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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, whose glory has been revealed through the generations, renew within our Senators a true understanding of Your purpose for this Nation and world. Illuminate their minds with the light of Your wisdom so that they will know how to meet the complex challenges of our time. Lord, use them to lift the spirits of the American people, to encourage the hearts of those on life's margins, and to bring peace to those troubled by the problems in our world. May their trust in Your Word fill them with confidence in Your providential leading.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 28, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in executive session to consider the Cole, Monaco, and Seitz nominations. These are all for the Justice Department. The first vote today will be at noon on the confirmation of James Cole to be Deputy Attorney General. We are hopeful that the Monaco and Seitz nominations can be confirmed by voice vote. Following that first vote, the Senate will be in recess until 2:15 p.m. for the weekly caucus meetings. At 2:15, the Senate will resume consideration of the Presidential Appointment Efficiency and Streamlining Act. We are working on an agreement to complete action on that bill and the Rules Committee resolution which will follow. Additional rollcall votes are expected today.

MEASURE PLACED ON THE CALENDAR—H.R. 1249

Mr. REID. Madam President, H.R. 1249 is due for a second reading. I ask the clerk to report.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform.

Mr. REID. I now object to any further proceedings on this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar under the provisions of rule XIV.

THE DEBT CEILING

Mr. REID. Madam President, yesterday I sat down with the President to talk about how to avoid a default crisis that would be a black mark on this country's reputation for generations to come. If we fail to avert this crisis, it would be the first time in our great Nation's history that we have defaulted on our financial obligations and would send shock waves through the global economy. But I am not the only one saying that. The most respected voices in the business and financial community are saying the same thing: Default would be awful. Business leaders, economists, bank executives, credit rating agencies, and even a Republican adviser to Presidents Reagan and George Bush—the same adviser to Presidents Ronald Reagan and George H.W. Bush—have used some very serious words to describe the kind of crisis defaulting on our debt would cause. The word many have used is it would be a ''catastrophe.'' The legendary Warren Buffett said a few days ago that allowing the United States to default on its debt would be Congress's ''most asinine act'' ever. Treasury Secretary Timothy Geithner said a failure to avert default would have ''catastrophic economic consequences that would last for decades.''

Failure to avert this crisis would have dire consequences and would result in the most serious financial crisis this country has ever faced. Millions of Americans could lose their jobs, Federal prisons would have to be changed dramatically with their personnel, border security would have to change, and our court systems would likely no

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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longer be able to have trials. Security checks could stop, and so could paychecks to our troops. That is how desperate it would be.

What could be so important that my Republican colleagues are willing to put our economy at such dire risk? What could be worth walking away from the negotiating table, as they have done? Tax breaks for wealthy oil companies and corporate jets? Republicans have gone to the mat for Big Oil, fighting again and again to preserve wasteful, taxpayer-funded giveaways to companies that made tens of billions of dollars in profits in the first quarter of this year alone. Republicans walked away from the negotiating table to save tax breaks for corporate jets. So which big industries and special interests will they fight for next? Oil companies? To ship jobs overseas? Companies that ship jobs overseas? Corporate jets?

If they were truly serious about reducing the deficit, they would admit this kind of waste must end. Yet some top Republicans say eliminating these subsidies shouldn't even be part of the discussion as we find a way to reduce the deficit and avoid a catastrophic default. Several rank-and-file Republicans have said handouts to oil and gas companies and other wasteful tax breaks should be on the table as we negotiate. These are Republicans. And 34 Republicans endorsed the view that any taxpayer giveaways should be part of the solution when they voted to eliminate subsidies for ethanol. It seems Republicans can't even agree among themselves whether subsidies and giveaways are sacrosanct.

One thing they can agree on, it seems: They are willing to balance the budget on the backs of seniors instead. They are willing to end Medicare as we know it. They are willing to slash Medicaid, jeopardizing coverage for 80 percent of American seniors in nursing homes. Medicaid is for the poorest of the poor, but about 70 percent of Medicaid money goes to people who are in rest homes, nursing homes. Republican priorities, then, are very clear. They are dead wrong, though.

Democrats know we need to make difficult spending cuts to reduce our deficit, but to dig ourselves out of this financial hole, we must also create jobs to spur our economy, and we must break the cycle of wasteful giveaways, not break our promise to seniors.

The junior Senator from South Carolina, a Republican, threatened that any Republican who votes to avert a default crisis will be ''gone''—those are his words—voted out in a wave of tea party anger. This kind of inflammatory language is irresponsible. There is simply too much at stake.

Also, this same Senator did not mention that 235 Republicans in the House and 40 in the Senate, including my friend from South Carolina whom I have just talked about, have already voted to increase our debt this year. Their ideological budget—it came from the House—that they wanted to support here and did vote for it, would have increased the debt by more than 60 percent over the next 10 years. The so-called Ryan budget would increase the debt by more than 60 percent over the next 10 years. That is about $9 trillion in a decade.

What did Republicans get for their so-called $9 trillion? What would we get? A plan that ends Medicare; a plan that would slash Medicaid, jeopardizing coverage, as I indicated, for 80 percent of American seniors in nursing homes; a plan that protects tax breaks for billionaires and oil companies while putting millions of seniors at risk. That is the choice. The psychologist Alfred Adler once said, ''It is easier to fight for one's principles than to live up to them.'' Republicans shouted loudly and repeatedly about reducing debt. Then they gave us 9 trillion reasons not to trust this rhetoric.

The time for empty rhetoric is over. Now it is time for my Republican colleagues to put the good of our economy ahead of their own politics.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF JAMES MICHAEL COLE TO BE DEPUTY ATTORNEY GENERAL

NOMINATION OF VIRGINIA A. SEITZ TO BE ASSISTANT ATTORNEY GENERAL

NOMINATION OF LISA O. MONACO TO BE ASSISTANT ATTORNEY GENERAL

THE ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nomination of James Michael Cole, of the District of Columbia, to be Deputy Attorney General;

Virginia A. Seitz, of the District of Columbia, to be Assistant Attorney General; and

Lisa O. Monaco, of the District of Columbia, to be Assistant Attorney General.

THE ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate concurrently on the nominations, equally divided and controlled in the usual form.

The majority leader.

Mr. REID. Madam President, I ask that the time of all the quorum calls during the debate on these important nominations be equally charged to both sides.

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

Mr. REID. I ask unanimous consent that the final 15 minutes for debate on these nominations be set aside for the chairman of the Judiciary Committee, PATRICK LEAHY.

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

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

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

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, 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. SCHUMER. Madam President, I ask unanimous consent to speak as in morning business for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection.

BUDGET NEGOTIATIONS

Mr. SCHUMER. Madam President, the last thing we need when we are trying to get back on track is a default crisis that would grind our economy to a halt and bury us under even more debt. Yet the latest round of Republican politicians threatening to default on our debt has made their priorities clear: They would rather stop paying our men and women fighting overseas, force deep cuts to Social Security and Medicare, and throw even more Americans out of work than tell big oil companies and corporate jet owners to pay their fair share.

Clearly our Republican colleagues are serious about politics, not deficits. You cannot be serious about deficits and at the same time recklessly jeopardize our economic standing in the world in order to protect tax breaks for the wealthiest few. Yet that is what leaders such as MITCH MCCONNELL seem to be saying. Yesterday my Republican colleague drew a line in the sand on cutting wasteful spending in the Tax Code, calling elimination of special interest giveaways politically impossible. Politically impossible? Really? Just two weeks ago 34 Senate Republicans joined Democrats in passing the repeal of subsidies to ethanol companies. Politically impossible? The landmark budget agreements of the 1990s brought us into balance and ushered in surpluses that took a balanced approach and created prosperity and job creation such as we have not seen in this decade.

Politically impossible? Right now in America middle-class families are living paycheck to paycheck while Senator MCCONNELL and his colleagues are going to the mat to protect billions in tax breaks to oil companies. They say two things—Senator MCCONNELL says two things: He says he is not raising taxes. He wants the average American to think it is your taxes. No one wants

to raise taxes on people below $250 million—many of us, people below $1 million. But when oil companies get big giveaways, when corporate jets get huge deductions, a greater deduction than Delta gets when it buys a plane for commercial use, that should be on the table. We should ask Senator MCCONNELL and the press should ask Senator MCCONNELL: When you say no taxes, do you mean some of our largest corporations should pay no taxes? When you say no taxes, should no taxes be on the table? Are you saying we should not close corporate loopholes? Are you saying people who are making $1 billion should not sacrifice and all the sacrifice should be the middle class? Because that is what Senator MCCONNELL is saying.

Again, we do not wish to tax and will not tax average middle-class people. That is the President's pledge and that is our pledge. The question is: When you tell an average teacher or cop or firefighter you have to sacrifice, are you going to tell the millionaire they have to sacrifice too? Not because we dislike them, but because it should be shared across the board, and Senator MCCONNELL has said: No, the millionaires should not sacrifice. Because the only way they are going to sacrifice is closing loopholes in the Tax Code. They don't need loans to help their kids get to college.

One other thing: Senator MCCONNELL says we should take anything about corporate loopholes, about taxing wealthy people off the table. His ''my way or the highway'' approach is what is standing in the way of getting an agreement. The person standing in the way right now is Senator MCCONNELL. You have not heard such strident language from the other leaders. He says: Take everything we want and nothing you want or we will not get an agreement. That is what he is saying.

The bottom line is very simple. Senator MCCONNELL, cutting Medicare benefits will not make us stronger; Firing teachers will not make us stronger; rolling back investments in innovation and research and high-tech jobs of the future will not make us stronger, but ending wasteful tax subsidies that do nothing but contribute to the deficit for oil companies and corporate jet owners will make us stronger. Meet us part of the way here. Don't say my way or no way because that is too risky, and that is telling the world we will not fulfill our obligations the way every family in America has to fulfill theirs.

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

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

The legislative clerk called the roll.

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

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

STEALTH SURVEY

Mr. KIRK. Madam President, I rise with great concern regarding a program just revealed in the Sunday New York Times—outstanding work by Robert Pear—''U.S. Plans Stealth Survey on Access to Doctors.'' I am asking my colleagues to join me in sending a letter to Secretary Sebelius, sharing our concerns with the legality, standards, and repercussions of this program.

I have deep concerns regarding the Department's recent plans for this so-called stealth survey, its legality, the notification to Congress, the lack of standards for any misconduct or bad reporting by the staff hired to carry out this work in looking clandestinely at American doctors and their practice of medicine. The cost and proposed clandestine method of collecting information about physicians' offices is questionable. Therefore, I will be requesting details on how this survey will be conducted and how investigators will be punished for misconduct or extortion they may carry out in their duties and how patient and physician confidentiality will be maintained.

In our letter, we are outlining 12 key questions.

No. 1. Since there are already a number of surveys answering this question, does this expenditure of taxpayer money add anything? We are asking for the Department to provide detailed records of their literature review on the current research that has already been published on the subject before launching this taxpayer-funded expense. We are also asking for the total cost of this program to be revealed.

No. 2. We are asking for records on how the National Opinion Research Center of Chicago, IL, won a Federal competitive bid to carry out this work.

No. 3. In concluding the results of this survey, how will the NORC decide what qualifies as an acceptable response or best practices from physicians they have targeted?

No. 4. How will patient and doctor confidentiality be maintained? If researchers report bad information or use this survey for extortion, bribery or other acts, how will they be disciplined?

No. 5. Once concluded, who has access to this information—the Department, the White House, the Congress, the press?

No. 6. By what criteria will individual physicians be targeted for participation? Will age, average incomes, surrounding office locations or political affiliation be excluded from factors considered when targeting physicians?

No. 7. Will Federal employees carry out this work or will it be conducted by a contracted call center for data collection? Also, who is qualified to conduct this survey and how will they be chosen?

No. 8. If the staff improperly releases patient or physician data, how will they be disciplined?

No. 9. I would like their description of the fiscal year 2011 Appropriations Committee program or account under which this was funded.

No. 10. I am also requesting a description of the statutory authorization used to carry out this work and the congressional notifications informing the committees of jurisdiction of their intent to obligate funds for this purpose.

No. 11. I am also asking for specific sections identified in the President's budget under which the funding for this work was requested.

No. 12. If a physician wishes to correct data collected by the NORC, what legal redress does he or she have?

There have been a number of very reliable studies which confirm that many patients on Medicaid and Medicare cannot find a doctor to see them. Previous studies also confirm that we do not have enough doctors, particularly primary care doctors. We all know government programs often provide poor service and suffer from funding failures or corruption.

In this time of serious fiscal constraint, I urge us to focus our limited Federal resources on ways we can actually address these problems rather than launch another taxpayer-funded spending program to clandestinely review the work of our physicians.

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

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

The legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, 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. KYL. Madam President, I ask unanimous consent that I be allowed to speak as in morning business for up to 7 minutes.

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

THE DEFICIT

Mr. KYL. Madam President, I just wish to bring to my colleagues' attention a very well-written but disturbing op-ed in today's Wall Street Journal by one of our country's foremost economists, a person whose calculations and prognostications we should not lightly lay aside, Larry Lindsey.

In this piece, entitled ''The Deficit Is Worse Than We Think,'' he posits three reasons why we need to get serious about deficit reduction. I will just mention the three reasons, put this op-ed in the RECORD, and make a comment or two about it.

First, he says, if interest rates in this country go back to their historic levels, we would have annual interest expenses on our debt roughly $420 billion higher in 2014 and $700 billion higher in

2020, and the 10-year rise in interest rates would be about $4.9 trillion higher than under the current cost of borrowing. That would obviously wipe out any savings, and then some, that we are trying to achieve in our deficit reduction discussions.

The second problem is, the official forecasts for growth are probably far too rosy considering the current circumstances. If we were to grow at a rate that he believes is much more realistic than those projected by the President's budget, we will miss the President's budget number by a cumulative 5.2 percentage points and incur an additional debt of $4 trillion, which is the equivalent to all the 10-year savings in the budget that passed the House of Representatives.

Third, the cost estimates for what we call ObamaCare are going to be well off the mark, unfortunately, on the low end, that the prognostications by people who have surveyed the businesses that will either keep their insurance or turn that cost over to the government will result in an extra bill for the taxpayers of roughly $74 billion in 2014, rising to $85 billion in 2019 because of the subsidies that the government will have to pay into that.

His conclusion is:

> Only serious long-term spending reduction in the entitlement area can begin to address the nation's deficit and debt problems.

Because that is where the bulk of the money we spend goes. I think he is absolutely correct. But if he is correct about these projections, then we are not even close to achieving the savings we need to have in order to avoid a cataclysmic future for our country.

Also, as noted today in an article from the Arizona Republic, the growth rate for the first quarter of this year was 1.9 percent. The Associated Press is forecasting that for the next quarter it will be 2.3 percent. That is way lower than any of us would like. It is too anemic to even keep up with our population in terms of job growth. This article notes:

> The economy has to grow 3 percent a year just to hold the unemployment rate steady and keep up with population growth. And it has to average about 5 percent growth for a year to lower the unemployment rate by a full percentage point. It is 9.1 percent today.

So we can see we are growing at less than half the rate needed to begin to make a dent in unemployment. This bodes very badly for our future.

Finally, in a National Review Online piece today by Andrew Stiles, there is this reference to a Harvard economist, Alberto Alesina. I will quote from this article.

> Alberto Alesina, a Harvard economist who has analyzed the ways in which various countries responded to large fiscal crises, concludes that spending cuts are ''much more effective'' than tax increases in stabilizing the debt without harming the economy. ''In fact, in several episodes, spending cuts adopted to reduce deficits have been associated with economic expansions rather than recessions,'' Alesina writes. These findings were echoed in a report from Goldman Sachs analysts Ben Broadbent and Kevin Day, which examined ''every major fiscal correction in the OECD since 1975.''

The point of all these things is the projections about economic growth, about increases in interest rates and expenditures by the Federal Government all point to the need for us to reduce our expenses at the Federal Government level and that spending cuts are a much more effective way to stabilize the debt and not hurt the economy than tax increases.

I say all this because, as everyone by now knows, the negotiations that were being conducted under the auspices of Vice President BIDEN have broken down over the issue of whether tax cuts have to be a part of the resolution of the issue. The point is—the point we have been making is—tax increases in times such as these, when we are trying to come out of a recession and we need economic growth, would be the wrong medicine for this ailing economy, that the better way to do it is by spending reductions. It is obvious from Larry Lindsey's piece that the spending reductions we have been talking about, far from being Draconian, are actually not nearly enough in order to achieve the result we have to have to avoid the kind of interest rate increases and increased costs at the Federal Government level that he predicts.

I hope my colleagues will think again as to the sort of ideological commitment they have to raising taxes. In the context of today's issue, that should not be part of our discussion. That will only hurt the economy, inhibit job creation and economic growth, and delay the day when we begin to recover from this economic downturn. Instead, we need to focus on the kind of spending reductions that were embodied in the budget that the House of Representatives passed and that those of us on this side of the aisle have been trying to put forward as a condition for increasing the debt ceiling.

Madam President, I ask unanimous consent to have printed in the RECORD the Wall Street Journal op-ed by Lawrence Lindsey.

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

[From the Wall Street Journal, June 27, 2011]

THE DEFICIT IS WORSE THAN WE THINK—NORMAL INTEREST RATES WOULD RAISE DEBT-SERVICE COSTS BY $4.9 TRILLION OVER 10 YEARS, DWARFING THE SAVINGS FROM ANY CURRENTLY CONTEMPLATED BUDGET DEAL

(By Lawrence B. Lindsey)

Washington is struggling to make a deal that will couple an increase in the debt ceiling with a long-term reduction in spending. There is no reason for the players to make their task seem even more Herculean than it already is. But we should be prepared for upward revisions in official deficit projections in the years ahead—even if a deal is struck. There are at least three major reasons for concern.

