The coalition would quickly unravel. Qadhafi would emerge victorious, even more dangerous and determined to seek his revenge through terrorism against the countries in NATO and the Arab League that tried and failed to overthrow him.

We would see a bloodbath inside Libya. This killer, Qadhafi, will unleash unspeakable horrors against the Libyan people. And the ripple effects will be felt across the Middle East. For example, the prodemocracy movements in places like Iran and Syria would conclude that they too might be abandoned and the dictators they oppose would be emboldened.

Our disengagement would irreparably harm the NATO alliance.

I fully understand the frustration at the way the President has handled this situation, but the answer to any problem is not to make it worse.

Some may think what we do here this afternoon on the resolution is largely symbolic, simply intended to send a message to the White House.

Yes, it will send a message to the President, but it will also send a message to Qadhafi and those around him.

And here is the message that I fear we may send: That the coalition is breaking and the Qadhafi regime might yet win. I know that is not anyone's intention, but that is the very real risk we run.

There is a better, more pragmatic way forward.

Let's pass a resolution backing these activities.

For those frustrated with the President's failure to adequately make the case for our involvement, our job in Congress is to push the administration to do a better job explaining our effort in Libya.

Here is the good news: The tide in Libya appears to be turning against Qadhafi. The opposition in Benghazi has succeeded in expanding the territory under its control, breaking the siege laid by regime forces on Misrata, the country's third largest city.

At the same time, the Qadhafi regime has been shaken by further defections and collapsing international support.

Libya is at a critical juncture. And for the United States, there is only one acceptable outcome—the removal of the Qadhafi regime and, with it, the opportunity for the Libyan people to build a free and democratic society.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I yield back all remaining time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of James Michael Cole, of the District of Columbia, to be Deputy Attorney General?

Mr. LIEBERMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL), the Senator from West Virginia (Mr. MANCHIN), and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

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

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 97 Ex.]

YEAS—55

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Blunt	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (MA)	Kyl	Schumer
Brown (OH)	Landrieu	Shaheen
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Warner
Collins	Lugar	Webb
Conrad	McCaskill	Whitehouse
Coons	Menendez	Wyden
Durbin	Merkley	
Feinstein	Mikulski	

NAYS—42

Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Paul
Boozman	Heller	Portman
Burr	Hoeven	Risch
Chambliss	Hutchison	Roberts
Coats	Inhofe	Rubio
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Corker	Johnson (WI)	Snowe
Cornyn	Kirk	Thune
Crapo	Lee	Toomey
DeMint	McCain	Vitter
Enzi	McConnell	Wicker

NOT VOTING—3

Kohl	Manchin	Udall (NM)

The nomination was confirmed.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Virginia A. Seitz, of the District of Columbia, to be an Assistant Attorney General?

The nomination was confirmed.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Lisa O. Monaco, of the District of Columbia, to be an Assistant Attorney General?

The nomination was confirmed.

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

Mr. RUBIO. Madam President, today, the Senate considered the nomination of James Cole to be deputy Attorney General of the United States. I voted against his nomination and want to explain my vote.

Mr. Cole has been a vocal critic of the use of military commissions to try terrorists. Based upon my review of his record, it is apparent that he is an ardent supporter of the use of article III courts to try terrorists. He has advocated a criminal law approach to prosecuting terrorists. By way of example Mr. Cole has stated:

For all the rhetoric about war, the September 11 attacks were criminal acts of terrorism against a civilian population.

Testifying before the Judiciary Committee, he refused to say whether he favored a civilian or military trial for Osama bin Laden, should he be captured alive.

I believe that such decisions should be made on a case-by-case basis, based on all the relevant factors and circumstances available at the time of the suspect's capture.

Additionally, under Mr. Cole's watch, the Justice Department has announced that it would try two Iraqi nationals who were arrested in Kentucky on charges related to attacking and killing U.S. troops in Iraq, in civilian courts.

While Mr. Cole has the academic and legal background necessary to fill this position, his actions as Deputy Attorney General and history supporting civilian trials for terrorists clearly establishes that he will pursue an agenda that seeks to ensure that terrorists are tried in article III courts. These issues are of paramount concern and I cannot support a nominee who subscribes to these views. Accordingly, I had no choice but to oppose this nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate shall 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 12:41 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Ms. KLOBUCHAR).

