am very worried we are going to have the old switcharoo, which means if you withdraw your hold in 6 days, then you can hand it off to somebody else. You can say: I no longer have a secret hold, and then you whisper to your buddy: Why don't you do it now and then we will have 6 more days and then another 6 days.

I wish to serve notice that I will be making these unanimous consent requests every time there is a secret hold, so anybody who does it is only going to have 6 days. Seriously, if we start the switcharoo and continue to go week after week without knowing who is holding these people or why, that is when people should get angry. That means they voted for a law that they had every intention of evading. People are mad enough at us. That is liable to get them over to the ''flat furious'' category if we go into that territory.

I am hopeful this Congress will be the Congress where we end the secret hold. I wish to again acknowledge the work Senator GRASSLEY and Senator WYDEN have done for years. They have definitely tilled this ground, and they, in fact, put this in the law that we voted on in 2007. I compliment them for their work on this issue. We are continuing to work together on this issue. Senator WYDEN and Senator GRASSLEY are continuing to try to find a way to reform and make this place more open and transparent.

I invite all my colleagues to sign the letter—Republican, Democratic, Independent. Sign the letter. We have 43 signatures. That means we are almost halfway there. If we can get to 60—we can move mountains here when we get that magic 60 number. I hope we can get to 60 by the end of next week. That means we will have more than a majority to say: I don't need a rule or a law; I am willing to make any hold I have open to public inspection.

I wish to also make another unanimous consent request today. We have a very important function in government; that is, investigating accidents. We are getting ready to enter into the travel season. The National Transportation Safety Board is a very important body. In fact, they are going to be considering, in the next week, the ''miracle on the Hudson'' accident and the problem with aviation as it relates to the danger of birds and possible engine failure. In June, they will be investigating the tragic Metro accident here in Washington, when 9 people died. This is one of those boards where a Democrat and a Republican are both appointed. The Democrat has been waiting since last December, ostensibly, for the Republican. Dr. Earl Weener has been on the Executive Calendar for a number of weeks.

Dr. Rosekind and Dr. Weener are needed on the NTSB. If any Member has a reason to recuse themselves, they would not have enough Members to go forward with these investigations. This is the kind of work that needs to be done. This is what people want the government to do. There is a lot of stuff the government does they don't want us doing. They want us to figure out what is going on with accidents in our transportation system and come up with answers so we can avoid these deadly accidents in the future. I think it is important, in light of that, that I go ahead and make another unanimous consent request to try to confirm these two people so they can begin working on the National Transportation Safety Board as we enter into the most heavily traveled period in America—the summer vacation months, when so many more Americans are traveling with their families.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mrs. MCCASKILL. Madam President, I ask unanimous consent that the Senate proceed to executive session for the purpose of the consideration of Calendar No. 592, Mark R. Rosekind, to be a member of the National Transportation Safety Board, and No. 787, Earl F. Weener, to be a member of the National Transportation Safety Board; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table en bloc; that no further motions be in order; that the President be immediately notified of the Senate's action, and that any statements relating to the nominations be printed in the RECORD, as if read.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, reserving the right to object, I have no problem with either nomination. I understand they are in the process of being cleared by other Members. I believe that, while I have no specific problem, we want to allow all Senators to sign off before consent is granted.

Last week, I objected to some of the nominations to allow the two leaders to work their clearance process on the Executive Calendar. I understand that the two leaders worked to confirm four U.S. attorneys later today.

Under the circumstances, as to the specific request of my colleague, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MCCASKILL. Madam President, if I could inquire of the Senator from Arizona for the purpose of making a clear record.

Mr. KYL. Madam President, I objected.

Mrs. MCCASKILL. Madam President, I wish to make sure that the objection—the reason I am asking to inquire is it has to be clear that the objection is being made on behalf of someone else and not on behalf of the Senator from Arizona.

Mr. KYL. Madam President, reserving the right to object, let me explain this process. When a nomination is sought to be cleared by both sides, there is what is called a hotline. All offices receive a quick notice that a particular bill or nominee is being hotlined. If you have a question or a concern, you register that. It is registered as an objection until it can be cleared up. In many cases, it is cleared up very quickly—sometimes overnight. Sometimes the two leaders need to work out a process for it to be cleared. It is, in one sense, a hold.

As I said, I have no objection to these two people, so I am not holding them. I am objecting on behalf of the Republican leadership in order to enable the two leaders to clear both of these nominees; that is, to make sure there is no objection on either side, so they can both go forward. That is the basis for my objection.

Mrs. MCCASKILL. Madam President, let me make a couple comments concerning that.

