was a pretty serious Redskins fan. That is an understatement. People who knew him

say they can't remember him ever missing a single home game, rain or shine. And he liked to share his enthusiasm for the Skins with colleagues, particularly the Cowboy fans.

But Steve's friends also remember him for his generosity.

Like the time he offered to help set up the wedding reception of one of his colleagues so the colleague would be able to go out and enjoy his bachelor party. Steve never made it to the bachelor party himself. He spent the night making sure everything was ready for the reception.

One colleague recalled the time he wanted to get a limousine for his daughter on prom night but couldn't afford to spend the money. He told Steve about it at work one day, and the night of the prom, Steve showed up at the house in a black Mercedes Benz that he had washed and waxed for the occasion. Not only could the daughter use Steve's car for the prom—she could have him as a chauffeur too. A couple years later, Steve did the same thing for the girl's younger brother.

A lot of us have been here a long time, but few of us have been here as long as Steve was. He loved his job. He took a lot of pride in doing it well. And anytime someone new came on board, they knew they could learn the ropes, and a lot more, from Steve Mosley.

Senator REID mentioned earlier that the Senate is really a family. And whenever we lose somebody in the Senate, whichever office they are from or duty they perform, we lose a member of the family. And with Steve it is like we are losing one of the elders in that family. He takes a lifetime of proud and service with him and he leaves a distinguished legacy and many friends behind.

So on behalf of the entire Senate, I want to extend our condolences to Steve's wife, Michelle, and to their son, Steven, Jr. for their loss. And I want to take this opportunity to express my deep appreciation and my thanks to our friend Steve for his many years of devoted service.

We'll miss him.

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#### CHINA

Mr. DORGAN. Mr. President, I am chairman of the Congressional-Executive Commission on China, and I want to say a few words about China and a very courageous man in China who we believe now is in a Chinese prison and likely being tortured. I think it is very important for our country to speak out about this issue.

Let me say first, there are many thoughtful and independent people in China today who understand the importance of fundamental rights and the role of strong and independent legal institutions. A few of these people work for the Chinese Government. Many work at universities or with U.S. companies and law firms. They care about the rule of law. Some of have cooperated with US agencies to increase food