PRESIDENTIAL APPOINTMENT EFFICIENCY AND STREAMLINING ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 679, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 679) to reduce the number of executive positions subject to Senate confirmation.

Pending:

DeMint amendment No. 501, to repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota to the Fund, and certain other related authorities, and rescind related appropriated amounts.

DeMint amendment No. 511, to enhance accountability and transparency among various Executive agencies.

Portman amendment No. 509, to provide that the provisions relating to the Assistant Secretary (Comptroller) of the Navy, the Assistant Secretary (Comptroller) of the Army, and the Assistant Secretary (Comptroller) of the Air Force, the chief financial officer positions, and the Controller of the Office of Management and Budget shall not take effect.

Cornyn amendment No. 504, to strike the provisions relating to the Comptroller of the Army, the Comptroller of the Navy, and the Comptroller of the Air Force.

Toomey/Vitter amendment No. 514, to strike the provision relating to the Governors and alternate governors of the International Monetary Fund and the International Bank for Reconstruction and Development.

Carper amendment No. 517, to provide that the Government Accountability Office shall conduct a study and submit a report on presidentially appointed positions to Congress and the President.

Kirk (for McCain) amendment No. 493, to preserve congressional oversight into the budget overruns of the Office of Navajo and Hopi Relocation.

Sanders (for Akaka) amendment No. 512, to preserve Senate confirmation of the Commissioner of the Administration for Native Americans.

Sessions (for Paul) amendment No. 502, to strike the provision relating to the Treasurer of the United States.

Sessions (for Paul) amendment No. 503, to strike the provision relating to the Director of the Mint.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I will be happy to be interrupted by the managers of the bill if they decide to come.

IMF BAILOUT

Madam President, there have been several recent warnings of large and growing risks in global markets from the European debt crisis.

If Greece defaults, which investors see as likely, and European officials are unable to agree on how to restructure Greece's debt, lack of confidence in sovereign debt could spread.

Investors could run away from liabilities issued by other highly indebted Eurozone countries or even the debt of the United States.

Unfortunately, the President continues his disengagement in our debt problems.

The administration continues to advocate more runaway deficit spending, continuing down the path toward European-style big government.

Our debt-financed unsustainable debt is pushing us toward our own fiscal crisis. Yet the President has failed to lead us to a sound fiscal solution.

My concern about the European debt crisis is about the possible exposure of the U.S. to a European-led contagion that could lead to catastrophe in the global market for U.S. Treasury securities.

The U.S. financial system has exposures to liabilities of the public sectors, the banks, and the private sectors of Greece, Portugal, Ireland, and Spain, four highly indebted Eurozone countries.

The extent of the exposure is unclear but is potentially greater than half a trillion dollars. Given the interconnectedness in global financial markets, ultimate risk exposure is difficult to disentangle.

Most importantly, I am concerned about what all of this means for American taxpayers. Americans have made it crystal clear, they do not want more bailouts.

Let me remind everyone of President Obama's pledge when he signed the Dodd-Frank banking act into law last year, an act which, by the way, is turning out to be a job-killer and is itself a threat to our financial markets. The President clearly stated, ''[t]here will be no more tax-funded bailouts—period.''

Unfortunately, that promise has proven hollow. Recall that a Democrat-led Congress, urged on by President Obama, upped the U.S. ante with the International Monetary Fund in 2009. Additional funding of up to $108 billion was provided to the IMF which can now be used to bail out profligate European governments. Make no mistake, bailouts are continuing and there are threats of even more on the horizon.

Let me be clear now, before any crisis hits. There can be no further bailouts, of banks or foreign countries or private companies or unions or states that are funded by innocent American taxpayers.

The people of Utah, whom I represent, and the vast majority of Americans want to hold the President to his promise. They are done with taxpayer-funded bailouts.

The administration and the agencies responsible for oversight of our financial system need to bring some sunshine to this situation, and make clear to the American people just what the bailout risk is from the Eurozone or anywhere else.

I am proud to cosponsor with Senator DEMINT and several of my colleagues an amendment that will roll back the funding provided to the IMF in 2009. To make the President's pledge of no more tax-funded bailouts meaningful, and to do what the American people are clearly demanding of Congress, it is imperative to protect taxpayers from bailouts of profligate European countries through the IMF.

