leadership skills, as well as extensive experience in building coalitions. Secretary Perez has led important agencies. He currently heads a Department of roughly 1600 employees, and has held other leadership positions in the federal government. He has a well earned reputation as a consensus builder.

Mr. Perez's distinguished career demonstrates his vast leadership ability, integrity and commitment to public service. I am confident that Mr. Perez would make an exceptional Assistant Attorney General for the Civil Rights Division and urge you to confirm his nomination.

Sincerely,

ERIK PAULSEN,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 27, 2009.

Hon. PATRICK LEAHY,
Chairman, U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Hon. ARLEN SPECTER,
Ranking Member, U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR SPECTER: I wish to add my strong support for the nomination of Thomas Perez to be Assistant Attorney General for Civil Rights at the U.S. Department of Justice.

Tom has dedicated his life to public service, to the citizens of Maryland and to the nation. He has a breadth of experience in the law, public policy and management, and, he is known as a fair minded, knowledgeable and agreeable advocate for his clients, his law students and the public at large.

I was impressed that after Tom's service in very important posts in the Administration of President Bill Clinton, he worked to put into practice the policies he advocated. He chose to work in local government, winning election to the Montgomery County Council in Maryland and earning the support of his constituents and confidence of his colleagues on the Council when they elected Tom their President. At the same time, Tom commuted to Baltimore and taught public service advocacy to law students at the University of Maryland, Baltimore Law School.

Most recently, Tom demonstrated his management skills as the Secretary of Maryland's Department of Labor, Licensing and Regulation. He energized the agency and put it at the forefront of the effort to help Maryland homeowners facing foreclosure, along with many other reforms to help protect consumers. He was well respected by legislators in Annapolis from both sides of the aisle serving in the Maryland General Assembly.

I believe Tom possesses the talents and skills to make the Civil Rights Division an outstanding performer in the Justice Department. I hope your Committee will act favorably and expeditiously on the President's nomination for Tom to serve our Country again.

Respectfully,

C.A. DUTCH RUPPERSBERGER.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 21, 2009.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Building, Washington, DC.

Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Dirksen Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: I strongly support for the nomination of Thomas Perez for Assistant Attorney General for the Civil Rights Division of the Department of Justice, and. I urge his speedy confirmation. Currently leading Maryland's Department of Labor, Licensing and Regulation, Secretary Perez has shown outstanding leadership throughout his career at all levels of government.

I have worked with Secretary Perez on many critical issues, and I consider him an excellent choice for the Civil Rights Division. He has already served there in a variety of key positions. As a prosecutor in the Division, he was the lead attorney in many high-profile civil rights cases. As Deputy Assistant Attorney General for Civil Rights, he oversaw complex litigation in the employment and education areas. As a member of the Kaiser Commission on Medicaid and the Uninsured, as well as the former Director of the Office for Civil Rights at the Department of Health and Human Services, Secretary Perez would also bring to his new role a deep understanding of health care disparities. In my state of Maryland, Secretary Perez led a 1,600-employee department and was the principal architect of Governor O'Malley's wide-ranging foreclosure prevention initiative. Secretary Perez also negotiated written agreements with major mortgage servicing companies to provide relief to homeowners facing foreclosure.

Leading the Civil Rights Division requires high-level management and consensus-building skills. I am confident that Secretary Perez possesses those skills, and I urge you to confirm his nomination.

With warmest personal regards, I am

Sincerely yours,

STENY H. HOYER.

Mr. CARDIN. I ask unanimous consent that time during quorum calls be equally charged to both Democrats and Republicans.

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

Mr. CARDIN. I suggest the absence of quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MERKLEY. Mr. President, this morning I rise to make a few remarks in support of the nomination of Tom Perez as Assistant Attorney General for the Civil Rights Division. Mr. Perez is an exceptionally qualified nominee. His nomination was reported out of the Judiciary Committee on a strong bipartisan vote of 17 to 2. He has the backing of a bipartisan group of former heads of the Department of Justice Civil Rights Division, the backing of State attorneys general, and the backing of other elected officials. His varied experience will serve him well in many aspects of this position.

He was a career employee with the Civil Rights Division for 10 years and understands the importance of enforcing the law without regard to politics. He has taken on racially motivated crime through the prosecution of White supremacists who went on a fatal crime spree in Lubbock, TX, and the perpetrators of cross burning designed to intimidate an interracial family.

Mr. Perez served as Director of the Office for Civil Rights at the U.S. Department of Health and Human Services, where he worked to expand opportunities for individuals with disabilities to receive care and treatment in community-based settings rather than institutions and helped develop landmark medical records privacy regulation. He was a special counselor to Senator Ted Kennedy. Currently, Mr. Perez serves as Maryland's Secretary of Labor, Licensing, and Regulation. In this position, he enforces workplace safety laws, protects consumers through the enforcement of a wide range of consumer rights laws, and collaborates with businesses and workers to address critical workforce development needs. It is hard to imagine anyone better prepared to serve as the Assistant Attorney General for the Civil Rights Division.

Mr. Perez has firsthand experience fighting racially motivated crimes. Mr. Perez has firsthand experience standing up for the disabled and patient privacy. He has firsthand experience protecting the rights of workers and consumers.

I urge my colleagues to move expeditiously to confirm this nomination and put a man of rare and extensive experience in charge of the Civil Rights Division for the benefit of all of our citizens.

Thank you, Mr. President.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURRIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

Mr. BURRIS. Madam President, I ask unanimous consent to speak as in morning business.

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

DEFENSE APPROPRIATIONS

Mr. BURRIS. Madam President, as we debate this Defense appropriations bill, many of my colleagues have discussed the commitment we make to those who serve this country in uniform. It is a commitment that begins on the day they volunteer for military service, and it extends through their retirement and beyond.

Just as we have an obligation to servicemembers who work in harm's way, we need to offer strong support for those who are left here at home.

Military families bear a burden that must not be forgotten. They deserve our utmost gratitude. And their stability and well-being affect the readiness of our Armed Forces. Our soldiers, sailors, airmen and marines cannot afford to be distracted by worries about those they leave at home. We need to address the needs of these families, not only to honor the sacrifices they make, but also to provide stability. Quality

education is at the very center of these needs.

That is why we must increase funding for Impact Aid, a program which provides assistance to school districts that serve military families.

Throughout my career in public service, I have been a strong believer in education as a powerful force to shape lives—to give people the tools they need and the inspiration that will help them succeed. It is the foundation upon which we build our Nation's future.

But even when we see an improvement in scholastic performance at the national level, some groups of students fall further and further behind. Many children of Federal workers, including military personnel, fall into one of these groups.

Military bases—and other Federal facilities—occupy land that might otherwise be zoned for commercial use. Because of this, local school districts suffer from a reduced tax base to fund their expenses. This limits the amount that can be spent in the classroom and leaves students at a serious disadvantage compared with kids in neighboring towns.

We need to correct this inequity.

In North Chicago, IL—the home of the Great Lakes Naval Training Center—only half of the 4,000 students meet or exceed State standards. Even with some Federal assistance, North Chicago's School District 187 is able to spend just under $7,000 per student, per year.

But in nearby District 125, they have the resources to spend nearly twice as much per pupil, and the school performs among the best in the State. An increase in Impact Aid funding would help to level this playing field, ensuring that the children of our soldiers, sailors, airmen and marines are not at a disadvantage because of their parents' service.

Impact Aid funds are delivered directly to the school district in need, so they do not incur administrative costs at the State level. This makes Impact Aid one of the most efficient—and effective—Federal education programs.

Scott Air Force Base is located in Mascoutah, IL—a community that receives Impact Aid funding. The local school district is able to spend only $6,000 a year on each child, but 90 percent of the students meet or exceed State standards. If these are the results that some students can achieve with only $6,000 per year, imagine how well Mascoutah might perform with even a small increase in available funds.

It is vital that we target Federal assistance to the people who need it most—like the students in North Chicago and Mascoutah. That is why I am proud to be a member of the Senate Impact Aid Coalition, a group of 35 Senators devoted to protecting this important program. And that is why I believe that the $30 million we have set aside for Impact Aid is simply not enough.

It is time to step up our commitment to military families. It is time to make sure all children have access to a quality education, regardless of who they are or where they are from.

So I ask my colleagues to join me in supporting the House version of this appropriations bill, which commits $44 million to the Impact Aid Program. And when the legislation reaches conference committee, I urge Chairman LEVIN to defer to the House mark.

The $14 million difference between the House and Senate versions may not seem significant compared to the size of the Federal budget. It may not seem significant next to the amount we spend to equip and deploy our men and women in uniform. But it will be significant to the students.

Students in North Chicago, and Mascoutah—O'Fallon, and Rockford—and hundreds of communities in Illinois and over 260,000 students in 103 school districts across the United States.

We owe them the same support we continue to show to their parents in uniform. And it is time to step up our efforts to meet that commitment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold that request?

Mr. BURRIS. Yes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I rise today to express my serious concerns about the nomination of Mr. Tom Perez to head the Civil Rights Division of the Department of Justice. First, given his affiliation with CASA de Maryland, an extreme immigrant advocacy organization for which he served as president of the board, I am concerned that he will utilize the Civil Rights Division to undermine immigration enforcement.

Second, Mr. Perez has made statements indicating that he believes health care is a civil right and he has a disturbing view of the responsibilities of health care providers. Third, his views on a Clinton-era executive order requiring health care providers to provide services and documents in languages other than English infringes on the right of States to declare English as the official State language. Finally, though not directly related to Mr. Perez's qualifications, I am deeply troubled by the Department of Justice's failure to respond to legitimate requests for information by the Senate, the House of Representatives, and the U.S. Commission on Civil Rights regarding the Department's decision earlier this year to dismiss the New Black Panthers voter intimidation case.

I know some of my colleagues have more thoroughly discussed Mr. Perez's positions on immigration issues, but I want to briefly mention some of my concerns. Mr. Perez served on the board of CASA Maryland from 1995–2002 and as president of the board from 2001–2002. CASA provides assistance to Latinos and immigrants in Maryland; it also promotes day labor sites, opposes restrictions on immigrants receiving driver's licenses, and supports in-State tuition for immigrants. More concerning, CASA has been criticized for issuing a pamphlet that instructed immigrants targeted by Federal authorities on what to do if they are arrested or detained. The Washington Times ran an article on the brochure, noting that it ''features cartoonlike drawings of armed black and white police officers escorting Hispanic men in handcuffs and shows babies crying because their fathers are behind bars.'' I have concerns about Mr. Perez's lengthy association with an organization that advocates these extreme positions.