First, a normalization of interest rates would upend any budgetary deal if and when one should occur. At present, the average cost of Treasury borrowing is 2.5%. The average over the last two decades was 5.7%. Should we ramp up to the higher number, annual interest expenses would be roughly $420 billion higher in 2014 and $700 billion higher in 2020.

The 10-year rise in interest expense would be $4.9 trillion higher under ''normalized'' rates than under the current cost of borrowing. Compare that to the $2 trillion estimate of what the current talks about long-term deficit reduction may produce, and it becomes obvious that the gains from the current deficit-reduction efforts could be wiped out by normalization in the bond market.

To some extent this is a controllable risk. The Federal Reserve could act aggressively by purchasing even more bonds, or targeting rates further out on the yield curve, to slow any rise in the cost of Treasury borrowing. Of course, this carries its own set of risks, not the least among them an adverse reaction by our lenders. Suffice it to say, though, that given all that is at stake, Fed interest-rate policy will increasingly have to factor in the effects of any rate hike on the fiscal position of the Treasury.

The second reason for concern is that official growth forecasts are much higher than what the academic consensus believes we should expect after a financial crisis. That consensus holds that economies tend to return to trend growth of about 2.5%, without ever recapturing what was lost in the downturn.

But the president's budget of February 2011 projects economic growth of 4% in 2012, 4.5% in 2013, and 4.2% in 2014. That budget also estimates that the 10-year budget cost of missing the growth estimate by just one point for one year is $750 billion. So, if we just grow at trend those three years, we will miss the president's forecast by a cumulative 5.2 percentage points and—using the numbers provided in his budget—incur additional debt of $4 trillion. That is the equivalent of all of the 10-year savings in Congressman Paul Ryan's budget, passed by the House in April, or in the Bowles-Simpson budget plan.

Third, it is increasingly clear that the long-run cost estimates of ObamaCare were well short of the mark because of the incentive that employers will have under that plan to end private coverage and put employees on the public system. Health and Human Services Secretary Kathleen Sebelius has already issued 1,400 waivers from the act's regulations for employers as large as McDonald's to stop them from dumping their employees' coverage.

But a recent McKinsey survey, for example, found that 30% of employers with plans will likely take advantage of the system, with half of the more knowledgeable ones planning to do so. If this survey proves correct, the extra bill for taxpayers would be roughly $74 billion in 2014 rising to $85 billion in 2019, thanks to the subsidies provided to individuals and families purchasing coverage in the government's insurance exchanges.

Underestimating the long-term budget situation is an old game in Washington. But never have the numbers been this large.

There is no way to raise taxes enough to cover these problems. The tax-the-rich proposals of the Obama administration raise about $700 billion, less than a fifth of the budgetary consequences of the excess economic growth projected in their forecast. The whole $700 billion collected over 10 years would not even cover the difference in interest costs in any one year at the end of the decade between current rates and the average cost of Treasury borrowing over the last 20 years.

Only serious long-term spending reduction in the entitlement area can begin to address the nation's deficit and debt problems. It should no longer be credible for our elected

officials to hide the need for entitlement reforms behind rosy economic and budgetary assumptions. And while we should all hope for a deal that cuts spending and raises the debt ceiling to avoid a possible default, bondholders should be under no illusions.

Under current government policies and economic projections, they should be far more concerned about a return of their principal in 10 years than about any short-term delay in a coupon payment in August.

Mr. KYL. Madam President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, 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. GRASSLEY. Madam President, I assume that we are now on the Cole nomination?

The ACTING PRESIDENT pro tempore. We are on the nomination.

Mr. GRASSLEY. Madam President, earlier this year the Senate expressed its opposition to proceeding to Mr. Cole's nomination when it failed to invoke cloture. I was a strong advocate against the Senate invoking cloture on Mr. Cole's nomination because the Justice Department had failed to respond to a legitimate oversight request that both Senator CHAMBLISS and I made relating to two separate topics.

The Justice Department was withholding vital documents related to my inquiry of the Bureau of Alcohol, Tobacco and Firearm's Operation Fast and Furious and to an inquiry by Senator CHAMBLISS in his capacity as vice chairman of the Select Committee on Intelligence.

As ranking member of the Judiciary Committee, I have been seeking and still seek documents, information, and access to witness interviews to determine who approved Operation Fast and Furious. This was an operation that you have heard me talk about often where ATF agents were ordered to knowingly allow straw buyers to obtain weapons on behalf of criminals and traffickers intent on smuggling those weapons into Mexico.

The courageous agents who blew the whistle and testified about their efforts to warn supervisors about the dangers referred to this practice as ''walking guns.'' Of the more than 1,800 weapons allowed to ''walk,'' hundreds have been recovered in connection with crimes in the United States and Mexico, including two such weapons in connection with the murder of Border Patrol agent Brian Terry.

After seeking information from the Justice Department, I was repeatedly told that the ATF did not knowingly allow these sales. Working with Congressman ISSA, who is chairman of the House Government Oversight Committee, we released information that showed that the initial denials were false. This risky policy was, in fact, implemented at ATF and the Justice Department.

Despite the seriousness of the whistleblowers' allegations and my repeated inquiries, the Justice Department continued to deny me access to the documents. As a result, I urged my colleagues to oppose cloture on James Cole to be Deputy Attorney General. Well, that cloture opposition worked. We have since reached an agreement with the Justice Department and Senator LEAHY that will guarantee my access to vital document information and witnesses regarding this ATF operation.

I also understand that Senator CHAMBLISS has reached an agreement on obtaining the information he has sought on behalf of the Intelligence Committee. Accordingly, I now lift my opposition to the Senate holding a vote on Mr. Cole's nomination. However, I want to explain that I am going to vote against his nomination for many reasons.

I oppose the nomination of James Cole to be Deputy Attorney General at the Department of Justice because I have serious concerns regarding Mr. Cole's qualifications. In addition, I am troubled by President Obama's recess appointment of Mr. Cole to this position. I have been consistent in my opposition to recess appointments over the years on committees where I have been chairman or ranking member. Whenever the President bypasses the Senate; in other words, bypasses our confirmation of a person, by making a recess appointment, such nominees will not receive my support where I have been lead on my side responsible for reviewing such nominees.

We have a process in place for nominations, and if the President is not willing to work with Senators to clear nominations, the nominee should not get a second bite at the apple. The Deputy Attorney General is second in command at the Justice Department and is responsible for overseeing the day-to-day operations of the Department.

Managing this vast bureaucracy is a difficult task that requires a serious commitment to protecting our national security, enforcing our criminal laws, and safeguarding taxpayer dollars. We need a qualified leader who has the smarts, the capability, and the willingness to manage Department programs and root out inefficiencies and abuse in those programs.

After reviewing all of his responses and his hearing testimony, I concluded that I could not support Mr. Cole's nomination to be Deputy Attorney General. In particular, I am seriously concerned about Mr. Cole's views on national security and on terrorism. Back in 2002, Mr. Cole was author of an opinion piece in the Legal Times. In that piece he stated:

For all the rhetoric about war, the September 11 attacks were criminal acts of terrorism against a civilian population, much like terrorist acts of Timothy McVeigh in blowing up the federal building in Oklahoma City, or of Omar Abdel-Rahman in the first effort to blow up the World Trade Center. The criminals responsible for those horrible acts were successfully tried and convicted under our criminal justice system without the need for procedures that altered traditional due process rights.

But I want to quote further.

The acts of September 11th were horrible, but so are . . . other things.

The other things he referred to were the drug trade, organized crime, rape, child abuse and murder. Mr. Cole's opinion piece argued that notwithstanding the involvement of foreign organizations such as al-Qaida, we have never treated criminal acts influenced by foreign nationals or governments as a basis for ''ignoring the core constitutional protections engrained in our criminal justice system.''

Mr. Cole concluded his opinion piece by arguing that in addition to stopping future terrorist attacks, the Attorney General is a criminal prosecutor and that he has a special duty to apply constitutional protections ingrained in our criminal justice system to even including terrorists captured on foreign battlefields.

Mr. Cole wrote this opinion piece 2 days short of the first anniversary of the September 11 attacks. Given the close proximity in time to the September 11 attacks, we must accept this opinion piece as Mr. Cole's true beliefs about the application of the civilian criminal justice system to terrorism cases, including those who masterminded the 9/11 attacks.

From the opinion piece and his responses to our inquiry, it appears that if given a choice of prosecuting high-ranking terrorists in civilian courts or military commissions, Mr. Cole would likely favor civilian courts based upon his longstanding belief in the role that the Attorney General plays in protecting the principles of the criminal justice system.

Absent a clear statement from Mr. Cole about what factors would warrant selecting a civilian or a military forum, it is hard to look at his entire record of past opinion, his testimony and responses to our questions, and reach any different conclusion.

In fact, my concerns about the individuals at the Justice Department supporting prosecution of terrorists in civilian criminal court have been validated by recent events surrounding the arrest of two Iraqi nationals at Bowling Green, KY. These Iraqi nationals have admitted targeting American troops in Iraq, plotting to equip foreign fighters in Iraq with weapons such as grenades and missile launchers. They made their way to our country and somehow got past the Department of Homeland Security.

After they were identified, the Justice Department is seeking to try them in civilian court even though their activities regarded terrorist activities and took a very military approach.

Attorney General Holder has been steadfast in supporting their prosecution in civilian court. It appears to me

that no one in the Justice Department, including Mr. Cole, has objected to prosecuting these individuals in civilian court. This is despite the clear nexus to the battlefield in Iraq. So it now appears the Justice Department, where Mr. Cole currently serves as a recess-appointed Deputy Attorney General, rewards terrorists who are smart enough to evade Homeland Security's determination on whether they can come to this country, and at the same time make their way from the battlefield with the same rights and privileges as American citizens. All of this occurred on Mr. Cole's watch as Deputy Attorney General.

Military tribunals have many advantages to civilian criminal courts and are better equipped to deal with dangerous terrorists and classified evidence while preserving due process. I am troubled that Mr. Cole does not appear to share this belief. Because of his responses and testimony, I have serious concerns about his support for civilian trials for terrorists captured on a foreign battlefield. This is of particular concern, given that the Deputy Attorney General oversees the National Security Division at the Justice Department.

Now for a second reason. I have concerns about Mr. Cole's abilities relative to oversight of government programs. We asked about oversight of the Department of Justice's grant programs. When he was asked, Mr. Cole failed to commit to a top-to-bottom review of the programs, nor has he undertaken such a review since he was recess appointed. Given the enormous Federal deficits and enough examples of the tremendous inefficiencies, duplications, and waste in these programs, one would assume the Deputy Attorney General would be looking for cost savings in the Department. I am disappointed Mr. Cole has failed to recognize that there is a need for a comprehensive review of Justice's grant programs—not only for the sake of saving taxpayer dollars at a time when we face skyrocketing fiscal deficits but also to ensure that grant objectives are being met in the most efficient and effective manner possible.

A third reason. I have concerns about Mr. Cole's abilities based on his performance as an independent consultant tasked with overseeing the insurance firm AIG. By way of background, the Justice Department provided copies of the reports Mr. Cole issued when he was overseeing AIG, but they were labeled ''Committee Confidential.'' As a result of their being labeled ''Committee Confidential,'' I cannot discuss with specificity the contents of those documents publicly. Nevertheless, when taken into context with the public responses provided by Mr. Cole to my questions, a troubling picture develops about Mr. Cole's performance in his role as independent consultant. The responses and reports do not dispel the serious questions raised about Mr. Cole's independence or his completeness. Further, they reveal what appears to be a level of deference to AIG management one would not expect to see from someone tasked with the responsibility of being an ''independent'' monitor.

In order to clarify a number of questions on this matter, Senator COBURN and I sent a followup letter seeking additional answers from Mr. Cole. Mr. Cole's reply clarified that the Department of Justice, the Securities and Exchange Commission, and the New York Attorney General's Office were aware of his practice of seeking input from AIG and making modifications to the reports. He indicated that the changes AIG made were often factual changes, such as AIG employee names, dates of materials, and events. He also indicated that some of the changes requested by AIG were included in a section of the report entitled ''AIG Response.'' However, he added that ''on a few occasions'' AIG would ''suggest a stylistic change of phrasing in the analytical section of the report.'' He stated that while he included the edits made by AIG, he ''did not believe that a detailed presentation of this factual review process was necessary to an understanding of each party's position.''

As a result, the reports did not necessarily show which edits AIG made that were incorporated. Instead, he said those changes were available in working papers that were ''available to the SEC, the DOJ, and the New York Attorney General's Office.'' Unfortunately, he added, ''the agencies—which were aware of this practice—did not request such documents.''

While I appreciate Mr. Cole's responses to these clarifying questions, they raise concerns about how independent his monitoring was, what changes were ultimately requested by AIG, what changes were included, and how much the SEC and the Department of Justice knew about edits AIG was making to the ''independent'' reports.

In addition, I have serious concerns about Mr. Cole's decision to suspend compliance review at AIG's financial products division following the government bailout of AIG. In his testimony, Mr. Cole acknowledged that subsequent to the government bailout of AIG, he scaled back his efforts until the future of AIG as a corporation was determined. After Mr. Cole suspended his monitoring, AIG restructured its compliance office and terminated a number of staff overseeing the company's compliance with SEC regulations. Mr. Cole said after it was determined that AIG's financial products division would not be dissolved, the compliance and monitoring were ''revived and are being reviewed and implemented where applicable.''

Under Mr. Cole's watch, AIG not only got $182 billion of taxpayer dollars for a bailout, but was able to talk the independent consultant—Mr. Cole—out of monitoring what the company was doing.

I am concerned about Mr. Cole's ability to perform the duties required of a Deputy Attorney General. In that role, he would be in a position to potentially influence future compliance monitors appointed under settlements with the Justice Department, the Securities and Exchange Commission, and other corporations that have violated the law. Independent monitors need to be truly independent and, of course, completely transparent. They are selected and appointed to ensure the interests of the American people are protected.

For these reasons, I cannot support the nomination of Mr. Cole to be Deputy Attorney General, and I urge my colleagues to do the same.

Madam President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Madam President, I am very pleased that soon we will be voting on Jim Cole to be the Deputy Attorney General of the United States. This is a person who puts principle over politics, a person who is very important in our war against terror and who will use all lawful tools to keep our Nation safe. So I am proud to take a few moments to urge my colleagues to vote for his confirmation. I think that is in our national security interests, and I know he will be and already is an incredible asset to this country in keeping us safe and doing so in the best traditions of the U.S. Attorney General's Office.

I would like to talk for a moment on a personal basis because I got to know Jim Cole when I was serving in the House of Representatives. I was on the Ethics Committee. The Ethics Committee is not a committee, as you know, on which a Member asks to serve; it is something we must do.

We had a very sensitive investigation in the House of Representatives concerning the Speaker of the House, Newt Gingrich, and the six of us who served on the Ethics Committee needed to come to a fair, nonpartisan conclusion to this very challenging investigation. To say we thought this would be impossible was an understatement of where we first thought we would be in regard to the investigation. But then we reached out and agreed to bring in an independent counsel to help us in our deliberations. That person was Jim Cole.

Jim Cole worked with all of us to look at the facts and do what was in the best interests of the House of Representatives, the best interests of our country, and to leave our politics aside so that we could come out with a result that was fair and would restore confidence in the legislative process. In fact, we did that. We were able to reach a totally unanimous judgment, one that was agreed to on the floor of the House of Representatives and I think spoke volumes about our ability to get our work done in the best interests of our Nation.

I thought Jim Cole did a fabulous job, a great job in helping us. That was also the view of Porter Goss, who was the Republican leader on the Ethics Committee and chairman of the committee at the time. He said he felt Jim Cole brought professionalism at the highest level to our investigation and allowed us to come forward with a fair nonpartisan conclusion. That is the exact person we need in the Department of Justice. It is the person we need to be Deputy Attorney General of the United States.

The Attorney General and the Deputy Attorney General are our Nation's lawyers. They don't represent one party; they represent our country. We need leadership in the Department of Justice who will work in a nonpartisan way, a way that will bring nonpartisan leadership to the Department of Justice. Jim Cole is that type of person. He has the experience, he has the character, and he has the commitment to fill this very important position in our Nation, with 13 years in the Department of Justice and experience in public interest law. His career has been devoted to the public interest in community service.

I was listening to my colleague and friend Senator GRASSLEY talk about his concerns about some of the private law practice of Jim Cole. Here is a person who has devoted his life basically to community and his career in public interest law. He has been a prosecutor. He has been a person who has dealt with white-collar criminals. And, yes, he is an effective attorney. As those of us who are lawyers know, we will represent our clients aggressively, but we don't lose sight of our system. That has been Jim Cole throughout his career. He will bring the expertise he has had in his previous experience to represent our Nation well. These are tough times. We are dealing with threats around the world where we need an Attorney General and a Deputy Attorney General who will use all lawful tools in order to protect our country.

It is interesting that Jim Cole enjoys endorsement from both sides of the aisle. When we look at high-ranking Department of Justice former officials, both Democrats and Republicans have endorsed Jim Cole's confirmation to be the Deputy Attorney General.

Let me quote from one Republican source that I think is typical of the endorsements we have received encouraging the confirmation of Jim Cole. We received a letter from Fred Fielding. I think most of you know Fred Fielding. He was White House Counsel for former President George W. Bush. I think most of us had close dealings with and respected him greatly in the service to the Bush administration. This is what Fred Fielding said about Jim Cole:

> Mr. Cole combines all the qualities you would want in a citizen public servant. He understands both sides of the street and is smart and tenacious, and is a person of unquestioned honor and integrity.