American taxpayers deserve assurance now that they will not be again forced to assume risks and losses that they did not create. Taxpayers deserve to know that they will be protected from future bailouts.

That is precisely what the amendment that I am cosponsoring will do. It is a simple amendment and its message is clear.

No more taxpayer bailouts.

If the President is unwilling to fulfill his pledge on his own, there are those of us in Congress who are happy to hold him to his word.

I urge my colleagues to stand up for taxpayers and vote for this critical amendment.

So far I have been speaking about this administration's abuse of power with regard to the IMF. I would like to switch gears for a few minutes and talk about another series of abuses that are no less outrageous. I am speaking about the Obama administration's labor agenda.

Over the last month or so, many in this Chamber have expressed concern about the National Labor Relations Board's complaint against Boeing. That complaint has been almost universally criticized, if not outright condemned, from all corners of the country. Just last week, the Washington Post, not exactly known for having an anti-union bias, had some harsh words for the board's case against Boeing. I ask unanimous consent to have the Post's editorial printed in the RECORD.

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

[From the Washington Post, June 19, 2011]

FLIGHT RISK FOR BOEING

The opening of a manufacturing plant with nearly 1,000 jobs should be cause for celebration. But Boeing Co.'s $1 billion facility in South Carolina has met a different, less welcome response.

The National Labor Relations Board, spurred by the International Association of Machinists and Aerospace Workers, hit Boeing with a complaint of unfair labor practices. The board charges that Boeing illegally shipped jobs to South Carolina from the company's Washington state facility in retaliation for past strikes by unionized workers in Puget Sound. Both facilities will have a hand in building the company's new and mammoth 787 Dreamliner.

The NLRB pegged its case to ''coercive'' threats by Boeing executives who told the media that disruptions caused by the strikes played a role in deciding to build in South Carolina. They also spoke of the need to ''geographically diversify'' to avoid shutdowns caused by natural or man-made disasters and to control costs, which would be easier to do in a ''right-to-work'' state through lower labor costs.

As punishment, the NLRB is seeking to compel Boeing to move the Dreamliner jobs in South Carolina to Washington state—which the company says would essentially force it to shut the plant. Boeing calls the proposed punishment ''indisputably the most consequential—and destructive—remedy ever sought by an officer of the NLRB.''

The law forbids employers from discriminating or retaliating against employees for lawful union activity. To prevail, an aggrieved party typically must show that the retaliation resulted in demotions, dismissals, wage reductions or other punitive measures. In Boeing's case, these reprisals are absent; the company also claims its collective bargaining agreement gives it the explicit and exclusive right to locate work where it wishes.

The allegation that the company ''transferred'' jobs out of state is unconvincing because the jobs in South Carolina are new. The company has not cut jobs in Washington, nor has it demoted or slashed the wages of union workers. Boeing has added about 3,000—albeit temporary—jobs in Washington since it announced its South Carolina plans and says it is likely to add more to keep up with demand for its commercial airliners.

Employers who engage in unfair labor practices should be penalized. But the NLRB's move goes too far and would undermine a company's ability to consider all legitimate factors—including potential work disruptions—when making plans. It also substitutes the government's judgment for that of the company. This is neither good law nor good business.

Mr. HATCH. Also last week, the NLRB released a notice of proposed rulemaking, aiming to drastically reduce the time between the filing of a union election petition and the vote to

certify the union. The motivation behind this proposal is simple, the less notice the employers have regarding a union election, the less time they will have to make their case to the workforce.

Unions and their democratic allies have sought these kinds of so-called reforms for decades. I want to be clear. For all of their talk about representing the little guy, and standing for the people, these reforms are an affront to the spirit of democracy. They show disrespect for employees by attempting to deny them critical information that could inform their choices in these elections. Their genesis is not in a concern for the common man but in the unholy alliance between union apparatchiks who want to grow their power and union dues, and the latte left that depend on those dues to elect representatives who have little in common with the workers whose paychecks get docked to elect them.

Unfortunately, now that President Obama has packed the NLRB with former union lawyers, they look poised to get these rules. Let us be clear. This is a win for union bosses. But it is a big loss for the workers they purport to represent.

