

prohibited before the Supreme Court's Citizens United decision.

"Strictly prohibited from any participation"? Yet, in fact, because our current laws are vague and out of date, even CITGO, a wholly owned subsidiary of the Government of Venezuela, could easily spend freely in our elections before Citizens United.

Current Federal law has three main provisions against Federal influence:

First, companies must be incorporated and have their principal place of business in the United States.

CITGO's parent company is located in Venezuela, but CITGO itself is organized under the laws of Delaware, with its principal place of business in Texas. CITGO passes that test.

Second, the Federal Elections Commission requires that any political spending by foreign subsidiaries be drawn from profits made in America.

No problem for CITGO. The latest SEC 10-K filing we could obtain showed \$625 million in annual profits here in the United States. CITGO passes that test. But it can only spend \$625 million on American elections.

Finally, current regulations require that all political decisionmaking for a company be made by Americans, not foreign nationals.

You would think that because CITGO's board of directors has no Americans—it is just four Venezuelan citizens—it couldn't pass this test. But believe it or not, a July 2000 decision from the Federal Elections Commission said that even this would not disqualify a company. As long as a board of directors formed an elections committee with only American members, that company can still spend on elections, even with 100 percent foreign board membership.

So there you have it. If our current laws can't stop Hugo Chavez, whom can they stop?

Far from expanding the rights of American companies and leaving foreign ones behind a legal firewall, Citizens United has expanded the existing rights of American companies and foreign subsidiaries equally. Both American companies and foreign subsidiaries can now spend as much money as they want whenever they want in our elections.

We need to act now to protect our elections against foreign governments. We need to act now to protect our consumer safety and our environmental laws against a corporate veto. We need to act now to pass the DISCLOSE Act, which I am proud to join as an original cosponsor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

Ms. LANDRIEU. Madam President, I ask unanimous consent to speak for 5 minutes in morning business.

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

REMEMBERING DR. DOROTHY I. HEIGHT

Ms. LANDRIEU. Madam President, I come to the floor today to pay tribute to a great civil rights leader of our Nation, a woman who was memorialized today at the National Cathedral here in Washington, DC. Of course, I am speaking of Dr. Dorothy Height, who was a tremendous trailblazer, a true heroine of our time, a great leader of the civil rights movement. She had tremendous courage and tremendous determination that allowed women all over our Nation and, in fact, the world to break through irrational limits set by society at large. She was an inspiration to me and I know to the Presiding Officer and to other women who serve in this Chamber and to women leaders in all 50 States.

She was the chair and president emerita of the National Council of Negro Women. The council was founded, as we know, by Mary McLeod Bethune when she brought 28 women's organizations together to improve the quality of life for women. Dr. Height embraced that vision and continued her work, her crusade for justice. Through her leadership, she changed our Nation by shining a light on discrimination and injustice, which was all too common in the century that has just ended. And we still find versions and, unfortunately, visions of it here today.

She was a member of many other organizations that have come to represent so many good things about America, such as the YWCA. She was a very proud member of Delta Sigma Theta Sorority and traveled here frequently with her sorority sisters, who I know are in true mourning for her today as well. Through her dedication and commitment to these organizations, she encouraged women to be leaders in national and community organizations and on college campuses.

She had an extraordinary presence, a very big and warm heart. She was a great intellect. She had a passion for people, and in her own quiet but very forceful way, she brought great change to our Nation.

She has received any number of awards. Many of those were mentioned today and in the past weeks, as we remember her fondly—the Presidential Medal of Freedom Award, the Congressional Gold Medal Award.

I was proud to join many of my colleagues in introducing a resolution honoring the life and legacy of Dr. Height. She will be greatly missed. She

will be fondly remembered. There are very few women who will live in this century and have the kind of impact she has had on so many of us. So our prayers and thoughts are with her family and with her closest of friends. But I wanted to give a moment of honor to her on the Senate floor today.

Madam President, I yield the floor.

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

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

OFFSHORE DRILLING

Mr. MENENDEZ. Madam President, I rise today, as I am pleased we are finally moving to Wall Street reform—something I have come to speak about several times on the floor. That is critically important to our country, critically important to our economy, critically important to investors and consumers to have confidence, and I am glad we are moving to that, as a member of the Banking Committee. But at the same time, there is an enormous environmental challenge taking place in our country, one that I think portends the consequences of offshore drilling.