Well, I agree with Fred Fielding. This is the type of person we need to be Deputy Attorney General of the United States.

I am pleased we are going to have this vote later on today. I encourage my colleagues to vote for his confirmation. It is important that we have individuals in these key positions who enjoy the full confirmation from the Senate, and I hope my colleagues will join me in supporting this nominee.

Mrs. FEINSTEIN. Madam President, I rise in strong support of the nomination of Lisa O. Monaco to be the Assistant Attorney General for National Security that is before the Senate.

The Assistant Attorney General for National Security is a fairly new position but a very important one, especially in a time of rapidly evolving threats to our nation and increasingly challenging legal questions about how to prepare for and combat those threats.

As the Assistant Attorney General for National Security, Ms. Monaco would represent the government in Foreign Intelligence Surveillance Act, FISA, proceedings and sign off on applications to allow the government to move quickly to track down terrorists and spies operating against the United States. She will be the principal official in the Department of Justice for engaging with the intelligence community as agencies determine the authorities and limitations under the law.

Ms. Monaco's confirmation is long overdue. She was approved unanimously by both the Senate Judiciary and Intelligence Committees last month after the May 1 strike against Osama bin Laden.

Importantly for the Assistant Attorney General for National Security position, that operation netted a large cache of al-Qaida documents, communications, and videos that will, no doubt, lead to new counterterrorism leads.

On May 8 National Security Adviser Tom Donilon was on ''Meet the Press,'' and he said, ''This is the largest cache of intelligence derived from the scene of any single terrorist. It's about the size, the CIA tells us, of a small college library.''

In the past 2 months, intelligence and law enforcement professionals have been scouring that information for new threats, leads, and insights into al-Qaida and global terrorism. As the intelligence gained is turned into counterterrorism actions, Lisa Monaco will oversee those activities.

The bottom line is that at this time of heightened potential threat of terrorism, the Attorney General, the intelligence community, and the entire administration need to have their team in place.

Ms. Monaco was approved by the Senate Judiciary Committee on May 9 and by the Senate Intelligence Committee on May 24, in both cases by unanimous vote. Both committees held nomination hearings for Ms. Monaco and for both committees, she completed prehearing and post-hearing questions. I know Ms. Monaco also had a chance to meet with members of both committees and it is clear she is impressive and well-qualified.

There is no doubt that Ms. Monaco has the experience to be an effective Assistant Attorney General for National Security. Let me describe her background in more detail.

Since February 2010, Lisa Monaco has served as the Principal Associate Deputy Attorney General or acted in that capacity, and she served as Associate Deputy Attorney General from January 2009 through February 2010.

She also has considerable experience with the Federal Bureau of Investigation, having served as chief of staff to Director Robert Mueller, September 2007–January 2009.

Ms. Monaco spent 6 years as an assistant U.S. attorney for the District of Columbia when she received the Attorney General's Award for Exceptional Service, the Department of Justice's highest award. She also received Department of Justice Awards for Special Achievement on three occasions, in 2002, 2003, and 2005.

She received her law degree from the University of Chicago Law School, 1997, and her B.A. from Harvard University, 1990.

Ms. Monaco's nomination has received support from a range of former senior officials of the FBI and Department of Justice, including former Attorney General Michael B. Mukasey and former Assistant Attorney General for National Security Kenneth L. Wainstein.

So we see that Ms. Monaco's background and qualifications are impeccable. I strongly urge the Senate to approve her nomination to be the Assistant Attorney General and wish her success in this position.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the quorum call be rescinded.

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

The Senator from Vermont.

Mr. LEAHY. After extensive and unnecessary delays, the Senate will finally vote today on three important nominations to fill high-level posts at the Department of Justice. Two of these positions have national security responsibilities. I have been here since the Ford administration, and I cannot recall a time when the Justice Department and the country were deprived of such critical appointees. Whether we had a Republican or Democratic President, we always quickly filled these kinds of national security positions. So it is hard to understand why we have not been able to vote on nominees for positions with significant national security responsibilities such as the Deputy Attorney General and the Assistant Attorney General for the National

Security Division—especially when we are 2½ months away from the 10th anniversary of September 11.

The nominations of Jim Cole to be Deputy Attorney General, Lisa Monaco to be Assistant Attorney General for National Security, and Virginia Seitz to be Assistant Attorney General for the Office of Legal Counsel have been blocked for months by Republican obstruction over matters not related to the qualifications of the nominees and in abject disregard of the needs of the Justice Department and the country. So I am glad that today we are finally going to vote and, I trust, confirm these superbly qualified nominees.

The unprecedented filibuster of the nomination of the Deputy Attorney General has been especially egregious. The Deputy Attorney General is the No. 2 position at the Justice Department, and it is a position with key national security responsibilities. Despite significant bipartisan support and unquestionable qualifications, Jim Cole's nomination has been blocked for nearly a year. He was reported favorably by the Senate Judiciary Committee in July of last year—11 months ago—but the Republicans prevented a vote. He was renominated and reported favorably a second time in the middle of March, but Republicans stalled and filibustered consideration of the nomination last month. During my time in the Senate, I have seen the nominations of many Deputy Attorneys General. Every time they have been voted on favorably by the Senate Judiciary Committee—whether under Republican or Democratic control—their nomination has been voted on within a matter of days on the Senate floor. This is the first time in the Nation's history that a President's nominee to serve as Deputy Attorney General was filibustered, and it was wrong.

Jim Cole's nomination should not have been controversial. It is a nomination supported by former Republican Senator Jack Danforth, who was nominated by President Bush to be our Ambassador to the United Nations. Senator Danforth worked with Jim Cole for more than 15 years. When he introduced him at his confirmation hearing, Senator Danforth described Mr. Cole as someone without an ideological or political agenda. He also wrote to the committee:

> Jim is a ''lawyer's lawyer.'' He is exceedingly knowledgeable, especially on matters relating to legal and business ethics, public integrity and compliance with government regulations. He is highly regarded . . . as a skillful litigator. As his resume demonstrates, he has long and deep experience in the Department of Justice.

I agree. Jim Cole served as a career prosecutor at the Justice Department for a dozen years and has a well-deserved reputation for fairness, integrity and toughness. He has demonstrated that he understands the issues of crime and national security that are at the center of the Deputy Attorney General's job. Nothing suggests that he is anything other than a steadfast defender of American safety.

We have received numerous letters of support for Mr. Cole's nomination, including letters from many former Republican public officials. I put several of those letters in the RECORD last month. The Senate should have heeded those recommendations as well as the advice of former Deputy Attorneys General of the United States who served in both Republican and Democratic administrations. They wrote to us last December to urge the Senate to consider Mr. Cole's nomination without delay—last December—pointing out that the Deputy Attorney General is ''the chief operating officer of the Department of Justice, supervising its day-to-day operations'' and that ''the Deputy is also a key member of the president's national security team, a function that has grown in importance and complexity in the years since the terror attacks of September 11.'' They were right. The Senate was wrong to filibuster this nomination. The Senate has the opportunity today to finally confirm this good man and public servant. I trust this institution will take that opportunity.

Incredibly, the nomination of the Deputy Attorney General was subjected to a partisan filibuster for over three more months while the country faces concerns about terrorism in the aftermath of the President's successful operation against al-Qaida and Osama bin Laden. It is hard for me to understand how, at a time when experts are concerned that al-Qaida will seek reprisals, some in the Senate have delayed action to ensure that President Obama has his full national security team in place. No matter who is President, we should want that President to have their national security team in place for the good of all Americans.

In the aftermath of 9/11, Senate Democrats expedited law enforcement and national security nominations, confirming an additional 58 officials to posts at the Justice Department before the end of 2001. The Senate should have done the same with the nomination of Jim Cole. Senate Republicans should have treated Mr. Cole's nomination with the same urgency and seriousness with which Senate Democrats treated all four of the Deputy Attorneys General who served under President Bush. All four were confirmed by the Senate by voice vote an average of 21 days after they were reported by the Judiciary Committee. No Deputy Attorney General nomination had ever been subjected to a filibuster before. That is what Senator Republicans did this year. It was wrong.

In addition, Senate Republicans have blocked votes on the nomination of Lisa Monaco to head the National Security Division at the Justice Department, another key national security position. Her nomination has been blocked even though it was considered at hearings and reported unanimously, not only by the Judiciary Committee but also by the Senate Select Committee on Intelligence. She was reported unanimously by all Democrats and all Republicans in two key committees. Senator GRASSLEY, Senator CHAMBLISS and all the Republican members of the Senate Judiciary Committee and the Senate Select Committee on Intelligence voted for her. To have an almost 2-month delay has been incredible—she should have been confirmed right after her nomination was reported by the Intelligence and Judiciary Committees.

Lisa Monaco's nomination has long been supported by former Justice Department officials, including former Attorney General Mukasey, who served during President George W. Bush's administration. He wrote:

> Based on my meetings and conversations with Ms. Monaco, I believe that she has both sound judgment and a keen understanding of national security law. Which is to say, she understands both the stakes and the rules.

The Monaco nomination to head the National Security Division at the Justice Department should have been confirmed before the Memorial Day recess. I have little doubt that she will be confirmed overwhelmingly. But the almost two-month delay is not excused by voting for her confirmation now. The National Security Division has been without her leadership. The national security team has been without another key member.

Virginia Seitz is another superbly qualified nominee with bipartisan support who should have been confirmed before the Memorial Day recess, but whose nomination has been blocked from consideration by Senate Republicans. A Rhodes Scholar and former Supreme Court clerk, Ms. Seitz has received support for her nomination from some of the most preeminent lawyers in the country, including many who have served in Republican administrations. This nomination was also reported unanimously by the Judiciary Committee. All Republican members and all Democratic members voted for her. Then Senate Republicans turned around and blocked her confirmation.

I have seen the crocodile tears of some over the last few days as they lament the lack of an Office of Legal Counsel opinion on how the War Powers Act applied to the NATO-led operation in Libya. It is Senate Republicans who are responsible for having delayed and blocked the Office of Legal Counsel from having its Assistant Attorney General in place. Today, after 7 weeks of obstruction, the Senate will finally consider the nomination of Virginia Seitz.

The treatment of these nominees is now carrying over to other nominations and important legislative initiatives, as well. Just last week we witnessed for the first time since the infamous partisan vote on the nomination of Ronnie White of Missouri, the spectacle of Republican Senators who had voted in favor of a nomination in committee switching to vote against the

nomination when considered by the Senate. We have seen Republican Senators, who in consultation with the White House and Judiciary Committee approved a judicial nominee, flipping to oppose the nominee.

The Senate Judiciary Committee has considered two national security bills during the last 2 weeks. Both times Republican Senators professed to support the legislation as they voted against it. The most critical and time sensitive is the bill before the Senate to authorize a limited extension of the term of service of FBI Director Robert Mueller, as the President has requested. The President made his request more than 6 weeks ago in light of ''the ongoing threats facing the United States, as well as the leadership transitions at other agencies.'' He asked us ''to join together in extending [Director Mueller's] leadership for the sake of our nation's safety and security.''

Rather than join together as Senate Democrats did with the President following 9/11, 7 of the 8 Republican members of the Senate Judiciary Committee opposed the bill. We have to consider and pass that bill without delay. Both the House and Senate have to pass it before the August recess. With the tenth anniversary of the September 11, 2001, attacks approaching, and in the face of continuing threats in the wake of the President's recent, successful operation against Osama bin Laden, we need the continuity and stability of having FBI Director Mueller in place. Without enactment of this legislation, he will not be. He will be forced from that critical post on August 3.

I urge all Senators, Democrats, Republicans and Independents, to join together for the good of the country to take quick action to pass the FBI extension, S. 1103. We cannot afford a repeat of the unnecessary delays that have held up these nominations finally considered today.

I thank today's nominees for their dedication and look forward to working with them as they faithfully execute their important responsibilities at the Justice Department. I also thank their families for their patience and for the support they give these outstanding public servants. In my 37 years in the Senate I have never seen a time when so many good nominees are held up, even though eventually so many then go through unanimously. I wish Senators would stop and think for a moment: This is awfully hard on their spouses and their children. It is awfully hard among their friends who wonder, Is there something we don't know about? Why were they held up so long?

We can all take our political positions—and should. We all vote—and should. But let's not take it out on the good Americans who want to serve their country, oftentimes at great sacrifice. Remember, we also take it out on their families.

Madam President, I reserve the remainder of my time and 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. RUBIO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded and to speak as in morning business.

Mr. LEAHY. Madam President, reserving the right to object, I will not object. But insofar as many had planned to be here for the 12 o'clock scheduled votes, could the Senator from Florida tell me how long he wishes to take?

Mr. RUBIO. Five minutes.

Mr. LEAHY. I will not object, Madam President.

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

LIBYA

Mr. RUBIO. Madam President, over the last 2 weeks, we have seen a deepening divide between the White House and Congress over Libya. It is a clash that was completely avoidable but also counterproductive.

First, for the life of me, I do not understand why this administration did not bring this issue to the Congress from the outset. In the early days of the Libyan rebellion, the President should have come to the Congress, informed us that an armed rebellion had arisen against Libya's anti-American, criminal dictator; that the rebels were asking for our assistance in establishing a no-fly zone over Libyan air space so they could take care of the dictator themselves; and that with our support, he intended to work with our allies to establish such a no-fly zone.

If this President had done this, I believe he would have found support here and Qadhafi would have been gone a long time ago.

But instead, this administration waited. While it did, Qadhafi reestablished momentum and began to carry out a new level of atrocities unprecedented even by his murderous standards. And then, only with the Qadhafi mercenaries on the outskirts of Benghazi threatening to massacre thousands of innocent civilians, did the United States finally agree to participate.

But even that was botched. First, we ceded most of the operation over to our NATO allies. God bless them for trying, but they do not have the military capability to finish the job.

Second, the President never consulted Congress, again ignoring a coequal branch of government unnecessarily.

And then, when finally he was pressed under the War Powers Act, he claims the United States is not involved in hostilities in Libya.

Why we have reached this point is something history will have to explain. Suffice it to say, it didn't have to be this way. And the reason why it is is 100 percent the result of the President's failure to lead.

Now, all that being said, we need to decide what to do next. This is not about hawks versus doves or interventionists versus isolationists or any of the other labels being thrown around here.

And this cannot be about how upset any of us are at the President for botching the handling of this matter.

What we do next should be decided based on what is in the best interest of our country.

And here is the reality: Whether you agree with it or not, the United States is now engaged in a fight, and it is a fight that only has two possible endings.

It can end with the fall of a brutal, criminal, anti-American dictator or it could end in that dictator's victory over our allies and us.

I would suggest, given these two choices, the best choice for America is the first one, the fall of the anti-American dictator.

Going forward, how do we do this? First, we should officially recognize the Transitional National Council.

Second, we should provide additional resources to support the council, including access to Libyan funds frozen here in the United States. And by the way, we should also make sure the frozen funds are also used to reimburse us, the United States, for the cost of this operation.

Third, we should intensify strike operations to target the Qadhafi regime and get rid of this guy once and for all, and as soon as possible.

Then, fourth, we should go home and allow the Libyan people to build a new nation and a new future for themselves.

I understand that, rightfully so, many here in the Congress and across America are weary of more war and more overseas engagement during a time of severe budget constraints at home.

But the fact remains, whether you agree with it or not, we are already involved. We are already involved in Libya. We have already spent a considerable amount of money there. Are we going to let all that go to waste? Are we prepared to walk away and get stuck with a lose-lose proposition? We spent all this money on Libya, and Qadhafi is still around?

It is in our national interest to get this over with already.

This afternoon, the Foreign Relations Committee will meet to consider a resolution on this matter. I am concerned that rather than push the President to do what is necessary to bring this conflict to a successful conclusion, some are pushing to restrict our campaign.

No matter how you may feel about the original decision, we must now deal with the situation as it now stands. And the bottom line here is that if we withdraw from our air war over Libya, it will lengthen the conflict, increase the cost to American taxpayers, and raise doubts about United States leadership among friends and foes alike.

Here is what withdrawal will mean in real terms:

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 nonunion 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

currently include the Unborn Victims of Violence Act, UVVA, in the list of covered offenses that would apply to crime victims abroad. The UVVA applies to violent Federal crimes in the United States, and to employees and contractors of the Department of Defense abroad under the Military Extraterritorial Jurisdiction Act. There is no reason that extending the long arm of Federal criminal law expanded under CEJA should exclude the UVVA.

No one would dispute the importance of holding government employees and contractors accountable abroad. I support the idea of this legislation because we should never have government employees or contractors committing serious crimes like rape or murder abroad with impunity. However, we need to think long and hard about the consequences of our actions if we legislate criminal extraterritorial jurisdiction too broadly absent a sufficient carve-out for authorized intelligence, law enforcement, and protective activities.

Until these concerns are addressed and further changes are included in the bill, I support holding this legislation on the Senate floor. No one should take my support for reporting this bill out of committee to mean anything more than an expression of my willingness to work with the sponsors on this topic to address these concerns going forward.

KYRGYZSTAN'S DEMOCRATIC TRANSITION

Mr. KERRY. Mr. President, this is a critical moment for Kyrgyzstan's democratic transition.

On June 27, 2010, the people of Kyrgyzstan took to the polls to adopt a new constitution for their country. The vote sent a powerful message to the region and to the world: that democracy is an idea whose appeal transcends ethnic divides.

Kyrgyzstan's President, Roza Otunbayeva, deserves enormous credit for orchestrating the transition to democratic rule after the deadly interethnic clashes of last summer.