First, Mr. Weener has been on the Executive Calendar since March 24. So this isn't something that happened in the last couple days.

Second, it was very clear that the Senator from Arizona said he wasn't objecting, so he is objecting for someone else. This notion that this has something to do with the leaders working together, none of these nominees are being held by anybody. This is not about the leader asking for time to clear names. It is not whether somebody can hold. Certainly, somebody can hold. The question is, After they have done it for 6 days, they can't be secret anymore. What I am trying to do—and I know the Senator from Arizona understands this. I am not quarreling with somebody's ability to hold. I just need to know who is holding. It cannot just be that we are working on it and it came over on the hotline and give us a few days. The 6 days are up. The people who are holding these nominees now have to say who they are.

I wished to make it clear that your objection was not your objection to these nominees. In other words, you are not claiming the objection, you are claiming it on behalf of someone else who will not identify themselves. That is the point. Tomorrow is the day that all these people need to be identified as to who is holding them. If it is Senator MCCONNELL holding every one, then he needs to claim them and say: I am holding all the nominees. If it is other Members of the caucus, then they need to claim it. It is the same for any Democrats who are holding. I believe we had two or three nominees being held by Democrats. They need to be published in the CONGRESSIONAL RECORD tomorrow. But this notion that it is being held up because the two

leaders are working together, Senator REID doesn't have anybody being held. So I wish to make sure we got that clear.

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

Mrs. MCCASKILL. I yield to the Senator from Rhode Island for a question.

Mr. KYL. If my colleague will yield first for a minute, I wish to make it clear that it is precisely on the basis that I stated that I am objecting this evening. I believe the two leaders will be able to clear the two specific nominees my colleague asked unanimous consent for tonight. It is truly a matter of the clearance process through the hotline. As a result, what I said is true. It is nothing more than that, to my knowledge.

I take all the other points my colleague made. As to my objection this evening, I prefer to have my colleague acknowledge that what I said is what I believe; namely, that this is a clearance process for the two leaders through the hotline and that it is my expectation that these nominees will be cleared through that process. It is simply not completed.

Mrs. MCCASKILL. I apologize. I didn't mean to intimate that the Senator was saying something he didn't believe. I apologize if that is the way it was taken.

The point is pretty obvious. We have 84 nominees backed up at the train station, compared to 8 under the Bush administration. If anybody can't see what is going on, they need to tune in and pay attention. This is stall and block, stall and block, stall and block. Fine, but own it. If you are going to stall and block, let's see who you are. Claim it. That is all this is about. Claim it.

If you are proud of slowing the process down, we just want to know who you are. To say this is about the two leaders clearing the hotline, that is not what this is about. This is about the law that says you cannot have secret holds once a unanimous consent request is made. I will be here as many times as it takes to reform this process and end the secret hold.

I yield to my colleague from Rhode Island.

Mr. WHITEHOUSE. First of all, I thank the Senator for her continuing efforts on this point. I had the privilege of joining her on the first day in moving some of these unanimous consents. She brought up 73, I think, in 1 day, to tee up all these names under the Senate rules that require that once a unanimous consent has been proposed, the identity of the Senator with the hold has to be divulged in 6 legislative days. As I understand it, the 6 legislative days run today.

Mrs. MCCASKILL. Correct.

Mr. WHITEHOUSE. Therefore, tomorrow is the day when one of three things has to take place. We can come to the floor and clear these folks by unanimous consent because there will no longer be a secret hold is option 1. Option 2 is a Senator would have stood up, filed the papers that the rules of the Senate require and admit to the secret hold, making this process transparent and open. The third is they will have done what Senator MCCASKILL and I have both called the switcheroo, and they will have gone quietly to some other Senator and said: I only have 4 days left; I don't want to hold it till 6. If you pick up my hold now for me, then you are after the unanimous consent request, and we think we can dodge the rules this way.

Is it the understanding of the Senator from Missouri that those are the three options we will discover tomorrow as to all of these 80 nominees, which category they are in?

Mrs. MCCASKILL. I believe under the law, those are the only three options available: to either withdraw the hold and let the nomination go forward or claim the hold and publicly identify yourself or evade the law.

Mr. WHITEHOUSE. With respect to the observation that the distinguished Senator from Arizona made that they had just, after this process, allowed four U.S. attorneys to be cleared, in the light of the fact that at this time in the Bush administration there were eight Bush administration officials who were the subject of Democratic holds, but it is more than 80 Obama officials who are now still the subject of almost exclusively Republican holds, notwithstanding what is clear under the pressure of this initiative, we are actually down from over 100, but we are still holding at over 80 officials who are tangled up in secret holds.