I rise today to discuss the tragedy in the gulf and looming environmental disaster that threatens the gulf.

First, I want to remember those who lost their lives in the tragic fire and explosion of the Deepwater Horizon oil rig in the Gulf of Mexico last week. Our thoughts and prayers are with the workers and their families.

The loss of life and the injuries are truly horrific, but this is also an environmental tragedy, one that threatens to reach historic proportions. Over 1 million gallons of oil have already leaked into the gulf. Each hour that passes without a solution, without a way to stop it, leads us to wonder what the extent of the damage will be. It is a wake-up call to all who are trying to weigh the benefits against the risks of offshore drilling as part of our energy mix. It certainly leads this Senator to wonder about the wisdom and the necessity of drilling off the coast of my State of New Jersey and, I would argue, off the coast of any Senator's coastal State.

As I stand on this floor today—and I show you this picture I have in the Chamber of the fire the Deepwater Horizon oil rig was engulfed in before it sunk—before it sunk—and then had all of the oil spilling into the gulf. As I stand here on this floor today, an oil slick bigger than the State of Delaware—over 4,000 square miles—is drifting toward shore—drifting toward

shore. To give you some perspective of what that means, as shown in this other picture, this is how big this oil sheen is when compared to my home State of New Jersey—all of the yellow. If this spill in the gulf were happening, for example, in Virginia waters right now, my whole State would be holding its breath because NOAA has shown my office how a spill in Virginia waters could easily wash up on the New Jersey shore.

I say to the Presiding Officer, I do not know if you have visited New Jersey, but we have magnificent, pristine beaches. The dunes along the coast are breathtaking. Wildlife is abundant. Tourism depends on it. It would all—it would all—be in jeopardy.

The next photograph I want to show is what happens to wildlife in these oil slicks. This is a photograph in the aftermath of the Exxon Valdez spill. We hope and pray the spill in the gulf stays offshore, but the reality is, it could make landfall any day now and this photograph could be repeated a thousand times.

Now we learn the spill from the Deepwater Horizon is worse than it was originally reported—far worse, at least five times worse. The Coast Guard and NOAA have revised their estimate of the leak. They now say it is not 42,000 gallons per day but 210,000 gallons a day. Imagine if the leak continues for 2 months, which seems like a real possibility at this point. In 2 months, it will have exceeded the amount of oil spilled in the Exxon Valdez disaster. Let's keep something in mind: The Exxon Valdez was a tanker with a finite amount of oil aboard. This is virtually a bottomless pit of oil.

When asked to compare this spill to previous spills, the Coast Guard compared it to the IXTOC I spill. On June 3, 1979, an exploratory well called the IXTOC I blew out in the Gulf of Mexico. It took 9 months—9 months—to cap, to seal, and the resulting spill was the second largest in world history, over 10 times larger than the Exxon Valdez spill. As my colleagues can see from this map which has Texas, Louisiana, and the gulf, the spill traveled 600 miles from its center—600 miles—blanketing the coasts of Mexico, Texas, and Louisiana, causing extraordinary damage.

Now we are debating the wisdom of expanding oil production on the Outer Continental Shelf; in essence, all along the coastlines of our country. Some think the way to expand offshore drilling reasonably is simply to create some type of a buffer zone off the coast as if a little more room can protect our shores; as if the ocean is in neat, little boxes that could somehow be confined. Frankly, I think this graphic of the IXTOC spill shows that oil spills don't respect State borders or buffer zones.

In the wake of what we are seeing in the gulf, I am deeply concerned that

the current 5-year plan recently announced by the administration would allow oil drilling less than 100 miles from Cape May, NJ. Cape May is a great historical place in New Jersey with beautiful beaches—some of the greatest beaches in the Nation. Cape May, where Delaware Bay meets the Atlantic, is the epicenter of bird migration on the entire East Coast and one of New Jersey's most significant seaside resort communities; the fourth most lucrative fishing port in the entire Nation, rich with scallop beds. It is less than 10 miles from Delaware waters—waters that the administration announced they are studying for possible future drilling.

So I am concerned that if the lease sales go forward, the coastlines of Maryland, Delaware, and New Jersey will be under threat—not just an environmental threat but an economic one as well. Approximately 60 percent—60 percent—of New Jersey's \$38 billion tourism industry comes from the Jersey shore, and the State's multibillion-dollar fishing industry would also be threatened by the specter of a potential oilspill.