Since that tumultuous period, President Otunbayeva has overseen the first free and truly democratic parliamentary elections in central Asia. She has made it a priority to strengthen the rule of law, and she has moved to create a government that is increasingly responsive to the needs of all its citizens, regardless of ethnicity.

Kyrgyzstan today stands at a crossroads. Its people have expressed the desire to live in an open, free, and just society. Over the past year, we have witnessed some progress toward that goal, with credible parliamentary elections in October, the formation of a government in December, and a more vibrant media and political debate.

But let's be clear: Kyrgyzstan's democratic experiment faces considerable challenges.

Three, in particular, threaten the aspirations that powered last year's historic vote.

First, Kyrgyzstan's coalition government is beset by infighting. The task of rebuilding the country after the turmoil of the past year is daunting. But the challenges should also inspire a sense of common purpose. Upcoming Presidential elections in the fall present an opportune moment for Kyrgyzstan's leadership to articulate a political compact that unites the diverse elements of its society.

Second, the country's fractious political environment has impeded efforts to combat organized crime and corruption. Rampant crime has heightened the sense of insecurity among citizens, created an unfavorable climate for business, and slowed economic growth. To the government's credit, over 90 members of organized criminal groups are now behind bars. But much work remains to be done to reform Kyrgyzstan's judicial system and strengthen controls over its borders.

The United States can play a constructive role by providing financial support and technical expertise. We must also speak out forcefully for evenhandedness in the prosecution of cases related to last year's violence. Guaranteeing justice and equality before the law would go a long way toward alleviating interethnic tensions.

Finally, Kyrgyzstan must deal with the underlying causes of last year's violence. Reconciliation initiatives have been slow to get off the ground. And tensions between ethnic Kyrgyz and Uzbek communities continue to fester.

Mr. President, Kyrgyzstan is a multiethnic state. Its diversity is a source of strength. But too often, opportunistic actors have exploited ethnicity to settle scores, acquire resources, and reclaim land in the fertile plains of the Ferghana valley.

Last June, Senator LUGAR and I authored a resolution on Kyrgyzstan calling for a full and fair investigation into the violence. The recently released report of the Kyrgyzstan Inquiry Commission is a welcome contribution to this debate, and I hope that all parties will give serious consideration to its findings.

The United States has committed over $28 million for projects that will support reconciliation in Kyrgyzstan. A portion of these funds will engage civil society to increase links between Kyrgyz and Uzbek communities. U.S. assistance will also support implementation of the recommendations contained in the inquiry commission's report. Going forward, we must continually look for ways to bring Kyrgyz and Uzbeks together through economic and community-based initiatives.

I harbor no illusions about the road ahead. Indeed, no experiment—democratic or otherwise—has been without its fair share of setbacks. But I remain confident that the people of Kyrgyzstan will seize this moment and advance the cause of democracy for the benefit of their country, the region, and the world.

REMEMBERING SAN FRANCISCO FIREFIGHTERS

Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of Lieutenant Vincent ''Vince'' Perez, and Firefighter and Paramedic Anthony ''Tony'' Valerio. Both of these heroes were long time veterans of the San Francisco Fire Department who were tragically killed in the line of duty fighting a fire on June 2, 2011.

During their many years of service to the city of San Francisco, both Vincent and Anthony earned the respect and admiration of those with whom they worked by consistently going above and beyond the call of duty. Both men led by example, and were considered shining stars among San Francisco's courageous and dedicated firefighters.

Vincent was a San Francisco native, growing up in San Francisco's Mission District and Bernal Heights neighborhoods. He attended St. Charles Elementary School, and graduated from Archbishop Riordan High School in 1981. After high school, Vincent attended City College of San Francisco, and then served his country in the U.S. Marine Corps and later as a deputy sheriff in Alameda County.

In 1990, Vincent joined the San Francisco Fire Department, ultimately rising to the position of lieutenant, where he supervised the crew of Engine Company 26, located in San Francisco's Diamond Heights neighborhood.

Vincent is survived by his mother Irene; siblings Lucio, Maryleen, and Alexander; many other family members and loved ones; and was preceded in death by his father Vincent and brother David.

Anthony was born in Fort Monmouth, NJ, and later moved to the San Francisco Bay Area. In 1975, he graduated from El Camino High School in South San Francisco and then went on to earn an associate's degree from San Francisco State University.

He embarked on his career in public service in 1980, starting as an EMT at Acme Western in the city of Oakland and later as a paramedic for 13 years with the San Francisco Department of Public Health. In 1997, Anthony began serving the City as both a firefighter and paramedic who was assigned to numerous fire stations in the city, including his last assignment with Engine Company 26.

Anthony is survived by his parents Lorraine and Frank; siblings Jacqueline, Donna, Marina, Laura, Mark, and Kevin; and many other family members and loved ones.

Lieutenant Vincent Perez and Firefighter and Paramedic Anthony Valerio dedicated their lives to their family, community, and Nation, and they will long be remembered for their courage and dedication. Their service and bravery inspired others and both

will be deeply missed by all who knew them. I extend my deepest sympathies to both men's families, colleagues, and friends.

WESTON PLAYHOUSE THEATRE COMPANY

Mr. LEAHY. Mr. President, it is a delight to call the Senate's attention to the record of 75 years of quality productions achieved by the Weston Playhouse Theatre Company as they celebrate this major milestone with their community and friends. Among its many accolades—including the Moss Hart Award for Best Production in New England for ''Floyd Collins''—Weston's Playhouse has earned a national reputation as a professional theatre. As Vermont's oldest theater, and one of the 15 oldest theatre companies across the United States, the Weston Playhouse has entertained families and visitors from New England and beyond since its founding in 1935. Its first professional season in 1937 included the opening of Noel Coward's ''Hay Fever,'' featuring young actor Lloyd Bridges. Since then the Weston Playhouse has grown to include musicals and late-night entertainment, cradled in Weston's small village of 640 people.

Consistent with Vermonters' willful determination and hard work, Weston's Playhouse Theatre Company endured a 1962 fire that destroyed the original playhouse building. Despite this hardship, the community pulled their resources together and continued to provide Vermonters and New England with quality theatre and musical experiences. Today the company serves 25,000 Vermonters and Vermont visitors each year with its devoted staff, talented artists, and dedicated board. The Weston Playhouse Theatre Company has routinely met their goals of making live theatre accessible and meaningful to a broad population of Vermonters. Resource support through the National Endowment for the Arts has allowed the playhouse to expand its offerings of cultural experiences to thousands of elementary, middle and high school aged children every year. Their outreach programs have promoted educational productions and have toured often throughout Vermont and New England while continuing to produce prestigious regional and world premieres.

Marcelle and I have always enjoyed attending theatre productions in Vermont, and we have wonderful memories of the time we have spent with the Weston Playhouse Theatre Company, as well as of the wonderful people we have met at the theatre. It is important to our State that we continue to host diverse actors and actresses on Vermont's stages, enriching the lives of Vermonters across the State. Anyone who has contemplated a painting in a museum, examined an original manuscript or composition, or disappeared into a performance as the lights dimmed—and has gained a greater understanding of both the artist and the subject as a result—knows the power and importance of these works in our lives. I am proud to join in honoring the Weston Playhouse Theatre Company for 75 wonderful years of achievements that have enriched our heritage and the quality of life in the marvelous Green Mountain State.

ADDITIONAL STATEMENTS

REMEMBERING BEN GRUSSENDORF

• Mr. BEGICH. Mr. President, today I wish to memorialize a great Alaskan, Mr. Ben Grussendorf. A public servant, master teacher, community activist, legislator, outdoorsman, and all-around gentleman, Ben Grussendorf died June 17, 2011. He is survived by his wife of 48 years, Karen, son Tim, daughter Karla, and four grandchildren.

Born February 23, 1942, in Grand Rapids, MN, Ben attended the University of Minnesota, where he earned a B.A. in political science and an M.A. in political science education.

In 1967, eager to fish, hunt, and hike, Ben and Karen moved to Sitka, AK, to teach. Ben taught government and social sciences at Sitka High School and Sitka Community College, but his attraction to politics and government soon drew him to help shape a strong future for his adopted community. Ben was elected to the Charter Commission, and became its chair, leading the effort to write unification documents which continue to govern the city and borough of Sitka. He was subsequently elected for two terms to serve as mayor of this unified government. In 1980, Sitka voters sent him to the State House of Representatives where he served 10 terms, a full 20 years.

In the legislature, Ben earned a reputation as a diplomat. He was a man who focused on problems and solutions rather than party and politics. The respect he showed by listening to differing viewpoints opened the door for people of all backgrounds and political persuasions to create a climate of compromise. Ben knew true leadership was born, not in brazen ideas or self-promotion, but in the ability to win allies and build coalitions. Because of his ability to nurture friendships on both sides of the aisle, he was elected as Speaker of the House for an unprecedented three terms.

As speaker, Ben brokered compromises which put the public first. Fair to everyone, his calm composure and down-home sense of humor defused tension and brought people together; his vision and diplomacy kept them focused on the greater good.

Throughout his tenure in the House, Ben was renowned for his patience, discretion, and expertise. He knew the nooks and crannies both of the legislative process and the issues. Colleagues relied on him for inside knowledge of Alaskan politics to affect change and make a difference. They remember him as an important teacher and mentor, one who led by example.

When Ben announced his retirement from the Legislature in 2000, he cited his original Alaska draw—time to hunt, fish, and walk his dogs. Because of his passion for wildlife and capitalizing on his legislative expertise, Governor Tony Knowles convinced him to accept appointment to the Alaska Board of Game in 2001. There, he put his listening and diplomatic skills to further use, tackling important challenges such as caribou herd management and subsistence policy. His effectiveness and diplomacy earned him successive reappointments by Governors Murkowski, Palin, and Parnell.

Whether hunting, fishing, hiking, gardening, or just observing, Ben was an outdoorsman at heart. He was also a writer who kept a journal, wrote short stories and drafted manuscripts about subjects he well understood—politics and nature.

Ben Grussendorf's devotion to Sitka and to Alaska, whether as a teacher, a legislator, a member of the Board of Game, or a member of community service organizations, was inspirational. He made a difference with every commitment, and his years of working on issues important to people throughout the State will be part of his legacy as an Alaska statesman. He will be deeply missed by his family and his many friends.•

DEVILS POSTPILE NATIONAL MONUMENT

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the centennial of Devils Postpile National Monument in the Eastern Sierra of California.

When Devils Postpile was first surveyed in the early 20th century, it became apparent to geologists that its distinctive formation and features of the surrounding landscape provided a special window into the volcanic and glacial processes that shaped the Sierra Nevada as a whole.

The cliff of columnar basalt that constitutes the Devils Postpile, so named because it looks like tall posts piled together, is one of the wonders of the geological world. The columns can reach heights towering more than 60 feet. Those on the west front are high, straight and clean-cut; those at its southern end stand out for their curvature.

Shortly after the initial survey, U.S. Forest Service Engineer Walter Huber learned of a plan to blast portions of the Devils Postpile to create a dam that would flood the middle fork of the San Joaquin River and provide power to nearby mining operations. Mr. Huber considered the idea as a ''wanton destruction of scenery'' and began the effort to establish a monument to protect Devils Postpile along with the nearby Rainbow Falls, a spectacular

101-foot waterfall named for the rainbow that often forms in its mist.

Support for monument designation was substantial, including a letter of support from the Sierra Club signed by the renowned preservationist John Muir. On July 6, 1911, using the authority under the Antiquities Act of 1906, President William Howard Taft signed the proclamation creating Devils Postpile National Monument.

With the growth of the interstate highway system in the 1950s, a proposal for an eight-lane trans-Sierra highway connecting Fresno to Mammoth Lakes came forward that would have resulted in destruction to the landscape and the character of the monument. The effort to stop the highway was long and at times difficult. But, with strong opposition from a group of committed local residents, businessowners and packers, the proposal to build the trans-Sierra highway was abandoned in 1972.

The expansion of existing wilderness areas and the designation of the Ansel Adams Wilderness in 1984 brought further protection of Devils Postpile and the surrounding peaks and valley that constitute the breathtaking landscape of the Middle Fork of the San Joaquin Valley. I am pleased that in 2009 President Obama signed legislation I authored providing additional wilderness protection to public lands in the immediate area.

Today, Devils Postpile National Monument represents the special qualities highlighted in the Presidential Proclamation that led to its creation a century ago as a place of ''scientific interest'' and ''public enjoyment.'' Every year, tens of thousands of visitors from all over the world travel to the Eastern Sierra to marvel at its natural beauty and rich history.

The story of the Devils Postpile National Monument's first 100 years is a testament to the value of preservation, scientific research, and recreation. I applaud the partnership between the National Park Service and the U.S. Forest Service which has resulted in high quality visitor services and the preservation of the beauty of the Middle Fork of the San Joaquin River.

As the friends and staff of the Devils Postpile National Monument gather to celebrate this auspicious occasion, I congratulate them on their centennial anniversary and wish everyone a memorable experience.●

TRIBUTE TO JUSTICE JUDITH MEIERHENRY

● Mr. JOHNSON of South Dakota. Mr. President, today I recognize the service of Judith K. Meierhenry to the Unified Judicial System of South Dakota. In June of this year, Justice Meierhenry will retire after nearly 9 years as associate justice on the South Dakota Supreme Court.

Justice Judith Meierhenry was educated at the University of South Dakota where she received her bachelor's, master's, and juris doctorate degrees. Upon completion of her education, Justice Meierhenry practiced law in Vermillion in 1977 and 1978. She began her service to the State of South Dakota in 1979 when Governor Janklow appointed her to the State Economic Opportunity Office. This was just the beginning of her commitment to South Dakota; she was appointed as Secretary of Labor beginning in 1980 and Secretary of Education and Cultural Affairs in 1983.

In 1985, Justice Meierhenry left the public sector and worked as a senior manager and assistant general counsel for Citibank in Sioux Falls, SD. Justice Meierhenry was appointed by Governor Mickelson in 1988 as a Second Circuit Court judge serving Lincoln and Minnehaha Counties. She became presiding judge of the Second Judicial Circuit in 1997.

Governor Janklow appointed Justice Meierhenry to the South Dakota Supreme Court in 2002. This historic appointment made her the first woman to serve on South Dakota's highest court. Though no female had preceded her in this post, Justice Meierhenry succeeded in this demanding position and now leaves her position having set a standard of excellence for her successors, regardless of gender, to follow. Through her service, female judges and attorneys in South Dakota's legal system now have available to them an exemplary female role model and owe a debt of gratitude to Justice Meierhenry. The citizens of the State of South Dakota are better for the public service of Judith Meierhenry.

According to Chief Justice David Gilbertson, during her time on the South Dakota Supreme Court:

> Justice Judith Meierhenry has contributed to the legal scholarship of that body in resolving the disputes that come before it. Whether it be a traffic ticket or a death penalty conviction, Justice Meierhenry has approached each case with the application of the highest of legal scholarship. The South Dakota Supreme Court, the legal profession of South Dakota and all of the citizens of South Dakota are all better off for the public service of Justice Judith Meierhenry.

South Dakota Second Judicial Circuit court judge Patricia Riepel also notes that Justice Meierhenry ''was always well-prepared and decisive, she required decorum in her courtroom as well as civility and cordiality to all of the participants, and she has worked tirelessly for the advancement of women within the legal profession, and especially within the judiciary.''

I wish Justice Meierhenry a happy and healthy retirement. In her own words, ''life and time are our only real possessions,'' and it is time that she reclaim those possessions for herself and her family. I thank Justice Meierhenry for her commitment to the rule of law and her long and distinguished career serving the State of South Dakota.●

TRIBUTE TO COLONEL ANTHONY WRIGHT

● Mrs. MURRAY. Mr. President, it is with great privilege that I congratulate COL Anthony Wright, Seattle district engineer for the U.S. Army Corps of Engineers, on his well-deserved retirement after 30 years with the Army Corps. Colonel Wright has been stationed with the Seattle District for 3 years and my staff and I have had the pleasure of working extensively with him during that time.

Western Washington State has suffered several severe storms in the last few years, resulting in devastating floods, major losses of infrastructure, and millions of dollars of damage to homes and businesses. Under Colonel Wright's leadership, the Army Corps responded quickly and efficiently to minimize the threats of rising floodwaters, and for this we are very grateful. His professionalism and expertise helped our region through disasters and undoubtedly lessened the destruction and prevented the loss of life.

An example of Colonel Wright's leadership ability was his response to a storm that caused serious damage to the Howard Hanson Dam in King County, raising the flood threat for hundreds of thousands of residents in the Green River Valley, which is home to one of the largest manufacturing and distribution bases on the West Coast. Colonel Wright and the Army Corps reacted quickly and decisively to counter this vulnerability, working with local governments and the public to ensure that the region was prepared until the dam could be repaired.

On behalf of all Washingtonians, I thank Colonel Wright for his dedication to the safety and well-being of the people of western Washington. His knowledge, experience, and tireless effort will be sorely missed. I congratulate Colonel Wright and wish he and his family the best of luck in their future endeavors.●

A TRIBUTE TO BOBBY ALLISON

● Mr. SESSIONS. Mr. President, it is with great pride that I recognize racing legend Robert ''Bobby'' Arthur Allison upon his induction into the second class of the NASCAR Hall of Fame. Bobby is a founding member of the ''Alabama Gang'' and one of the greatest drivers of NASCAR's modern era.