I will have much more to say about the NLRB in the coming days. But, today, I want to focus on another runaway Obama agency that is setting aside established rules and procedures in order to pay back the President's union supporters.

The National Mediation Board, which has jurisdiction over labor relations in the railroad and airline industries, has, like the NLRB, aggressively pursued a unionization-at-all-costs agenda. While the NMB's activities have not received the same attention as those of the NLRB, their actions are every bit as egregious.

Last summer, the NMB, at the behest of big labor, changed the voting procedures for all union elections under its jurisdiction. For 75 years, an airline or railroad union had to win the support of a majority of the entire workforce in order to be certified as the representative. Under that system, workers who did not vote in an election were counted as no votes.

The logic of this rule was sound. Unions do not seek to represent just the workers that vote in an election. A union claims to represent the entire workforce. The established rule ensured that the results of an election accurately reflected the will of a true majority of a given workforce.

Unfortunately, logic and common sense often stand in the way of the big labor agenda.

So in 2010 the NMB unilaterally changed the rule to lower the bar. Now these elections are decided by a majority of those voting in an election, regardless of how many workers actually voted. In other words, under the new rule a union could be certified even if a majority of the workers did not support it.

Given the timing of this decision, one can only conclude that the pro-union appointees on the NMB were specifically targeting Delta Airlines for unionization after its merger with Northwest Airlines. I think it would be naive to assume otherwise.

But here is the remarkable thing.

The stage was set for a union cakewalk. Shortly after the NMB fixed the rules to secure a pro-union outcome, there was an election among Delta's flight attendants to determine if they wanted to be represented by the Association of Flight Attendants or AFA.

All the rails were greased for the union.

And the union still lost.

The result was a triumph of employees over the union bosses.

The employees had three options.

One, voting yes to certify AFA representation; two, voting no to reject certification or, three, writing in an alternative choice for representation.

The NMB did its best to fix this for the union. They counted the write-in votes, votes clearly supporting an option other than the AFA, as votes in favor of the union.

But when the dust settled, with 94 percent of Delta's flight attendants voting in the election, the union still lost. Of course, the unions cried foul and have challenged those results. The NMB, which has shown little desire thus far to vindicate the rights of non-union workers, let alone those of employers, is currently investigating the AFA's claims that Delta interfered in the vote.

I think we can guess how this investigation will turn out.

This recent election was not the only setback the unions have received at the hands of Delta employees. Last fall, three other Delta workforces, the ticket agents, the bagging agents, and the reservation agents, all held separate union elections, all of which ended with similar results. The NMB is also investigating claims of interference in those elections, even though no substantive evidence has been presented.

With these latter three elections, the union suitor was the International Association of Machinists, the same union whose interests the NLRB is serving with its absurd complaint against Boeing. If the Obama administration's commitment to serving IAM is consistent between agencies, and there is absolutely no reason to assume otherwise, I think we can predict just how those investigations will turn out.

There is no time limit on the NMB's investigations. Delta has no way of knowing whether it is in the clear or whether it needs to prepare for more elections. More importantly, Delta's workers, who have repeatedly rejected unionization, will likely see no end to the bothersome pressure that comes with a union election campaigns.

I think it is safe to say that, with the Obama NMB in charge, the number of union elections among Delta employees will be limited only by the time it takes for the unions to finally win one.

The NMB is behaving like the bureaucratic equivalent of the scorer's table at the 1972 men's basketball gold medal game.

They are going to give the unions as many chances as they need to win this fight.

Labor law and policy plays an important role in our economy. In many respects, it determines which businesses will succeed and which will fail. It plays a significant role in decisions as to whether companies should invest in the U.S. or somewhere else.

Sadly, it has become customary to expect pendulum swings in labor law each time the White House changes hands and appoints new government officials to lead the Federal executive branch and independent agencies. While this should not be the case, I do not think we've ever seen the pendulum swing as far as it has under the Obama administration.

Unions represent less than 8 percent of the private sector workforce. Yet with President Obama in office, the union influence has been virtually immeasurable. This should not be surprising. During the 2008 campaign, President Obama addressed a gathering of the SEIU, probably the most politically powerful union in the country. During his speech, the President told the crowd if he were elected, ''we are going to paint the Nation purple with SEIU.''

Apparently, Madam President, this is the one campaign promise President Obama intends to keep.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON of Wisconsin. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

A BROKEN WASINGTON

Mr. JOHNSON of Wisconsin. Madam President, I have been here for almost 6 months now, but I have been carefully watching Washington for the last 32 years while I have been running my manufacturing business in Oshkosh, WI—watching how increasingly broken Washington has become over the years. Nothing I have seen in the last 6 months has changed that evaluation.

Washington is broken and America is going broke. Our economy is in a coma and people are suffering. America hungers for leadership, and it is not getting any—not from President Obama and not from the Senate. We can't afford to have a broken political process—not now, not while America is hurtling toward a financial crisis.

Under Democratic leadership, it has been over 2 years since the Senate passed a budget, and there is currently no markup going on in the Budget Committee to produce one. America is going bankrupt. Yet the Senate refuses to pass a budget.

The President's budget that he presented several months ago to great fanfare—remember that—4¼ inches thick,

2,400 pages long, and who knows how many thousands of man hours that document took to produce—was going to be the solution to our fiscal problems. But it was so unserious it would have added over $12 trillion to our Nation's debt. It was so unserious that when it was voted on in the Senate, it lost by a vote of 0 to 97. It was so unserious that not a single member of the President's own party voted for it.

Instead of rolling up his shirt sleeves and personally tackling the No. 1 problem facing this Nation right from the beginning, President Obama delegated his role in sporadic negotiations to Vice President BIDEN. Now that those talks have broken down, the President is finally getting personally involved in this process.

But what kind of process is this? A few people talking behind closed doors, far from the view of the American public, is that the process that is going to decide the fate of America's financial situation, of our financial future? Is this how the U.S. Government is supposed to work? I don't think so. Of course not.

Unfortunately, this has become business as usual in Washington. As a manufacturer, I know if the process is bad the product will be bad. Business as usual in Washington is a bad process. Business as usual is bankrupting America. It must stop. America is simply too precious to subject our financial future to Washington's business as usual.

I am pretty new here. I don't pretend to understand everything that makes the Senate work, or maybe more accurately what doesn't allow the Senate to work. But I do know the Senate runs on something called unanimous consent. So unless we receive some assurance from the Democratic leadership that we will actually start addressing our budget out in the open, in the bright light of day, I will begin to object. I will begin to withhold my consent.

The Senate needs to pass a budget. It shouldn't be that difficult. Families do it every day. A husband earns $40,000; a wife earns $40,000. The total family income is $80,000. That is their budget. That is what they can afford to spend. American families figure out how to live within their means. The Federal Government should be no different. A budget is a number. We should first pick one number and then a set of numbers that will not let America go bankrupt.

Let me start the process by throwing out a number—$2.6 trillion. That is $800 billion more than we spent just 10 years ago. The $2.6 trillion is the amount President Obama, in his budget, said the Federal Government would receive in revenue next year. If we only spent that amount of money we would be living within our means. What a concept.

If we want to spend more than $2.6 trillion, Members of Congress, members of this administration, should go before congressional committees and openly justify what they want to spend, how much they want to borrow, and how much debt they are willing to pile on the backs of our children, our grandchildren, and our great-grandchildren. They should explain just how much of our children's future they are willing to mortgage.

The American people deserve to be told the truth. Unless that happens, I will begin to withhold my consent. Unless there is some assurance the Senate will take up its budget responsibilities in an open process, I will begin to object.

Madam President, I 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.

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

Mr. JOHNSON of Wisconsin. I object.

The PRESIDING OFFICER (Mr. FRANKEN). Objection is heard.

Mr. SESSIONS. I thank the Chair.

The assistant bill clerk continued with the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2]

Alexander	Casey	Reid
Begich	Collins	
Bennet	Johnson (WI)	

The ACTING PRESIDENT pro tempore. A quorum is not present. The clerk will call the names of absent Senators.

The bill clerk resumed the call of the roll.

Mr. REID. Madam President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CASEY). Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion of the Senator from Nevada. The yeas and nays are ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Wisconsin (Mr. KOHL), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Nebraska (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Mexico (Mr. UDALL), the Senator from Virginia (Mr. WEBB), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Illinois (Mr. KIRK), and the Senator from Arizona (Mr. KYL).

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

The result was announced—yeas 44, nays 40, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—44

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Kerry	Sanders
Blumenthal	Klobuchar	Schumer
Boxer	Landrieu	Shaheen
Brown (MA)	Lautenberg	Shelby
Brown (OH)	Leahy	Stabenow
Cantwell	Levin	Tester
Cardin	Lieberman	Udall (CO)
Carper	Manchin	Warner
Casey	Menendez	Whitehouse
Conrad	Merkley	Wyden
Coons	Mikulski	

NAYS—40

Alexander	Grassley	Murkowski
Ayotte	Hatch	Paul
Barrasso	Heller	Portman
Boozman	Hoeven	Risch
Burr	Hutchison	Roberts
Coats	Inhofe	Rubio
Cochran	Isakson	Sessions
Collins	Johanns	Snowe
Corker	Johnson (WI)	Thune
Cornyn	Lee	Toomey
Crapo	Lugar	Vitter
DeMint	McCain	Wicker
Enzi	McConnell	
Graham	Moran	

NOT VOTING—16

Blunt	Johnson (SD)	Pryor
Chambliss	Kirk	Rockefeller
Coburn	Kohl	Udall (NM)
Durbin	Kyl	Webb
Feinstein	McCaskill	
Inouye	Nelson (NE)	

The motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is present.

The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the following pending amendments be agreed to: Akaka No. 512, as modified with the changes at the desk, Carper No. 517, and Paul No. 503; that a managers' amendment which is at the desk be agreed to; that at 11 a.m. on Wednesday, June 29, the Senate proceed to vote in relation to the remaining amendments to S. 679 in the following order: DeMint No. 501, Portman-Udall of New Mexico-Cornyn—that is three Senators—No. 509, as modified, with the changes that are at the desk, DeMint No. 511, and Toomey No. 514; further, that the Cornyn amendment No. 504, McCain amendment No. 493, and Paul amendment No. 502 be withdrawn; that no amendments be in order to any of the amendments prior to the votes; that upon disposition of the amendments, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended; that there be no motions or points of order in order to the bill or any of the amendments other than budget points of order and the applicable motions to waive; finally, that all other provisions of previous orders with respect to S. 679 remain in effect.

The PRESIDING OFFICER. Is there objection? The Senator from Wisconsin.

Mr. JOHNSON of Wisconsin. Mr. President, reserving my right to object, I may not object to this request. It certainly is not addressing the primary problem facing our Nation; that is, the fact that we are bankrupting this Nation. We need to start actually addressing that in the Senate. But I realize the managers worked hard on this bill. I realize there are some good amendments the Senate really needs to debate and we should vote on. That is the way the Senate should work.

I also ask that I be allowed to speak for 10 minutes following the agreement here.

Mr. REID. Mr. President, I accept the modification of the request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments (Nos. 503 and 517) were agreed to.

The amendment (No. 512), as modified, was agreed to, as follows:

On page 48, strike lines 4 through 8.

The amendment (No. 520) was agreed to.

(The text of the amendment (No. 520) is printed in today's RECORD under ''Text of Amendments.'')

The amendment (No. 509), as modified, is as follows:

On page 38, line 19, strike all through page 45, line 16.

On page 59, strike lines 11 through 15.

On page 66, strike lines 1 through 16.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank everybody for their cooperation. We worked long and hard on this bill. I thank the Senator from Wisconsin. He raises an excellent point. I thank the majority leader. I thank Senator ALEXANDER and Senator SCHUMER, who are the chief sponsors of this bill, and Senator LIEBERMAN. I am very glad we were able to work out this agreement and that we will be able to have final votes on the amendments and final passage tomorrow.

Thank you, Mr. President.

The PRESIDING OFFICER. The request, as modified, is agreed to.

● Mr. DURBIN. Mr. President, I was unavoidably absent for vote No. 98, a motion to instruct the Sergeant At Arms to request the attendance of absent Senators. Had I been present, I would have voted in favor of the motion. It is important for the Senate to respect bipartisan agreements and work towards completion of its legislative business.●

MORNING BUSINESS

NOMINATION OF GENERAL DAVID PETRAEUS

Mr. UDALL of Colorado. Mr. President, I will support the nomination of GEN David Petraeus to be Director of the Central Intelligence Agency. Over the many years that he has served our country, he has proven himself time and again as a man of integrity, who will act in the best interests of the nation and—in this new position—the men and women of the CIA.

As one of the finest military leaders of our time, General Petraeus has been instrumental in the fight against Islamic extremism, playing key roles as Commanding General in Iraq and Afghanistan and as the Commander of U.S. Central Command. He has developed great expertise and deep knowledge of the threats we still face in South Asia and the Middle East. He will now take that expertise and knowledge to the CIA, where he will use different tools to face those and many other national security challenges around the world.

Despite my support for the general, I would be remiss if I did not add that I am concerned about a statement he made in answer to a question I asked during his Senate Intelligence Committee nomination hearing on June 23, 2011. General Petraeus has been on the record time and again explaining that torture does not fit with American values, that it creates new enemies, and perhaps most importantly, that it isn't effective. Yet he did not give a simple answer at the hearing when I asked him whether he sees torture any differently in a CIA context than in a military context.

Instead, he suggested that there might be a ''special case'' in which enhanced interrogation techniques might be an acceptable last resort option, for example, in the ''nuclear football'' scenario, where the government has in custody an individual who has placed a nuclear device under the Empire State Building, and only he has the codes to turn it off.

I understand the general's point that such a scenario—in which there is specific knowledge of imminent devastation—would be the exception, not the rule, and that it is a hypothetical one that might never occur in reality. He is certainly not the first to raise the ticking timebomb question in this context, nor is he the first to suggest that policymakers consider addressing this question in statute.

Perhaps it is time for Congress to weigh in definitively on the CIA's interrogation techniques. Today, only President Obama's executive order—not a law—prohibits the CIA's use of coercive interrogation, so it's possible that a new administration might decide to move this policy in a different direction. As I told General Petraeus at last week's hearing, I look forward to a debate and discussion with him about this important issue.

And as a member of the Senate Intelligence Committee, I look forward to working with CIA Director Petraeus on our country's many intelligence and national security challenges.

INTENTION TO OBJECT—S.1145

Mr. GRASSLEY. Mr. President, I would like to alert my colleagues that I intend to object to any unanimous consent agreement for the consideration of S. 1145, the Civilian Extraterritorial Jurisdiction Act, CEJA. While I joined in supporting a vote to report S. 1145 out of the Judiciary Committee, my vote does not signal my support for the legislation in its current form. Unless changes are made to address my concerns with the legislation, I will continue to object.

I oppose S. 1145 in its current form because it does not include a sufficient carve-out for intelligence, law enforcement, or protective assignments by U.S. Government employees abroad. The current version of S. 1145 does include a carve-out for intelligence activities, but the current version of the intelligence carve-out is problematic. There is repetition in the language and extraneous language is unnecessary. Further, under the current carve-out an intelligence agent may not be protected from prosecution, even though he was authorized to undertake an operation. The current provision in the bill would require that a supervisor's directive be authorized and also be ''consistent with applicable U.S. law.'' This extra requirement opens up a world of questions. How should an agent in the field know his supervisor's instruction was ''consistent with applicable U.S. law''? Will this provision now require agents to obtain a legal opinion before they take action? This is not the message we should be sending to the agents in the field.

Instead, I proposed a carve-out in the Judiciary Committee that would exclude government employees performing intelligence, law enforcement, and protective assignments abroad. This version was based upon existing U.S. law that some members of the Judiciary Committee previously supported. If the carve-out I proposed is good enough for employees operating inside the United States, it should be good enough for those operating abroad. Why would we give agents operating in the U.S. more protections than those operating in foreign lands?

Further, the current carve-out in S. 1145 is not the preferred language that the intelligence community proposed at the beginning of negotiations. If past is any prologue, this appears to be yet another instance where the intelligence community is settling for language it can ''live with'' as opposed to the optimal language it should be seeking. This same problem occurred in negotiations during consideration of legislation extending the three expiring provisions of the USA PATRIOT Act. Ultimately, extraneous language that would have restricted the ability of law enforcement and the intelligence community was removed from the extension of the PATRIOT Act authorities and a similar outcome should occur on CEJA.

I also oppose S. 1145 in its current form because the legislation does not