I also believe Mr. Perez has a disturbing view of the health care system and particularly of the responsibilities of health care providers. Mr. Perez has made statements indicating that he believes health care is a civil right. He also has said that health care providers receiving Federal funds must provide services in languages other than English or risk forfeiture of those funds due to title VI of the Civil Rights Act and a Clinton-era executive order directing Federal departments and agencies to ensure that those with limited English proficiency, LEP, are given meaningful access to programs and activities conducted by the Federal Government or by recipients of Federal funds. I would note that this executive order was not enforced by the Bush administration. I disagree with Mr. Perez's interpretation of the Civil Rights Act, and in 2006, I offered an amendment to immigration legislation to repeal the executive order. After I offered that amendment, Mr. Perez wrote an article in which he stated that I had a ''distressing disregard for the doctor-patient relationship,'' and that I would ''undermine meaningful communication between doctors and patients—thus relegating those who do not speak English to a lower rung of our health care system.''

After all my years of practicing medicine, I take offense at someone stating that I have a ''distressing disregard'' for the doctor-patient relationship. I have treated numerous patients who do not speak English and found ways to communicate with them. Often these patients have family members who speak some English or they find other ways to communicate. There is no reason to burden health care providers with the expense of having to provide services in languages other than English.

Following the Judiciary Committee vote on his nomination, Senators SESSIONS, CARDIN, and I met privately with Mr. Perez to discuss my concerns about his positions on health care issues, and not only did he not alleviate my concerns, but he also made no effort to apologize for his incendiary comments. I believe Mr. Perez fails to understand how the executive order undermines

patient care, and I fear this lack of understanding will affect similar policies he will implement if he is confirmed to head the Civil Rights Division.

Although Mr. Perez clearly has a passion for limited English—proficiency individuals, I am afraid this passion clouds his judgment as it pertains to health care treatment and costs and will affect his judgment as the head of the Civil Rights Division. As proof, I offer the following example. In 2002, the Office of Management and Budget, OMB, issued a study which stated, ''we anticipate that the cost of LEP assistance, both to government and to the United States economy, could be substantial, particularly if the Executive Order is implemented in a way that does not provide uniform, consistent guidance to the entities it covers . . . provision of language services could be most costly for the healthcare sector.'' In contrast, Mr. Perez has stated that he does ''not believe that Executive Order 13166 has a fiscal impact on State or Federal Governments because it imposes no new requirements on them.'' This lack of judgment is concerning to me.

In addition to my disagreement with Mr. Perez on the treatment of health care as a civil right, his views on the Clinton-era executive order requiring health care providers to provide services and documents in languages other than English infringes on the right of States to declare English as the official State language. Specifically, the current acting assistant attorney general for the Office of Civil Rights sent a preemptive letter to Oklahoma's attorney general, threatening prosecution and retraction of Federal funds if Oklahoma enacted a constitutional amendment pending before the State legislature at that time, which would declare English as the official State language. It is unprecedented for DOJ to send such a preemptive letter. Approximately 30 other States have English-only policies, and, to my knowledge, none of these States has received such a letter. Three of those States have laws similar to the Oklahoma proposal. Thus, this letter to Oklahoma was not directed against its current law, but aimed at preventing such a law from being enacted because DOJ views it as possibly violating civil rights laws. Subsequently, the Oklahoma Legislature passed the amendment, and it will be presented to the people for approval in 2010.

I am disturbed that in written questions for the record, Mr. Perez affirmed the Department's position. I asked Mr. Perez if it would be appropriate for the Office of Civil Rights to send such a preemptive letter, and he stated ''if the Civil Rights Division believes that a state's 'English Only' provisions do not comply with Title VI of the Civil Rights Act of 1964, it would be appropriate for it to issue that sort of letter.'' He also stated that the Clinton-era executive order does not undermine ''the rights of states to declare English as their official language.'' Furthermore, Mr. Perez believes that the executive order ''does not create new obligations for states.'' As a result of the Office of Civil Rights' letter to Oklahoma, all members of the Oklahoma delegation have sent a response letter to Attorney General Holder. The letter asks him to explain why the Office of Civil Rights sent the letter to Oklahoma, whether similar letters have been sent to other States or cities with English-only policies, outline what type of funding would be denied to Oklahoma if the law was enacted, and whether this preemptive letter-writing process is DOJ's policy. To date, the State of Oklahoma has not received a response. Without such explanation, it appears that Oklahoma was specifically targeted in a political maneuver by DOJ since there was no Oklahoma law enacted that violated civil rights laws at the time it sent the letter.

In his writings, Mr. Perez also has advocated for affirmative action in admissions to health care schools because he believes minority applicants are more likely to work in underserved populations. On March 30, 2009, Linda Chavez—former Staff Director of the U.S. Commission on Civil Rights, 1983–1985, and Secretary of Labor nominee—wrote an article critical of Mr. Perez's arguments for race-conscious admissions policies for health professions schools. She notes that in one article, Mr. Perez ''cited a handful of studies that purport to show that minority doctors are more likely to provide medical care to underserved poor minority populations than white physicians are. He then leapt to the conclusion that the best way to improve access to medical care for underserved populations was to insist that medical schools use race or ethnicity in choosing which students to admit.'' She claims that this appears to be an argument in support of ''a form of medical apartheid in which minority patients should be served by minority doctors under the presumption that both groups benefit from this practice.'' She calls this argument ''insulting and dangerous'' and notes that ''doctors who primarily treat patients enrolled in government programs are less likely than those with private insurance to have passed demanding board certification in their specialties and to have access to high-quality specialists in other fields. Under Perez's rationale, it shouldn't matter whether the doctors who serve poor people are less likely to be board-certified so long as they are black or brown.'' She further notes, ''Perez's solution to the problem is to lower standards even further so that more under-qualified minority physicians are admitted to practice medicine. Medical schools already admit black and, to a lesser degree, Hispanic students with lower qualifications than whites or Asians.''

Finally, I am deeply troubled by the Justice Department's failure to respond to legitimate requests for information regarding its decision not to pursue the prosecution of the New Black Panther Party voter case. Earlier this year, House Judiciary Committee Members exchanged a series of letters with the Justice Department requesting an explanation for why the Department decided not to pursue the case against the New Black Panther Party for alleged voter intimidation that occurred in the November 2008 elections in Philadelphia. These Members sought an explanation for the dismissal of the case, which the Bush Justice Department had filed in early January 2009. The Justice Department did not respond to these inquiries until mid-July, and even then they were vague and indicated possible political interference with this case. Following the denial of this request for information, the House Members asked members of the Senate Judiciary Committee to hold Mr. Perez's nomination until the Department provided a more thorough response. Senator SESSIONS also sent a letter to the Justice Department and did not receive an acceptable response. The independent U.S. Commission on Civil Rights also has demanded that the Justice Department explain its dismissal of the lawsuit against members of the Black Panther Party and have not received a satisfactory response from DOJ.

Voter intimidation is unacceptable, and Congress deserves an explanation of the Justice Department's actions. Oversight of the Department is a legitimate function of Congress, and Members deserve an explanation rather than stonewalling. For this reason, I will vote against cloture on Mr. Perez's nomination—as a protest to this lack of cooperation. I will vote against Mr. Perez's nomination based on the aforementioned concerns about his policy positions.

Madam President, I thank Senator CARDIN because he graciously arranged a meeting between myself and Senator SESSIONS and, I believe, Senator KYL several months ago. There is no question that Mr. Perez is a very bright, engaging, and competent individual.

Regretfully, my concerns with his nomination were not allayed by that meeting. I think Senator CARDIN has done a great job shepherding this, and I know the outcome. I still think the American people ought to hear about the concerns I have.

We are in the midst of a lot of difficulty in our country. We are struggling somewhat with our mojo, our confidence, with where we are going and how we are going to get there. A lot of it comes back to how did we ever get to the depth of problems we are having today? I think about this a lot, because I think the answer to it is the solution for how we get out of the problems we are in. Where do we go? How is it that we have an almost $12 trillion debt right now, $100 trillion in unfunded liabilities, and a budget deficit this year that, by the time you count what we stole from Social Security and

all the other trust funds, is about $1.8 trillion, and debt that will double in 5 years and triple in 10—how did we get there?

I think this nomination is a key answer for us. How we got there was building a Federal Government that has forgotten several things, but, most importantly, what the Constitution said about its real role. No. 2, it has allayed the concerns and the benefits of personal responsibility in this country.

I think Mr. Perez is a fine man, but I think his viewpoint is a disaster for the future of this country in terms of what is a civil right and what isn't. It is a civil right, according to Mr. Perez, that I have to, as a physician or a hospital or a grocery store, interpret language for anybody who would come to this country and cannot speak the language.

Our history is that people who have come to our country learned the language so they can succeed. One of the things that has made us great has been the commonality of English. The very statements Mr. Perez would make—that doctors who don't agree and health care providers who don't agree with his perception of a civil right of having somebody speak your language, no matter what it is, that they don't care about their patients and don't care about healing—is a step too far. But those are his statements.

If we are to get out of the problems we are in as a nation, it is going to take us time to relook at what made us successful. I mentioned all these other problems before, because in the Constitution—I read a letter from a constituent this morning about how my obligation for Oklahoma is to represent only Oklahoma's interests. I said, you know, that isn't the oath I took. The oath I took was to uphold the Constitution. So now we have this expansive Federal Government we are choking on, not just in terms of its costs but also in terms of how its tentacles reach into people's lives. We are getting ready to have a health care debate to enhance that by another 25 percent in terms of the reach of the Federal Government into your individual lives, and we have a nominee for the Justice Department who believes that individual responsibility and personal accountability don't fall equally across this country, it falls only on those providing services.

The other issue is the fact that 30 States have English-only language. The Justice Department this past spring and summer sent notification to the State of Oklahoma on a bill that was in the legislature, threatening the State of Oklahoma if they passed that bill. Well, 13 other States have identical bills, or laws, on what was being passed in the legislature in Oklahoma, and it will come to a vote of the people. So the legislature passed it, and it will come to the vote of the people this November. But they sent a threatening letter. They won't answer our letter asking how many other States have you sent that letter to. They didn't. It was about discussing whether an individual has any personal responsibility to be able to communicate.