NASCAR is the most popular and competitive racing organization in the United States, and its premier league, the Sprint Cup Series, draws thousands of fans to each of its 36 races. Last year, NASCAR opened the NASCAR Hall of Fame to honor the sport's greatest contributors, inducting Richard Petty, Dale Earnhardt, Junior Johnson, Bill France, Sr., and Bill France, Jr. In the second class of inductees, Bobby, along with racing greats Ned Jarrett, David Pearson, and Lee Petty, and team owner Bud Moore, joined these elite racers in receiving one of the sport's highest honors.

Bobby Allison entered his first race while he was still a high school student in southern Florida, needing written permission from his mother to compete. Seizing the opportunity to race

competitively, he and his brother, Donnie, left Florida along with fellow racer Red Farmer, and settled in Hueytown, AL. These three young men became known as the ''Alabama Gang,'' a racing fraternity that would later include Bobby's son Davey Allison and NASCAR star Neil Bonnett.

After his relocation to Alabama, Bobby garnered tremendous success on the track, winning NASCAR Modified Special Division titles in 1962 and 1963. He followed this success with consecutive NASCAR Modified Division championships in 1964 and 1965. Bobby competed in his first Sprint Cup Series race at the 1961 Daytona 500, and achieved his first Sprint Cup win 5 years later, at Oxford Plains Speedway in Maine in 1966. In his 25-year Sprint Cup career, Bobby won 83 additional races, including three Daytona 500 triumphs and four victories at Talladega Superspeedway. He is tied with Darrell Waltrip for the third most wins in Sprint Cup history. Mr. Allison is also a five-time Sprint Cup Series runner-up, winning the Cup once in 1983, when it was still known as the Winston Cup. His final win was a thrilling father-son performance at the 1988 Daytona 500, where he and his son Davey finished first and second place, respectively.

Despite his great successes, Bobby's life has included tragedy. His racing career was cut short by injuries sustained during a severe crash at Pocono Raceway months after his final win at Daytona. In 1992, his youngest son Clifford was killed while practicing for a race at Michigan International Speedway. A few months later, his older son Davey Allison was killed in a helicopter crash at Talladega.

Through both success and sorrow, Bobby has displayed remarkable perseverance and resilience. He is known and respected all around the world and many of my fellow Senators have been generous in their praise in this indomitable racer. Senator JOHN MCCAIN, a friend and admirer, said, ''I couldn't be prouder of Bobby. He is an inspiration for all of us.'' Senator JON KYL, a NASCAR enthusiast, noted that the Phoenix International Raceway named a grandstand for Bobby and declared, ''The Hall of Fame did well to recognize Bobby in its second class. He is a NASCAR legend.''

Bobby and his wife Judy still reside in Hueytown, AL, and his two daughters, Bonnie Allison-Farr, and Carrie Allison, live with their families nearby. Selected as one of ''The 50 Greatest NASCAR Drivers of All Time,'' Bobby remains one of NASCAR's most respected competitors. A truly great Alabamian, Bobby has never forgotten his roots, and he will always be remembered not just as a racer, but as a beloved citizen of our State. It truly is a privilege to honor Bobby Allison not only for his tremendous success in racing's most competitive league, but also for his contributions to both NASCAR and the State of Alabama.●

REMEMBERING KATHRYN TUCKER WINDHAM

● Mr. SESSIONS. Mr. President, I would like to take a moment to honor a woman whose sparkling personality and literary voice truly captured the essence of Alabama. Kathryn Tucker Windham, a beloved storyteller, popular author, renowned photographer, and proud citizen of Alabama, passed away on June 12, 2011, at the age of 93. She lived a rich, full life, true to the highest ideals of our State. I knew her well and followed her career. In my opinion, her qualities of character, professional accomplishments, and simple decency place her at the top of all who have been products of our State.

Ms. Windham authored over two dozen books in her lifetime, giving an endearing and insightful voice to Southern culture and folklore. Her books related everything from ghost stories and memories to delicious recipes, and she developed a devoted audience in Alabama and around the United States. Ms. Windham also became a celebrated radio personality, appearing on Alabama Public Radio for over 20 years and commentating on NPR's ''All Things Considered'' from 1985–1987. She treated listeners nationwide to evocative tales of the South, with such titles as ''Grits Is a Singular Delicacy'' and ''Honeysuckle Blossoms Smell Wonderful,'' all with a Southern accent that remained true to the highest level of culture and grammar. In addition, she was a positive force for good, constant in her efforts to promote racial reconciliation in her hometown of Selma and in her State.

Ms. Windham spent her childhood in Thomasville, AL, not too far across the river from where I grew up, and later attended Huntingdon College, my alma mater. After graduation, she began work as a police reporter for a Montgomery paper, an impressive and unusual job for a female reporter at that time. Ms. Windham developed a distinguished journalistic career, working for the Birmingham News and winning several Associated Press awards for her work with the Selma Times Journal, where she made her home for many years. Some of her best known books are Alabama: One Big Front Porch and Thirteen Alabama Ghosts and Jeffery.

Ms. Windham was also a noted photographer, and her images provide a stirring portrait of the people and places of her home State. Her photography was included in the Huntsville Museum of Art's 1989 traveling exhibit, ''Alabama Landscape Photographs,'' and in a later show, ''Encounters 24. Kathryn Tucker Windham.''

Among many honors and awards, Ms. Windham was inducted into the Alabama Academy of Honor. This organization celebrates Alabama's best and brightest, and Ms. Windham's membership reflects her status as one of the State's beloved cultural figures and influential personalities. Ms. Windham was indeed a great Alabamian, and her work showcases the best of Alabama's values in a way that should make every Alabamian proud.

I recently watched a video of her in her small rocking chair, telling stories. They were told superbly, with perfect timing, and I burst out laughing. She was much like my great aunts, her contemporaries, who lived not far away. The stories of this generation provided humor, history, family affection, and education to listeners. It is a time pretty much gone. Someone once said that the purest examples of a period's ideals are curiously often found in its last days. It may be Ms. Windham was the last and best practitioner of those humorous and revealing stories that are indeed works of art.

My thoughts and prayers go out to Ms. Windham's family—her son, Ben, retired as editor of the Tuscaloosa News, her daughter Dilcy, and other family and friends as they mourn the loss of their beloved mother, relative, and friend. As her Senator and as her friend, I am grateful for the extraordinary life that Kathryn Tucker Windham led, and I am honored to serve as her Senator so as to be able to pay tribute to her life as the State and the Nation mark her passing. She will be dearly missed, but her legacy will live on in the stories, artwork, and memories she left behind.●

TRIBUTE TO LAW ENFORCEMENT OFFICERS

● Mr. SESSIONS. Mr. President, I would like to take a moment to honor an exceptional group of law enforcement officers.

I recently met with Sheriff James Kelly of Catahoula Parish, LA, who informed me that a member of his department was conferred the 2011 National Missing Children's Special Recognition award by the National Center for Missing and Exploited Children.

Deputy Toney Edwards, of the Catahoula Parish Sheriff's Office in Harrisonburg, LA, was honored along with three others involved for their outstanding work resolving the tragic case of the 12-year-old Lexis Kaye Roberts. On October 8, 2010, two hunters found the partial remains of Lexis Roberts in Catahoula Parish, LA. Deputy Edwards, along with a team dedicated to the case, was able to identify her remains. The investigation into her disappearance and death focused on a man who was last known to be in the company of the girl and her mother, who was also missing. Information about the man was distributed to truck stops throughout the country and 2 days later he was arrested in Mississippi. The man has been indicted on Federal charges of kidnapping resulting in the death of the young girl.

Others honored for their working the case were Special Agent Benjamin Walsh, Supervisory Senior Resident Agent Robert King, and Senior Special Agent Janice Mertz of the Federal Bureau of Investigation in Alexandria, VA.

In 1984, John Walsh cofounded the private, nonprofit National Center for Missing and Exploited Children, NCMEC. This center serves as a focal point in providing assistance to parents, children, law enforcement, schools, and communities in recovering missing children and raising public awareness about ways to help prevent child abduction, molestation, and sexual exploitation. NCMEC has worked on more than 73,000 cases of missing and exploited children, helped recover more than 48,000 children, and raised its recovery rate from 60 percent in the 1980s to 91 percent today.

I truly enjoyed talking to Sheriff James Kelley about the work being done by both NCMEC and his own police force in Louisiana. While I have worked closely with and seen the success of the many excellent Alabama law enforcement officers, I am glad to hear of the fine work of these officers.

On behalf of my colleagues in the Senate, it is an honor to recognize them for their exemplary service.●

TRIBUTE TO ZOE COPE

● Mr. THUNE. Mr. President, today I recognize Zoe Cope, an intern in my Aberdeen, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Zoe is a native of Aberdeen and a graduate of Roncalli High School. Currently, she is attending the University of Nebraska-Lincoln where she is pursuing a degree in architecture. She is a very hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Zoe for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO GARRETT DEVRIES

● Mr. THUNE. Mr. President, today I recognize Garrett DeVries, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Garrett is a graduate of Canistota High School in Canistota, SD. Currently, he is attending the University of South Dakota where he is majoring in political science and history. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Garrett for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO NICHOLAS FALK

● Mr. THUNE. Mr. President, today I recognize Nicholas Falk, an intern in my Aberdeen, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Nick is a native of Aberdeen and a graduate of Roncalli High School. Currently, he is attending the University of South Dakota where he is majoring in history and political science. He is a very hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Nick for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO TRAVIS FITZKE

● Mr. THUNE. Mr. President, today I recognize Travis Fitzke, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past couple months.

Travis is a graduate of T.F. Riggs High School in Pierre, SD. Currently, he is attending the North Dakota State University where he is majoring in biology. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Travis for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO BLAKE GUNDERSON

● Mr. THUNE. Mr. President, today I recognize Blake Gunderson, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past couple months.

Blake is a graduate of Central Dakota Valley High School in North Sioux City, SD. Currently, he is attending the University of South Dakota where he is majoring in business administration. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Blake for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO KYLE HANSON

● Mr. THUNE. Mr. President, today I recognize Kyle Hanson, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Kyle graduated from South Dakota State University with a major in communication studies. In the fall, he will be attending law school at the University of South Dakota. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Kyle for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO KAMARIA IVERSEN

● Mr. THUNE. Mr. President, today I recognize Kamaria Iversen, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past couple months.

Kamaria is a graduate of Jones County High School in Murdo, SD. Currently, she is attending South Dakota State University where she is majoring in consumer affairs. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Kamaria for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO GRACE KESSLER

● Mr. THUNE. Mr. President, today I recognize Grace Kessler, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Grace is a graduate of Roncalli High School in Aberdeen, SD. Currently, she is attending Hillsdale College where she is majoring in politics. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Grace for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO CHRISTEN LEEDOM

● Mr. THUNE. Mr. President, today I recognize Christen Leedom, an intern in my Sioux Falls, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Christen is a graduate of O'Gorman High School in Sioux Falls, SD. This fall, she will attend the University of South Dakota Law School. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Christen for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO ZACH NEUBERT

● Mr. THUNE. Mr. President, today I recognize Zach Neubert, an intern in my Aberdeen, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Zach is a native of Aberdeen and a graduate of Central High School. Currently, he is attending the Northern State University where he is studying history and political science. He is a very hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Zach for all of the fine

work he has done and wish him continued success in the years to come.●

TRIBUTE TO MADLYNN RUBLE

● Mr. THUNE. Mr. President, today I recognize Madlynn Ruble, an intern in my Sioux Falls, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Madlynn is a graduate of Albert Lea Senior High School in Albert Lea, MN. Currently she is attending the University of South Dakota where she is majoring in Spanish and communications. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Madlynn for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO BROOKE SCHIEFFER

● Mr. THUNE. Mr. President, today I recognize Brooke Schieffer, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past couple months.

Brooke is a graduate of Jones Lincoln High School in Sioux Falls, SD. Currently, she is attending Vassar College where she is majoring in film. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Brooke for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO ERIC SCHLIMGEN

● Mr. THUNE. Mr. President, today I recognize Eric Schlimgen, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Eric is a graduate of Central High School in Rapid City, SD. Currently, he is attending the University of South Dakota where he is majoring in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Eric for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO RACHEL SKEA

● Mr. THUNE. Mr. President, today I recognize Rachel Skea, an intern in my Rapid City, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past couple months.

Rachel is a graduate of Rapid City Christian High School in Rapid City, SD. Currently, she is attending Wheaton College in Wheaton, IL, where she is majoring in communications and media. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Rachel for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO JOE STELL

● Mr. UDALL of New Mexico. Mr. President, if Joe Stell had only one career, he would still be worthy of our admiration.

If he had been only a hard-working and talented New Mexico educator who was loved by his students, he would deserve our respect. If he had only been a New Mexico State legislator who was admired by his colleagues and his constituents, he would deserve our thanks. And if he had been only a land and water steward, revered by the many ranchers he mentored on land management practices, he would deserve our admiration. Or had he been only a tireless advocate for restoring New Mexico grasslands and advancing partnerships to restore the land, he would deserve our gratitude.

But Joe Stell was all of these things: A no-nonsense public servant who asked tough questions, restored the landscape of New Mexico and changed the way government agencies and ranching communities work together to improve the land.

Former Representative Stell retired from the New Mexico Legislature after serving 20 years and being recognized as the preeminent legislative expert on water issues in New Mexico. Then-Governor Richardson referred to him as ''Mr. Water.'' In his ''retirement,'' he now runs a cattle ranch in Carlsbad, NM. It is on this ranch and the surrounding areas of southeastern New Mexico that he took part in Restore New Mexico, reseeding grasslands, bringing back its riparian areas and wildlife species and their habitats as part of the Healthy Lands Initiative.

Joe Stell has spent his life dedicated to public service, education, and land and water stewardship. He is proactive and constant in his efforts to improve rangelands; to communicate and coordinate between agencies and individuals and to leave the land in better shape than when he first came to it. For this lifetime of work, Joe Stell has been the recipient of various prestigious awards and honors, and today back in New Mexico he will be awarded the Bureau of Land Management's Rangeland Stewardship Award.

On behalf of the people of New Mexico, I would like to extend my sincere appreciation for Joe Stell's statesmanship and dedication to our State. Joe Stell's conservation work will always remind us that a commitment to the land and environment is powerful. For his more than 60 years of dedicated work in the public interest, I wish to honor Joe Stell.●

REMEMBERING BETTY ROBERTS

● Mr. WYDEN. Mr. President, today I wish to recognize someone whose name became synonymous with courage and equality, someone who in my State is every bit a pioneer as those who blazed the trails that opened the West.

Betty Roberts passed away recently at age 88, and while Oregon has lost one of its true giants, we have not lost the memory of what she gave to our State. Every time you turned around, Betty Roberts was pioneering. In the 1970s, she was the only woman serving in the Oregon State Senate. By 1977, she was the first woman to serve on the Oregon Court of Appeals and 5 years later she was the first woman on the Oregon Supreme Court.

I first met Betty in 1975 when she was one of the first elected officials in Oregon to give her full support to what was then a little known and burgeoning organization fighting for the rights of the elderly, the Gray Panthers. Over the nearly four decades of our friendship, I came to know and respect her as a tireless advocate for doing what was right based on facts and the truth.

Her road to prominence in Oregon's legal, legislative and political circles was not an easy one. As the Oregonian pointed out in its editorial, ''Betty Roberts often heard the word 'no' during the first half of her life. No to finishing college, teaching or running for public office, and no to following her ambitions.''

Anyone who knew Betty recognized that she did not take no for an answer. She went from being a teacher to earning a master's degree and a doctorate, all while raising a family. She went from being elected to a local school board to being elected to the Oregon House of Representatives and from there to the Oregon State Senate.

As a member of the legislature, she supported such pioneering Oregon laws as the bottle bill and land-use planning. What she will be most remembered for, however, is her unwavering commitment to equality for women and minorities. She knew firsthand the barriers women faced. She overcame them and dedicated her life to tearing down those barriers and giving other women the same opportunities she made for herself.

In her memoir titled ''With Grit and by Grace,'' Betty wrote that she had ''a reasonable desire to live the life I wanted.''

We know now that Betty lived the life that she desired and my State and this Nation is better for it.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting nominations which

were referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2279. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 1249. An act to amend title 35, United States Code, to provide for patent reform.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–48. A joint memorial adopted by the Legislature of the State of New Mexico requesting Congress allow for payments from both the survivor benefit plan and the dependency and indemnity compensation; to the Committee on Armed Services.

HOUSE JOINT MEMORIAL NO. 1

Whereas, the legislature recognizes the pain and suffering of military widows and widowers whose spouses have died on the battlefield or through other service to the United States of America; and

Whereas, this nation has an obligation to care for its military widows and widowers; and

Whereas, military widows and widowers are unfairly deprived of monetary benefits from the survivor benefit plan, which their military spouses purchased and earned, when they receive dependency and indemnity compensation payments from the federal department of veterans affairs; and

Whereas, survivor benefit plan payments are reduced by the amount of the payments received from the dependency and indemnity compensation; and

Whereas, that reduction does not apply to veterans or military retirees employed as federal government civil servants enrolled in the civil service survivor benefit plan; and

Whereas, often the dependency and indemnity compensation payment completely offsets the survivor benefit plan payment; and

Whereas, many military widows and widowers are elderly and live on a fixed income and are in need of payments from both the survivor benefit plan and the dependency and indemnity compensation; and

Whereas, a federal court of appeals decision will require the department of defense to eliminate the dependency and indemnity compensation offset for widows and widowers who remarry at or after the age of fifty-seven; and

Whereas, President Abraham Lincoln committed this nation ''to care for him who shall have borne the battle and for his widow and his orphan'': Now, therefore, be it

Resolved by the Legislature of the State of New Mexico, That the United States congress be requested to allow for payments from both the survivor benefit plan and the dependency and indemnity compensation; and be it further

Resolved, That copies of this memorial be transmitted to the president of the United States, the speaker of the United States house of representatives, the president of the United States Senate and the New Mexico congressional delegation.