Is it a fair statement of mine to put, ''Gosh, we released four'' into the context of, ''Yeah, but we are holding 84''? That is the way the ratio works right now; does it not?

Mrs. MCCASKILL. To be fair, I know we had 84 pending at the first of the week. I think our raising a ruckus is beginning to have a little bit of an impact because the iceberg moved slightly this week. We may have confirmed 14 this week of the 74, I believe, that I moved by unanimous consent last week.

Keep in mind, all 74 I moved last week had been unanimously reported out of committee, with no opposition from the Republican Party in committee. None.

Mr. WHITEHOUSE. Indeed, votes in favor by the Republicans on the committee.

Mrs. MCCASKILL. Exactly. In fact, many of them were voice-voted. We even checked to make sure no one said nay at the committee level. These were unanimously agreed to out of committee. There were 74 last week. I made the requests last Tuesday on the 74. The Senator from Rhode Island made a few requests on some that were not in that group that had been unanimously agreed to. I believe this week some of the group—maybe some of the Senator's, maybe some of the ones on which I made unanimous consent requests. I know we had 14 that moved. I think we are around 70 total right now. But of those, 60 of them are in this unanimous-consent category and ones we have no idea who is holding them.

Mr. WHITEHOUSE. Of those, if I may ask another question, who have been cleared, some have been allowed to come forward for votes on the Senate floor. The last was Judge Chin who had been held for a considerable period of time. We actually, if I recall correctly, had to file cloture and take more time. There is a process built around cloture so it burns up Senate floor time. We were forced to do that.

When the nomination was finally voted on in the Senate, is my recollection correct that he cleared the Senate 98 to 0?

Mrs. MCCASKILL. He was held for a long time. And, yes, the Senator is correct, we had to go through all the procedural hoops that take time. Time is money when you are working for the taxpayers. Every hour we spend on something is an hour we cannot spend on something else. Everyone—all the good people who are working in this room, in the cloakrooms, and in all the offices—is paid by the taxpayers. We took time to go through cloture. Then there was not one ''no'' vote. If that is not a great example of obstructionism for the sake of obstructing, I cannot think of a better one—forcing the Senate to take days to confirm unanimously a nominee after they have held for a long period of time.

Mr. WHITEHOUSE. Just by a process of elimination, unless one of the two absent Senators was the one who had the hold, whoever was holding Judge Chin actually ended up voting for him after months and months of having delayed the nomination.

Mrs. MCCASKILL. I don't know about the Senator from Rhode Island, but I would love to know how many people secretly hold a nominee and end up voting yes. Nine times out of ten—I should not say that. I don't know. It is secret. I have to believe that most times people secretly hold a nominee because they want something from an agency. In fact, I had a Member actually acknowledge to me: I don't care what happens to that nominee, but I need something from this agency. It is a leverage: I am going to hold your nominee hostage until this agency gives me what I want.

I think we remember, there was an instance that came out in public that some people were being held for projects in their State.

Mr. WHITEHOUSE. That is the right of the Senator to do, so long as they do it publicly.

Mrs. MCCASKILL. Right.

Mr. WHITEHOUSE. They can still do that even after the secret holds.

Mrs. MCCASKILL. Absolutely. If someone is trying to leverage—I do not agree with it, but that is their right as a Senator—if they want to leverage a project in their State by saying to the administration: I won't let you have any nominees to go to work in that agency until that agency gives me what I want—that is their right. People should know about it. I don't think it would be very popular. People might have a problem with that. That is the beauty of the secret hold. They never have to tell that they are leveraging a nominee to get something they want out of an agency. That is why we need to end the secret hold. Simple.

Mr. WHITEHOUSE. Madam President, if I may conclude, I thank the Senator for indulging me in these questions and allowing me to ask them and for her energetic and principled leadership on this issue.

Mrs. MCCASKILL. Madam President, I thank my colleague from Rhode Island. There are so many things about the Senate I respect—the traditions, the service. Make no mistake about it, there are so many of my Republican colleagues who serve whom I admire and respect. They care deeply about their country. Sometimes we disagree on issues, but that does not diminish my respect for them as public servants and as people. We all get along better than people probably realize we do. But there are certain traditions around here, frankly, that are more like a bad habit.

The tradition of comity is wonderful. The tradition of debate is wonderful. The tradition of collegiality is wonderful, the tradition of seniority and respecting people who have been here for a great deal of time. So much of it has been built up over the history of this Nation, and I am so proud to be a Member of this body in so many ways.

But there are some bad habits that are traditions of which we should not be proud, and this is one of them. This is a tradition that needs to end. The secret hold is a bad habit. It is a luxury in which we should not indulge as members of a public body to serve the public on behalf of the people for whom we work.

Our work should be open. The word ''secret'' does not have a place of honor in this democracy. Secret, good government, that is a little bit like oil and water. Let's do away with this bad habit. Let's demolish this tradition for all the right reasons and go forward and have a new tradition that from now on, if a Senator feels strongly enough about a nominee to block their nomination, that they come forward, explain their reasoning, and allow the people they work for to judge for themselves whether that is a valid reason to stop a nomination.

In many instances, the people they work for may believe it is a valid reason and may applaud them for it. But if it needs to be secret, I don't know, I bet maybe they might not. Let's end the tradition.

I thank the Senator from Rhode Island. I also, obviously, thank, once again, Senator GRASSLEY. He has so many times been the conscience of this place for so many different reasons, so many different issues. I have greatly admired his work in the inspector general community. He has done so much with inspectors general to strengthen them, make sure they have independence.

He has been a great champion for accountability and transparency in the Senate. I am proud he has worked as long as he has on trying to stop the tradition of secret holds. He and Senator WYDEN get the lion's share of the credit that has been done on this issue over the years.

We now have 43 Senators who are willing to say: Enough already. Now if we can just get a few more, we can nail the coffin shut on secret holds once and for all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

RUNAWAY CREDIT CARD INTEREST RATES

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that my statement be followed by a colloquy among the cosponsors of the amendment I will be discussing.

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

Mr. WHITEHOUSE. Madam President, I had actually planned to offer an amendment to the Wall Street reform bill this afternoon, but I have been informed that the open-amendment process does not begin until next week. I will describe my amendment this afternoon and then return to the floor at the earliest opportunity to actually call it up.

Before I describe it, I wish to commend Chairman DODD and Chairman LINCOLN for their hard work in crafting a strong Wall Street reform bill. The collapse of the housing market in 2008 and the resulting recession, near depression, was painful evidence that our financial institutions were underregulated and that we were ill-prepared for the invention of complex, new financial products.

The legislation we are currently debating will strengthen and modernize our Nation's financial regulation and substantially reduce the chances for future market bubbles and collapses, with all the economywide collateral damage we have seen from this collapse.

My amendment is cosponsored by Senator MERKLEY, who is on the Senate floor—I am delighted he is here with me—Senator DURBIN, Senator SANDERS, and Senator LEVIN. It would address an area that is not yet covered by the Wall Street reform bill, and that is runaway credit card interest rates.

This amendment would address that issue not by imposing any new restrictions on lending but, rather, by restoring to our States historic powers that they held for hundreds of years and that were eliminated only in the relatively recent past.

Madam President, when you and I were growing up, a credit card offer with a 20-percent or 30-percent interest rate might well have been a matter to bring to the police. Such interest rates were illegal under the laws of most, if not all, of the 50 States.

Today, in contrast, credit cards routinely charge rates of 30 percent or even more, usually after they have trapped people into a late payment or some trick of some kind to get them away from the teaser rate with which they sold them the credit card. They end up with 30 percent interest or higher. These interest rates have spiraled out of control, and for reasons I will explain, the States, at least recently, have been powerless to do anything about it despite the historic power they had in this area.

Prior to 1978—indeed, for the first 202 years of our Republic—each State had the ability to enforce usury laws against any lenders doing business with its citizens. Our economy grew and flourished during these two centuries. These were not hard periods for the financial services industries, and lenders profited while complying with the laws in effect where they operated. Then in 1978 came an apparently uneventful Supreme Court case. It was little noticed at the time it was decided. In Marquette National Bank of Minneapolis v. First of Omaha Service Corporation, the Supreme Court interpreted one word—the word ''located''—in the National Bank Act of 1863. That word sat quietly in that statute for 102 years, but in 1978 they interpreted it as meaning the location of the business rather than the location of the customer—where the bank was headquartered or domiciled rather than where their customer lived.

Well, it did not take long before big banks cottoned on to the opportunity this created—an opportunity never sanctioned by Congress nor apparently even intended by the Supreme Court. It was an inadvertent loophole, but they found it, and they realized they could avoid the interest rate restrictions by reorganizing as national banks and moving to States that had the weakest consumer protections. So what happened? A race to the bottom. The proverbial race to the bottom took place as a small handful of States eliminated consumer protections, eliminated interest rate caps in order to attract into their States lucrative credit card business and their related tax revenue.