Finally, we have the Justice Department refusing to answer questions about true voter intimidation and the dropping of a case where that occurred. You cannot be on both sides of the civil rights issue. You can't say it is good over here but not over there. Denying people or manipulating voters has as great an impact on individual civil rights as any other thing.

I come to the floor not to say Mr. Perez is not a fine man. But it is his kind of thinking that expands well beyond what our Founders ever thought was a guaranteed civil right. I readily admit that our Founders were wrong on several of those issues. But when we expand it beyond the case, that goes away from personal responsibility and accountability. There is a balance, and we need to protect everybody's civil rights in this country. We are having a human rights hearing in the Judiciary Committee right now on some of these very issues.

Mr. Perez's extreme views, in fact, are that if States have English-only laws, he will go after that, and if we don't have the same viewpoint he has, rather than what the Constitution says and what the precedent from court hearings says, I think that will not lead to an outcome that will be favorable for our country.

I will finish up by saying our problems are gigantic. They are not simple. There are not simple answers.

The condition in which we find ourselves is from excess—whether it is excess earmarking, excess program, lack of oversight, or the excess of one hardened position over a balanced system that protects human rights but also does not destroy our system. I believe although Mr. Perez is qualified, his foundational biases should eliminate him from this position.

I again thank my colleague from Maryland. He has been very accommodating during this course. I had lifted previously my hold on Mr. Perez, and I think he knows that. But I am concerned with the direction of his leadership and what it will mean in terms of where we go as a country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I thank my friend from Oklahoma for his cooperation as we have moved this nomination to the Senate floor and will have a vote today. I thank him for the manner in which he handled his concerns, his willingness to meet with Mr. Perez, and to talk openly about these issues.

He and I may disagree on one fundamental principle; that is, I think civil rights is a basic responsibility of the Federal Government to enforce. I think every person in this country should have the opportunities that are granted in America. I want to make sure our government actively pursues a civil rights agenda because I think that is important to protect everyone's rights.

Mr. COBURN. Will the Senator yield for a question?

Mr. CARDIN. I am glad to yield.

Mr. COBURN. Through the Chair, I ask the Senator, my problem is not with that; I agree with the Senator on that. My question is as we carry out expansion beyond that in terms of Executive orders that are not in the law but are Executive orders that we have never ruled on, and then we are going to consider that.

Specifically I ask him, does he recognize the estimated $6 billion cost in the health care system if, in fact, Mr. Perez's interpretation of that Executive order was carried to its fullest extent by making translation services available to anybody of any language at any time throughout the whole country? That would be my question. I appreciate his thought.

Mr. CARDIN. Madam President, I thank my colleague for the question. Tom Perez, in our discussions, said he would clearly use a reasonable standard. I might point out that the Executive order to which the Senator is referring was strengthened both under the Clinton administration and Bush administration. President Bush's administration also believed this was an important provision. The Senator is correct.

I also point out in regard to the understanding of English, Tom Perez comes from an immigrant family and believes very strongly that everyone should learn English; that it is an important part of our country. He has expressed that openly. He also has indicated that we should be doing more to help immigrant families be competent in English.

The issue here deals with the receipt of health care. One has to be able to communicate. One has to be able to communicate with the people with whom one comes in contact. We know that is one of the key issues on quality care. It was for that reason that both the Clinton administration and the Bush administration adopted regulations to deal with the ability to communicate when people enter our health care system.

Mr. Perez has indicated in interpreting that regulation that a reasonable test must be complied with, but it is certainly an important issue in dealing with quality care.

Let me, if I may, quote one of the individuals who has recommended to us that we confirm Mr. Perez as the head of the Civil Rights Division and compliments President Obama on his choice; that is, the former Secretary of the Department of Health and Human Services under George Bush. I am referring to Dr. Sullivan. Dr. Sullivan states:

Tom Perez is a nationally recognized civil rights lawyer who enjoys an impeccable reputation as someone who is knowledgeable, inclusive, effective, and even-handed. He is

an ideal nominee for Assistant Attorney General for Civil Rights.

I point out it is unfair to judge Mr. Perez on an Executive order, and I think that Executive order is an important part of our health care in this country. He, as the enforcer of our civil rights, will enforce that Executive order because he knows it is important in protecting the civil rights of the people who are in America. But he also has a reputation for doing that in a fair manner, an effective manner, and an evenhanded manner. That should be the judgment that we use in this body as to whether to support his confirmation.

I think third party validators have made it clear that Tom Perez is a person who will exercise that judgment correctly. I hope my colleagues will support his confirmation on the floor of the Senate.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SESSIONS. Madam President, I wish to address the nomination of Thomas Perez to be Assistant Attorney General for the Civil Rights Division at the Department of Justice.

That is an important position. It requires ability and experience and fairness. I think President Obama, as all Presidents, is entitled to some deference in selecting executive branch nominees such as this one. I have come to the conclusion after some contemplation that I am not able to support this nominee. I do not desire that his nomination be delayed unless there will be some additional matters that need to be looked at of which I am not now aware. So I am prepared to vote up or down. I know we have only one vote, and that is a question of cloture, whether to bring this nomination up for an up-or-down vote.

I guess I am at a point where I don't feel comfortable voting either way on that if we don't have any other votes. I will wrestle with that decision.

The Civil Rights Division of the Department of Justice is charged with protecting the civil rights of all Americans. It is an important division. As such, it is critical that the division be free from partisanship and not be used as a tool to further an agenda of one group or another, one ideology or another.

The President has chosen this nominee, someone who has a record of and a reputation for very strong political activity. That is not disqualifying, but it is a matter I am concerned about because I am concerned about this division.

In reviewing Mr. Perez's past statements and his record, I am concerned whether he is capable of putting aside partisan beliefs and whether he is, therefore, suited to head the Civil Rights Division of the U.S. Department of Justice.

Over the past several months, news reports have raised concerns that decisionmaking at the Department and the Civil Rights Division in particular have been based on politics and not on protecting civil rights. I hate to say that, but real objections have been raised.

In May, the Justice Department voluntarily dismissed a lawsuit that it had won against the New Black Panther Party. During the last election, two of that group's members had dressed in military-style uniforms and intimidated voters outside a Philadelphia voting place.

A long-time civil rights activist who was there and who saw it, Bartle Bull, called it ''an outrageous affront to American democracy and the rights of voters to participate in an election without fear.''

On July 30, the Washington Times reported that a political appointee, Thomas Perrelli, the Associate Attorney General of the Department of Justice, and third in charge of that great Department, approved the decision to suddenly reverse course and drop the complaint. Many people have seen the video of that utterly unacceptable activity by the New Black Panther Party. Mr. Perrelli's decision to allow this voter intimidation to go unprosecuted stands in stark contrast to his statements made during the nomination process when he stated:

> I agree that both civil and criminal laws for governing the conduct of elections should be enforced.

Of course, that is fundamental.

In May, the Members of the House Judiciary Committee sought an explanation from the Department. They had taken a judgment in the case, senior career prosecutors had, against this group. The question was, apparently they began a discussion of giving it away, setting it aside—a judgment they had already taken. Eventually that is what the Department did, through some maneuvers that I do not think are consistent with the normal processes of the Department of Justice. They found one group within the Department whose responsibility did not include making these kinds of decisions, they made a decision that it was okay to set aside the judgment against them, a civil judgment, I think, that they had taken. It was not good.

The House Judiciary Committee, our colleagues, demanded an explanation. The responses of the administration were vague and incomplete. In addition, the independent U.S. Commission on Civil Rights has demanded that the Justice Department explain the dismissal of that lawsuit, but the administration rebuffed the request, claiming that the Department decided to investigate the case internally through its Office of Professional Responsibility. The Department of Justice claims it cannot provide information to anyone on the outside until that internal investigation is complete.

Based on the lack of document production and lack of answers from the Department of Justice, on September 30, the Civil Rights Commission Chairman, Gerald Reynolds, wrote to Attorney General Holder, repeating his request for information on previous voter intimidation investigations so the Commission could determine whether the Department's reversal of course in this case constituted a change in policy and what the implications of this would be.

Chairman Reynolds also pointed out that:

> [M]any aspects of the Commission's inquiry have no connection with the matter, subject to the OPR jurisdiction . . .

And that if the Department were nonresponsive, the Commission would be forced to propound interrogatories and interview requests directly on affected Justice Department personnel.

So even the independent Commission on Civil Rights is concerned about this. If you care about voting rights, how did this happen that we dismiss a case when there is a video of one of the most blatant intimidations you can imagine at a polling place? Serious questions have arisen. Was the dismissal of the case a blatant partisan political move by the Department of Justice? Was this Black Panther group protected because they were on the right side of the election? If so, it implicates serious dangers for voter intimidation prosecutions in the future, I suggest. Before we vote to approve Mr. Perez as head of the Division of Civil Rights, the Senate needs to know how he will conduct the office.

Unfortunately, this kind of issue is only one of the important issues he will be facing. In June, it became apparent that the Justice Department would work against commonsense measures by States to ensure that only citizens would be allowed to vote in elections. The Supreme Court has held that States can pass and enforce voter identification laws to protect the integrity of elections. Yet according to the Associated Press, the Civil Rights Division under Attorney General Holder has:

> . . . rejected Georgia's system of using Social Security numbers and driver's license data to check when prospective voters are citizens.

Rather than working alongside the State of Georgia to ensure that only citizens are allowed to vote, which would be a good goal and role for the Department of Justice, the Department has worked to ensure that the system remains broken. As the Georgia Secretary of State has observed:

> The Department of Justice has thrown open the door for activist organizations such as ACORN to register noncitizens to vote in Georgia elections, and the State has no ability to verify an applicant's citizenship status or whether the individual even exists. The Department of Justice completely disregarded Georgia's obvious and direct interest in preventing noncitizens from voting.

Clearly, politics took priority over common sense and good public policy.

The Georgia Secretary of State said that. That is a serious charge. This is very troubling.

There seems to be a view by some that the more people who vote, the better elections are; that voting in itself is a good thing and we should want more and more people to vote. Of course, we want all eligible people to vote. It seems to be implicit in this argument that it matters little if the people who vote are illegal or the votes cast are fraudulent votes. But I contend, I think without much dispute, it is as damaging to a fair election to allow someone to vote who is not eligible or someone to vote twice, fraudulently, or someone to vote for someone who did not show up on election day and slip into the ballot box and say: I am John Jones and vote for that person—that does as much damage to the integrity of elections as if an individual somehow were wrongfully denied the right to vote in the outcome of an election.