We had an unfortunate incident in New Jersey's history. Years ago, in 1987, when the shore was polluted with medical waste in that year and medical waste that ended up on the beaches of New Jersey—syringes on the beach of New Jersey and other medical waste on the beaches of New Jersey—tourism revenue dropped 22 percent the very next year, and it took some time to recover. If a serious oilspill were ever to hit our coast, the damage would be enormously costly, and if the Exxon Valdez spill is any guide, much of the damage would be permanent.

It simply does not make sense to play Russian roulette with an asset that generates thousands of jobs and tens of billions of dollars per year for potential drilling assets that could never generate even one-tenth of that, and this is only in one State. Magnify that by so many other States that have similar coastal economies.

This tragedy in the gulf is a wakeup call. It demands that whatever we do in terms of drilling, we do carefully, thoughtfully, and with the very real images of this tragedy in mind. It is obvious—now more than ever—that we cannot ignore the risks of oil exploration, that we cannot take the safety of these rigs for granted or the reliability of redundant shutoff systems that were supposed to prevent such a spill.

It is time to weigh the risks against the payback. And what is the payback? Well, the Energy Information Administration, the entity our Federal Government has to give us information about our energy sources, estimates that opening all the shores—all shores to drilling—would amount to no more than a few hundred thousand barrels

per day, which translates to a few tablespoons of gasoline per American vehicle. We don't keep oil in a domestic market. Oil is part of a world market, so there is no guarantee that American-produced oil comes to America for the purposes we need. It is hardly a drop in the bucket, with no measurable impact on gas prices. I don't want to gamble with the coastline of New Jersey or any of these other States for a few tablespoons of gasoline.

This image of a burning rig in the gulf that ultimately sunk and for which we have all this disaster taking place is a wakeup call to all of us who are committed to finding the best energy options for the future—options that will not put hundreds of miles of our coastline at risk. I don't quite understand why it is that when we are talking about global climate change legislation, we are also in desperate pursuit of oil, which is a contributor to the greenhouse gas emissions we are trying to avoid and, in essence, change from, so we don't have the climactic changes that can threaten our way of life. However, that is exactly what we are doing by going after this.

So I am respectfully requesting that the administration reconsider its proposal to expand offshore drilling until we are absolutely certain we can protect the New Jersey shore and the entire Atlantic seaboard from the potential environmental and economic disaster that could come from coastal drilling. I don't know why the Atlantic coast has to be under siege, but it seems to be. The other coastline was largely kept unexplored.

Instead of doubling down on 19th century fuels such as oil, we should be investing in a 21st century green economy that will create thousands of new jobs, billions in new wealth, and help protect our air and water from pollution. It is time for this country to move forward and embrace the future rather than clutch to the ways of the past that have not only given us this addiction but at the same time given us the consequences in our environment of polluting it in a way that ultimately creates risks to our crops, our farmers, our shorelines, as well as our health. My home State of New Jersey still has far too much incidence of respiratory ailments, including cancers.

We can do much better than this. We should do much better than this. We should stop feeding an addiction that ultimately would only add but a few tablespoons of gas and not do anything about the price but put an enormous risk to the economy of these coastlines, to our natural habitats, and to the quality of air we breathe. I hope the President will understand this disaster is a wakeup call that needs to be thought of seriously before we move forward on something that can be so risky to our economy, to our environment, and to our way of life.

With that, I yield the floor and observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SECRET HOLDS ON NOMINATIONS

Mrs. MCCASKILL. Madam President, I came to the floor of the Senate last Tuesday to make 74 unanimous consent motions to trigger a law this body voted for by a vote of 96 to 2 back in January of 2007, and this law says that once a unanimous consent motion is made for a nomination, that people who are secretly holding the nomination must come out into the sunlight.

The law requires that 6 days after that motion is made, whoever is holding the nominee must identify themselves and, in fact, that must be published in the CONGRESSIONAL RECORD. Tomorrow would be the day for publication for all the dozens of different nominees being held up by who knows who for who knows what reason.

I wished to make sure the leaders of both parties were aware that this time had run and, today, I will ask unanimous consent that a letter I sent to the minority leader and the majority leader acknowledging that the rule has been triggered, with the list of the various nominees, asking that they make sure the Members of their party have, in fact, come forward and identified themselves for the RECORD tomorrow.

I ask unanimous consent that the letter I sent to Leader MCCONNELL and Leader REID be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, April 29, 2010.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
The Capitol, Washington, DC.

MINORITY LEADER MCCONNELL: Last week I went to the Senate floor to raise the issue of "secret holds" and to call attention to the need for openness and transparency within the United States Senate. As you know, a secret hold refers to the practice where one member of the Senate puts an anonymous hold on a nominee or legislation without publicly raising their objections. In spite of efforts in 2007 to end this practice, we now know that secret holds remain the status quo in the Senate. While efforts are being made to strengthen this rule and eliminate secret holds, I am concerned that Senators continue to ignore the current requirements for disclosure of holds.

Under the existing rule, after a unanimous consent request is made to confirm a nomination or pass legislation, the Senator with objections to the particular measure or nominee must notify their party leader and then submit a notice of intent specifying the reasons for their hold. Within six-session

days of the unanimous consent request, the notice must be printed publicly in the Congressional Record. The rule is clear that it is incumbent upon the leaders of each party to enforce the rules should members fail to comply.

Today marks the sixth session-day since I made seventy-four unanimous consent requests to confirm the non-controversial nominations on the Senate Executive Calendar (a complete list is attached). These nominees were reported out of committee by voice vote or by a unanimous vote of the committee and have no known opposition. To date, there have not been any notices filed in the Congressional Record despite the fact that all seventy-four motions were objected to by Senator Kyl on behalf of his Republican colleagues. While, several of these nominations have since been confirmed by the Senate, the bulk of the nominations remain stalled without any public notification.

Therefore, I write today to ask if you have been notified by any member that he/she has objections to any of the confirmation requests I made last week. If so, I urge you to enforce the member's obligation to place a public notice in the Congressional Record stating their objection. Should there be no known opposition to these nominees I ask that they be immediately confirmed by unanimous consent of the Senate.

Thank you for the consideration of this request. Should you or your staff have any additional concerns or questions, please feel free to contact Nichole Distefano of my staff at nichole_distefano@mccaskill.senate.gov.

Sincerely,

CLAIRE MCCASKILL,
United States Senator.

U.S. SENATE,
Washington, DC, April 29, 2010.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

MAJORITY LEADER REID: Last week I went to the Senate floor to raise the issue of "secret holds" and to call attention to the need for openness and transparency within the United States Senate. As you know, a secret hold refers to the practice where one member of the Senate puts an anonymous hold on a nominee or legislation without publicly raising their objections. In spite of efforts in 2007 to end this practice, we now know that secret holds remain the status quo in the Senate. While efforts are being made to strengthen this rule and eliminate secret holds, I am concerned that Senators continue to ignore the current requirements for disclosure of holds.

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Sincerely,

CLAIRE MCCASKILL,
United States Senator.

Mrs. MCCASKILL. Madam President, we have gone back and looked at the Executive Calendar from a historic perspective. At the beginning of this week, we had 84 pending nominations. At the exact same time in President Bush's Presidency, we had eight. That is what we call a lopsided score—84 to 8. Of the 49 nominations we have voted on as a body since President Obama took office, 38 of them were confirmed by more than 70 votes. That is a pretty lopsided margin. Twenty of them were confirmed by more than 90 votes.

I am confident that if we took the time—which I think may be the desire of my friends on the other side—to file cloture and go through individual votes on all these nominees, the vast majority of them would receive those kinds of lopsided confirmations. This is a game we need to quit playing. The secret hold needs to end.

I have written some colleagues of mine, including Senator MARK WARNER and Senator WHITEHOUSE, and we have composed a letter—and we asked our colleagues to sign it—saying we will no longer participate in the secret hold. No more secret holds for us. We don't need the law to tell us we only have 6 days to secretly hold. We have asked in the letter that the secret hold be abolished. There is not a good reason for it. There isn't. Why does anything such as that need to be a secret? It is something that needs to be done publicly. The people whom everyone works for need to know why they are holding up a nomination or blocking a bill. The secrecy needs to stop.

You can hold somebody; it is your prerogative as a Senator to hold a nominee. Work against that nomination. Try to defeat them in committee. Keep in mind that all these nominees came out of committee without an objection—no objection in committee. If you want to object, that is your prerogative. Come out and tell the world why this is the wrong person for the job but don't hide. Don't hide.

I will be watching with interest tomorrow the CONGRESSIONAL RECORD. I