POM–49. A joint memorial adopted by the Legislature of the State of New Mexico requesting Congress expedite the passage of legislation and appropriations to enact the necessary funding for the reclamation of abandoned uranium mines and the remediation of uranium mill tailings; to the Committee on Energy and Natural Resources.

HOUSE MEMORIAL

Whereas, the Grants mineral belt, situated between Gallup and the Pueblo of Laguna in New Mexico, contains one of the world's richest uranium deposits; and

Whereas, dating back to the 1940s, states such as New Mexico mined uranium for the benefit of the atomic energy commission and the federal government's nuclear weapons program; and

Whereas, beginning in the 1950s and 1960s, private companies began extensive exploration, mining and milling activities related to the uranium deposits located in the Grants mineral belt on private, state, federal and tribal lands; and

Whereas, these activities continued through the 1990s, resulting in the mining and milling of more than one hundred seventy-five thousand tons of uranium ore from lands located in New Mexico; and

Whereas, unremediated contamination resulting from past uranium exploration, mining and milling activities constitutes a continuing threat to the health and well-being of residents of northwestern New Mexico; and

Whereas, state and federal studies have repeatedly shown that surface water, ground water and soils were and remain contaminated by past uranium mining and milling activities; and

Whereas, the federal government and others have direct responsibility to provide funding, both for the initial surveying of these mines and for potential subsequent reclamation and remediation where warranted; and

Whereas, the Surface Mining Control and Reclamation Act of 1977 is a federal law that mandates a reclamation fee on each ton of coal produced in the country, and Title IV of that act provides for abandoned mine reclamation; and

Whereas, in 2006, the United States congress passed amendments to Title IV of the Surface Mining Control and Reclamation Act of 1977, providing that the funds collected from the reclamation fees will now go directly to the states rather than be appropriated by congress, and those amendments limit uncertified states, such as New Mexico, from using the funds available through the Surface Mining Control and Reclamation Act of 1977 for non-coal mine reclamation; and

Whereas, H.R. 785, introduced in the United States House of Representatives, would address the need for uncertified states to use Surface Mining Control and Reclamation Act of 1977 funding for non-coal mine reclamation; and

Whereas, under the Uranium Mill Tailings Radiation Control Act of 1978, which established two programs, the United States department of energy is charged with completing surface reclamation at inactive uranium mill tailings piles; and

Whereas, various federal agencies were made aware of the tremendous need for the uranium legacy cleanup in the Grants mineral belt by the uranium mining and tailings task force established by the New Mexico legislative council in 2009, and the agencies have since made the uranium legacy cleanup in the Grants mineral belt a high priority; and

Whereas, as a result of the activities of the uranium mining and tailings task force, the United States environmental protection agency, specifically region six, took the lead to coordinate various federal, state and tribal agencies to be responsible for the uranium legacy cleanup and for publishing a multi-agency, five-year plan to address the uranium legacy cleanup; and

Whereas, New Mexico regulates uranium mining and milling activities through the department of environment and the energy, minerals and natural resources department; and

Whereas, the department of environment and the mining and minerals division of the energy, minerals and natural resources department have entered into cooperative agreements with various federal agencies to address the uranium legacy cleanup; and

Whereas, funding is a major limitation to completing the reclamation of abandoned uranium mines and the remediation of uranium mill tailings in the Grants mineral belt: Now, therefore, be it

Resolved by the House of Representatives of the State of New Mexico, That congress be requested to expedite the passage of legislation and appropriations to enact the necessary funding for the reclamation of abandoned uranium mines and the remediation of uranium mill tailings; and be it further

Resolved, That the department of environment and the energy, minerals and natural resources department report on any funding received from the federal government and other sources since 2009 that may be used for the uranium legacy cleanup and that the departments provide a detailed presentation on the specific standards used to determine the expenditures of federal funds by November 1, 2011 to the appropriate interim legislative committee; and be it further

Resolved, That copies of this memorial be transmitted to the director of the superfund division of region six of the United States environmental protection agency, the secretary of environment, the secretary of energy, minerals and natural resources, the speaker of the United States house of representatives, the president pro tempore of the United States senate and the New Mexico congressional delegation.

POM–50. A memorial adopted by the Legislature of the State of New Mexico urging the President to consult with state and local interests, tribes and other interested parties when designating national monuments; to the Committee on Energy and Natural Resources.

HOUSE MEMORIAL

Whereas, the federal Antiquities Act of 1906 authorizes the president of the United States to designate as national monuments ''historic landmarks, historic and prehistoric structures and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States'' in the state of New Mexico and elsewhere; and

Whereas, the president has previously exercised this authority to protect some of New

Mexico's most cherished and significant places, including Chaco canyon, Carlsbad caverns and White Sands national monument; and

Whereas, the state probably contains additional sites on federal land that meet the criteria for national monument designation; and

Whereas, the residents of New Mexico have a clear and compelling interest in how federal lands in the state are managed; and

Whereas, the federal Antiquities Act of 1906 requires national monument lands to be ''confined to the smallest area compatible with proper care and management of the objects to be protected'' and necessary to preserve and protect the historical sites or objects; and

Whereas, the residents of New Mexico wholeheartedly embrace the opportunity to engage constructively and participate in identifying and recommending sites and boundaries of potential national monument designations; and

Whereas, the president of the United States should recognize and take steps to ensure the interests of the residents of New Mexico in the process of designation of national monuments in the state; and

Whereas, sustainable land management and conservation policies are best developed and administered with local government and community support and commitment to those policies: Now, therefore, be it

Resolved by the House of Representatives of the State of New Mexico, That it request formal consultation and coordination among the president of the United States, the governor of New Mexico, the New Mexico congressional delegation, the New Mexico legislature, local officials and interested conservation, industry, Indian nations, tribes or pueblos and user groups ensuring transparency and open public participation prior to any designation of national monuments in New Mexico; and, be it further

Resolved, That copies of this memorial be transmitted to the president of the United States, the secretary of the interior, the president pro tempore of the United States senate, the speaker of the United States house of representatives and members of the New Mexico congressional delegation.

POM–51. A memorial adopted by the Legislature of the State of New Mexico urging Congress to reauthorize the Water Resources Development Act of 2007, Section 5065, and to appropriate sufficient funds to investigate and address salinity sources affecting water quality in the Pecos River; to the Committee on Environment and Public Works.

HOUSE MEMORIAL

Whereas, the Pecos river is a tributary of the Rio Grande that flows between New Mexico and Texas; and

Whereas, the Pecos river is known for its naturally high salinity, but as human needs and environmental concerns relating to the river continue to increase, the adverse economic and environmental impacts of the river's naturally high salinity have become a much greater issue; and

Whereas, much of the natural salinity in the Pecos river enters the river in localized areas where geologic brines from ancient salt-bearing formations naturally discharge to the surface, which presents an opportunity for engineered solutions to intercept such brines before they enter the Pecos river; and

Whereas, the Pecos River Compact between Texas and New Mexico provides that ''New Mexico and Texas shall cooperate with agencies of the United States to devise and effectuate means of alleviating the salinity conditions of the Pecos river''; and

Whereas, congress began that process by enacting Section 729 of the Water Resources Development Act of 1986 and by developing a program in Section 5056 of the Water Resources Development Act of 2007 that directs the secretary of the army to rehabilitate and enhance fish and wildlife habitats and to implement long-term monitoring, data collection and analysis, applied research and adaptive management within the Rio Grande basin; and

Whereas, a successful technical program to identify salinity sources and potential remedies on the Rio Grande in the New Mexico-Texas border region has been underway since 2008, under Section 729 of the Water Resources Development Act of 1986; and

Whereas, it is imperative that funding and continuing authority for Section 5056 of the Water Resources Development Act of 2007, which is set to expire in 2011, be reenacted so that efforts to address salinity issues in the Rio Grande and its tributaries can continue: Now therefore, be it

Resolved by the House of Representatives of the State of New Mexico, That congress be requested to reauthorize Section 5056 of the Water Resources Development Act of 2007 and to appropriate sufficient funds to carry out work related to that legislation; and be it further

Resolved, That copies of this memorial be transmitted to the president of the United States, the speaker of the United States house of representatives, the president of the United States senate and the members of the New Mexico congressional delegation.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*David H. Petraeus, of New Hampshire, to be Director of the Central Intelligence Agency.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Mr. SANDERS, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. LEAHY, Mr. KERRY, Mrs. GILLIBRAND, Mr. COONS, Mr. AKAKA, and Mr. LAUTENBERG):

S. 1283. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, grandchild, or grandparent who has a serious health condition; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 1284. A bill to amend the National Flood Insurance Act of 1968 to require the Administrator of the Federal Emergency Management Agency to consider reconstruction and improvement of flood protection systems when establishing flood insurance rates; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KOHL (for himself and Mr. BLUNT):

S. 1285. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for new qualified hybrid motor vehicles, and for other purposes; to the Committee on Finance.

By Mr. CASEY (for himself and Mr. BROWN of Ohio):

S. 1286. A bill to extend trade adjustment assistance, and for other purposes; to the Committee on Finance.

By Mr. DEMINT (for himself, Mr. LEE, and Mr. PAUL):

S. 1287. A bill to treat gold and silver coins used as legal tender in the same manner as United States currency for taxation purposes; to the Committee on Finance.

By Mr. ROBERTS (for himself, Mr. NELSON of Nebraska, Mr. MORAN, and Mr. JOHANNS):

S. 1288. A bill to exempt certain class A CDL drivers from the requirement to obtain a hazardous material endorsement while operating a service vehicle with a fuel tank containing 3,785 liters (1,000 gallons) or less of diesel fuel; to the Committee on Commerce, Science, and Transportation.

By Mr. CARPER (for himself and Mrs. BOXER):

S. 1289. A bill to amend the Internal Revenue Code of 1986 to reduce the tax gap, and for other purposes; to the Committee on Finance.

By Mr. TOOMEY:

S. 1290. A bill to impose discretionary and certain mandatory spending caps and correct the fiscal recklessness of 2001 through 2011; to the Committee on the Budget.

By Ms. KLOBUCHAR (for herself and Mr. JOHNSON of South Dakota):

S. 1291. A bill to amend the Internal Revenue Code of 1986 to provide a renewable electricity integration credit for a utility that purchases or produces renewable power; to the Committee on Finance.

By Mrs. MCCASKILL (for herself, Mr. DURBIN, Mr. KIRK, and Mr. BLUNT):

S.J. Res. 22. A joint resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. HATCH, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 48

At the request of Mr. INOUYE, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 48, a bill to amend the Public Health Service Act to provide for the participation of pharmacists in National Health Services Corps programs, and for other purposes.

S. 164

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 248

At the request of Mr. WYDEN, the name of the Senator from Virginia (Mr.

WEBB) was added as a cosponsor of S. 248, a bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act.

S. 254

At the request of Mr. FRANKEN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 254, a bill to reduce the rape kit backlog and for other purposes.

S. 274

At the request of Mrs. HAGAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 274, a bill to amend title XVIII of the Social Security Act to expand access to medication therapy management services under the Medicare prescription drug program.

S. 344

At the request of Mr. REID, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 486

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 486, a bill to amend the Servicemembers Civil Relief Act to enhance protections for members of the uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes.

S. 489

At the request of Mr. REED, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 489, a bill to require certain mortgagees to evaluate loans for modifications, to establish a grant program for State and local government mediation programs, and for other purposes.

S. 506

At the request of Mr. CASEY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 507

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 507, a bill to provide for increased Federal oversight of prescription opioid treatment and assistance to States in reducing opioid abuse, diversion, and deaths.

S. 584

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 584, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 671

At the request of Mr. SESSIONS, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 671, a bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders.

S. 827

At the request of Mr. DEMINT, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 827, a bill to allow a State to combine certain funds and enter into a performance agreement with the Secretary of Education to improve the academic achievement of students.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 891

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 891, a bill to amend title XVIII of the Social Security Act to provide for the recognition of attending physician assistants as attending physicians to serve hospice patients.

S. 958

At the request of Mr. CASEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 958, a bill to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs.

S. 969

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 969, a bill to award planning grants and implementation grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities designed to integrate engineering education into K–12 instruction and curriculum and to provide evaluation grants to measure efficacy of K–12 engineering education.

S. 979

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 979, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 1018

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1018, a bill to amend title 10, United States Code, and the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 to provide for implementation of additional recommendations of the Defense Task Force on Sexual Assault in the Military Services.

S. 1094

At the request of Mr. MENENDEZ, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from Colorado (Mr. BENNET), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1094, a bill to reauthorize the Combating Autism Act of 2006 (Public Law 109–416).

S. 1258

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1258, a bill to provide for comprehensive immigration reform, and for other purposes.

S. 1276

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1276, a bill 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, to rescind related appropriated amounts, and for other purposes.

S.J. RES. 17

At the request of Mrs. FEINSTEIN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 80

At the request of Mr. KIRK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the

International Covenants on Human Rights.

S. RES. 170

At the request of Mr. COCHRAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. Res. 170, a resolution honoring Admiral Thad Allen of the United States Coast Guard (Ret.) for his lifetime of selfless commitment and exemplary service to the United States.

S. RES. 185

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. SANDERS, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. LEAHY, Mr. KERRY, Mrs. GILLIBRAND, Mr. COONS, Mr. AKAKA, and Mr. LAUTENBERG):

S. 1283. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, grandchild, or grandparent who has a serious health condition; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to introduce the Family and Medical Leave Inclusion Act. This bill, which I also introduced in the 111th Congress, would extend the important protections of the Family and Medical Leave Act to same-sex couples in America.

I am pleased to introduce this bill with a coalition of Senators who are committed to ensuring justice and equality for all Americans. I would like to thank Senators AKAKA, BLUMENTHAL, COONS, GILLIBRAND, KERRY, LAUTENBERG, LEAHY, MERKLEY, SANDERS, and WHITEHOUSE for standing with me in support of the Family and Medical Leave Inclusion Act.

In 1993, Congress passed the Family and Medical Leave Act to, among other things, protect American workers facing either a personal health crisis, or that of a close family member.

People in the workforce who suffer a serious illness or significant injury should be able to take time to heal, recover, follow their doctors' orders, and return to their jobs strong, healthy, and ready to be productive again. Thanks to the FMLA, they can take that time knowing that their jobs will be there when they recover.

As we all know well, most employees are not only concerned about their own health and wellbeing. They are concerned about the health and wellbeing of those that they love. The FMLA gave workers with a child, parent, or spouse that was sick or injured, an opportunity to provide the needed care and support, knowing that their jobs would be there when they returned.

When it was passed, the FMLA was an important and historic expansion of our nation's laws. Unfortunately, as families have evolved and expanded, we've learned that the FMLA does not provide the same level of protection to all American families. Under current law, it is impossible for many employees to be with their partners during times of medical need.

As I stated when I introduced this bill last year, Congress followed the lead of many large and small businesses when it enacted the FMLA. Almost 20 years ago, many of these businesses had already recognized and addressed the need for employees to take time off to care for themselves or a loved one that was battling a serious health condition. These companies had put in place systems that gave their employees time to heal themselves or their family members, and ensured that those employees would return to work as soon as they could.

The FMLA took the model these companies provided and brought the majority of the American workforce under the same protections.

We once again have an opportunity to learn from the best practices of American businesses who have adjusted their personnel policies and benefit packages to better meet the needs of American families, as we find them today. These businesses have assessed the composition of their workforces and realized that, in order to meet the evolving needs of their employees and enhance productivity, they needed to go one step further than the protections provided by the FMLA.

The Human Rights Campaign, leading civil rights organization that strongly supports the Family and Medical Leave Inclusion Act, reports that 502 major American corporations, 10 states, and the District of Columbia now extend FMLA benefits to include leave on behalf of a same-sex partner. Moreover, as of March of this year, 58 percent of Fortune 500 companies provided health benefits to same-sex partners, a 13 fold increase since 1995.

When the FMLA was signed into law, it was narrowly tailored to cover individuals caring for a very close family member. The law sought to cover that inner circle of people, where the family member assuming the caretaker role would be one of very few, if not the only person, who could do so. That idea has not changed.

What has changed are the people who might be in that inner circle. The nuclear American family has grown, sometimes by design, and sometimes by necessity. More and more, that inner circle of close family might include a grandparent or grandchild, siblings, or same-sex domestic partners in loving and committed relationships.

As the law stands right now, too many of these people are excluded from the protections of the FMLA.

In these tough economic times, when unemployment is high and those with jobs are doing everything they can to keep them, we all know the value of job security. Hardworking Americans should not have to make the impossible choice between keeping their jobs and providing care and support for loved ones in their time of need. Almost 20 years ago, the FMLA ensured that millions of Americans did not have to make that choice. Now, the time has come to ensure that the security afforded by the FMLA is available to a broader range of American workers.

There are many who would understandably question what this kind of change in the law would cost the business community. As I have stated in the past, the FMLA is already a very good law; it is already in place and it is working. It provides unpaid leave when the need arises, and it only applies to businesses that have enough employees on hand to handle the absence of a single worker without too great a burden.

Ninety percent of the leave time that has been taken under the FMLA has been so that employees can care for themselves or for a child in their care, and those situations are already covered under the law as it stands. What the Family and Medical Leave Inclusion Act would do is provide a little more flexibility, and recognize that there are a few more people in that inner circle of family who we might call upon, or who might call upon us.

We can all agree that family is the first and best safety net in times of personal crisis. Families need to be given the realistic ability to provide that assistance. What the Family and Medical Leave Inclusion Act does is give those family members the ability to help their loved ones in ways that only they can, without fear of losing their jobs in the process.