I would be the first to acknowledge that in our past we have, and particularly in the South, had blatant examples, before the Voting Rights Act predominantly, when people were blatantly denied the right to vote. It was a stain on our election process and a stain on the integrity of that process. But this is a time we need to be working together to make sure every vote is honest and fair and not fraudulent.

Another example of apparent politics at play in the Civil Rights Division occurred in Missouri, where the Department has quietly refused to continue an existing ongoing lawsuit that was brought under the National Voter Registration Act. That lawsuit was brought 4 years ago to enforce a provision that required States to clean up their registration lists to prevent voter fraud. According to commentator Hans von Spakovsky:

When the suit was filed in 2005, one-third of the counties had more registered voters than voting-age residents. One county's list was 153 percent of the Census count. And the State had done virtually nothing to clean up its rolls.

Fast forward to March. There remains no evidence that the voter registration rolls in most Missouri counties have been purged of their thousands of nonresidents and decedents. Registration numbers from the November elections show that there are still more than a dozen Missouri counties with more registered voters than voting-age residents.

Yet rather than continuing the case to ensure that Missouri cleans up its voter registration rolls, the Department of Justice refused to pursue the case and dropped it, a distressing sign to me that it does not take the integrity of the voting process seriously—certainly not seriously enough. Is the Department of Justice committed to integrity in the process? Or just allowing anybody who wants to walk in and vote to vote? Of course, these decisions have been made by the Civil Rights Division before Mr. Perez has been confirmed, that is certainly true. He does not have any culpability in these actions. But it just raises concerns of mine about: Is he committed to fixing it? Will he correct these kinds of decisions? Is he committed to fairness, regardless of political impact in an election? There are important rules in voting. Those rules must be followed.

Will he reinstate the case in Philadelphia where there was a clear indication of threats and intimidation against voters? Will he correct the course that the Civil Rights Division has taken in undermining commonsense voter identification laws? Will he reinstitute National Voter Registration Act lawsuits to ensure that States clean up their voter rolls to prevent voter fraud?

The way this happens is you have a large number of names on a voter roll and a voting precinct and that creates a real danger, if you don't have identification, if you don't require the voter to produce any identification, the person walks in there and says: John Jones?

I am John Jones.

OK, you get to vote, and he votes.

He goes to the next voting place, he knows somebody's name is on the list who is not allowed or not in the district or not going to vote that day, and he says: I am Ralph Smith and he signs and votes and goes in again and again and again and people have been known to travel all over multiple precincts casting votes in the names of persons not their own name. It is fraudulent. It demeans the integrity of the entire election process as much as if the person had wrongly been denied the right to vote.

I am concerned where Mr. Perez will be in this. He has been pretty active politically. When he ran for the Montgomery, MD, county council he responded to a question asking ''What would you like the voters to know about you?'' Mr. Perez said: ''I am a progressive Democrat and always was and always will be.''

This is a free country and that is all right. I am just saying, in all fairness, that statement makes me a little nervous.

As a councilman, Mr. Perez expressed disdain for Republicans, at one point, according to the report, giving ''a 5-minute speech about how some conservative Republicans do not care about the poor.''

In an April 3, 2005, Washington Post article, Mr. Perez was described as ''about as liberal as Democrats get.''

I am also concerned Mr. Perez will not be committed to fully enforcing our Nation's immigration laws, some I have worked hard on. We need to create a lawful system of immigration. We cannot continue in this lawless method as we are, and one of the first things you do to reduce illegal immigration is you stop rewarding people who violate our laws to come here. He previously served as the President of the Board of CASA de Maryland, an immigrant advocacy organization that has taken some extreme views and been criticized by a number of people in the media. CASA de Maryland issued a pamphlet instructing immigrants confronted by the police to remain silent. CASA also promotes day labor sites. This is where people, often without lawful status, come and seek work and opposes restrictions on illegal immigrants receiving drivers licenses. He was President of the Board.

Mr. Perez, himself, has spoken in favor of measures that would assist illegal aliens in skirting U.S. immigration laws. For example, as a councilman in 2003, Mr. Perez supported matricula consular ID cards issued by Mexico and Guatemala as a valid form of identification for local residents who worked and used services, without having any U.S.-issued documents to prove their identity.

Of course, after a good bit of examination and public discussion, those matricula cards were shown to be unreliable, and that is an unworkable way to determine the legal status of someone. But he was a defender of the matricula cards, which I think is troubling given the position he will be seeking to assume.

He also supported a bill granting instate tuition rates to illegal immigrants in Maryland and stated:

We have a legal obligation to make the same commitment to hundreds of immigrant high school students who have made Maryland their home.

We don't have a legal obligation to give people who are illegally in the country tuition and certainly not cheaper instate tuition than our out-of-state tuition.

Although Mr. Perez has taken many of these positions while acting in a political capacity—and there is a distinction between that political advocacy and being the head of the Department of Justice's Civil Rights Division—I do think it is reasonable for us to be concerned about whether he will use the Department of Justice's resources to advance his ideas and an agenda that is not consistent with the highest ideals of civil rights.

I don't believe establishing lawful rules of immigration or lawful rules for voting is unfair and contrary to civil rights. Indeed, they are a cornerstone. The law is civil rights in a true sense.

So I am concerned, and we are going to be watching to ensure that the Civil Rights Division not be politicized. It must be above politics. It must work to protect the rights of all Americans regardless of their political party, their race, or background.

Given the very political decisions apparently being made now in the Department of Justice, I think it takes someone committed to rising above this kind of activity and to right the ship.

I have talked with him. I enjoyed that conversation. I certainly have no ill will toward Mr. Perez personally.

But I have to say, I think it is important that we have honesty in voting, I think it is important that we have a legal system that works with regard to immigration, and at this point I am not convinced Mr. Perez has demonstrated he has the will to do those things, and that is what troubles me about the nomination.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. How much time is available on our side?

The PRESIDING OFFICER. Nineteen minutes.

Mr. LEAHY. I was going to speak, but I see the distinguished Senator from Maryland, who has done a superb job in this matter, and I would yield him 5 minutes. If he needs more time, I will yield more time.

Mr. CARDIN. Let me thank the distinguished chairman of the Judiciary Committee for the way he handles the matters that are brought to the floor, the way he handled the nomination of Tom Perez, allowed all sides an opportunity to get all the information they wanted. It was done in a very fair manner, and I compliment him on his leadership on this appointment.

I wish to comment briefly on Senator SESSIONS' points relating to several issues.

First, in regard to voting rights, I am in complete agreement with Senator SESSIONS that I want the Civil Rights Division and its leadership to deal with the concerns we have of voting in this Nation.

I am very disappointed that the previous administration basically didn't bring any cases to allow people who were intimidated to be able to cast their votes. We have had serious problems of groups sending out notices on the wrong date of when the elections take place, targeted to minority communities. We have had episodes where letters were sent to minority communities threatening that if they tried to vote and had outstanding parking tickets, they could be arrested. We have seen intimidation. I have been a victim myself of that type of activity in my campaign for the U.S. Senate where on the day before the election fraudulent literature was handed out trying to mislead minority voters.

So I want the next head of the Civil Rights Division to be actively involved in protecting our right to vote. I would hope my colleague from Alabama would join me in trying to strengthen the laws. We had a bill that then-Senator Obama presented that I joined with Senator SCHUMER and others to give the Department of Justice more power to make sure those types of fraudulent activities can't take place.

I would welcome the support of my friends on the other side of the aisle for this important legislation. Let's work together to make sure every eligible voter has the opportunity to cast their vote and have it counted without intimidation. I know that is certainly going to be a major goal of the Civil Rights Division under the leadership of Tom Perez.

My friend from Alabama mentioned the Black Panther case. Well, let me point this out: The decision in that case was made by a career attorney, not by a political appointee. And that is what I would hope all of us would want from the Civil Rights Division, that we take partisan politics out of that division, as it was so apparent under the previous administration. Tom Perez is committed to allowing career attorneys to make those types of decisions. And quite frankly, there was an injunction to prevent one of the defendants from that activity. So I think we should look at the record and look at what we are trying to achieve. Let's not use labels. Let's look at the issues and not labels. Look at his record.

On the immigrant issue, let me point out that Tom Perez is firmly committed to enforcing the laws in a fair, evenhanded manner. His 10-year record at the Justice Department is the best evidence of that commitment.

Quite frankly, I am going read into the RECORD endorsements because I think third-party validators are a good way for us to know what type of person we have in Tom Perez. The Judiciary Committee received letters of support from a number of former assistant attorneys general to the Civil Rights Division at the Department of Justice, including Bill Lann Lee, John Dunne, Deval Patrick, Stanley Pottinger, Stephan Pollak, James Turner, Ralph Boyd, and Wan Kim. Several were appointed under Republican administrations. This is a quality person who has the confidence of those who know of his professionalism in moving forward the Civil Rights Division under its traditional leadership in this country.

Lastly, I ask unanimous consent to have printed in the RECORD letters we have received from law enforcement officials and organizations, including Colonel Terrance Sheridan, the superintendent of the Maryland State Police; Tom Manger, chief of police from Montgomery County, MD; Raymond Knight, sheriff for Montgomery County, MD; and the State Law Enforcement Officers Labor Alliance of Maryland, and others.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BOROUGH OF HALEDON COUNCIL,
Haledon, NJ, April 3, 2009.

Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: I congratulate President Barack Obama and Attorney General Eric Holder for nominating Thomas Perez for Assistant Attorney General of the Civil Rights Division. There is no doubt that Mr. Perez's qualifications and record are outstanding. Mr. Perez will lead gracefully the division of the Department of Justice responsible for enforcing federal statutes prohibiting discrimination particularly those statutes that protect the voting rights of our diverse populations. As you know, prior to his election to the Montgomery County Council in 2002, Perez served as deputy assistant attorney general for civil rights, and director of the Office for Civil Rights for the Department of Health and Human Services in the Clinton administration.

I am aware that one of Perez's most important tasks will be enforcing the Voting Rights Act, one of the most successful enactments of the U.S. Congress in the previous century. It provided millions of African-Americans with the right to register and vote. It also gave African Americans the power to elect candidates of their choice, in turn providing African Americans with a voice in government and the decision making process. The Voting Rights Act has had a positive, albeit less dramatic effect on the election of Latino public officials. According to the US Census Bureau the estimated Hispanic population of the United States as of July 1, 2003, is 39.9 million, making people of Hispanic origin the nation's largest race or ethnic minority. This number is expected to rise significantly in the near future, and does not include the 3.9 million residents of Puerto Rico. It is imperative that the Latino population be better represented in government, and in the electoral process.

I strongly support Mr. Perez for Assistant Attorney General, and I am confident that he will work with Congress and administration officials to fortify the federal voter registration and election reform laws. With his experience, commitment, and knowledge, Thomas Perez will help to eliminate inequitable barriers in the electoral process; and make certain the Civil Rights Division carefully scrutinizes state redistricting efforts following the 2010 Census.

Sincerely,

REYNALDO R. MARTINEZ,
Councilman.

MARYLAND STATE POLICE,
Pikesville, Maryland, April 23, 2009.

Hon. PATRICK J. LEAHY,
U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: I am writing to provide you with a favorable recommendation for Mr. Tom Perez for the position of Assistant Attorney General, Civil Rights Division, Department of Justice. I have had the privilege and pleasure of working with Tom Perez for the past two years in his capacity as the Secretary of the Maryland Department of Labor, Licensing and Regulation (D.L.L.R.). During this time, Tom was instrumental in assisting the Maryland law enforcement community in its seven year endeavor to enactment regulatory legislation which requires secondhand precious metal dealers and pawn brokers to report transactions electronically. Tom's stewardship of this legislation through the General Assembly was key to its passage during the 2009 Legislative Session,

Under Tom's leadership, his D.L.L.R.. staff has collaborated with various Maryland law enforcement entities to provide training on the regulatory laws controlling scrap metal, pawn, secondhand precious metal, jewelry and traveling gold shows, Additional educational initiatives directed by Tom toward the industries regulated by his agency have resulted in the affected businesses to become more compliant with the state's regulations and to work more closely with law enforcement. As such, D.L.L.R. and law enforcement have become good partners in enforcing the regulations and laws controlling these industries.

Tom Perez has also been most helpful to the Maryland Department of State Police and the citizens of this state by working closely with businesses who were facing layoffs and downsizing by providing information

on recruiting by Maryland Department of the State Police. During these economic times, Tom has shown care and compassion toward those in need of his assistance.

Tom truly is an honorable man. I would add that Tom has always been fair and honest in our conservations. If he disagreed with a position, he would foster open discussion and listen to opposing viewpoints. In the end, Tom would never allow policy differences interfere or influence a relationship. I believe Tom Perez is an excellent choice for the position of Assistant Attorney General, Civil Rights Division, Department of Justice. He is a proven leader who can make a difference and has a long history of ensuring the rights of Americans are protected. Thank you again for allowing me the opportunity to provide you with my recommendation of Tom Perez for this most important position.

Sincerely,

TERRENCE B. SHERIDAN,
Superintendent.

DEPARTMENT OF POLICE,
MONTGOMERY COUNTY, MD,
Rockville, MD, April 23, 2009.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.
Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATORS SPECTER AND LEAHY: I am writing to wholeheartedly support the nomination of Thomas Perez for the position of Assistant Attorney General for Civil Rights. During Mr. Perez's tenure as a Montgomery County (Maryland) Councilman, I was impressed by his integrity, intellect and work ethic. He was a public servant in the truest sense of the word. Mr. Perez brings an ability to tackle complex problems and issues with consensus and common sense.

Mr. Perez is a public-safety advocate and brought his experience as a civil-rights attorney to benefit the Montgomery County Police Department. His assistance in training our senior police officials was very well received.

The Civil Rights Division of the Department of Justice requires someone with high ethical standards and a strong legal mind. Mr. Perez superbly fits the bill. I urge you to support his appointment.

Sincerely,

J. THOMAS MANGER,
Chief of Police.

OFFICE OF THE SHERIFF,
MONTGOMERY COUNTY, MD,
Rockville, MD, April 21, 2009.

Re recommendation for Thomas E. Perez.

Hon. PATRICK J. LEAHY,
U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: I first met Tom Perez following his election to the Montgomery County (Md.) Council in 2002. At that time I was not familiar with his distinguished career as a federal prosecutor, Deputy Assistant Attorney General for Civil Rights, and law school professor. But between 2002 and 2006, as Montgomery County Sheriff, I was fortunate to be able to work with Tom on numerous public safety and fiscal matters affecting the operation of the Sheriff's Office.

I became impressed with Tom's ability to quickly assess the nuances of complex law enforcement, budgetary and employment law issues. He addressed public policy issues with fairness, and in a manner that recognized and balanced the diverse positions involved in governmental decision making.

Tom's appointment as Secretary of the Maryland Department of Labor, Licensing and Regulation gave him an opportunity to use his expertise to confront problems generated by the current housing foreclosure crisis. Again he was able to craft legislative solutions that recognized and successfully addressed the respective concerns of consumers and commercial interests.

Speaking as a lifelong law enforcement officer and official, I would be delighted to witness Tom's confirmation and swearing in as the Assistant Attorney General, Civil Rights Division, Department of Justice.

Please accept my appreciation for your consideration of my views on this matter.

Sincerely,

RAYMOND M. KIGHT,
Montgomery County Sheriff.

STATE LAW ENFORCEMENT
OFFICERS LABOR ALLIANCE,
Annapolis, MD.

On behalf of State Law Enforcement Officers Labor Alliance (SLEOLA), I am writing to express support for Tom Perez to become the next Assistant Attorney General for Civil Rights in the Department of Justice. Having seen his work ethic and fair mindedness at work at Maryland's Department of Labor, Licensing and Regulation (DLLR), we would like to see him bring that same approach to this vitally important Justice Department position.

The SLEOLA's primary purpose is to unite into one labor organization all eligible organizations whose members are employed with the Maryland State Police, the Natural Resources Police, the State Forest and Park Service, the Maryland Department of General Services and the Maryland State Fire Marshal. One of our constituent groups is the Department of Labor, Licensing and Regulation Police Force. This is a small contingent of sworn officers responsible for security at DLLR in Baltimore.

Our officers who work with Secretary Perez see firsthand the dedication he has to the mission of DLLR and the people of Maryland. DLLR is experiencing a renaissance, and it is easily attributed to Secretary Perez's tenure. He displays the character and integrity that make us confident he will bring the kind of rejuvenation we saw at DLLR to the Department of Justice.

We believe Tom Perez will make an excellent Assistant Attorney General for Civil Rights, and urge you to confirm his nomination.

Sincerely,

JIMMY DULAY,
President.

Mr. CARDIN. We have a quality person who will return the Department of Justice Civil Rights Division to its historic role, increasing the morale and professionalism in that Department. I am proud to support him and urge my colleagues to do the same.

I thank the chairman of the committee for yielding me time.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I applaud the distinguished Senator from Maryland. He has been a star in the Senate Judiciary Committee, and his support of Tom Perez is one of the reasons Mr. Perez went through our committee with an overwhelming vote.

Incidentally, we do have letters of support. One I have which is very meaningful—and I think the Senator from Maryland would agree—is the letter we received from Senator Kennedy, the late Senator Kennedy. While this matter is pending, I ask unanimous consent to have the letter from the late Senator Kennedy printed in the RECORD, as well as letters of support from numerous attorneys general, including the attorney general of Vermont.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 16, 2009.

Hon. PATRICK LEAHY,
Chairman, Senate Committee on the Judiciary, Washington, DC.
Hon. ARLEN SPECTER,
Ranking Member, Senate Committee on the Judiciary, Washington, DC.

DEAR PAT, ARLEN AND MEMBERS OF THE COMMITTEE: I write to enthusiastically endorse Tom Perez's nomination to be Assistant Attorney General for Civil Rights in the Department of Justice. As you know, Tom did an excellent job for me from 1995 to 1998, on my Judiciary Committee staff when I was a member of the Committee. I believe he's an exceptional choice for Assistant Attorney General, and I urge his prompt confirmation.

During Tom's impressive service on my staff, he worked hard and well on civil rights, hate crimes, and a variety of immigration, criminal and constitutional issues. Work on civil rights has been at the core of Tom's career, which began as a prosecutor in the Criminal Section of the Civil Rights Division, where he helped bring to justice the perpetrators of hate crimes, including racially-motivated shootings. He also prosecuted law enforcement officials involved in violent and corrupt practices, and his work as a career prosecutor earned him promotion to deputy chief of the Criminal Section.

After serving on my staff, Tom returned to the Civil Rights Division as a Deputy Assistant Attorney General, supervising the Division's criminal prosecutions, and its litigation in the areas of education and employment discrimination. He had a key role in establishing the interagency Worker Exploitation Task Force, which coordinated enforcement of laws against involuntary servitude and trafficking in persons.

In 1999, Torn became Director of the Office for Civil Rights at the Department of Health and Human Services, where he led a staff of 230 people in ensuring that health and human services providers complied with civil rights laws.

Upon leaving the federal government in 2001, Tom became a professor of law at the University of Maryland School of Law. Motivated by his strong desire to make a difference in peoples' lives, Tom also was elected to the Montgomery County Council in Maryland, and became a leader in promoting affordable housing and affordable health care, as well as improvements in education. Finally, for the past two years, Tom has served as Secretary of Maryland's Department of Labor, Licensing and Regulation.

A main unifying theme of Tom's career is his desire to help people, by ensuring that their rights are protected and that they receive the services they need. His commitment to public service and his ability to be effective in both executive and legislative positions is impressive. He has been energetic in seeking change, and working cooperatively with others to achieve it.

A second main theme of Tom's career has been his exceptional performance as a lawyer. He's been highly successful as a prosecutor, as a lawyer serving this Committee, as a Deputy Assistant Attorney General and

as a law professor. Importantly, Tom understands the role of a government lawyer. Having been a career attorney in the Department of Justice, he knows the importance of developing effective working relationships with career employees and making sure that law enforcement decisions are made on the basis of the facts and the law, without favoritism based on partisanship or ideology. In light of the challenges that the Department of Justice, and especially the Civil Rights Division, have faced in recent years, these are indispensible qualities in an Assistant Attorney General for Civil Rights.

Tom's outstanding legal skills, his years of impressive experience as a prosecutor, his career-long commitment to enforcing civil rights, and his thorough familiarity with the legal and policy issues in the Civil Rights Division make him uniquely well qualified to lead the Division now. I strongly urge the Committee to report his nomination favorably.

Sincerely,

EDWARD M. KENNEDY.

STATE OF NEW JERSEY, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW AND PUBLIC SAFETY,
Trenton NJ, April 23, 2009.

Hon. PATRICK J. LEAHY,
Chair, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.
Hon. ARLEN SPECTER,
Ranking Member, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: I am writing to express my support for the nomination of Thomas E. Perez for Assistant Attorney General for the Civil Rights Division of the United States Department of Justice. Mr. Perez is exceptionally qualified to lead the Division, possessing demonstrated and impeccable legal, management, and leadership skills.

I served in the Department of Justice's Civil Rights Division, Criminal Section, from 2001 to 2005, and I remain engaged with the Department through participation in the Executive Working Group. Currently, as Attorney General for the State of New Jersey, I am the chief law enforcement officer in the State, with a mandate to enforce the State's civil rights and criminal laws. I know Mr. Perez to be a committed, dedicated, and highly effective advocate and prosecutor. I look forward to working with Mr. Perez in addressing shared federal and state civil rights priorities.

Mr. Perez will bring a breadth of advocacy, policy, and leadership experience to the Division. He has had a distinguished career in the Department of Justice, serving in several roles in the Division. He has prosecuted civil rights cases in the Criminal Section and, as the Deputy Assistant Attorney General for Civil Rights, oversaw the Division's complex criminal, education, and employment litigation. Since leaving the Department, Mr, Perez has continued his commitment to public service as a faculty member at the University of Maryland School of Law and a member of the Montgomery County Council. In his current capacity as Secretary of the Department of Labor, Licensing and Regulation in Maryland, Mr, Perez bas gained valuable experience and insights into the priorities and workings of state government, which complements his considerable federal and local leadership experience.

For these reasons, I am pleased to recommend Mr. Perez to the Committee. Please feel free to contact me if you have any questions.

Sincerely yours,

ANNE MILGRAM,
Attorney General.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Building, Washington, DC.
Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Dirksen Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: As the chief law enforcement officers of our respective states, we write to express our strong support for the nomination of Thomas Perez for Assistant Attorney General for the Civil Rights Division of the United States Department of Justice. We urge his confirmation.

Secretary Perez's qualifications and credentials are exceptional. He is a nationally recognized civil rights lawyer whose breadth and depth of experience make him an ideal choice to lead the Civil Rights Division. He knows the Division well, having worked there for almost a decade in a variety of critical positions. As a prosecutor in the Division, he was lead attorney in some of the Department's most high profile and complex civil rights cases. As Deputy Assistant Attorney General for Civil Rights, he oversaw complex litigation in the employment and education areas.

In Maryland, Secretary Perez, in his current capacity as Secretary of Maryland's Department of Labor, Licensing and Regulation, has played a key role in the state's response to the ongoing mortgage crisis. He negotiated agreements with six major mortgage servicing companies to provide relief to Maryland homeowners in danger of foreclosure. One of the largest ongoing mortgage fraud prosecutions in the nation originated in Secretary Perez's office. With housing at the top of the Department of Justice's agenda, Secretary Perez will be well-situated to play a major role.

He has held leadership positions in federal, state and local government, and has worked in all three branches of the federal government. As such, he has an acute understanding of the need for the federal government to work in partnership with state and local governments to safeguard the civil rights of all Americans.

Heading the Civil Rights Division, like running an Attorney General's office, requires extensive legal, management and leadership skills, as well as extensive experience in building coalitions. Secretary Perez has led important agencies. He currently heads a Department of about 1600 employees, and has held other senior positions in the federal government. He has a well-earned reputation as someone who listens, learns quickly, builds consensus, and leads effectively.

Mr. Perez's distinguished career demonstrates his leadership abilities, integrity and commitment to public service. We are confident that Mr. Perez would be an exceptional Assistant Attorney General for the Civil Rights Division and urge you to confirm his nomination.

Sincerely,

TERRY GODDARD,
Attorney General of Arizona.
TOM MILLER,
Attorney General of Iowa.
MARTHA COAKLEY,
Attorney General of Massachusetts.
JON BRUNING,
Attorney General of Nebraska.
MARK SHURTLEFF,
Attorney General of Utah.
ROB MCKENNA,
Attorney General of Washington.
WILLIAM H. SORRELL,
Attorney General of Vermont.

APRIL 29, 2009.

Hon. PATRICK LEAHY,
Chairman,
Committee on the Judiciary.
Hon. ARLEN SPECTER,
Ranking Member,
Committee on the Judiciary.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: As the chief law enforcement officers of our respective states, we write to express our support for the nomination of Thomas Perez for Assistant Attorney General for the Civil Rights Division of the United States Department of Justice. We believe that Mr. Perez has the experience, knowledge, and abilities to lead this important Division.

Secretary Perez would bring exemplary advocacy, leadership, and prosecutorial experience and qualifications to the Civil Rights Division. He is an experienced and nationally recognized civil rights lawyer who knows the Division well, having worked in it for almost a decade in a variety of critical positions. As a prosecutor in the Division, he was lead attorney in some of the Department's most high profile and complex civil rights cases. As Deputy Assistant Attorney General for Civil Rights, he oversaw complex litigation in the employment and education areas.

In Maryland, Secretary Perez has demonstrated a keen understanding of State government in his current position as Secretary of the Department of Labor, Licensing and Regulation. In this capacity, he has played a key role in the state's response to the ongoing mortgage crisis. He negotiated agreements with six major mortgage servicing companies to provide relief to Maryland homeowners in danger of foreclosure. One of the largest ongoing mortgage fraud prosecutions in the nation originated in Secretary Perez's office. With housing at the top of the Department of Justice's agenda, Secretary Perez will be well-situated to play a major role and to foster partnership with state and local governments to safeguard the civil rights of all Americans.

Heading the Civil Rights Division, like running an Attorney General's office, requires extensive legal, management, and leadership skills, as well as extensive experience in building coalitions. Secretary Perez has led important agencies. He currently heads a Department of about 1600 employees, and has held other senior positions in the federal government. He has a well-earned reputation as someone who listens, learns quickly, builds consensus, and leads effectively.

Mr. Perez's distinguished career demonstrates his leadership abilities, integrity and commitment to public service. We are confident that Mr, Perez would be an exceptional Assistant Attorney general for the Civil Rights Division and urge you to confirm his nomination.

Sincerely,

Patrick Lynch, Rhode Island Attorney General; Richard Blumenthal, Connecticut Attorney General; Alicia G. Limtiaco, Guam Attorney General; Mark J. Bennett, Hawaii Attorney General; Tom Miller, Iowa Attorney General; James D. ''Buddy'' Caldwell, Louisiana Attorney General; Jim Hood, Mississippi Attorney General; Gary King, New Mexico Attorney General; Richard Cordray, Ohio Attorney General.

Mr. LEAHY. It is interesting that finally we are getting to this nomination. What is troubling to me, as someone who has been here for 35 years, is

to see what is happening this year that is really unprecedented: having to overcome a Republican filibuster of a nomination that was voted out of committee 17 to 2. All but two Republicans voted for it. That was 4 months ago.

There are no questions about the qualifications of Tom Perez. He is a former special counsel to Senator Kennedy. He has been nominated to run the division where he previously served with distinction, spending 10 years as a trial attorney in the Criminal Section of the Civil Rights Division, rising to Deputy Chief of the section.

There is no question about the critical need for leadership in the Civil Rights Division, the division charged with enforcing our landmark civil rights laws and protecting all Americans from discrimination. Our delays in considering this nomination have hindered the work of restoring the division's independence and the tradition of vigorous civil rights enforcement, especially after the Bush administration compiled one of the worst civil rights records in modern American history and injected partisan politics into the division's hiring and law enforcement decisions.

We need real leadership to restore the traditional sense of purpose that has guided the Civil Rights Division, a division that has acted in a totally nonpartisan way to uphold the civil rights of all Americans no matter what their political background, as is the priority of Attorney General Holder.

It is a shame this filibuster has held up Mr. Perez for 4 months. The President designated Mr. Perez on March 13 and formally nominated him 2 weeks later. We held his confirmation hearing April 29, over 5 months ago. I thank Senator CARDIN, who chaired that hearing and did a very able job of it. And then after accommodating the request of the senior Republican and other Republicans of the Judiciary Committee, we did not move immediately to it; we held it over until after the Memorial Day recess so they could ask other questions. Mr. Perez's nomination was reported by the Judiciary Committee on June 4. Senator HATCH voted for him; Senator GRASSLEY voted for him; Senator KYL, the deputy Republican leader, voted for him; Senator GRAHAM and Senator CORNYN voted for him.

The ranking member, Senator SESSIONS, and Senator COBURN asked to meet the nominee before consideration by the Senate. That meeting took place almost immediately after the request. It reportedly went well. Unfortunately, despite these efforts, it has taken 4 months to schedule Senate consideration of this well-qualified nominee. That makes a mockery of the kind of way we should treat the Department of Justice, which is the Department of Justice of America for all Americans. It is not a partisan place, it is there for all of us.

In fact, if the Senate Republican minority applied the same standard to the consideration of President Obama's nomination of Tom Perez as Democrats and Republicans used in considering President Bush's first nomination to serve the Civil Rights Division, Ralph Boyd, Mr. Perez would have been confirmed many months ago.

I remember the Boyd nomination well. I chaired the Judiciary Committee at the time he was confirmed. We held Mr. Boyd's hearing just a little over 3 weeks after his nomination. Compare that with the delays here. He was reported by the Judiciary Committee with every single Democrat voting for him. Did he have to wait 4 months after that? No. He was confirmed 1 day later by a voice vote in the Senate. No shenanigans. No partisanship. No posturing for narrow special interests. I want to be sure that was heard: no posturing for narrow special interests.

By comparison, it has now been 188 days since Mr. Perez was nominated to the same post, even longer since he was designated. It should not have taken more than twice as long to consider President Obama's first nomination to this post as it took for President Bush's.

Then President Bush had a second nomination to head the Civil Rights Division, Alex Acosta. We moved even more quickly. At that point, the Democrats were in the minority. We did not filibuster. We did not obstruct. We did not delay. We knew how important it was. We cooperated. We agreed to a hearing less than 4 weeks after he was nominated. He was reported from the Judiciary Committee by a unanimous vote. He was confirmed by a Senate voice vote. It took just 36 days. Republicans have dragged the process out on the Perez nomination to extend more than five times that long. Democrats didn't do that to President Bush. No shenanigans, no partisanship, no posturing for narrow special interests.

President Bush's third nomination to the civil rights division, Wan Kim, was also considered and confirmed much more quickly than Mr. Perez. He was confirmed in the Senate by a voice vote. There was no filibuster. There were no shenanigans. There was no partisanship. There was no posturing for special interests. Then Mr. Kim had to resign along with Attorney General Gonzales and the entire senior leadership of the Bush-Cheney Justice Department in the wake of the U.S. Attorney firing scandal and revelations of political hiring and decisionmaking that threatened the morale and independence of the Civil Rights Division and the Department.

Indeed, it was that scandal that prevented us from considering President Bush's fourth nomination to head the Civil Rights Division. Grace Chung Becker refused to answer many questions at her confirmation hearing about whether she was involved in politicized hiring and decision-making, repeatedly citing the then-ongoing internal investigation by the Department as a reason not to answer. In light of Ms. Becker's repeated invocation of the investigation in response to questions, we had to await its conclusion before moving forward on her nomination. Unfortunately, the report from the Department's Inspector General and Office of Professional Responsibility was not completed until it was too late to consider Ms. Becker's nomination. There is no similar cause to delay the consideration of Mr. Perez's nomination. We should instead have treated his nomination as we did that of Mr. Boyd, Mr. Acosta, and Mr. Kim.

I say this because the filibuster of Mr. Perez's nomination is indicative of the double standard that Republican Senators seem intent to apply with a Democratic President. It is wrong. I am not saying that Republican Senators don't have the power under Senate rules to do it or that it is even unconstitutional. What I am saying is, it is not in the interest of the American people. It is bad judgment. It is misspent time. It is something we can ill afford. The Civil Rights Division, following the scandals of the last administration, needs to be restored to the level of prestige it held under both Republican and Democratic presidents in the past.

Ten months into President's Obama's first term, President Obama having won overwhelmingly, we find that 16 nominations reported by the Judiciary Committee, many of them unanimously, remain pending on the Senate's executive calendar. Seven of them were before the last recess, including the nomination of Mr. Perez. Five of these nominations are for appointments to be assistant attorneys general at the Department of Justice. The Department of Justice, which during the Gonzales days reached probably its low point, certainly since I have been old enough to practice law, we saw was demoralized. We saw the scandals. Now we are trying to build it back up.

So what has happened? Because of Republican foot dragging and shenanigans and appealing to special interests, we find five out of a total of 11 divisions at the Department do not have a confirmed and appointed head. The Office of Legal Counsel, as well as the Civil Rights Division, the Tax Division, the Office of Legal Policy, and the Environment and Natural Resources Division remain without Senate-confirmed Presidential appointees to guide them.

President Obama won the election. President Obama inherited a Justice Department that had been wracked by scandal. He ought to be commended for trying to put it back. But look what has happened with some of these delays. Even his attorney general was delayed for weeks and weeks. And when they finally allowed him to have a vote, he got a greater vote than any of the last four attorneys general. Is this delay for the sake of delay? Is there such resentment that President Obama won the election? Then talk to those who voted, but don't hold up the Department of Justice. The Department

is there for Republicans and Democrats and Independents, for all of us. We have to do a better job of confirming the leadership team of the Justice Department to ensure that the Nation's top law enforcement agency is fully equipped to do its job. I hope that all Senators who delayed law enforcement in this country will be reminded of that when they go home and speak about being in favor of law enforcement.

I was privileged to spend 8 years of my public life in law enforcement. I still breathe deeply the sense of being in law enforcement. Every one of us favors good law enforcement. But you are damaging law enforcement by holding up these people. I hope now, despite this unnecessary filibuster, Republicans and Democrats who joined together in the past to help law enforcement will join together to confirm this well-qualified nominee.

Mr. Perez has been nominated to lead the Civil Rights Division, which for 50 years has stood at the forefront of America's march toward equality. It has a long tradition of independent law enforcement that has helped transform the legal landscape of our country and brought us closer to the ideal of a ''more perfect union.'' A strong and independent Civil Rights Division is crucial to the enforcement of our precious civil rights laws.

During his confirmation hearing, Mr. Perez made clear his commitment that the Justice Department would enforce the law. In the arena of civil rights, living up to those assurances is particularly important, because the nation's civil rights laws ensure that the system works for all Americans—no matter the color of their skin, their gender, their religious affiliation or their sexual orientation. The civil rights laws are the foundation of our Nation's aspiration toward a just and fair society.

That is why so many people were concerned during the last administration when we witnessed an abandonment of the Division's finest traditions of independence and a rollback of the priorities upon which it was founded. The report released nine months ago by the Justice Department's Inspector General and Office of Professional Responsibility confirmed some of our worst fears about the last administration's political corruption of the Civil Rights Division.

The report confirmed our oversight findings that political appointees in the Division marginalized and forced out career lawyers because of ideology, and injected a political litmus test into the Division's hiring process for career positions. It should come as no surprise that the result and the intent of this political makeover of the Civil Rights Division led to a dismal civil rights enforcement record. This report was just one of the final chapters in the regrettable legacy of damage that the Bush administration inflicted on the Justice Department, our civil rights, and our fundamental values. It also reinforced the need for new leadership.

Given that Tom Perez has a distinguished record of public service and a long career advancing civil rights, I have full confidence that he is the right person to restore the Civil Rights Division to its finest traditions of independent law enforcement. He is the first person nominated to head the Civil Rights Division in over 35 years who has experience as a career attorney in the Division.

In addition, he has worked on civil rights at various levels of Federal, state and local government, serving as Special Counsel to Senator Kennedy, Deputy Assistant Attorney General for Civil Rights, Director of the Office of Civil Rights at the Department of Health and Human Services, and currently as Maryland's Secretary of Labor, Licensing, and Regulations. His impressive credentials also include graduating from Brown University, Harvard Law School, and the Kennedy School of Government. By confirming this highly qualified nominee today, we will take a significant step forward.

Numerous major civil rights and law enforcement organizations have written to endorse Mr. Perez's nomination, including the Leadership Conference for Civil Rights, the National Women's Law Center, and the chief law enforcement officers of the States of Arizona, Iowa, Massachusetts, Nebraska, Utah, Washington, and Vermont. Those chief law enforcement officers wrote: ''Secretary Perez's qualifications and credentials are exceptional'' and ''[h]e is a nationally recognized civil rights lawyer whose breadth and depth of experience make him an ideal choice to lead the Civil Rights Division.'' The Leadership Conference of Civil Rights wrote: ''It will take strong and reliable leadership combined with extensive experience at the Division to restore the Division to its previous prominence in the enforcement of civil rights laws. Tom Perez is the right person to take on that challenge.''

Mr. Perez's nomination has also earned support from both sides of the aisle. Former Republican staff members of the Senate Judiciary Committee have described him as ''a public official of the highest integrity . . . whom the Committee and the nation can be proud.'' These Republican staffers who worked with Mr. Perez describe him as a person ''more interested in 'moving the ball forward' for the common good than in scoring political points at the expense of his adversaries.'' Congressman ELIJAH CUMMINGS of Maryland, who worked with the nominee when he served as Maryland's Secretary of Labor, Licensing, and Regulation, wrote that Tom Perez is committed to ''serving the public good.'' He also wrote ''it is hard to imagine how President Obama and Attorney General Holder could have made a better choice.'' Senator MIKULSKI of Maryland said, ''I am confident Tom Perez will get the Civil Rights Division back on track'' and he ''will restore our reputation . . . of tolerance and equal rights and protection for all.''

Mr. Perez intends to make restoration of the Civil Rights Division and its mission a priority. He has pledged to follow in the footsteps of his mentor, his former boss, Senator Kennedy, and rekindle the bipartisanship that has characterized the fight for civil rights throughout our Nation's history by returning the division to its law enforcement roots. Let us not go back to an era in the Senate when we were opposed to civil rights enforcement. Let's support this well-qualified nominee. Let's go back to enforcing the civil rights laws.

Does the Senator from Vermont have any time remaining?

The PRESIDING OFFICER. Less than 1 minute.

Mr. LEAHY. I yield the floor.

Ms. MIKULSKI. Madam President, I am so proud the Senate will confirm Maryland's own Thomas Perez to be Assistant Attorney General for the Civil Rights Division at the Department of Justice. I commend the Senate for its action. The Civil Rights Division has gone far too long without leadership that achieves its goals.

Secretary Perez is well suited for this crucial position. As Maryland's secretary of labor, Mr. Perez inherited a department that had been neglected and minimized. He quickly took control by reenergizing and reinvigorating the Department and I have no doubt that he will do the same for the Civil Rights Division.

The Civil Rights Division was created in 1957 and was a key force in desegregation. The division was charged with protecting minority rights including the right to vote. However, a division that was once a source of pride at the Department of Justice was decimated and caught up in political hiring under the previous administration. Civil rights enforcement was put on the back bench and productivity plummeted. Now more than ever the Department of Justice needs someone to restore morale to hardworking career employees and public confidence in Department. Thomas Perez is the right man for the job.

Thomas Perez meets my criteria for nominees: competence, commitment to the mission of the agency, and integrity. His competence to serve in this position is unquestionable. Mr. Perez graduated cum laude from Harvard Law School, and has amassed extensive experience in civil rights laws as a chief of the Civil Rights Division and Director of Civil Rights Office for Health and Human Services. His commitment to the agency was demonstrated by his work as a civil rights attorney at the Department, where he secured convictions in a high profile race-motivated hate crime in Lubbock, TX, involving defendants who went on a killing spree directed at African Americans. Lastly, his integrity stems from his upbringing in a hard-working

immigrant family. It was demonstrated as he prosecuted public officials for corruption and violators of our Nation's laws.

I am confident that Mr. Perez will get the Civil Rights Division back on track with enforcing this country's civil rights laws. I have no doubt that he will combat discrimination, protect minorities, and hold violators accountable. Today we restored our reputation of embodying this country's values of tolerance and equal rights and protection for all. I thank my colleagues for their strong support of his confirmation.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged equally to both sides.

Mr. LEAHY. If I have any remaining time, I yield it back.

The PRESIDING OFFICER. The time of the Senator from Vermont is yielded back.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

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

TANKER PRICING

Mr. SESSIONS. Madam President, I would like to discuss a matter that is unrelated to the pending nomination. I have been concerned about the competition for the Air Force's No. 1 acquisition priority, the KC–X replacement aerial refueling tanker. This competition was opened for a second time on September 25 with the release of the RFP to the two bidders. We know this has been a troubled acquisition program. People actually went to jail early on in the process for attempting to create a sole source lease agreement. That breach of the public trust caused the Senate and Congress to mandate that a full and open competition be held to replace the Air Force's aging tankers. Full and open competition language was included in the 2005 Defense Authorization Act explicitly to prevent one competitor from having an unfair advantage over the other.

A troubling fact has come to my attention regarding the second round of tanker competition. The Air Force released Northrop Grumman's proposed pricing for the KC–X tanker to Boeing, the other competitor, at the end of the first competition, a competition that resulted in Northrop Grumman being declared the winner. I am told that such a release of pricing data was within acquisition regulations and that it is customary that the pricing data for the winning proposal, in this instance the Northrop Grumman proposal, be shared with the other competitors. The Department of Defense has stated that the Air Force did disclose the winner's pricing information to the losing competitor after last year's source selection. The Department of Defense further stated:

> . . . this disclosure was in accordance with regulation and more importantly that it created no competitive disadvantage because the data in question are inaccurate, outdated, and not germane to this source selection.

That statement might sound reasonable if it were not your pricing data that had been given to your competitor, but it certainly flies in the face of even the simplest definition of fairness. Let's be clear. This round of the KC–X competition is based on the same capabilities development document, the CDD, as the last, and the winner of the last competition is going to be bidding using the same aircraft they won with last time. How is their pricing data not germane to this round of competition? If is it not relevant, why won't the Department give both competitors the same insight to each team's pricing from the last competition?

Earlier this year we passed the Weapons System Acquisition Reform Act of 2009 and dedicated an entire section of that act to the need for fair competition. A basic tenet of effective competition is transparency to all bidders. In both versions of the 2010 authorization bills currently pending in this session, there is language that directs a fair and open competition, as has been true in previous years as we considered this acquisition project. It is a big one. It is important. It is the Air Force's No. 1 acquisition priority.

I stand behind the Air Force in their recognition of the need to reestablish their credibility. It had been lost somewhat in the improprieties that turned up several years ago. But I am disheartened by the fact that they don't seem to understand this issue of not sharing the same pricing data between the two bidders undermines their credibility and fairness. The Air Force certainly can't take the Northrop team's pricing data back. It has already been given to Boeing. It is too late for that. There is a simple fix to this problem. Both competitors should have the pricing data from the last competition. That is the only practical way to level the playing field. It is the right way to go forward with replacing an aging tanker fleet, some of which are over 50 years old. By the time the new tankers are in place, some existing tankers will be 80 years old. Releasing this data is what a fair competition requires and what the Air Force should do.

I understand that the bill managers have selected a certain number of amendments to consider and this amendment will not be selected for a vote. I have some amendments that have been selected. I understand the managers' constraints, but I believe the Air Force should consider this simple step toward fairness and should be committed to making sure one side does not have an unfair advantage over the other.

I have talked with Senators COBURN and VITTER who have an interest in this nomination. They have agreed to vitiate the cloture vote and proceed to an up-or-down vote on the nominee.

Mr. LEAHY. Madam President, I ask unanimous consent that the cloture vote on this matter be vitiated and that it be in order to request the yeas and nays for a vote up or down at 12:15.

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

Mr. LEAHY. Madam President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Thomas E. Perez, of Maryland, to be an Assistant Attorney General?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Vermont (Mr. SANDERS), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from North Carolina (Mr. BURR).

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

The result was announced—yeas 72, nays 22, as follows:

[Rollcall Vote No. 306 Ex.]

YEAS—72

Akaka	Franken	Lugar
Alexander	Gillibrand	McCaskill
Baucus	Graham	Menendez
Bayh	Grassley	Merkley
Begich	Gregg	Mikulski
Bennet	Hagan	Murkowski
Bingaman	Harkin	Murray
Bond	Hatch	Nelson (NE)
Boxer	Hutchison	Nelson (FL)
Brown	Inouye	Pryor
Burris	Johanns	Reed
Cantwell	Johnson	Reid
Cardin	Kaufman	Rockefeller
Carper	Kerry	Schumer
Casey	Kirk	Shaheen
Collins	Klobuchar	Snowe
Conrad	Kohl	Stabenow
Corker	Kyl	Tester
Cornyn	Landrieu	Udall (NM)
Dodd	Lautenberg	Voinovich
Dorgan	LeMieux	Warner
Durbin	Leahy	Webb
Feingold	Levin	Whitehouse
Feinstein	Lincoln	Wyden

NAYS—22

Barrasso	DeMint	Roberts
Bennett	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Inhofe	Thune
Chambliss	Isakson	Vitter
Coburn	McCain	Wicker
Cochran	McConnell	
Crapo	Risch	

NOT VOTING—6

Burr	Lieberman	Specter
Byrd	Sanders	Udall (CO)

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period of morning business until 3:15 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, would the Chair let me know when 9 minutes has expired?

The PRESIDING OFFICER. The Chair is happy to do that.

HEALTH CARE

Mr. ALEXANDER. Mr. President, a lot of what we say in Washington, DC, doesn't make its way through to the people out across the country who hire us. It is called, in different words, Washington-speak or gobbledygook by some people. Sometimes we have a hard time understanding ourselves. But one thing has gotten through to the American people: the idea that we should, No. 1, read the bills that come before us and, No. 2, we should know what they cost before we vote on them.

I think the reason for that is because, over the last several months, we have suddenly seen a whole series of Washington takeovers and 1,000-page bills and the people in this country are getting worried about a runaway Federal Government, thinking we may be overreaching here. We had a 1,200-page bill in the House of Representatives on energy and global warming. It was available for 15 hours before the vote. We had a stimulus bill—that was $800 billion, not counting interest—that was 1,100 pages and was available online for 13 hours. We had a $700 billion bailout, called the financial sector rescue package, which was available for 29 hours. The other day in the Finance Committee, Republicans said let's put the bill online for 72 hours. That was voted down by the Democratic members of the committee.

What we Republicans would like to say is this: We want health care reform. We have our ideas and suggestions that we have made. We think we should focus on reducing costs, that we should go step by step in that direction, starting, for example, with allowing all small businesses to pool together so they can offer health insurance to their employees at a reasonable cost. The estimates are that millions more Americans would be able to get health insurance from small businesses.

We have other suggestions for reducing costs. But the first thing we would say is, as this bill comes to the Finance Committee—and I see the Senator from Delaware and the Senator from Texas, who are both members of that Finance Committee—we want to be able to read the bill and know what it costs. Over the next 3 weeks, we hope, on the Republican side, to help the American people understand what this health care bill means for them. You hear lots of competing claims about it—it does this or that, and we are scaring you or they are scaring you. Let's take it one by one.

If we have time to read the bill, and we know what it costs—the President said this bill cannot have a deficit. If we don't know what it costs, how can we do what the President wants us to do? I hope we take a sufficient amount of time. The bill is in concept form now, and then the majority leader will take it into his office and merge the Finance Committee bill with the bill that we on the HELP Committee worked on in July, and out of that will come another bill. We will need the CBO to look that bill over, which I am sure will be well over 1,000 pages. It will take a couple weeks to see what it costs. Then we can work on it.

Why is it so important that we actually have the text of the bill and know what it costs? Because the bill has $½ trillion in Medicare cuts in it. On the other side, they say: Don't say that; you are scaring people. Well, it either has it or not. We say it has it. The President said there will be Medicare savings. The truth is, it is worse than that. What it appears to be is we are going to cut Grandma's Medicare and spend it on somebody else. There may be savings in Grandma's Medicare, but, if anything, we ought to spend any savings on making Medicare solvent because the trustees of Medicare have told us it will go broke in 2015 to 2017. So the people have a right to know will there be cuts to hospitals, hospices, home health, to Medicare Advantage. One-fourth of seniors on Medicare have Medicare Advantage, and it is going to be cut.

We need ample time to say: What do those cuts in Medicare mean to you? Will the bill raise your taxes? We say it will; some say it will not. But from our reading of the bill, it looks like there will be at least a $1,500 tax per family, if you don't buy certain government-approved insurance. There is the employer mandate requiring you to provide insurance. That is a tax. There are $838 billion of new taxes on insurance companies, medical device companies, which will be passed on to consumers. That is a tax.

The Presiding Officer was a Governor, as I was. He was chairman of the National Governors, and many Governors are very upset because we are expanding Medicaid in their States and sending a large part of the bill to them. So that could be more State taxes.

Now we hear from the Governors. There was an article in the Washington Post yesterday, and I ask unanimous consent that it be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. ALEXANDER. The article says: ''States Resist Medicaid Growth. Governors Fear For Their Budgets.''

The Tennessee Governor—a Democrat—said:

> I can't think of a worse time for this bill to be coming. I'd love to see it happen. But nobody's going to put their state into bankruptcy or their education system in the tank for it.

The Governor of South Dakota said:

> That's a heck of an increase, and I don't know how I'm going to pay for it.

The Governor from Ohio said:

> I have indicated that I think the States, with our financial challenges right now, are not in a position to accept additional Medicaid responsibilities. Governor Schwarzenegger of California said it will add up to $8 billion to California, and California is nearly going broke anyway. Senator FEINSTEIN said she cannot support a bill that puts that kind of additional tax on States.

Basically, it is the old trick of we in Washington saying here is a great idea, we will pass it, and send part of the bill to the States. What will the States have to do? They will have to cut the money that goes to the University of Texas or Delaware or Tennessee. They have to raise taxes, or they cannot cut benefits because cutting benefits is against the law.

So how much will these Medicaid mandates cause taxes to be raised in your State?

There are other questions we would like to ask. Will this bill raise your insurance premiums? The whole point of this exercise, we think—and a lot of the American people think—is we want to reduce costs—costs to you when you buy your health insurance and costs to your government. Your Federal Government is going broke if we don't do something about rising health care costs, just as you might.

You would think this bill would reduce your costs—to you for premiums and to you for your government. But that is not what the CBO says. It says that, in some cases, premiums for exchanged plans would include the effect of these new taxes and the premiums would increase. Then there will be more government-approved insurance plans, which may turn out to be more expensive for you to buy. In other words, you would not be able to buy the plan you now have. You will have to buy a new government-approved plan that will cost more.

There will be higher premiums for young Americans under this bill. Almost everybody thinks that. So we