The Family and Medical Leave Inclusion Act enhances the FMLA. The Family and Medical Leave Inclusion Act, like the FMLA when it was passed almost 20 years ago, is long overdue. Our bill contains reasonable changes that reflect what many businesses have already done and accurately capture the modem American family.

The Family Medical Leave Inclusion Act is supported by over 80 organizations from the business, civil rights, LGBT, and labor communities, including: the National Association of Working Women; AFSCME; American Pediatrics Association; ACLU; Families USA; Gay and Lesbian Advocates and Defenders, GLAD; Human Rights Campaign; People for the American Way;

SEIU; and The Leadership Conference on Civil and Human Rights.

The Family and Medical Leave Inclusion Act is the right thing to do, and I hope we can join together and pass it on a bipartisan basis.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Family and Medical Leave Inclusion Act''.

SEC. 2. LEAVE TO CARE FOR A SAME-SEX SPOUSE, DOMESTIC PARTNER, PARENT-IN-LAW, ADULT CHILD, SIBLING, GRANDCHILD, OR GRANDPARENT.

(a) DEFINITIONS.—

(1) INCLUSION OF ADULT CHILDREN AND CHILDREN OF A DOMESTIC PARTNER.—Section 101(12) of such Act (29 U.S.C. 2611(12)) is amended—

(A) by inserting ''a child of an individual's domestic partner,'' after ''a legal ward,''; and

(B) by striking ''who is—'' and all that follows and inserting ''and includes an adult child.''.

(2) INCLUSION OF GRANDCHILDREN, GRANDPARENTS, PARENTS-IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.—Section 101 of such Act (29 U.S.C. 2611) is further amended by adding at the end the following:

''(20) DOMESTIC PARTNER.—The term 'domestic partner', used with respect to an employee, means—

''(A) the person recognized as the domestic partner of the employee under any domestic partner registry or civil union law of the State or political subdivision of a State where the employee resides, or the person who is lawfully married to the employee under the law of the State where the employee resides and who is the same sex as the employee; or

''(B) in the case of an unmarried employee who lives in a State where a person cannot marry a person of the same sex under the laws of the State, a single, unmarried adult person of the same sex as the employee who is in a committed, personal (as defined in regulations issued by the Secretary) relationship with the employee, who is not a domestic partner to any other person, and who is designated to the employer by such employee as that employee's domestic partner.

''(21) GRANDCHILD.—The term 'grandchild', used with respect to an employee, means any person who is a son or daughter of a son or daughter of the employee.

''(22) GRANDPARENT.—The term 'grandparent', used with respect to an employee, means a parent of a parent of the employee.

''(23) PARENT-IN-LAW.—The term 'parent-in-law', used with respect to an employee, means a parent of the spouse or domestic partner of the employee.

''(24) SIBLING.—The term 'sibling', used with respect to an employee, means any person who is a son or daughter of the employee's parent.

''(25) SON-IN-LAW OR DAUGHTER-IN-LAW.—The term 'son-in-law or daughter-in-law', used with respect to an employee, means any person who is a spouse or domestic partner of a son or daughter of the employee.''.

(b) LEAVE REQUIREMENT.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking ''spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling, of the employee if such spouse, domestic partner, son, daughter, parent, parent-in-law, grandparent, or sibling''; and

(B) in subparagraph (E), by striking ''spouse, or a son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandchild, or sibling,'';

(2) in subsection (a)(3), by striking ''spouse, son, daughter, parent,'' and inserting ''spouse or domestic partner, son, daughter, parent, son-in-law or daughter-in-law, grandparent, sibling,'';

(3) in subsection (e)—

(A) in paragraph (2)(A), by striking ''spouse, parent,'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandchild, grandparent, sibling,''; and

(B) in paragraph (3), by striking ''spouse, or a son, daughter, or parent,'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandchild, or sibling,''; and

(4) in subsection (f)—

(A) in paragraph (1), by striking ''a husband and wife'' and inserting ''2 spouses or 2 domestic partners''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''that husband and wife'' and inserting ''those spouses or those domestic partners''; and

(ii) in subparagraph (B), by striking ''the husband and wife'' and inserting ''those spouses or those domestic partners''.

(c) CERTIFICATION.—Section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) is amended—

(1) in subsection (a), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandchild, grandparent, or sibling''; and

(2) in subsection (b)—

(A) in paragraph (4)(A), by striking ''spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''; and

(B) in paragraph (7), by striking ''parent, or spouse'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''.

(d) EMPLOYMENT AND BENEFITS PROTECTION.—Section 104(c)(3) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2614(c)(3)) is amended—

(1) in subparagraph (A)(i), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''; and

(2) in subparagraph (C)(ii), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''.

SEC. 3. FEDERAL EMPLOYEES.

(a) DEFINITIONS.—

(1) INCLUSION OF ADULT CHILDREN AND CHILDREN OF A DOMESTIC PARTNER.—Section 6381(6) of title 5, United States Code, is amended—

(A) by inserting ''a child of an individual's domestic partner,'' after ''a legal ward,''; and

(B) by striking ''who is—'' and all that follows and inserting ''and includes an adult child.''.

(2) INCLUSION OF GRANDCHILDREN, GRANDPARENTS, PARENTS-IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.—Section 6381 of such title is further amended—

(A) in paragraph (11)(B), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(13) the term 'domestic partner', used with respect to an employee, means—

''(A) the person recognized as the domestic partner of the employee under any domestic partner registry or civil union law of the State or political subdivision of a State where the employee resides, or the person who is lawfully married to the employee under the law of the State where the employee resides and who is the same sex as the employee; or

''(B) in the case of an unmarried employee who lives in a State where a person cannot marry a person of the same sex under the laws of the State, a single, unmarried adult person of the same sex as the employee who is in a committed, personal (as defined in regulations issued by the Office of Personnel Management) relationship with the employee, who is not a domestic partner to any other person, and who is designated to the employer by such employee as that employee's domestic partner;

''(14) the term 'grandchild', used with respect to an employee, means any person who is a son or daughter of a son or daughter of the employee;

''(15) the term 'grandparent', used with respect to an employee, means a parent of a parent of the employee;

''(16) the term 'parent-in-law', used with respect to an employee, means a parent of the spouse or domestic partner of the employee;

''(17) the term 'sibling', used with respect to an employee, means any person who is a son or daughter of the employee's parent; and

''(18) the term 'son-in-law or daughter-in-law', used with respect to an employee, means any person who is a spouse or domestic partner of a son or daughter of the employee.''.

(b) LEAVE REQUIREMENT.—Section 6382 of title 5, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking ''spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling, of the employee, if such spouse, domestic partner, son, daughter, parent, parent-in-law, grandparent, or sibling''; and

(B) in subparagraph (E), by striking ''spouse, or a son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandchild, or sibling,'';

(2) in subsection (a)(3), by striking ''spouse, son, daughter, parent,'' and inserting ''spouse or domestic partner, son, daughter, parent, son-in-law or daughter-in-law, grandparent, sibling,'''; and

(3) in subsection (e)—

(A) in paragraph (2)(A), by striking ''spouse, parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandchild, grandparent, sibling''; and

(B) in paragraph (3), by striking ''spouse, or a son, daughter, or parent,'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandchild, or sibling,''.

(c) CERTIFICATION.—Section 6383 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandchild, grandparent, or sibling''; and

(2) in subsection (b)(4)(A), by striking ''spouse, or parent, and an estimate of the

amount of time that such employee is needed to care for such son, daughter, spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''.

By Mrs. FEINSTEIN:

S. 1284. A bill to amend the National Flood Insurance Act of 1968 to require the Administrator of the Federal Emergency Management Agency to consider reconstruction and improvement of flood protection systems when establishing flood insurance rates; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Flood Protection Fairness Act of 2011.

This legislation will make three common sense changes to the National Flood Insurance Program, NFIP, to ensure that the program incentivizes local participation in the funding of flood protection infrastructure.

The bill allows levees paid for with local tax dollars to qualify for the same discounted flood insurance rates as communities that rely on Federal tax dollars to build their levees.

The bill allows Federal Emergency Management Agency, FEMA, to calculate the value of a levee system in current dollars instead of using the uninflated cost of levee improvements completed years ago. This encourages local governments to fix problems as they arise.

The bill allows areas protected by coastal levees to qualify for the same flood insurance rate zones as areas protected by riverine levees, provided they meet equivalent flood protection standards.

The effect of these provisions is simple: local governments will be incentivized to help pay for the flood protection systems in their back yards.

In this time of shrinking budgets we simply can't afford to ask the federal taxpayer to foot the entire bill for flood protection. Federal investments must be leveraged by local and private contributions. Current policy discourages this; so it's time to change the policy.

In some areas of the country, homeowners are told that because their local government built the levee protecting their home, not the Federal Government, that they owe an additional $700 dollars on their flood insurance bill.

These homeowners are not being charged more because they are at greater risk. They are being charged more because the wrong money paid to build their levee. That is not sound policy.

Yet, this is the case in Sacramento, California.

A flood insurance rate map change in Sacramento has classified the area as an AE. This means that many residents living in the area will be forced to pay a rate of $2,187 per year for $250,000 worth of insurance.

However, if the levees protecting these homes were owned by the Federal Government instead of the local reclamation districts and the State or if the Corps of Engineers' approved report was authorized by Congress, the area would be eligible for an A99 zone designation by the middle of 2012. This would mean that the same $250,000 of flood insurance coverage would pay a rate of $1,472 per year.

That is a $715 dollar difference. That is a lot of money regardless of your economic situation.

I want to make clear that this bill is not just some gimmick to undermine the National Flood Insurance Program.

I firmly believe in the strong and rigorous regulations that limit development in flood plains. Development in an unprotected flood plain is dangerous, and I do not support legislation that encourages new construction in hazardous areas.

But the regulations that prohibit local investments from being counted, and prevent coastal communities from having full access to the NFIP are antiquated.

To understand the scope of the problem, it is important to have a little bit of context. FEMA is currently undertaking an extensive Map Modernization effort and examining levees around the country for safety. As FEMA does this, the Agency is learning that many levees do not provide an acceptable level of flood protection. This means that the people living behind these levees are in real danger of flooding, and until recently, were unaware of it.

Fortunately, the Map Modernization effort is bringing all of this information to homeowners and consumers. With this information they are able to protect themselves with flood insurance from the National Flood Insurance Program.

But as I have said, there is actually a disincentive for local governments to pitch in and help build flood control systems; if the locals build the levee, the National Flood Insurance Program won't give homeowners the same discounts they would receive if the levee were built by the Federal Government.

The program does this by limiting which communities can qualify for reduced rate flood insurance zones.

FEMA created the reduced rate AR and A99 zones to reflect a reduced flood risk as the result of an existing or partially completed levee system. But this designation only applies to communities protected by federally funded levees.

Even in Sacramento where residents have approved two property assessment increases to help pay for levee repairs, the homeowners are still hit with higher insurance rates because the improvements are not being paid for by the Federal Government.

The original idea behind this requirement was that information on non-federal levees was unreliable, and we did not know how safe they really were.

That was 30 years ago. Now we have better information, and better science, and FEMA has sufficient data to make sound judgments on levee safety. The rule is antiquated, and it needs to be modernized.

Not surprisingly, other agencies also recognized the need for a change. In California, the Sacramento and West Sacramento Flood Control Agencies, as well as the California Department of Water Resources are seeking this change.

At the Federal level, FEMA has worked with my office and the office of Representative DORIS MATSUI to develop these common sense modifications.

I commend each of the agencies that worked on this project and I hope to see these changes enacted quickly.

There are already positive signs in the House of Representatives. Just a few weeks ago, Financial Services Chairman SPENCER BACHUS included text of this legislation in a version of the National Flood Insurance Reauthorization bill. I want to commend Mr. BACHUS for agreeing to make this important change, and thank Ms. MATSUI for her effective advocacy on this issue.

On the whole, the National Flood Insurance Program and the Map Modernization effort each have taken our nation in the right direction. As a result of their successes, Americans are safer, and have the means and ability to insure their homes even in risky areas. These are not trivial accomplishments.

But a little fine tuning is in order.

Communities looking to improve flood protection in their area should not be penalized for paying for it themselves.

Residents should be charged the same insurance rates if they face the same risk—regardless of who owns the levee that protects their home.

The Flood Protection Fairness Act will make these two important principles clear. I urge my colleagues to join me in supporting this bill and look forward to working with you to ensure its speedy passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSIDERATION OF RECONSTRUCTION AND IMPROVEMENT OF FLOOD PROTECTION SYSTEMS IN DETERMINATION OF FLOOD INSURANCE RATES.

(a) IN GENERAL.—Section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014) is amended—

(1) in subsection (e)—

(A) in the first sentence, by striking ''construction of a flood protection system'' and inserting ''construction, reconstruction, or improvement of a flood protection system (without respect to the level of Federal investment or participation)''; and

(B) in the second sentence—

(i) by striking ''construction of a flood protection system'' and inserting ''construction, reconstruction, or improvement of a flood protection system''; and

(ii) by inserting ''based on the present value of the completed system'' after ''has been expended''; and

(2) in subsection (f)—

(A) in the first sentence in the matter preceding paragraph (1), by inserting ''(without respect to the level of Federal investment or participation)'' after ''no longer does'';

(B) in the third sentence in the matter preceding paragraph (1), by inserting '', whether coastal or riverine,'' after ''special flood hazard''; and

(C) in paragraph (1), by striking ''a Federal agency in consultation with the local project sponsor'' and inserting ''the entity or entities that own, operate, maintain, or repair such system''.

(b) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall promulgate regulations to carry out the amendments made by subsection (a).

By Mrs. MCCASKILL (for herself, Mr. DURBIN, Mr. KIRK, and Mr. BLUNT):

S.J. Res. 22. A joint resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years; to the Committee on the Judiciary.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 22

Whereas to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years;

Whereas the Congress in consenting to the compact between Missouri and Illinois creating the Bi-State Development Agency and the Bi-State Metropolitan District provided that no power shall be exercised by the Bi-State Agency until such power has been conferred upon the Bi-State Agency by the legislatures of the States to the compact and approved by an Act of Congress;

Whereas such States previously enacted legislation providing that the Bi-State Agency had the power to issue notes, bonds, or other instruments in writing provided they shall mature in not to exceed 30 years, and Congress consented to such power; and

Whereas such States have now enacted legislation amending this power: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT.

(a) IN GENERAL.—The consent of Congress is given to the amendment of the powers conferred on the Bi-State Development Agency by Senate Bill 758, Laws of Missouri 2010 and Public Act 96–1520 (Senate Bill 3342), Laws of Illinois 2010.

(b) EFFECTIVE DATE.—The amendment to the powers conferred by the Acts consented to in subsection (a) shall take effect on December 17, 2010.

SEC. 2. APPLICATION OF ACT OF AUGUST 31, 1950.

The provisions of the Act of August 31, 1950 (64 Stat. 568) shall apply to the amendment approved under this joint resolution to the same extent as if such amendment was conferred under the provisions of the compact consented to in such Act.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is expressly reserved.

SEC. 4. RESERVATION OF RIGHTS.

The right is reserved to Congress to require the disclosure and furnishings of such information or data by the Bi-State Development Agency as is deemed appropriate by Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 520. Mr. REID (for Mr. SCHUMER (for himself, Mr. ALEXANDER, Mr. LIEBERMAN, and Ms. COLLINS)) proposed an amendment to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation.

TEXT OF AMENDMENTS

SA 520. Mr. REID (for Mr. SCHUMER, (for himself, Mr. ALEXANDER, Mr. LIEBERMAN, and Ms. COLLINS)) proposed an amendment to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

On page 36, lines 7 and 8, strike ''SECRETARY OF AGRICULTURE FOR CONGRESSIONAL RELATIONS AND ASSISTANT''.

On page 36, strike lines 13 and 14 and insert the following:

(A) by striking ''subsection (a)'' and inserting ''paragraph (1) or (3) of subsection (a)'';

On page 37, strike lines 7 through 20.

On page 38, strike lines 2 through 18, and insert the following:

(1) ASSISTANT SECRETARIES OF DEFENSE.—

(A) IN GENERAL.—Section 138(a)(1) of title 10, United States Code, is amended by striking ''16'' and inserting ''14''.

(B) ADMINISTRATION OF REDUCTION.—The Assistant Secretary of Defense positions eliminated in accordance with the reduction in numbers required by the amendment made by subparagraph (A) shall be—

(i) the Assistant Secretary of Defense for Networks and Information Integration; and

(ii) the Assistant Secretary of Defense for Public Affairs.

(C) CONTINUED SERVICE OF INCUMBENTS.—Notwithstanding the requirements of this paragraph, any individual serving in a position described under subparagraph (B) on the date of the enactment of this Act may continue to serve in such position without regard to the limitation imposed by the amendment in subparagraph (A).

(D) PLAN FOR SUCCESSOR POSITIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall report to the congressional defense committees on his plan for successor positions, not subject to Senate confirmation, for the positions eliminated in accordance with the requirements of this paragraph.

On page 45, line 22, strike all through page 46, line 5, and insert the following:

(8) DIRECTOR OF SELECTIVE SERVICE.—Section 10(a)(3) of the Selective Service Act of 1948 (50 U.S.C. App. 460(a)(3)) is amended by striking '', by and with the advice and consent of the Senate''.

On page 46, lines 7 through 9, strike ''FOR LEGISLATION AND CONGRESSIONAL AFFAIRS AND ASSISTANT SECRETARY''.

On page 46, lines 14 and 15, strike ''the Assistant Secretary for Legislation and Congressional Affairs and''.

On page 46, strike lines 18 through 22.

On page 47, strike lines 3 through 9.

On page 47, strike lines 18 through 23.

On page 47, line 24, strike all through page 48, line 3.

On page 49, insert between lines 6 and 7 the following:

(5) ASSISTANT SECRETARIES.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a) is amended—

(A) by striking ''There'' and inserting ''(1) IN GENERAL.—Except as provided under paragraph (2), there'';

(B) by redesignating paragraphs (1) through (10) as subparagraphs (A) through (J), respectively; and

(C) by adding at the end the following:

''(2) ASSISTANT SECRETARIES.—If any of the Assistant Secretaries referred to under paragraph (1)(I) is designated to be the Assistant Secretary for Health Affairs, the Assistant Secretary for Legislative Affairs, or the Assistant Secretary for Public Affairs, that Assistant Secretary shall be appointed by the President without the advice and consent of the Senate.''.

On page 49, lines 7 through 9, strike ''ASSISTANT SECRETARY FOR CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS, AND''.

On page 49, strike line 14 and insert the following:

(2) by striking ''eight'' and inserting ''7''; and

On page 49, lines 16 through 19, strike ''an Assistant Secretary for Congressional and Intergovernmental Relations, and an Assistant Secretary for Public Affairs, each of whom'' and insert ''an Assistant Secretary for Public Affairs, who''.

On page 49, strike line 23 and all that follows through the end of the matter following line 18 on page 50.

On page 51, line 21, strike '', CONGRESSIONAL AFFAIRS,''.

On page 51, line 25, strike ''Management,'' and all that follows through ''Affairs, and'' on page 52, line 1, and insert ''Management and''.

On page 52, lines 9 through 11, strike ''ASSISTANT SECRETARY FOR LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS, ASSISTANT SECRETARY FOR PUBLIC AFFAIRS,'' and insert ''ASSISTANT SECRETARY FOR PUBLIC AFFAIRS''.

On page 52, lines 21 through 23, strike ''the Assistant Secretary for Legislative and Intergovernmental Affairs, the Assistant Secretary for Public Affairs,'' and insert ''the Assistant Secretary for Public Affairs''.

On page 53, line 12, strike ''and an Assistant'' and insert '', an Assistant Secretary for Governmental Affairs, and an Assistant''

On page 53, line 17, strike ''and Chief Financial Officer''.

On page 53, lines 17 through 19, strike ''and an Assistant Secretary for Governmental Affairs, who shall each'' and insert ''who shall''.

On page 53, lines 21 and 22, strike ''in the competitive service''.

On page 54, lines 24 and 25, strike ''LEGISLATIVE AFFAIRS, PUBLIC AFFAIRS,'' and insert ''PUBLIC AFFAIRS''.

On page 55, line 4, strike ''7 Assistant'' and insert ''8 Assistant''.

On page 55, line 6, strike ''3 Assistant'' and insert ''2 Assistant''.

On page 55, lines 7 through 9, strike ''the Assistant Secretary for Legislative Affairs, the Assistant Secretary for Public Affairs,'' and insert ''the Assistant Secretary for Public Affairs''.

On page 57, strike lines 3 through 6 and insert the following:

''(D) The Assistant Secretary for Operations, Security, and Preparedness.''.

On page 57, line 8, strike ''14301(b)(1)'' and insert ''14301(b)(2)''.

On page 58, lines 19 and 20, strike '', INCLUDING CHAIRPERSON''.

On page 60, line 5, strike ''State and Local Affairs'' and insert ''State, Local, and Tribal Affairs''.

On page 60, strike line 22 and all that follows through page 61, line 4.

On page 61, line 23, insert ''for a term of seven years'' after ''Senate,''.

On page 62, strike line 3 and all that follows through page 63, line 23, and insert the following:

(bb) GOVERNOR AND ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK.—

(1) IN GENERAL.—Section 1333 of the African Development Bank Act (22 U.S.C. 290i–1) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by striking ''(a) The President'' and all that follows through ''The term of office'' and inserting the following:

''(a) The President shall appoint a Governor and an Alternate Governor of the Bank—

''(1) by and with the advice and consent of the Senate; or

''(2) from among individuals serving as officials required by law to be appointed by and with the advice and consent of the Senate.

''(b) The term of office''.

(2) CONFORMING AMENDMENTS.—Section 1334 of such Act (22 U.S.C. 290i–2) is amended—

(A) by striking ''The Director or Alternate Director'' and inserting the following:

''(b) The Director or Alternate Director''; and

(B) by inserting before subsection (b), as redesignated, the following:

''(a) The President, by and with the advice and consent of the Senate, shall appoint a Director of the Bank.''.

(cc) GOVERNOR AND ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK.—Section 3(a) of the Asian Development Bank Act (22 U.S.C. 285a(a)) is amended to read as follows:

''(a) The President shall appoint—

''(1) a Governor of the Bank and an alternate for the Governor—

''(A) by and with the advice and consent of the Senate; or

''(B) from among individuals serving as officials required by law to be appointed by and with the advice and consent of the Senate; and

''(2) a Director of the Bank, by and with the advice and consent of the Senate.''.

(dd) GOVERNOR AND ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND.—Section 203(a) of the African Development Fund Act (22 U.S.C. 290g–1(a)) is amended to read as follows:

''(a) The President shall appoint a Governor, and an Alternate Governor, of the Fund—

''(1) by and with the advice and consent of the Senate; or

''(2) from among individuals serving as officials required by law to be appointed by and with the advice and consent of the Senate.''.

On page 64, strike lines 15 through 19.

On page 66, between 16 and 17, insert the following:

(mm) RULE OF CONSTRUCTION.—Notwithstanding section 3132(a)(2) of title 5, United States Code, removal of Senate confirmation for any position in this section shall not—

(1) result in any such position being placed in the Senior Executive Service; or

(2) alter compensation for any such position under the Executive Schedule or other applicable compensation provisions of law.

On page 67, add after line 23 the following:

''(4) PERSONNEL ACTIONS.—Except as provided under paragraph (3), nothing in this subsection shall prohibit a personnel action otherwise authorized by law with respect to the Director of the Census, other than removal.

NOTICE OF INTENT TO OBJECT

I, Senator CHARLES GRASSLEY, intend to object to proceeding to S. 1145, a bill to amend title 18, United States Code, to clarify and expand Federal criminal jurisdiction over Federal contractors and employees outside the United States, and for other purposes, dated June 28, 2011.

NOTICE OF HEARING

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting scheduled before the Committee on Energy and Natural Resources, previously announced for Thursday, July 14, 2011, will be held at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending legislation.

For further information, please contact Sam Fowler at (202) 224–7571 or Allison Seyferth at (202) 224–4905.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on June 28, 2011, at 2:45 p.m. in room 106 of the Dirksen Senate Office Building.

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

COMMITTEE ON ARMED SERVICES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 28, 2011, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 28, 2011, at 10 a.m. to conduct a hearing entitled ''Housing Finance Reform: Access to Secondary Market for Small Financial Institutions.''

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

COMMITTEE ON FINANCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 28, 2011, at 10 a.m. in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Complexity and the Tax Gap: Making Tax Compliance Easier and Collecting What's Due.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 28, 2011, at 10 a.m. to hold a hearing entitled ''Libya and War Powers.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 28, 2011, at 2:30 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to meet during the session of the Senate on June 28, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND BORDER SECURITY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Judiciary, Subcommittee on Immigration, Refugees, and Border Security be authorized to meet during the session of the Senate on June 28, 2011, at 10 a.m., in room SH–216 of the Hart Senate Office Building, to conduct a hearing entitled ''The DREAM Act.''

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

SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Environment and Public Works be authorized to meet during the session of the Senate on June 28, 2011, at 10 a.m. in Dirksen 406 to conduct a hearing entitled ''Status of the Deepwater Horizon Natural Resource Damage Assessment.''

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

REAFFIRMING THE COMMITMENT OF THE UNITED STATES TO A NEGOTIATED SETTLEMENT OF THE ISRAELI-PALESTINIAN CONFLICT

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 185.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 185) reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government

unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued Unites States aid.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 185) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 185

Whereas the policy of the United States since 2002 has been to support a two-state solution to the Palestinian-Israeli conflict;

Whereas a true and lasting peace between the people of Israel and the Palestinians can only be achieved through direct negotiations between the parties;

Whereas Palestine Liberation Organization Chair Yassir Arafat wrote to Israeli Prime Minister Yitzhak Rabin on September 9, 1993, that ''all outstanding issues relating to permanent status will be resolved through negotiations'';

Whereas the reconciliation agreement signed by Fatah and Hamas on May 4, 2011, was reached without Hamas being required to renounce violence, accept Israel's right to exist, and accept prior agreements made by the Palestinians (the ''Quartet conditions'');

Whereas Hamas, an organization responsible for the death of more than 500 innocent civilians, including two dozen United States citizens, has been designated by the United States Government as a foreign terrorist organization and a specially designated terrorist organization;

Whereas Hamas kidnapped and has held captive Israeli sergeant Gilad Shalit in violation of international norms since June 25, 2006;

Whereas Hamas continues to forcefully reject the possibility of negotiations or peace with Israel;

Whereas, by contrast, Prime Minister of Israel Benjamin Netanyahu has accepted a two-state solution to the Israeli-Palestinian conflict;

Whereas, on April 22, 2009, Secretary of State Hillary Clinton stated, ''We will not deal with nor in any way fund a Palestinian government that includes Hamas unless and until Hamas has renounced violence, recognized Israel and agreed to follow the previous obligations of the Palestinian Authority.'';

Whereas the United States, under two different Presidents, has vetoed 11 United Nations Security Council resolutions in the last 15 years related to the Palestinian-Israeli conflict and its outstanding issues;

Whereas United States Permanent Representative to the United Nations Susan Rice stated on February 18, 2011, that it was ''unwise'' for the United Nations to attempt to resolve key issues between the Israelis and Palestinians;

Whereas Palestinian leaders are pursuing a coordinated strategy to seek recognition of a Palestinian state within the United Nations, in other international forums, and from foreign governments;

Whereas, on March 11, 1999, the Senate adopted Senate Concurrent Resolution 5 (106th Congress), and on March 16, 1999, the House of Representatives adopted House Concurrent Resolution 24 (106th Congress), both of which resolved that ''any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition'';

Whereas current United States law precludes assistance to a Palestinian Authority that shares power with Hamas unless that Authority publicly accepts the right of Israel to exist and adheres to all prior agreements and understandings with the Governments of the United States and Israel;

Whereas the United States Government provides more than $550,000,000 annually and more than $3,500,000,000 cumulatively in direct bilateral assistance to the Palestinians, who are among the world's largest recipients of foreign aid per capita;

Whereas aid to the Palestinians is predicated on a good faith commitment from the Palestinians to the peace process;

Whereas abandonment by Palestinian leaders of the Quartet conditions and inclusion of Hamas in a government could jeopardize the positive steps the Palestinian Authority has taken in building institutions and improving security in the West Bank in recent years; and

Whereas efforts to form a unity government without accepting the Quartet conditions, to bypass negotiations and unilaterally declare a Palestinian state, or to appeal to the United Nations or other international forums or to foreign governments for recognition of a Palestinian state would violate the underlying principles of the Oslo Accords, the Road Map, and other relevant Middle East peace process efforts: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms its strong support for a negotiated solution to the Israeli-Palestinian conflict resulting in two states, a democratic, Jewish state of Israel and a viable, democratic Palestinian state, living side-by-side in peace, security, and mutual recognition;

(2) states its firm belief that any Palestinian unity government must publicly and formally forswear terrorism, accept Israel's right to exist, and reaffirm previous agreements made with the Government of Israel;

(3) reiterates its strong opposition to any attempt to establish or seek recognition of a Palestinian state outside of an agreement negotiated between leaders in Israel and the Palestinians;

(4) urges Palestinian leaders—

(A) to ensure that any Palestinian government will seek peace with Israel;

(B) to cease all efforts at circumventing the negotiation process, including through a unilateral declaration of statehood or quests for recognition of a Palestinian state from other nations or the United Nations;

(C) to resume direct negotiations with the Government of Israel immediately and without preconditions; and

(D) to take appropriate measures to counter incitement to violence and fulfill all prior Palestinian commitments, including dismantling the terrorist infrastructure embodied in Hamas;

(5) supports the opposition of the President to a unilateral declaration of a Palestinian state and the veto by the United States on February 18, 2011, of the most recent United Nations Security Council resolution regarding a key issue of the Israeli-Palestinian process;

(6) calls upon the President to announce that the United States will veto any resolution on Palestinian statehood that comes before the United Nations Security Council which is not a result of agreements reached between the Government of Israel and the Palestinians;

(7) calls upon the President to lead a diplomatic effort to oppose a unilateral declaration of a Palestinian state and to oppose recognition of a Palestinian state by other nations, within the United Nations, and in other international forums prior to achievement of a final agreement between the Government of Israel and the Palestinians;

(8) will consider restrictions on aid to the Palestinian Authority should it persist in efforts to circumvent direct negotiations by turning to the United Nations or other international bodies;

(9) supports the position taken by Secretary of State Hillary Clinton on April 22, 2009, that the United States ''will not deal with or in any way fund a Palestinian government that includes Hamas unless and until Hamas has renounced violence, recognized Israel and agreed to follow the previous obligations of the Palestinian Authority'';

(10) urges the President to consider suspending assistance to the Palestinian Authority pending a review of the unity agreement between Fatah and Hamas; and

(11) reaffirms the requirement under United States law precluding assistance to a Palestinian Authority that shares power with Hamas unless that Authority and all its ministers publicly accept the right of Israel to exist and all prior agreements and understandings with the Governments of the United States and Israel.

ORDERS FOR WEDNESDAY, JUNE 29, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, June 29; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of S. 679, the Presidential Appointment Efficiency and Streamlining Act.

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

PROGRAM

Mr. REID. Mr. President, there will be a series of up to five rollcall votes at approximately 11 a.m. tomorrow. We are hopeful a few of the amendments to S. 679 will be agreed to by voice vote.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of up to 15 minutes of my friend, the Senator from Wisconsin.

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

THE DEFICIT

Mr. JOHNSON of Wisconsin. Mr. President, I realize a number of people in this Chamber are asking why I am doing this. First of all, I think it is important for everybody to realize that—and I certainly mean no offense to anybody in this Chamber—I did not run for the Senate because I wanted to be a Senator. I ran for the Senate because I realized we are bankrupting this Nation.

I think the evidence is quite clear, if we take a look at the budget deficit for just the last 3 years: $1.4 trillion, $1.3 trillion, and for this year estimates as high as $1.65 trillion. We have incurred over $4 trillion worth of debt in just the last 3 years, and our Nation's debt stands at $14.3 trillion. We have reached our debt limit. Our debt is almost the size of our entire economy.

I have been watching Washington for 32 years from Oshkosh, WI, and I realized that Washington was pretty broken. I have been here now for 6 months, and I haven't seen anything here that convinces me otherwise.

The Senate has not passed a budget for over 2 years. Of the six pieces of legislation we have passed—only six pieces of legislation we have passed from this Chamber have actually become law, and of those six three dealt with last year's business. They were pieces of legislation dealing with this year's budget that should have been passed last summer.

The bottom line is the Senate is fiddling while America is going bankrupt.

As I mentioned, the debt ceiling has now been reached. What are we doing about it? The answer is virtually nothing. We are scheduled to go on recess next week. We should not be doing that. We should be staying in session. We should be debating. We should be developing a budget. Bottom line, all we are doing is waiting for the results of a negotiation between a limited number of people, conducted behind closed doors, far away from the view of any American citizen.

Is this the process we are going to rely on to prevent the bankruptcy of America? Is this on what we are placing the future of America? I hope not.

The Senate needs to get back to work. We need to pass a budget. It should not be that hard. American families do it every day. They figure out what their income is and they figure out how to learn to live within their means. The U.S. Government needs to figure out how to live within its means as well.

Let me kind of start the process by naming a figure. I would start with $2.6 trillion. That is the amount of money President Obama, in his budget, says we will receive in revenue to the Federal Government next year—$2.6 trillion. It is $800 billion more than we spent just 10 years ago.

It would pay for 100 percent of the interest payment, which is $256 billion. It would pay for all of Social Security, which is $760 billion. That totals $1 trillion. There would be $1.6 trillion to pay for all other essentials: defense, security, health and safety spending.

If that is not enough—and, again, that would be living within our means—then what I believe is required is every Member of Congress, members of the administration should come down into congressional committees, and they need to, in the open, justify how much they want to spend, how much they are willing to borrow, and how much debt they are willing to pile on the backs of our children, our grandchildren, and our great-grandchildren because that is what we are doing to this country.

So tonight I will leave the floor. But unless the Senate gets serious about addressing the No. 1 problem facing this Nation—our debt and deficit—I will definitely be back. I will exercise my full rights. I will do everything in my power to prevent the bankrupting of America.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:35 p.m., adjourned until Wednesday, June 29, 2011, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF JUSTICE

JOHN MALCOLM BALES, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE REBECCA A. GREGORY, RESIGNED.

KENNETH MAGIDSON, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE DONALD J. DEGABRIELLE, JR., RESIGNED.

ROBERT LEE PITMAN, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE JOHNNY KEANE SUTTON, TERM EXPIRED.

SARAH RUTH SALDANA, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE RICHARD B. ROPER, III, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 28, 2011:

DEPARTMENT OF JUSTICE

JAMES MICHAEL COLE, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ATTORNEY GENERAL, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

VIRGINIA A. SEITZ, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

LISA O. MONACO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL.