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## Senate

(Legislative day of Thursday, June 16, 2011)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado.

### PRAYER

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

You come to us, O Lord. Into our poverty comes Your wealth. Into our emptiness comes Your fullness. Into our fears comes Your peace. Into our ugliness comes Your beauty. Empower our Senators to prepare themselves for Your coming. Remove any barrier that will keep them from experiencing Your presence. Lord, give them more than human wisdom so that justice, truth, and peace will prevail.

Come to us, O Lord, and make us instruments of Your peace. We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MICHAEL F. BENNET 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. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 21, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL F. BENNET, a

Senator from the State of Colorado, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. BENNET thereupon assumed the chair as Acting President pro tempore.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in morning business until 11 a.m., with the Republicans controlling the first half and the majority controlling the final half. I would ask at this time that the morning business hour be a full hour, not stop at 11.

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

Mr. REID. The filing deadline for second-degree amendments to S. 782, the Economic Development Revitalization Act, is at 11 a.m. this morning.

Following morning business, the Senate will be in executive session to consider the nomination of Michael Simon to be United States District Judge in Oregon. Then, at noon, there will be a vote on confirmation of the Simon nomination.

Following the vote, the Senate will recess until 2:15 p.m. today for the weekly caucus meetings.

At 2:15, the Senate will consider the nomination of Leon Panetta to be Secretary of Defense, with 2 hours of debate. At about 4:15 this afternoon, Senators should expect up to three rollcall votes: the first on confirmation of the Panetta nomination; the second will be a cloture vote on the EDA bill; and, if cloture is not invoked, there will be a third vote on cloture on the motion to proceed to the Presidential Appointment and Streamlining Act.

I might note that this, or some version of this, we have talked about for a long time. When Senator MCCONNELL and I were both whips, we talked about this legislation and spent a lot of time on it.

### EDA

Mr. REID. Mr. President, this afternoon we will have a cloture vote on reauthorization of the Economic Development Administration, a law we have depended on for more than 50 years.

This is the fourth jobs bill Democrats have brought to the floor this year. I do hope Republicans will not allow it to be the fourth jobs bill to wither on the vine thanks to their obstructionist tactics. This is a good piece of legislation with decades of helping American businesses in economically distressed communities to innovate, grow, and to hire.

In the last 5 years alone, the Economic Development Administration has created 314,000 jobs and successfully turned every \$1 in Federal investment into \$7 in private sector investment. It is good legislation that will create good jobs for Americans who need these jobs. Unfortunately, that is not enough to win bipartisan support among Republicans here in the District of Columbia who are more interested in

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



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destroying Medicare than creating jobs.

The Small Business innovation research bill is a good piece of legislation too. That also died in the Senate last month under a pile of unrelated amendments. The bills the Senate passed this year reauthorizing the Federal Aviation Administration and reforming America's patent system were good legislation also. They would have created or saved about 480,000 jobs. It made it out of the Senate alive but now languishes in the Republican-controlled House. Will the Economic Development Authority suffer the same fate? I hope not.

Here, 24 hours ago, I presented to the American people in the Senate a myriad of amendments that have been filed in regard to this legislation. A lot have been offered but more filed. I read about 40 of them dealing with different types of endangered species, the lesser sand dune reptile. I don't remember what it was, but all kinds of nonrelated amendments. Global warming. Post office reform. As I said, almost 100 amendments, and I read 35 or 40 of them here yesterday, having nothing to do with this legislation. Nothing.

I hope we don't have another bill that is blocked, the fourth this year. If they do that, it would be clear they are more interested in this rightwing ideology than creating much-needed employment. Of the 90-plus amendments, I repeat, only one of which my staff was able to find had any germaneness to the bill, and that is one the chairman of the committee, Senator BOXER, would agree to anyway because it was offered by Senator INHOFE.

This is an important piece of legislation. This legislation will put hundreds of thousands of people to work. So today's vote is again about priorities. Americans have been very clear, job creation is their No. 1 priority, their No. 2 priority, and their No. 3 priority. Democrats share that priority. Republicans obviously don't.

We will never stop bringing jobs bills to the floor, and we will never stop fighting the other side's obstructionism to try to get them passed. Again, Republicans have a different priority, it appears, and that is ending Medicare. And that is too bad. They have worked hard to block three bills that could have created and saved hundreds of thousands of jobs during tough economic times, but they pushed even harder for their ideological plan to kill Medicare as we know it.

The Republican plan would put insurance company bureaucrats between seniors and their doctors. Every senior would pay \$6,400 more for health care in the first year alone. It would force more than 7 million seniors to pay more for cancer screenings, wellness checks, and treatments beginning next year.

Americans have been clear about this too, very clear. They have resoundingly rejected this ideological plan to hurt seniors. Republicans think it is a

bad idea. Democrats think it is a bad idea. And, of course, the Independents think it is a bad idea. All polls show this.

Unfortunately, I haven't heard a shred of evidence that my Republican friends here in Congress are getting the message on Medicare that the American people have gotten. Today they will have a chance to show the American people once again whether they have heard the message on jobs. I hope they have, because so much is at stake. And America is watching.

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#### RECOGNITION OF THE MINORITY LEADER

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

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#### KENTUCKY COAL MINERS

Mr. McCONNELL. Mr. President, yesterday I came to the floor to report that there were several miners in my State trapped in a mine as a result of floods. I want to start today with an update on that situation.

I am happy to report that all three were rescued after spending 14 hours trapped in a Bell County coal mine. They were all reunited with their families last night, which is great news. Their families were waiting for them at the West Cumberland Baptist Church, and we are certainly glad this particular story had a happy ending.

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#### DEBT REDUCTION

Mr. McCONNELL. This morning, I wish to say a word about the upcoming vote on the debt ceiling and the bipartisan negotiation surrounding it, to reiterate why we are having these talks and what they ought to achieve. But first, a little context.

Right now, ratings agencies are threatening to downgrade U.S. debt, putting us on red alert that the kind of economic crisis we are seeing in parts of Europe could very quickly happen right here.

We know that failing to do something significant about our fiscal problems would be a serious drag on jobs and our economy. That is why, over the past several weeks, I have come to the floor of the Senate and spoken at press conferences, with a now familiar refrain: The time to act on significant reforms is right now. And I have been crystal clear about what qualifies as significant.

Above all, it means doing something to strengthen and preserve our long-term entitlement programs, so we can actually keep our promises to those who have been paying into these programs for years, and so these programs don't end up consuming every single dollar we take in. Entitlements are the biggest drivers of our debt. By definition, they have to be a part of any plan to lower the debt.

This is hardly a controversial view. Everyone from the President on down has said that entitlements must be reformed if we have any chance at all of reining in our debt and strengthening our long-term fiscal health.

In fact, 3 months ago, 31 Senate Democrats signed a letter to the President urging him to put together a plan to reduce the deficit, a plan they said they hoped would include entitlement changes, 31 members of the Democratic conference right here on the other side of the aisle, including the occupant of the chair.

As the occupant of the chair put it recently, "I think it's absolutely clear that we have to redesign our entitlement programs."

Here is how Senator DURBIN put it a few weeks ago: "We have serious economic problems ahead of us if we don't have some reform in both Medicare and Social Security."

This was from former President Bill Clinton after the recent congressional election in New York: "I don't think that the Democrats or the Republicans should conclude from the New York race that no changes can be made in Medicare," he said, "[or] that no changes can be made in Social Security . . . that no changes can be made that will deal with this long-term debt problem."

Here is President Obama's lead negotiator on the debt talks, Vice President BIDEN, from last January: "Everybody talks about we have to do something about Social Security and Medicare, and we do."

Here are the two chairs of the President's debt commission, Erskine Bowles and Alan Simpson, in a recent op-ed in "Politico": "A credible plan must address the growth of entitlement spending . . ."

Here is the President himself, about a month after he took office: "To preserve our long-term fiscal health we must . . . address the growing costs in Medicare and Social Security."

And, as for me, I have been clear on this same point in public and in private from the moment I stepped out of a meeting with the President and other Members of Congress at the White House on May 12.

So it is not exactly a groundbreaking observation that if these discussions are to mean anything they have to involve entitlement reform since no one believes we actually get at our fiscal problems without it. This is what serious people expect and are hoping for out of these talks.

The moment requires, as I have said for weeks, three things: Real cuts in spending over the short term; that is, over the next 2 years—not more spending increases or "freezes"; real cuts over the medium-term; that is, over the next 10 years with enforceable caps on spending; and meaningful reforms to entitlements, which are the major drivers of our debt. That is the definition of a significant package.

Some Democrats are insisting that they will only agree to cuts if Republicans agree to raise revenue. That is

Washington speak for tax hikes and it is absurd.

First of all, is there anyone outside of Washington, DC, who really thinks that with 14 million people looking for work in this country, the solution is to raise taxes? The last thing you want to do in the middle of a jobs crisis is raise taxes. Does anyone seriously think that is a good idea? Even the President has said as much. It is just common sense. Remember, the President signed the extension of current tax rates back in December with a similar argument.

But even if we weren't in the middle of a jobs crisis, it would be foolish—and completely dishonest. We are in the middle of a debt crisis right now because we spend too much. The solution is to spend less.

How do we know this?

For 30 years beginning in 1971, Federal spending as a percentage of the economy has averaged around 20.8 percent. But after 2 years of out-of-control spending by the President and his Democrat allies in Congress, government spending is now projected to rise a full 4 percentage points above the historical norm.

That may not sound like a lot, but 4 percent of a \$14 trillion economy is an enormous amount of money. Just as the economy sank, Democrats increased government spending by hundreds of billions of dollars. And now they want to make it permanent. That is the reason we have a deficit like we do.

Government spending has gone up, and a bad economy has caused revenue to go down.

That is the reason the debt has gone up 35 percent since the President took office.

Now Democrats want to use that bad economy as an excuse to lock their spending levels in place. They want to use it as an excuse to raise taxes, which would only make the economy worse, cause us to lose even more jobs, and make it even harder to create new jobs.

So let's just be clear about what is going on here. Right now, Washington is borrowing roughly \$4 billion every day above what it collects in taxes. And Democrats don't want to admit we have a spending problem?

We have a national debt the size of our entire economy and Democrats are wondering whether they want to do anything about the biggest drivers of the debt?

Look: Democrats can continue to argue among themselves about whether to step up and address this crisis they have helped create, but they can't argue about what is causing it or what is needed to address it.

Republicans have been crystal clear about where we stand. And Democrats have also been crystal clear about what's needed for these talks to be a success. It is my hope that they consider their own past statements on entitlement reform as we approach the end of these talks.

The path to success is clear. Let's not let this opportunity to do something go to waste.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Arizona.

#### LIBYA

Mr. MCCAIN. Mr. President, I rise to join the Senator from Massachusetts, who will shortly submit the product of many hours of bipartisan cooperation and negotiation, an authorization for the limited use of military force in Libya. The resolution, as will be introduced by my colleague from Massachusetts, as I mentioned, would authorize the President to employ the U.S. Armed Forces to advance U.S. national security interests in Libya as part of the international coalition that is enforcing U.N. Security Council resolutions in Libya. It would limit this authority to 1 year, which is more than enough time to finish the job, and it makes clear that the Senate agrees with the President that there is no need and no desire to commit U.S. conventional ground forces in Libya.

I will be the first to admit that this authorization is not perfect and it will not make everyone happy. It does not fully make me happy. I would have preferred that this authorization make clear that our military mission includes the President's stated policy objective of forcing Qadhafi to leave power. I would have preferred that it urge the President to commit more U.S. strike aircraft to the mission in Libya so as to help bring this conflict to a close as soon as possible. And I would have preferred that it call on the President to recognize the Transitional National Council as the legitimate voice of the Libyan people so as to free Qadhafi's frozen assets for the Transitional National Council to use on behalf of the Libyan people. I have called on the administration to do all of these things for some time, and I do so now again.

That said, this authorization has been a bipartisan effort. My Republican colleagues and I have had to make compromises, just as have the Senator from Massachusetts and his Democratic colleagues. I believe the end re-

sult is an authorization that deserves the support of my colleagues in the Senate on both sides of the aisle, and I am confident they will support it.

I know the administration has made it clear that it believes it does not need a congressional authorization such as this because it is their view that U.S. military operations in Libya do not rise to the level of hostility. I believe this assertion will strike most of my colleagues and the Americans they represent as a confusing breach of common sense, and it seems to be undercut by the very report the administration sent to Congress which makes clear that U.S. Armed Forces have been and presumably will continue to fly limited strike missions to suppress enemy air defenses, to operate armed Predator drones that are attacking Qadhafi's forces in an effort to protect Libyan civilians, and to provide the overwhelming support for NATO operations, from intelligence to aerial refueling. Indeed, we read in today's New York Times that since the April 7 date that the administration claims to have ceased hostilities in Libya, U.S. warplanes have struck at Libyan air defenses on 60 occasions and fired about 30 missiles from unmanned drones.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the article from today's New York Times entitled "Scores of U.S. Strikes in Libya Follow Handoff to Libya."

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

(See exhibit 1.)

Mr. MCCAIN. I certainly agree that actions such as these do not amount to a full-fledged state of war, and I will certainly grant that I am no legal scholar, but I find it hard to swallow that U.S. Armed Forces dropping bombs and killing enemy personnel in a foreign country does not amount to a state of hostilities.

What is worse, this is just the latest way in which this administration has mishandled its responsibility with regard to Congress. The President could have asked to authorize our intervention in Libya months ago, and I believe it could have received a strong, though certainly not unanimous, show of support.

The administration's disregard for the elected representatives of the American people on this matter has been troubling and counterproductive. The unfortunate result of this failure of leadership is plain to see in the full-scale revolt against the administration's Libya policy that is occurring in the House of Representatives. As I speak now, our colleagues in the House are preparing a measure that would cut off all funding for U.S. military operations in Libya, and they plan to vote on it in the coming days.

I know many were opposed to this mission from the beginning, and I respect their convictions. I myself have disagreed and disagreed strongly at

times with aspects of the administration's policy in Libya. But at the end of the day, I believe the President did the right thing by intervening to stop a looming humanitarian disaster in Libya.

Amid all our arguments over prudence, legality, and constitutionality of the administration's policy in Libya, we cannot forget the main point: In the midst of the most groundbreaking geopolitical event in two decades, as peaceful protests for democracy were sweeping the Middle East, with Qadhafi's forces ready to strike at the gates of Benghazi and with Arabs and Muslims in Libya and across the region pleading for the U.S. military to stop the bloodshed, the United States and our allies took action and prevented the massacre Qadhafi had promised to commit in a city of 700,000 people. By doing so, we began creating conditions that are increasing the pressure on Qadhafi to give up power.

Yes, the progress toward this goal has been slower than many had hoped and the administration is doing less to achieve it than I and others would like, but the bottom line is this: We are succeeding, Qadhafi is weakening. His military leaders and closest associates are abandoning him. NATO is increasing the tempo of its operations and degrading Qadhafi's military capabilities and command and control. The Transitional National Council is gaining international recognition and support and performing more effectively, and though their progress is uneven, opposition forces in Libya are making strategic gains on the ground.

We are all entitled to our opinions about Libya policy, but here are the facts. Qadhafi is going to fall. It is just a matter of time. So I ask my colleagues, is this the time for Congress to turn against this policy? Is this the time to ride to the rescue of a failing tyrant when the writing is on the wall that he will collapse? Is this the time for Congress to declare to the world, to Qadhafi and his inner circle, to all of the Libyans who are sacrificing to force Qadhafi from power, and to our NATO allies who are carrying a far heavier burden in this military operation than we are—is this the time for America to tell all of these different audiences that our heart is not in this, that we have neither the will nor the capability to see this mission through, that we will abandon our closest friends and allies on a whim? These are the questions every Member of Congress needs to think about long and hard but especially my Republican colleagues.

Many of us remember well the way some of our friends on the other side of the aisle savaged President Bush over the Iraq war and how they sought to do everything in their power to tie his hands and pull America out of that conflict. We were right to condemn that behavior then, and we would be wrong to practice it now ourselves simply because the leader of the opposite

party occupies the White House. Someday—I hope soon—a Republican will again occupy the White House, and that President may need to commit U.S. armed forces to hostilities. So if my Republican colleagues are indifferent to how their actions would affect this President, I would urge them to think seriously about how a vote to cut off funding for this military operation can come back to haunt a future President when the shoe is on the other foot.

The House of Representatives will have its say on our involvement in Libya this week. The Senate has been silent for too long. It is time for the Senate to speak, and when that time comes I believe we will find a strong bipartisan majority in favor of authorizing our current military operations in Libya and seeing this mission through to success. That is the message Qadhafi needs to hear; it is a message Qadhafi's opponents, fighting to liberate their nation, need to hear; and it is a message America's friends and allies need to hear.

So let's debate this authorization, but then let's vote on it as soon as possible.

I wish to thank my colleague from Massachusetts for his hard work on this resolution. I understand he will be submitting it very soon. I hope the majority leader of the Senate will schedule a debate and vote on this resolution as soon as possible. It is long overdue.

#### EXHIBIT 1

[From the New York Times, June 20, 2011]  
SCORES OF U.S. STRIKES IN LIBYA FOLLOWED  
HANDOFF TO NATO

(By Charlie Savage and Thom Shanker)

WASHINGTON.—Since the United States handed control of the air war in Libya to NATO in early April, American warplanes have struck at Libyan air defenses about 60 times, and remotely operated drones have fired missiles at Libyan forces about 30 times, according to military officials.

The most recent strike from a piloted United States aircraft was on Saturday, and the most recent strike from an American drone was on Wednesday, the officials said.

While the Obama administration has regularly acknowledged that American forces have continued to take part in some of the strike sorties, few details about their scope and frequency have been made public.

The unclassified portion of material about Libya that the White House sent to Congress last week, for example, said "American strikes are limited to the suppression of enemy air defense and occasional strikes by unmanned Predator" drones, but included no numbers for such strikes.

The disclosure of such details could add texture to an unfolding debate about the merits of the Obama administration's legal argument that it does not need Congressional authorization to continue the mission because United States forces are not engaged in "hostilities" within the meaning of the War Powers Resolution.

Under that 1973 law, presidents must end unauthorized deployments 60 days after notifying Congress that they have introduced American forces into actual or imminent hostilities. That deadline for the Libyan mission appeared to pass on May 20, but the administration contended that the deadline did not apply because the United States' role

had not risen to the level of "hostilities," at least since it handed control of the mission over to NATO.

In support of that argument, the administration has pointed to a series of factors, noting, for example, that most of the strikes have been carried out by allies, while the United States has primarily been playing "non-kinetic" supporting roles like refueling and surveillance. It has also said there is little risk of American casualties because there are no ground troops and Libyan forces have little ability to exchange fire with American aircraft. And it noted that the mission is constrained from escalating by a United Nations Security Council resolution.

The special anti-radar missiles used to suppress enemy air defenses are usually carried by piloted aircraft, not drones, and the Pentagon has regularly said that American military aircraft have continued to conduct these missions. Still, officials have been reluctant to release the exact numbers of strikes.

Under military doctrine, strikes aimed at suppressing air defenses are typically considered to be defensive actions, not offensive. On the other hand, military doctrine also considers the turning on of air-defense radar in a no-fly zone to be a "hostile act." It is not clear whether any of the Libyan defenses were made targets because they had turned on such radar.

The administration's legal position prompted internal controversy. Top lawyers at the Justice Department and the Pentagon argued that the United States' military activities did amount to "hostilities" under the War Powers Resolution, but President Obama sided with top lawyers at the State Department and the White House who contended that they did not cross that threshold.

On Monday, Jay Carney, the White House press secretary, acknowledged the internal debate, but defended the judgment made by Mr. Obama, noting that the applicability of the War Powers Resolution to deployments has repeatedly prompted debate over the years.

The House of Representatives may vote later this week on a proposal to cut off funding for the Libya mission. The proposal is backed by an odd-bedfellows coalition of antiwar liberals and Tea Party Republicans.

They are opposed by an equally unusual alignment of Democrats who support the White House and the intervention in Libya, and more hawkish Republicans.

On Monday, a group that includes prominent neoconservative figures—including Liz Cheney, Robert Kagan, William Kristol and Paul Wolfowitz—sent Republicans an open letter opposing efforts to cut off funds for the mission.

Mr. MCCAIN. Mr. President, I yield the floor, and 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.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. 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. MCCAIN. Mr. President, I see another colleague who is waiting for time. I ask unanimous consent to proceed for such time as I might use, but it won't be much over 10 minutes.

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

Mr. KERRY. I thank the Chair.

Mr. President, I wish to thank the Senator from Arizona for his important and courageous comments that run counter to the political currents of the day, some of which have been expressed in the other body and elsewhere. I thank him for thinking about the strategic interests of the country ahead of some of the political interests with respect to the next election.

There have been many occasions when this body has behaved very differently when a President, either Republican or Democrat, has engaged American forces in one way or another without authorization within that 60-day—or even outside of the 60-day—parameter of the War Powers Act. The fact is, we have had a number of military actions—Panama, Libya in 1986, Grenada in 1983, Iran in 1980, Haiti in 1993, the Persian Gulf in 1987 to 1988, Lebanon in 1982, and then subsequently Kosovo in 1999, Bosnia in 1992, Somalia in 1992—which didn't have this fight about authorization.

In fact, only Iraq in 2003, Afghanistan in 2001, and Iraq in 1990 were authorized prior to our engagement. The fact is, four of those I mentioned ended before the 60 days had expired, but the others didn't. Bosnia, Kosovo, and Somalia all went beyond 60 days, and the issue was never raised. So I think it is important for us to put this in context, if you will, and to measure some of the realities and the choices we face with respect to Libya today.

We will shortly this morning—a little later—be submitting this resolution. It is a bipartisan resolution. Democrats and Republicans are joining together to put in a very limited authorization with respect to our engagement in a support role—not any direct engagement but a support role only—and it is limited to that support role.

I am particularly familiar with the debate relating to, and with the War Powers Act itself, over these years because that was a debate that took place specifically in response to the war that Senator McCAIN and I were both a part of—the Vietnam war. The War Powers Act was a direct reaction to that war which was at that time the longest war in our history, until now—Afghanistan—10 years in duration. Over 58,000 Americans lost their lives, and it spanned several administrations, including Kennedy, Johnson, and Nixon. The fact is, as a result of that war in which we never declared war, the Congress wanted to assert its appropriate prerogatives with respect to the declaration of war and the engagement of American forces. So the War Powers Act was passed.

The War Powers Act very specifically created this dynamic where the Congress had 60 days to act. The President could deploy troops for a period of 60 days without their action, and if they hadn't acted, the inaction itself would

require a President to then withdraw troops. So it didn't actually require the Congress to act, but it created this 60-day period. The fact is, any Member of Congress during those 60 days could bring a resolution to the floor denying the President the right to go forward. Nobody did that in the past 60 days, I am glad to say, and we are now beyond those 60 days.

It is not without precedent, incidentally, that we have authorized an action much later. In fact, I think one action was specifically authorized for about a year, and that was the action in Lebanon. About a year after they had landed it was authorized. So we are within days of that in terms of this discussion.

Let me read specifically what the War Powers Act says. It says:

In the absence of a declaration of war, in any case in which the United States Armed Forces are introduced into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances. . . .

I think the operative words, the critical words, are "United States Armed Forces are introduced into hostilities."

Now, one could argue, as people are—there is an article in the Washington Post today, and there are other articles where people are saying: Well, of course we are in hostilities. Hostilities are taking place. Bombs are being dropped. But that is not, in my judgment, even though I support the War Powers Act—and President Obama, incidentally, has supported it here, which is unique from other Presidents—but the fact is, just because hostilities are taking place and we are supporting people engaged in those hostilities does not mean we are ourselves, in fact, introducing troops into hostilities.

No American is being shot at. No American troop is on the ground or contemplated being put on the ground. So the mere fact that others are engaged in hostilities and we are supporting them I don't believe automatically triggers what was contemplated in the aftermath of the Vietnam war.

Frankly, that is not the principal argument we need to be having. What we need to be doing is looking at the bigger picture. I don't think any country—the United States, the U.N., or any nation—ought to be drawn lightly into any kind of military intervention. I have always argued that. But, in my judgment, there were powerful reasons the United States should have joined in establishing the no-fly zone over Libya and forcing Qadhafi to keep his most potent weapons out of the fight.

If we slice through the fog of misinformation and weigh the risks and the benefits alongside our values and our interests, which are always at stake, I think the justification for the President's involvement, for our country's involvement, and for our supporting it are compelling, and I think they are clear.

What is happening in the Middle East right now could be the single most im-

portant geostrategic shift since the fall of the Berlin Wall. It has profound implications for U.S. expenditures and for U.S. military engagement in other parts of the region. It has significant impact on the threats we will face, on the potential strategic risks for our country, and for our interests in terms of that region.

Absent United Nations-NATO resolve, the promise that the prodemocracy movement holds for transforming the Arab world—the whole Arab world—and all it could mean for the United States in terms of hopes for peace between Israel and Palestine, hopes for a different set of relationships, hopes for restraining Wahabism, hopes for diminishing the levels of religious extremism, hopes for reducing the amount of terrorism—all of those things are contained in this awakening, in this transformation people are trying to achieve. It is an effort which I and others believe would have been crushed if the hopes of the prodemocracy movement were simply ignored and we turned our backs on them.

I can't imagine—just think about the consequences. Colonel Qadhafi says: I am going to show no mercy. I am going to go and kill those dogs—dogs—who have risen up and expressed their desire to have fundamental freedoms and rights. He is going to go into Benghazi and he is going to annihilate anybody who is in opposition to him. We already saw him pulling people out of hospital beds. We already saw him attacking women—using rape as a tool of war—dishonoring people in the Muslim world as a consequence for life. We saw what he was doing.

Are we really serious that in the wake of the gulf states, in an unprecedented request saying to us: We want your help; in the wake of the Arab League in an unprecedented request asking for U.S. and other Western engagement in their part of the world to stand up for these rights, that we would simply say: Too bad, so sad, go about your business, we have better things to do?

The consequences would have been extraordinary. Remember, President Clinton said his greatest regret of his Presidency was he didn't engage in Rwanda and prevent—which we could have done at very low cost—what happened with the genocide in Rwanda. That is his greatest regret.

How many Senators have gone to Israel and gone somewhere else in the world and said to people with respect to the Holocaust: Never again; never again. Do the words only apply to one group of people or do the words have meaning in terms of genocide, in terms of wanton killing of innocent people at the hands of a dictator?

So what is the cost to us of this great effort? I believe other dictators would have seen the failure to challenge Qadhafi as a complete license to act with impunity against their people at any other place.

The vast majority of the protesters in these countries are simply crying out for the opportunity to live a decent life, get a job, provide for a family, have opportunities, and have rights. I think abandoning them would have betrayed not only the people seeking democratic freedoms, but it would have abandoned the core values of our country. And I can hear now—I can hear it. Some of the same people now who are complaining about the President being involved would have been the first people at the barricade complaining about why the United States did not stand up for our values and how feckless the President was that he was not willing to stop a dictator from coming at these innocent people. You can hear it. Everybody in the country knows that is exactly where we would be.

Now, why there and not in Syria? A legitimate question. There are different interests and different capacities. The reality is, the Gulf States asked us to come in. The Arab League asked us to come in. And we knew whom we were dealing with with respect to the council and the players. There is a whole set of uncertainties with respect to Syria, even today, that distinguish it both in terms of what we can assert and what we can achieve, and sometimes both in foreign policy and in domestic policy you are limited to what you can achieve and to what is doable in a certain situation.

I believe if we had simply turned our backs, as some people are now arguing we ought to do now, which would be the most reckless thing I have ever heard in my life—at a moment where people are actually achieving the goals, where the pressures are mounting, where Qadhafi is less able to maneuver, where his forces have been reduced, where many people in our intelligence community and in the NATO intelligence community are saying there is progress being made and the vice is tightening—that we would suddenly just pull the rug out from under that is extraordinary to me. Snatch—snatch—defeat from the jaws of victory. I believe—I cannot tell you when it might happen, but I am absolutely confident it is going to happen—Qadhafi is finished. Ask the people in the country. Even his own supporters are reacting out of fear. And the truth is, the vice is tightening because every day that goes by, the opposition gets stronger; every day that goes by, he has less ability to manage the affairs of the country itself.

I think if we simply send the message the House of Representatives is contemplating today, it would be a moment of infamy, frankly, with respect to the House and with respect to our interests because it would reinforce the all too common misperception on the Arab street that America says one thing and does another.

We are already spending billions of dollars in the fight against extremism in many parts of the world. We did not choose this fight. Everybody knows

that. It was forced on us, starting with 9/11. To fail to see the opportunity of affirming the courageous demand of millions of disenfranchised young people who had been the greatest recruits for al-Qaida for the extremism, for any of the extremist groups—to not affirm their quest now to try to push back against repression and oppression and to try to open a set of opportunities for themselves for jobs, for respect, for democracy—I think to turn our backs on that would be ignorant, irresponsible, shortsighted, and dangerous for our country. It would ignore our real national security interests, and it would help extend the narrative of resentment toward the United States and much of the West that is rooted in colonialism and furthered by our own invasions of Iraq and Afghanistan.

Remember, the pleas for help did not just come from the Libyan rebels. And this is not something we just cooked up here at home with some desire to go get engaged somewhere. It came from the Arab League, which has never before asked for this kind of assistance. It came from the Gulf States, which have never before said to the West: We need your help to come intervene.

Even at the hand of their own leader, it seems to me that if we had silently accepted the deaths of Muslims, we would have set back our relations for decades. Instead, by responding and giving the popular uprising a chance to take power, I think the United States and our allies send a message of solidarity with the aspirations of people everywhere, and I believe that will be remembered for generations.

The particular nature of the madman who was vowing to “show no mercy” to his own people, to his own fellow Muslims, the particular nature of this man, who was going to go after the “dogs” who dared to challenge him, and his role in the past, I believe, mandated that we respond. And we responded in a stunningly limited way.

I do think our colleagues from New Jersey and New York and other States in New England need to reflect on the fact—they do not really need a reminder, I suspect—that Qadhafi is the man who was behind the bombing of Pan Am 103, claiming the lives of 189 Americans.

The intervention in Libya, in my judgment, sends a critical signal to other leaders in the region that they cannot automatically assume they can simply resort to large-scale violence to put down legitimate demands for reform without any consequences. I think U.N. resolve in Libya can have an impact on future calculations. Indeed, I think the leaders of Iran need to pay close attention to the resolve that is exhibited by the international community, and we need to think about that resolve in the context of our interests in Iran.

The resolution we will submit—Senator MCCAIN and myself and other Senators—is absolutely not a blank check for the President. Not at all. It is a res-

olution that authorizes limited use of American forces in a supporting role. I want to emphasize that. There is only an authorization for a supporting role. It says specifically that the Senate does not support the use of ground troops in Libya. The President has stated that is his policy, but we adopt that policy in this resolution. It authorizes the limited use of American forces for a limited duration, and it would expire 1 year from the time of authorization.

This resolution envisions action consistent with the letter the President sent to congressional leaders on May 20 in which he specified that the U.S. participation in Libya has consisted of nonkinetic support of the NATO-led operation, including intelligence, logistical support, and search and rescue missions.

The ACTING PRESIDENT pro tempore. The Senator has used 20 minutes.

Mr. KERRY. Mr. President, I think I asked for such time as I would use, but I will try to tighten it up.

The administration informed Congress last week it does not consider the use of U.S. forces to rise to the level of “hostilities.” I have already discussed that. I think there is an important constitutional question here, but it is not a new question. The truth is that Presidents—Democratic and Republican—have undertaken limited military action. I mentioned each of those instances.

I think this debate is healthy, but the words we use about it have consequences. They send a message. And I think none of us should send any message to Colonel Qadhafi lightly. The last message any U.S. Senator wants to send, in my judgment, is that all he has to do is wait us out, all he has to do is wait for the Congress—even as the progress is being made and the vice is tightening—because we are divided at home.

I believe passage of this resolution would be an important step in showing the country and the rest of the world and particularly showing Muammar Qadhafi that the Congress of the United States and the President of the United States are committed to this critical endeavor. I firmly believe the country is on the strongest footing when the President and the Congress speak with one voice on foreign policy matters. So I hope our colleagues will support this resolution.

For 60 years, we have been working to build a cohesive and consistent alliance with our partners in NATO. Many times our military and political leaders have complained that our European allies have not carried their share of the burden; that Americans have paid too high a price in blood and treasure; that we have led while others followed. Earlier this month, Secretary Gates warned that the NATO alliance is at risk because of European penny-pinching and distaste for front-line combat. He said the United States was not going to carry the alliance as a charity

case. Well, here is the alliance leading. Here is the alliance doing what we have wanted them to do for years. And here, all of a sudden, are Members of Congress suggesting it is OK to pull the rug out from under that alliance. I think that would really toll the bell for NATO.

I believe we need to see the realities of the strategic interests that are on the table and proceed. Will we stand up for our values and our interests at the same time? Will we support the legitimate aspirations of the Libyan people? I think our own security ultimately will be strengthened immeasurably if we can assist them to transition to a democracy. The cost now will be far, far less than the cost in the future if we lose our resolve now.

I thank my colleague for his generous allowance of the extra time.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Nebraska.

#### HEALTH CARE

Mr. JOHANNIS. Madam President, over a year ago now, the President signed into law health care legislation that we are finding is certainly long on promises but short on sound policy. Unfortunately, the legislation did not follow a transparent or thorough process. Instead, it was hastily rushed through on a premise that has now become famous, as said by Speaker PELOSI: We have to pass it to see what is in it. Now, almost daily, newspapers, constituent mail, and independent reports continue to reveal that the law's promises are not reality.

Recently, the Columbus Dispatch told the story of a family with a pre-existing condition. Two years ago, their struggles to find health insurance coverage outraged this administration. In fact, their hardship was specifically used as an example of why we needed to get the health care system reformed. Well, party affiliation did not define how we felt about this family. We all empathized and sympathized with their struggles and recognized the need for basic health insurance reforms. But, unfortunately, we did not harness that common ground to develop sound policy that addresses the very real problems within the health care system. Instead, a bitterly partisan bill was shoved through Congress, and now we are stuck with its consequences.

So what are the consequences for the family who struggled to get insurance? The article reports that their annual premium has increased a whopping \$12,000. Clearly, one result of the law is soaring premiums. President Obama promised no fewer than 20 times that he would cut premiums by \$2,500 for the average family by the end of his term. But, unfortunately, this is not an isolated story. This broken promise is evident in homes all across this great Nation. Mail from frustrated Nebraskans continues to flood my office. They question how a health care law that costs so much yet still allows sky-

rocketing premiums could have ever passed.

A single mother from Bellevue, NE, recently found out that her family's health care premium increased by \$700 per year. Her insurance provider explained it was due to mandates in the new health care law.

She pleaded with me:

Please stand up on behalf of single moms like me. We do all we can to hold our world together, give up time with our children to work two jobs . . . and now this! How am I supposed to maintain health insurance for my family?

Well, I wish I could tell constituents their premiums will not go up, as the President promised. I wish I could tell them the new health care law addressed the rising costs of health care, as the President promised it would. Instead, these stories reflect what the experts predicted would happen if the law passed. The nonpartisan Congressional Budget Office estimated that individual health insurance premiums would increase by an average of \$2,100 per family due solely to the new mandates included in the law. That puts the gap between Candidate Obama's promise and President Obama's health care law at an alarming \$4,600 per family.

The administration's own Medicare Actuary expects health care costs to increase \$311 billion over the next decade under the new law. In fact, the Actuary testified that the President's promise that the health care law would lower costs was "false, more so than true."

Now, some may say: MIKE, just wait until the law is fully implemented. That is when the promises will be fulfilled. But I continue to get reports on my desk forecasting the negative consequences of this irresponsible and shortsighted piece of legislation.

For example, one of the law's major flaws is that about half of its new health insurance coverage is achieved by locking millions of more people on an already-broken Medicaid system.

Yet the New England Journal of Medicine recently released a study showing those on Medicaid struggle to find doctors to treat them.

The medical journal's research revealed that 66 percent of individuals who mentioned Medicaid's Children Health Insurance Program when calling to schedule a medical appointment were denied an appointment for the child.

That is compared to only 11 percent who said they had private insurance.

That is right—those on Medicaid's CHIP were six times more likely to be denied treatment.

And when Medicaid was accepted, the children had to wait, on average, 22 days longer than those with private insurance.

Researchers blame low Medicaid payments, delays in paying, and bureaucratic redtape driving doctors from even accepting these patients.

As a former Governor, I can tell you that these problems have long plagued the Medicaid Program.

Yet in 2014 the President's new law dramatically expands Medicaid, dumping over 24 million more Americans onto this very broken system. How can the President promise guaranteed coverage for these millions of Americans when this study shows the majority of our most vulnerable population is denied treatment under the Medicaid system? The bottom line is you cannot receive care if you cannot find a doctor to provide it. The logic simply does not match the promise.

Another recent study by the consulting group McKinsey & Company calls another one of the President's guarantees into question. Their study analyzed the impact of the health care law on employer-sponsored benefits.

Prior to the health care law, America's employers were the backbone of our Nation's health care system, providing 165 million Americans with health care coverage. The McKinsey study found that 30 percent of employers will definitely or probably stop offering their employees health care insurance after 2014.

During the health care debate, supporters of the law insisted that the law builds on the principle of employer-sponsored coverage.

The President even repeatedly promised if you like your plan, you can keep it. But again, this appears to be an empty promise.

According to the study—and others that came before it—employees will be stripped of plans that they like and dumped onto the new law's health care exchanges to fend for themselves.

I realize there is some disagreement surrounding this particular study. But how can we deny this commonsense logic?

The more you know about this law, the more you conclude it just does not make sense for employers to offer a health care plan.

Beginning in 2014, the health care law mandates that employers with more than 50 workers offer health insurance coverage or pay a penalty of \$2,000 per worker. And with this mandate comes a slew of other requirements. Suddenly dropping coverage and paying the \$2,000 penalty becomes an economic necessity.

During the health care debate, I spoke about this on the Senate floor. I and many others warned that the proposed penalties for businesses would create a perverse incentive. When you do the math, I said back then this is no penalty at all, compared to the cost of private insurance.

It is a wise business decision if you are worried about the bottom line. That is how the law encourages employers to dump their employees onto the exchange.

A Deloitte consultant told the Associated Press, "I don't know if the intent was to find an exit strategy for providing benefits, but the bill as written provides the mechanism." John Deere has responded by saying businesses will look into "just paying the

fine." Not surprisingly, employers have done their own math. AT&T reported that its \$2.4 billion cost of coverage would drop to \$600 million for the penalties. Estimates reveal Caterpillar could save 70 percent on health care costs by eliminating coverage and paying the penalties. And the list goes on.

Prior to its passage, the Congressional Budget Office predicted 7 percent of employers would drop insurance coverage due to the health care law. Now studies and business logic are challenging that estimate. This may mean the CBO's projected cost of the health care law may be significantly too low.

That is right—the \$2.6 trillion cost estimate for the health care law could be surprisingly too low. The President promised that this bill would lift the burden off the middle class. Not only will they see their premiums continue to increase due to out-of-control health care costs, but they will foot the cost of the new exchanges.

Unfortunately, time is confirming what we have been predicting all along. The case for repeal of the health care law grows stronger every day. I will work to overturn these negative consequences. I believe Americans deserve better. They deserve promises that we can keep.

The PRESIDING OFFICER. The Senator from Montana.

#### MONTANA FLOODS

Mr. TESTER. Madam President, I wish to talk a little bit about the flooding that is going on in Montana and has been going on for basically better than the last month. The picture I have is that of the Musselshell River east of Roundup. The river channel is not in this area. In fact, it is on the far side of this river.

My guess is—I have not seen this—this picture was taken about 10 days ago. But my guess is, it is still flowing like this and for a number of reasons I want to address in my speech today.

Over the past few months, we have seen severe flooding in Montana that has impacted our homes and businesses. It has devastated farmland and ranch land. It has displaced families across our State.

The flooding has tested thousands of Montanans and the basic services and infrastructure they rely on every day. But when disaster hits Montana, we rise to the occasion. When I meet the families and the community leaders affected by flooding and when I tour their towns, I do not see resignation or hopelessness. I see resilience. I see our traditions of hard work and working together. I see communities that are rebuilding and moving forward, ordinary people and local officials working diligently with local, State, and Federal partners to address urgent and on-going needs they are unable to address alone.

Thanks to that spirit of working together, neighbor to neighbor, Montana

communities are rebuilding and businesses are reopening. We are looking to account for the severe crop damage and livestock loss suffered by Montana's farmers and ranchers, and we are looking for resources to make up for the \$8.6 million in damages to our State's infrastructure. Sadly, that number is only getting bigger.

Montana's resiliency is going to be tested because we are not out of it yet—not even close. Given the unusually significant snowpack in the Rocky Mountains that has yet to melt, our rivers and streams will continue to swell. The cost to Montana communities and families will continue to mount, and more and more of them will look to emergency assistance to provide timely services and assistance to those most in need, to help them get back on their feet.

That is why I am particularly alarmed by the looming shortfall in FEMA's Disaster Relief Fund, which the House left dangerously unfunded, even amid a string of weather-related disasters across this country that have led us to 45 declared disasters. We are now looking at estimates of a \$2 to nearly \$5 billion shortfall for fiscal year 2012 alone.

The total need is estimated to be as much as \$6.6 billion. Montana is still tallying the damage. The risk of further damage is still very high. Yet we do not know right now if there will be enough money left over to meet the needs this disaster has already created in our State of Montana.

The House thinks we should pay for past disasters with funding allocated for current and future disasters and by cutting assistance to firefighters and other first responders. In Roundup, Billings, and elsewhere in Montana, the folks who are rescuing stranded residents in boats to take them to get urgent medical care are not from FEMA; they are the same men and women who fight to protect our communities every day—the cops and firefighters who are part of these communities.

Taking away the resources they need will not fly. It is irresponsible and unacceptable. I want all my colleagues to understand the importance of what we are facing, not just in Montana but across this country. There are 45 declared disasters around the country. It is time to do our part for communities all across this country that are facing unprecedented disasters from floods, tornadoes, to wildfires.

Let's make sure this Nation's emergency responders have what they need to do their jobs. They are doing their part for all of us. Tough economic times have forced us all into some very difficult decisions. There is no doubt about that. But it is critical that we do everything we can on behalf of the communities and families across our Nation who are simply looking to pick up the pieces, to rebuild their homes, their schools and businesses, and to get back on their feet.

When small businesses cannot get back on their feet and when our No. 1

industry, agriculture, gets a punch during the growing season, our entire economy will be impacted in a negative way. Montanans will continue to be resilient, and they will continue looking out for one another. But there are some burdens that are simply too big for them to bear alone. It is time for Congress to stand, do its part, and the sooner the better.

I look forward to working with Chairman LANDRIEU and Ranking Member COATS on the Homeland Security Appropriations Subcommittee to make sure that no community from Montana or anywhere else in the country is left wondering if the government will make good on a commitment to help them rebuild.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TESTER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. I ask unanimous consent that the time during the quorum call be equally divided.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF MICHAEL H. SIMON TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Michael H. Simon, of Oregon, to be United States District Judge for the District of Oregon.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate on the nomination, equally divided in the usual form.

Mr. LEAHY. Mr. President, today the Senate will finally consider the nomination of Michael Simon to fill a judicial emergency vacancy on the District



Court for the District of Oregon. Mr. Simon, the head of litigation at the Portland office of Perkins Coie, is one of the most highly regarded lawyers in the country. He spent 5 years as a trial attorney at the Department of Justice during the Reagan administration, including a stint as a Federal prosecutor, and 3 years as a volunteer judge pro tem on an Oregon county court. Mr. Simon's nomination has had the strong support of his home State Senators, Senator WYDEN and Senator MERKLEY, since he was nominated nearly a year ago and has twice been reported by the Judiciary Committee with significant bipartisan support. I mention that because, traditionally, someone like this would go through almost the first day after he was reported.

I thank the majority leader and the Republican leader for finally scheduling this vote. It is most unfortunate that the Republicans objected to considering this nomination when it was reported last year. That meant that we had to spend more time and taxpayer money to consider it a second time in the Judiciary Committee, and the nomination had to be reported again earlier this year. It should not have taken more than 4 months since the committee reported Mr. Simon's nomination for a second time for the Senate Republican leadership to finally consent to debate and a vote.

This is, finally, the last of the judicial nominations reported last year that could and in my view should have been considered then. Now, after 6 months of unnecessary delay, the people of the District of Oregon may finally see a longstanding judicial vacancy filled by a highly qualified nominee who has always had bipartisan support from the days he was working for the Reagan administration. The Senate may finally be able, 6 months into this year, to start to focus on nominees who had hearings and were considered by the Judiciary Committee this year. There are currently 16 judicial nominees who were reported unanimously by the Judiciary Committee over the last several months who are still awaiting final Senate consideration and confirmation. They include nominees with the support of Republican home State Senators and nominees for judicial emergency vacancies. These delays mean that judicial vacancies around the country remain well above what they should and could be. With current vacancies hovering around 90 and many more upcoming, the Senate is being prevented from solving the vacancies crisis that the Chief Justice, President, Attorney General and judges around the country have urged us to end.

When we take nominations considered 1 year and then delay them into the next year, it is wrong to say that you are "moving right along." I have served with Presidents Ford, Carter, Reagan, the first President Bush, Clinton, the second President Bush, and now President Obama. During all that

time, whether Democrats or Republicans were in the majority, no President had to put up with these unseemly delays, except for President Obama.

The delay in considering this nomination is only the latest demonstration that those on the other side who say the majority leader can simply call up nominations are wrong. Senators know it is not true. If that were true, nominees like Mr. Simon would have been considered and voted on last year.

Some Senators may seek to avoid responsibility for the Senate's historically slow pace of confirming judicial nominations and claim their hands are clean, but they know the Senate is a body that requires consent to avoid extensive delays. They know that if there is no consent, it takes the burdensome requirement of invoking cloture in order to end a filibuster and have a vote. Moving forward to address the ongoing judicial vacancy crisis—and it is a crisis—requires cooperation. It requires the minority to work together with the majority and set aside partisan differences for the good of the American people.

Last week, the Senate was able to get consent to confirm the first two judicial nominees since May 17, even though almost a score of qualified nominees has been awaiting final confirmation since that date. In addition to the Simon nomination, there are 19 judicial nominations currently pending on the Senate's Executive Calendar. Of those, 16 are, by anyone's definition, consensus nominees. Seven of them were nominated to fill judicial emergency vacancies. Sixteen nominees were unanimously approved by every Republican and every Democratic Senator on the Judiciary Committee after thorough review, and an additional nominee was reported with only one Senator in opposition. All are supported by their home State Senators, Republicans and Democrats.

These are the kinds of nominees who in past years would have been confirmed within days of being reported to the Senate. Instead, extended delays now burden every nomination before the Republican leadership finally consents, if it does, to take up nominations. Mr. Simon's nomination was first reported with bipartisan support last December. Three district court nominations reported unanimously by the Committee in early April remain stalled before the Senate, Paul Oetken and Paul Engelmayer of New York, and Romana Manglona of the Mariana Islands. All of these consensus nominations would easily have been confirmed if the majority leader was not blocked from bringing them up. We should not need to file cloture to vote on these kinds of consensus nominees, but that is what has been required by the Senate Republican minority. Incidentally, when we have filed for cloture on these nominees, for many of them we got a vote and they passed overwhelmingly.

We should have regular votes on President Obama's highly qualified

nominees instead of more delays. We should also restore the Senate's tradition—a tradition I can speak to as one who has been in the Senate for 37 years—of working to clear the calendar of pending nominations before a recess. Contrast that traditional practice with what the Senate did before the Memorial Day recess, when no judicial nominees were confirmed. With vacancies still totaling more than 90 on Federal courts throughout the country, and with nearly two dozen future vacancies on the horizon, there is no time to delay consideration of these nominations. If we were to take positive action just on the nominees who received unanimous support in committee, vacancies could be reduced below 80 for the first time since the beginning of President Obama's administration.

With judicial vacancies continuing at crisis levels, affecting the ability of courts to provide justice to Americans around the country, I have been urging the Senate to vote on the judicial nominations reported favorably by the Judiciary Committee and pending on the Senate's Executive Calendar. My efforts have not yielded much success or sense of urgency. Nor have the statements by the Chief Justice of the United States, the Attorney General of the United States, the Federal Bar Association and a number of Federal judges across the country.

Those who delay or prevent the filling of these vacancies must understand they are delaying and preventing the administration of justice. We can pass all the bills we want to protect American taxpayers from fraud and other crimes, but you cannot lock up criminals or recover ill-gotten gains if you do not have judges. The mounting backlogs of civil and criminal cases are growing larger.

I think of the first 2 years of the last President Bush's term in office. During the 7 months that Republicans had the majority, they did not bother to hold a hearing on President Bush's nominees. But in the 17 months that the Democrats were in charge, the Democrats held hearings and confirmed 100 of his nominees. To their credit, in the following 24 months, the Republicans confirmed 105.

Ah, for those days.

Our ability to make progress regarding nominations has been hampered by the creation of what I consider to be misplaced controversy over many nominees' records. As with the long-delayed nomination of Judge Edward Chen, the supposed "controversy" that has delayed and obstructed the nomination of Michael Simon is the result of some Senators seeking to impose a partisan litmus test in place of our sworn constitutional duty to offer advice and consent on nominations. That Mr. Simon filed amicus briefs on behalf of the ACLU and several Jewish organizations in cases involving the First Amendment, discrimination against gay and lesbian individuals, and the rights of religious minorities does not

render him unfit to be a judge. Our legal system is an adversary system, predicated upon legal advocacy for both sides. Certainly defending civil liberties is no vice. Since when do we impose a litmus test for nominees that they can never have been legal advocates? If we were to do that, we would have no judges. Almost every nominee who had been a practicing lawyer would be disqualified by one side or the other.

I had hoped when 11 Republican Senators joined in voting to end a filibuster against Judge Jack McConnell of Rhode Island that the Senate was moving away from the narrow, partisan attacks on judicial nominations that have slowed us from making progress since President Obama took office. Yet the successful Republican filibuster of the nomination of Professor Goodwin Liu to the Ninth Circuit was one of the most disappointing votes I have seen in the U.S. Senate. There were no "extraordinary circumstances" or justification for this partisan filibuster of a good man and brilliant nominee.

In the wake of the filibuster, newspapers around the country decried the Senate for denying Professor Liu the up-or-down vote that Republican Senators argued just a few years ago every nominee was entitled to have when there was a Republican in the White House. The New York Times editorialized that the standard of "extraordinary circumstances" for filibustering nominees "is meaningless if senators are going to define someone like Mr. Liu as a legal extremist."

The editorial continued:

He is, not surprisingly, a liberal thinker who is nonetheless squarely in the legal mainstream, having even received the support of strong conservatives, including Kenneth Starr and Clint Bolick.

The New York Times also described the filibuster of Professor Liu as "payback" making it "harder to fill benches during this administration and many more to come."

The Denver Post wrote in an editorial:

The Senate filibuster last week of federal appellate court candidate Goodwin Liu wasn't just a defeat for the president who nominated him. It signifies the dissolution of a truce that had been struck years earlier in which senators had generally agreed not to hold hostage qualified judicial candidates from the opposing political party. It is a shame it has come to this.

The San Francisco Chronicle editorialized:

Fair-minded people who have looked at Liu's record and determined that he has the intellect and temperament to be a superb appellate judge include prominent conservatives Richard Painter, chief ethics lawyer in the Bush White House, and Whitewater prosecutor Ken Starr. But neither fair play nor intellectual honesty carried the day in the Senate, where Liu's nomination remained bottled up through the efforts of multiple Republicans who had opined (in the Bush years) that it was unconstitutional for senators to deprive a judicial nominee of an up-or-down vote.

In an editorial entitled, "Trashing of Court Nominees Must End," the Iowa City Press-Citizen wrote:

What is most disturbing about Thursday's Senate vote is not the fact that the Senate rejected this nominee, but how it was done: by a filibuster. In other words, the Republicans used the Senate rules to prevent a simple up-or-down vote on the Liu nomination.

I ask unanimous consent that copies of these editorials be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LEAHY. The question for me about Mr. Simon is the same question I have asked about Judge Chen, Professor Liu, and every judicial nominee, whether nominated by a Democrat or a Republican President: whether he or she will have judicial independence. I don't care what their politics are. I don't care what party they belong to. I don't care who they have represented in the past. All I want to know is: Will they have judicial independence? Do they understand the role of a judge and how that differs from the role of an advocate?

The judge has to protect everybody in their courtroom, on both sides. There is no question that Michael Simon is going to have judicial independence. So I hope Senators today will set aside their partisan litmus test and join me in supporting this fine nomination.

#### EXHIBIT 1

[From the New York Times, May 22, 2011]

#### BREAKING FAITH

"I will not vote to deny a vote to a Democratic president's judicial nominee just because the nominee may have views more liberal than mine."

That was Senator Lamar Alexander, Republican of Tennessee, promising in 2003 not to filibuster judicial nominees for reasons of ideology. But on Thursday, Mr. Alexander, along with 41 other Senate Republicans, voted to filibuster one of President Obama's judicial nominees for that very reason—breaking a promise and kindling yet another row over a president's right to appoint like-minded judges.

The fight was over Goodwin Liu, a Berkeley law professor nominated by the president for a seat on the Ninth Circuit Court of Appeals. He lost on a vote of 52 to 43, short of the 60-vote requirement demanded by Republicans.

He became the first Obama nominee to be successfully filibustered, and the only nominee since 2005. That year, a Senate "Gang of 14" agreed that such nominees should be allowed an up-or-down majority vote except in extraordinary circumstances.

The group was correct in preserving the right to filibuster the most extreme candidates, but the agreement is meaningless if senators are going to define someone like Mr. Liu as a legal extremist. He is, not surprisingly, a liberal thinker who is nonetheless squarely in the legal mainstream, having even received the support of strong conservatives, including Kenneth Starr and Clint Bolick.

What, specifically, made him so extraordinary that he was not worthy of an up-or-down vote? The Republican argument

against him is laughably thin. "He believes the Constitution is a fluid, evolving document," said Jeff Sessions of Alabama. John Cornyn of Texas falsely accused Mr. Liu of holding the "ridiculous view that our Constitution somehow guarantees a European-style welfare state."

But other Republicans were more forthcoming about the real reason for the blockade: Mr. Liu dared to criticize Justice Samuel Alito Jr. as harshly conservative before he was confirmed to the Supreme Court. The filibuster apparently was payback, and the Republican eagerness for revenge has broken faith and a clear understanding on the Senate floor. That will make it harder to fill benches during this administration and many more to come.

[From denverpost.com, May 28, 2011]

#### EDITORIAL: SO MUCH FOR THE GANG OF 14 TRUCE

The Senate filibuster last week of federal appellate court candidate Goodwin Liu wasn't just a defeat for the president who nominated him.

It signifies the dissolution of a truce that had been struck years earlier in which senators had generally agreed not to hold hostage qualified judicial candidates from the opposing political party.

It is a shame it has come to this.

Republicans may be celebrating the defeat of President Obama's nominee, who on Wednesday officially withdrew his nomination to the 9th U.S. Circuit Court of Appeals; however, it's an action that surely will come back to bite them.

Democrats are unlikely to forget. In fact, Senate Judiciary Chairman Patrick Leahy, D-Vt., told reporters before the vote that a Liu filibuster would mean Democrats would do the same to the next Republican president's nominees.

It would be regrettable if that were to happen. The so-called Gang of 14 had in 2005 joined forces to avert a showdown on judicial candidates nominated by then-President Bush.

Seven Republican and seven Democratic senators, cleaving to the "advise and consent" role of senators as enumerated in the U.S. Constitution, agreed not to filibuster or block qualified judicial candidates unless "extraordinary circumstances" were in play.

There was, at the time, little consensus as to what constituted "extraordinary circumstances" and assuredly even less agreement now.

At the time of the compromise, which then-Sen. Ken Salazar of Colorado took part in crafting, several senators said they would know extraordinary circumstances when they saw them.

The Republican filibuster of Liu, a University of California-Berkeley law professor, will set precedents as to how extraordinary circumstances will be defined. (Colorado's U.S. Sens. Michael Bennet and Mark Udall, both Democrats, voted against a filibuster.)

Extraordinary circumstances, it seems, will come to mean a candidate who holds views that are ideologically repugnant. That is a dangerous standard.

Liu is a liberal and far more so than other prominent judicial nominees President Obama has sent to the Senate for confirmation.

We aren't crazy about some of Liu's positions either, but he is qualified for the job. The American Bar Association, which independently evaluates judicial nominees, gave him their highest ranking: unanimously well-qualified.

We have long favored an up-or-down vote on judicial candidates, and this is no exception. Elections have consequences, and those

include the president getting to choose judicial candidates, even if they are controversial.

A return to the so-called judge wars in an effort to block the president's power to fill vacancies on the federal bench ultimately will serve neither party.

[From SFGate.com, May 20, 2011]

SHAME ON GOP SENATORS WHO BLOCKED  
GOODWIN LIU

Senate Republicans, dripping with partisanship and hypocrisy, blocked an up-or-down vote Thursday on the nomination of UC Berkeley law Professor Goodwin Liu to the Ninth U.S. Circuit Court of Appeals in San Francisco.

Their argument that Liu is a leftist ideology does not hold up to scrutiny. Instead, the continuing filibuster of Liu's nomination carries the distinct scent of political retribution.

Fair-minded people who have looked at Liu's record and determined that he has the intellect and temperament to be a superb appellate judge include prominent conservatives Richard Painter, chief ethics lawyer in the Bush White House, and Whitewater prosecutor Ken Starr.

But neither fair play nor intellectual honesty carried the day in the Senate, where Liu's nomination remained bottled up through the efforts of multiple Republicans who had opined (in the Bush years) that it was unconstitutional for senators to deprive a judicial nominee of an up-or-down vote. The obstructionists included Sens. John McCain, R-Ariz., and Lindsey Graham, R-S.C., who were among a group of 14 senators who had pledged that they would filibuster a nominee only in "extraordinary circumstances."

Both McCain and Graham suggested, unconvincingly, that Liu was sufficiently out of the mainstream to merit such extreme action. Graham specifically mentioned Liu's "outrageous attack" on Samuel Alito during his Supreme Court confirmation hearings in 2006. But, again, on closer inspection, Liu's point-by-point dissection of Alito's record was meticulously documented with facts.

Another undercurrent at play is a GOP fear that the 40-year-old Liu, with his sharp intellect and appealing manner, might be a candidate to become the first Asian American on the Supreme Court. The gamesmanship against this well-qualified nominee is a disgrace to the Senate and a disservice to the judiciary.

[From Press—citizen.com, May 23, 2011]

TRASHING OF COURT NOMINEES MUST END

The judicial confirmation wars just got a fresh supply of ammunition. The U.S. Senate on Thursday failed to muster the votes needed to move forward on the confirmation of a nominee for a federal judgeship.

That almost certainly ended the Obama administration's two-year struggle to win confirmation for Goodwin Liu to the 9th Circuit U.S. Court of Appeals.

The rejection also shattered any hope that partisan battles over confirmations might finally end. Democrats outraged over this loss will no doubt remember this and look for an opportunity for payback. This has been the story since 1987, when Senate Democrats led the effort to defeat Robert Bork, Ronald Reagan's nominee to the U.S. Supreme Court. Since then, both parties have been guilty of trashing the potential judicial careers of clearly fit nominees: Republicans skewering Democratic presidents' nominees; Democrats returning the favor for Republican presidents.

Sadly, Sen. Chuck Grassley, R-LA, played a role in defeating the Liu nomination. This

is especially disappointing since, as the ranking Republican on the Senate Judiciary Committee—which vets judicial nominees—Grassley could have helped set a new tone on confirmations. He has done just the opposite.

Grassley has consistently opposed Liu's confirmation because, he has said, the professor and associate dean at the University of California-Berkeley Law School is has made numerous controversial statements in his writings and speeches that express an "activist judicial philosophy" and because has no prior judicial experience. In a prepared statement, Grassley said "Liu holds a view of the Constitution that can only be described as an activist judicial philosophy" and if appointed to the court, "he will bring a personal agenda and political ideology into the courtroom."

That is one opinion, and Grassley is certainly entitled to it. Others—including several conservative Republican lawyers, including former Whitewater prosecutor Kenneth Starr and two former lawyers in the Bush administration—disagree. Liu was given a unanimous "well qualified" endorsement from the American Bar Association, and his resume bristles with sterling academic and professional credentials. Liu would have been the first Asian-American judge on the 9th Circuit Court.

What is most disturbing about Thursday's Senate vote is not the fact that the Senate rejected this nominee, but how it was done: by a filibuster. In other words, the Republicans used the Senate rules to prevent a simple up-or-down vote on the Liu nomination. The effort to end the filibuster fell eight votes short of the 60 needed. But had the 52 senators who voted for cloture voted for confirmation, Liu would be headed for the bench.

This is the very same tactic Republicans (including Grassley) rightly condemned when Democrats filibustered to block Republican nominees. They said that all presidential nominees deserve an up-or-down vote, and they were right then.

How soon they forget.

Alas, Democrats who are outraged by Thursday's move will not forget, and this mindless back-and-forth battle over judges will continue, probably forever. It is a sad day for the courts, for bipartisanship in the Senate and for the nation.

Mr. GRASSLEY. Today, the Senate will consider the nomination of Michael Simon, nominated to be a U.S. district judge for the District of Oregon. This nominee was reported out of Judiciary Committee with four votes in opposition. I am one of those who opposed the nominee and would like to detail my reasons for doing so.

Mr. Simon received his B.A. *summa cum laude* from the University of California, Los Angeles, in 1978, and J.D. *cum laude* from Harvard Law School in 1981. He began his legal career as a trial attorney with the Antitrust Division of the Justice Department.

In 1985, he spent 6 months as special assistant U.S. attorney for the Eastern District of Virginia and argued one appeal before the Fourth Circuit. Mr. Simon joined a large law firm as an associate in 1986. Since 1990, he has been a partner and the head of litigation for the firm's Portland office.

Throughout his career, Mr. Simon has advocated on behalf of the American Civil Liberties Union of Oregon as a pro bono attorney. But his involvement in the ACLU goes beyond mere

representation of a client. Mr. Simon has been a member of the ACLU of Oregon since 1986. He is an active member of their Lawyers' Committee and served as a board member from 1997 to the year 2004, the vice president for legislation 1997 to 1998, and vice president for litigation from 2000 to 2004.

I recognize that judicial nominees should not be evaluated solely on client lists or memberships, that would be very unfair. However, these are relevant bits of information about a nominee.

Listen to the words of one of my Democratic colleagues, who inferred that the ACLU is beyond a moderate and mainstream approach. This was stated during the debate on judges nominated by President Bush:

If you look at the records of these judges and you put scales, left to right, 10 being the most liberal and 1 being the most conservative, these judges are "ones", to be charitable. When Bill Clinton nominated judges, he nominated mainly sixes and sevens, people who tended to be a little more liberal, but were moderate and mainstream—very few legal aid lawyers or ACLU charter members, much more prosecutors and partners in law firms.

My colleague recognized that ACLU lawyers were beyond moderate and mainstream. I would complete his analysis and rank this organization as very liberal.

In Mr. Simon's case, there has been concern about whether or not he shares the far out views of the ACLU. On this question, Mr. Simon refuses to provide a clear answer. At his hearing he stated that "we do not necessarily agree with all of the positions taken by the American Civil Liberties Union." When asked in follow-up questions to describe the legal or policy position with which he disagrees, he argued that his advice to the ACLU was confidential and subject to the attorney-client privilege. In a second round of questions, committee members clarified they were not asking about advice to a client, but policy positions with which he disagreed. This was met with "I am not at liberty to describe the legal or policy positions advocated by the ACLU with which I disagree."

The ACLU does hold very liberal views, and Mr. Simon has been the voice for those views. For example, Mr. Simon wrote a letter to the Tillamook County Courthouse in Oregon expressing the ACLU's concern with religious Christmas signs and decorations. The letter encouraged the county to repeal its resolution that deemed the county a "Merry Christmas County."

On issue after issue, Mr. Simon refused to disassociate himself from legal and policy positions held by the ACLU, that are far outside the mainstream. This includes the legalization of drugs, the unconstitutionality of the death penalty, the unconstitutionality of the Pledge of Allegiance, the ACLU's opposition to tax exemptions for churches and extreme views regarding separation of church and state.

Mr. Simon's views on the war on terrorism and a liberal view on civil liberties are troubling to me. In a speech in 2007, Mr. Simon argued that Americans' civil liberties have been threatened because of measures undertaken following 9/11. In his speech, he said that "our thinking would be clearer and our solutions more effective if we stop thinking about—and stop calling—terrorism a 'war' or a 'crime,'" and argued that calling military action against terrorism a "war" "implies that a military conquest is the best tool for this fight" and that terminology "may limit more creative and even more successful techniques to promote and protect our security."

Perhaps Mr. Simon agrees with the Attorney General who, in a recent speech, asserted that "our most effective terror-fighting weapon" is our article III [civil] court system. I certainly disagree with that assertion, and I think most national security experts, our military, and most Americans would disagree as well.

Mr. Simon appears to approach constitutional theory with an activist slant. In remarks before a conference sponsored by the Oregon Lawyers Chapter of the American Constitution Society on May 23, 2007, Mr. Simon stated:

There is also support for the conclusion that the Founders did not believe that their intentions and understanding should bind future generations. That may be the only real 'original intent' of the Founders.

That quotation makes me wonder, if the Constitution wasn't going to have any hold on future generations, why did the drafters spend so much time during that summer of 1787—and even longer periods of time—getting the Constitution adopted. That seems to be the implication of what he says there.

It is no surprise, then, that Mr. Simon has a hostile view of religion in the public square. He continued in those remarks, "There is also support for the proposition that the concept of 'separation of church and state' was an 'unfolding and evolving' idea at the time of the Founders. . . ."

Mr. Simon appears to demand an absolute wall of separation between church and state, as opposed to the U.S. Government promoting a specific religion. He has argued against religious displays on public land, against religious visitors to schools, against a coach praying with his football players. I assume that means even if you're praying that they don't get injured. Mr. Simon has argued that it is unconstitutional under the establishment clause to teach intelligent design in public school science classes.

Based on his views regarding the war on terror, his activist approach to constitutional interpretation, his hostility to religion in the public square, and his remarks and advocacy of ideas which indicate a legal view that is outside the mainstream, I will oppose this nomination. I ask my colleagues to do likewise.

Mr. LEAHY. Mr. President, I see my two friends—the two outstanding and distinguished Senators from the State of Oregon—and I yield the floor to them.

The PRESIDING OFFICER. The junior Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank the chairman of the Judiciary Committee for his comments and perspective on judicial independence. It is extremely important in having a court system that can both be effective and reflect the faith of the citizens of this Nation that they have a system of true justice.

I rise in support of the nomination of Michael Simon to the post of U.S. District Judge for the District Court of Oregon. Quite simply, Michael Simon is a man of enormous integrity, intellectual breadth and depth, and good old-fashioned common sense and decency. Michael Simon has earned a reputation as a top lawyer in commercial litigation, appellate law, and constitutional law. He is respected nationally. He is eminently qualified for this seat.

After graduating summa cum laude from UCLA, he attended Harvard Law School, where he graduated cum laude. He began his legal career in the Department of Justice's antitrust division, where he served as a trial attorney for 5 years. During this time, he also volunteered for and served as a special assistant U.S. Attorney for the Eastern District of Virginia.

Mr. Simon is currently a partner at Perkins Coie in Portland, where he has worked since 1986 and earned a reputation as one of the Northwest's real legal stars. He has engaged in extensive pro bono work and has volunteered for many nonprofit organizations. He has served as an adjunct faculty member at Lewis & Clark Law School, teaching antitrust law, drawing on his earlier life experience. He has also served as a pro tem judge on the Multnomah County Circuit Court.

In the courts, Michael has made his name as a staunch defender of consumer protection, antitrust laws, and the first amendment. He has found the time to be deeply involved in his community, displaying a commitment to voluntarism, civic participation, and public service.

For years, Michael has been a leader of the Classroom Law Project, a nonprofit that prepares youths to become active, engaged and informed participants in our democratic society. Serving as president, and then as a board member, he has helped bring a love of civics and democracy to thousands of public school students across Oregon.

In addition to his service in government and civic organizations, Mr. Simon has been an active member of the Jewish community in Portland. He is a familiar and beloved face at his temple, Beth Israel, and has served on the boards of the American Jewish Committee and the Jewish Federation of Greater Portland.

In short, Michael Simon exemplifies the traits that every Federal district

judge should possess—a brilliant legal mind and a heart dedicated to service, fairness, and community.

The U.S. District Court of Oregon has historically had a reputation as a place of efficient and fair courts led by outstanding professional jurists. I know Michael Simon will uphold this tradition. He will be an outstanding judge who will continue the district's tradition of fairness and commitment to public service, and he will fill a critical vacancy in this district.

Michael Simon is an excellent nominee, and I urge all my colleagues to reflect on his record and his capacity in multiple dimensions throughout his life that brings a seasoned judgment and the independence of mind to the judicial system. I urge my colleagues to support his nomination.

I thank the Chair.

The PRESIDING OFFICER. The senior Senator from Oregon.

Mr. WYDEN. Mr. President, Senator MERKLEY has said it very well this morning. I had a chance to speak about Michael Simon yesterday, and I want to make a few additional remarks this morning.

After the retirement of Senator Hatfield, whom we all know is still beloved by many here in the Senate, I have had a chance to work with our former colleague Senator Gordon Smith and now with Senator MERKLEY to send to both Republican and Democratic Presidents some outstanding men and women for their consideration for the District Court in Oregon. Today, Senator MERKLEY and I send to the Senate for its consideration another outstanding individual—someone who is going to take his place with the other leaders who have been named to the district court of Oregon.

Michael Simon is one of those persons who, when you look at what kind of jurist you want to have, meets all the essential tests. He is a thoughtful man, he is a fair man, and he is an individual who always wants to have all the facts in front of him before he makes a reasoned judgment. When I look at his background—and Senator MERKLEY has laid out several of the areas that were special and that we are especially proud of, his work in the private sector at Perkins Coie—I come particularly to his work in consumer protection and the antitrust field, because it highlights the kind of person Michael Simon is.

He made one of his most notable contributions to strengthening consumer protection law working on behalf of the Department of Justice on the case of the United States v. American Airlines, and he successfully argued then for extending the reach of the Sherman Act to include monopolization and attempted monopolization.

This is not a partisan issue. This is the kind of issue that helps all Americans—all Americans, regardless of their political philosophy or party they belong—to benefit from the fruits of a more competitive American marketplace.

Michael Simon's work in that area benefits each and every one of us every single day.

Second, as I talked about yesterday, and Senator MERKLEY has described eloquently this morning, we are very proud of Michael Simon's championing work as a volunteer. I can tell you, that it seems as though virtually every good cause that comes across my desk at home seems to have Michael Simon's name on it urging that Oregonians participate and volunteer their time.

We are especially proud of his work on behalf of children. His work with the Classroom Law Project, his work at the Waverly Children's Home, where he was past head of the board of directors, these kinds of positions are ones where you make a difference. These kinds of positions give Mr. Simon a chance to teach not just right and wrong to young people but a chance to give them the kind of background about the rule of law and the rights and responsibilities we want to instill in our children. That is why we are very proud to bring to the attention of the Senate his work with Oregon's youngsters.

Finally, I want to stress the immediacy of the need for the Senate to confirm Michael Simon today. This seat has been vacant for 664 days. It is just 1 of 36 judicial emergencies. As it stands, there are nearly 90 Federal court vacancies, some of which have been empty for more than 3 years. Judicial emergencies are not just some sort of Washington phrase to throw around on the floor of the Senate. They are actually an emergency defined by the Chief Justice of the United States, John Roberts. And to earn this designation, filings must exceed 600 per judge in district courts and 700 per judge in circuit courts.

Justice delayed is justice denied. Until the Senate begins to move expeditiously to fill these vacancies, justice will continue to be denied to thousands of Americans who deserve due process.

Both Senator MERKLEY and I are very grateful to Senator LEAHY and Senator GRASSLEY, the majority leader Senator REID, and the minority leader Mr. MCCONNELL for their work to bring this nomination to the floor.

I hope colleagues who have questions about Michael Simon will come to Senator MERKLEY and myself. We will stay on the floor and be available to colleagues to answer any questions.

But this is a good and decent man who possesses all of the requisite qualities we would like in a jurist, whether it is his work in the private sector, whether it is his pioneering work in the field of extending the reach of the Sherman Act to deal with monopolies. This is a person who will reflect great credit on the District Court of Oregon and on the legal system of our country.

I hope all our colleagues will support Michael Simon today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

#### PANETTA NOMINATION

Mr. CHAMBLISS. Mr. President, I rise to support the nomination of Leon Panetta to be the 23rd Secretary of Defense. Director Panetta has a long history of government and private sector service and experience, including service in the U.S. Army.

Director Panetta served ably for eight terms as a member of the U.S. House of Representatives, rising to be chairman of the House Budget Committee. He left that position to be President Clinton's Director of the Office of Management and Budget and later served 2½ years as President Clinton's Chief of Staff, which is where I got to know him well. He then spent 10 years codirecting a foundation with his wife that seeks to instill in young men and women the virtues and values of public service. Knowing Director Panetta, this comes as no surprise. In February 2009, he became the 19th Director of the Central Intelligence Agency, and it is in this capacity where I have had the opportunity to work very closely with him over the last several years and consider him a close friend.

Director Panetta has been an outstanding leader of the Central Intelligence Agency, and it is bittersweet to see him leave. Director Panetta is a true leader in every sense of the word. He understands how Capitol Hill works since he served in Congress for 16 years. He has always shown the Senate Select Committee on Intelligence, which is the committee that oversees his organization, the right kind of deference and responded to our questions and concerns promptly and directly.

Although he leaves the CIA, he is not leaving the administration and I am quite pleased that I will continue to have the opportunity to work with him as Secretary of Defense. I think he has the right qualifications for his new job. He understands budgets, and in this time of economic austerity we need someone with that knowledge and his ability to understand and manage the resources of a huge organization such as the Department of Defense.

In his current capacity as Director of the CIA, he has also worked and built strong partnerships with the Department of Defense, having been involved in the planning and execution of numerous joint operations, including of course the most recent operation against Osama bin Laden. He will continue this strong partnership in his new position, and I know he will continue to ensure that these two organizations work closely together and cooperate successfully in the interest of our national security and for the safety of our country.

Director Panetta has a very challenging job ahead of him. The United States is involved in three major military operations overseas, as well as countless smaller ones. Budgets are extremely tight, and they are only going to get tighter. However, no country has the global interests and global respon-

sibilities that the United States has, and for that reason we need a military that can protect those interests and carry out those responsibilities. Director Panetta will need to decide how we do that and will also help decide what, if anything, the United States can and needs to stop doing.

He will also need to take responsibility for shaping our military to be prepared for the future. For the last decade, our military has necessarily been focused on fighting and winning the conflicts we are in; namely, Iraq and Afghanistan. We continue to meet that challenge, and I am very optimistic that we, with the Afghan people, will prevail against insurgents in Afghanistan, just as we prevailed with the Iraqi people against insurgents in Iraq. However, we can't take our eyes off the future. As a nation, we have a very poor record of predicting where our next conflict will come from.

I have heard it said that when Secretary McNamara had his confirmation hearing to be Secretary of Defense in 1961, no one asked him a question about a country called Vietnam. And when Secretary Rumsfeld had his confirmation hearing in 2001, no one asked him about Afghanistan. But, in both cases, those were the issues that would dominate their tenure as Secretary of Defense.

If I might say, Director Panetta, if a new global hot spot dominates your tenure as Secretary of Defense, there is a good chance that it will be one that no one asked you about at your confirmation hearing.

For this reason, our Armed Forces need to be prepared to fight conflicts that are unlike our current ones. We cannot, and should not, assume that the next war will be like the current one. We need to be prepared for both high-end and low-end conflict. We need to be prepared not just so that we can fight and win these conflicts but so we can deter potential adversaries and not have to fight in the first place.

I know Leon Panetta realizes that, and I know he will continue to be committed to ensuring our military is as prepared as possible to meet whatever challenges may come our country's way. That will not be easy, and it will take a man of his ability to do this successfully and in a way that takes into account our current fiscal situation. However, I believe the President has chosen the right man for the job.

I support Leon Panetta's nomination to be the next Secretary of Defense, and I encourage my colleagues to support that nomination as well.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, let me first say I thought the statement from the distinguished Senator from Georgia was spot on, and I particularly appreciated his point that when we confirm Leon Panetta to head Defense, no one can possibly predict what kind of challenges he will face there. But this is the kind of person who, because of ability and background, is up to any kind

of challenges that are thrown to him. So I want to associate myself with my colleague from Georgia.

Mr. President, I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WYDEN. Mr. President, I ask unanimous consent to yield back the remainder of the time and I ask for the yeas and nays.

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

Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Michael H. Simon, of Oregon, to be United States District Judge for the District of Oregon? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Ms. AYOTTE).

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

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 92 Ex.]

YEAS—64

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

NAYS—35

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

NOT VOTING—1

Ayotte

The nomination was confirmed.

RECESS

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

Thereupon, the Senate, at 12:45 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. WEBB).

EXECUTIVE SESSION

NOMINATION OF LEON E. PANETTA TO BE SECRETARY OF DEFENSE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Leon E. Panetta, of California, to be Secretary of Defense.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours of debate, equally divided, between the two leaders or their designees.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I understand there is a time agreement on this nomination; is that correct?

The PRESIDING OFFICER. The Senator is correct—2 hours of debate, equally divided.

Mr. LEVIN. I thank the Presiding Officer, and I yield myself 10 minutes.

Mr. President, the nomination of Leon Panetta to be Secretary of Defense is a wise and a solid nomination. Director Panetta has given decades of dedicated public service to this Nation, and we should all be grateful he is once again willing to answer the call and take the helm at the Department of Defense. We are also grateful to his wife Sylvia for her significant sacrifices over the last 50 years in supporting Leon Panetta's efforts in the public and private sectors.

When Mr. Panetta appeared before the Armed Services Committee at his nomination hearing, all of our Members commented invariably in the same way—reflecting the view that we are grateful Mr. Panetta is willing to take on this position. He is going to bring a reassuring level of continuity and in-depth experience. He has been a critical member of President Obama's national security team during his tenure as Director of the Central Intelligence Agency. The Department of Defense will need Director Panetta's skill and his wisdom to navigate the extraordinarily complex set of challenges in the years ahead.

Foremost among those demands are the demands on our Armed Forces, and these are exemplified by the ongoing wars in Afghanistan and Iraq. Between those two conflicts, we continue to have approximately 150,000 troops deployed. The U.S. military is also providing support to NATO operations to protect the Libyan people. In addition, even after the extraordinary raid that killed Osama bin Laden, we face potential terrorist threats against us and against our allies which emanate from Pakistan, Yemen, Somalia, and other places.

The risk of a terrorist organization getting their hands on and detonating an improvised nuclear device or other weapon of mass destruction remains one of the gravest possible threats to the United States. To counter that threat, the Defense Department is working with the Departments of State, Energy, Homeland Security, and other U.S. Government agencies to prevent the proliferation of nuclear weapons, fissile materials, and dangerous technologies. As Secretary of Defense, Director Panetta's leadership in this area will be of vital importance. Here again, it is that experience as Director of the CIA which will be so invaluable.

In the coming weeks, President Obama and his advisers will face a number of key national security decisions. While the drawdown of U.S. forces in Iraq remains on track, there have been recent signs of instability in that country. As a result, it is possible that Iraq's political leadership may ask for some kind of continuing U.S. military presence beyond the December 31 withdrawal deadline which was agreed to by President Bush and Prime Minister Maliki in the 2008 Security Agreement.

Another key decision point is looming in Afghanistan regarding reductions in U.S. forces starting next month. President Obama said the other day:

It's now time for us to recognize that we have accomplished a big chunk of our mission and that it's time for Afghans to take more responsibility.

The President also said a few months ago that the reductions starting next month will be "significant." Hopefully, they will be. Director Panetta, while not assigning a specific number, agreed they need to be significant. A significant reduction in our troop level this year would send a critical signal to Afghan leaders that we mean it when we say our commitment is not open-ended and that they need to be urgently focused on preparing Afghanistan's security forces to assume security responsibility for all of Afghanistan. The more that Afghan security forces do that, the better the chances of success because the Taliban's biggest nightmare is facing a large, effective Afghan Army—an army which is already respected by the Afghan people, but now, hopefully—and soon—in control of Afghanistan's security.

Another major issue facing the Department is the stress that 10 years of unbroken war has placed on our Armed Forces. Over the last decade, many of our service men and women have been away from their families and homes for multiple tours. Not only is our force stressed, so are our military families. We owe them our best efforts to reduce the number of deployments and increase the time between deployments.

The next Secretary of Defense will have to struggle with the competing demands on our forces while Washington struggles with an extremely challenging fiscal environment. The

Defense budget will not and should not be exempt from cuts. But Congress, working with the next Secretary of Defense, will need to scrub each Defense program and expenditure and make the tough choices and tradeoffs between our war fighters' requirements today and preparations for the threats of tomorrow.

Last week, the Armed Services Committee marked up the fiscal year 2012 National Defense Authorization Act. The committee cut about \$6 billion from the President's budget request. However, the President has decided to reduce the national security budgets for the next 12 years by \$400 billion. What we don't know is how much of that \$400 billion he will recommend to come from the Defense budget and how much from the intelligence and homeland security budgets or how much is recommended to be in the first of that 12-year period—fiscal year 2012.

The Nation is fortunate that Director Panetta's compelling record of achievement and experience is well suited to the demands of the position of the Secretary of Defense. Mr. Panetta is the right person to help our military through the fiscal challenges that confront this Nation. His service as President Clinton's Director of the Office of Management and Budget is invaluable because he understands the budget process and because he shaped the decisions that helped achieve the budget surpluses of the late 1990s.

Leon Panetta has repeatedly demonstrated an ability to reach across party lines and work in a bipartisan spirit since entering public service 45 years ago. He worked on the staff of the Republican whip in the Senate and headed the Office of Civil Rights in the Nixon administration. He later won election to the House of Representatives as a Democrat, where he served 16 years, earning the respect of his peers and becoming the chairman of the House Budget Committee.

Throughout his time in public service, Leon Panetta has been guided by a clear moral compass. He has said:

In politics there has to be a line beyond which you don't go—the line that marks the difference between right and wrong, what your conscience tells you is right. Too often people don't know where the line is. My family, how I was raised, my education, all reinforced my being able to see that line.

Leon Panetta has been intimately involved in the most pressing national security issues of our time. During his tenure as Director of the Central Intelligence Agency, President Obama turned to Director Panetta to personally oversee the manhunt for Osama bin Laden and the awe-inspiring operation that brought an end to al-Qaida's murderous leader and provided a measure of relief to the families and friends who have suffered since September 11, 2001. The raid on the bin Laden compound epitomizes the way in which the CIA and the Defense Department are finally working together to support each other in counterterrorism operations,

and Director Panetta deserves credit for this close coordination.

Before concluding, I wish to pass along my gratitude and deep admiration for the man who is stepping down as head of the Department of Defense, Secretary Robert Gates. Secretary Gates has provided extraordinary service to this country, spanning the administrations of eight Presidents. Four and a half years ago, he left the comfort and rewards of private life, following a long career in government, to once again serve the critical post of President Bush's Secretary of Defense at one of the most difficult times in recent history. Throughout his tenure, across the Bush and Obama administrations, Secretary Gates' leadership, judgment, and candor have earned him the trust and respect of all who have worked with him.

Secretary Gates has combined vision and thoughtfulness with toughness, clarity and courageous decision-making. Secretary Gates established a direct and open relationship with Congress and with our Senate Armed Services Committee in particular. As chairman of that committee, I will always be personally grateful for that.

Secretary Gates' tenure as Secretary of Defense will be judged by history to have been truly exceptional. So our next Secretary of Defense will have enormous responsibilities but also big shoes to fill. I am confident Leon Panetta is the right person to take on that challenge, and I urge our colleagues to support this nomination.

Mr. President, I yield the floor, I suggest the absence of a quorum, and I ask unanimous consent that any time consumed during the quorum call be equally divided.

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

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I rise in strong support of President Obama's nominee to serve as our 23rd Secretary of Defense, Mr. Leon Panetta. These are big shoes to fill. Secretary Gates has had a remarkable term as Secretary and a remarkable career in public service. In addition, the challenges our military faces in this economic climate are significant. We must have a serious discussion about crafting a sustainable way forward.

I sat down with Director Panetta earlier this month to discuss these challenges. I can say with certainty, Leon Panetta is up to the test. He has the experience and wisdom required, and I look forward to working with him once the Senate gives its advice and consent to his nomination.

I have known Leon Panetta for a long time. We served together in the House of Representatives, and we

worked together in government for many years. He has an amazing history of public service to America. We served together on the House Budget Committee when we were both Congressmen in the early 1990s, and he chaired that committee. He understands budgets and the challenges they present.

As Director of the Office of Management and Budget, he took that skill to the executive branch; and as Chief of Staff to President William Jefferson Clinton, he crafted the proposal which brought us to balance in our budget as a nation.

It is hard to imagine it was only 10 years ago that we had a balanced Federal budget. In fact, we were generating a surplus, putting that money into the Social Security trust fund to make it stronger. Ten years later, mired deep in debt, it is hard to imagine that happened, but it did, and Leon Panetta was a big part of that occurrence.

He advised President George W. Bush on how to bring a close to the Iraq war in a responsible way. For the last 2 years he has had an awesome responsibility as Director of the Central Intelligence Agency.

Thanks to the President's strategic focus and Director Panetta's extraordinary leadership, Special Forces and CIA operatives were able to locate and capture Osama bin Laden last month in Pakistan. These are precisely the skills and experiences we need at the table at this moment.

I know Leon Panetta as more than just a fellow colleague in the House and a person who shared some time in public service when I did. I know him as a person. I know his family. I know what he thinks. I know his values. I have to tell you, President Obama and America are fortunate to have a person of this quality who is willing to give even more of his life in public service. He could have stayed out in Monterey, CA, his home area, and no hardship assignment, but he chose not to. He came to Washington to head up the Central Intelligence Agency and now has accepted this invitation to head up the Department of Defense. There is no question in my mind that he will bring to it an extraordinary skill level and amazing values.

Director Panetta and I have talked a little bit about some subjects, and one near and dear to my heart, the DREAM Act. The DREAM Act is legislation I introduced almost 10 years ago allowing immigrant students who have no country an opportunity to contribute to America. These young people came to the United States with their parents when they were just kids and infants. They have lived here all their lives. All they want is a chance to prove how much they love this country. The bill I introduced said there are two ways they should be allowed to do it: No. 1, to complete at least 2 years of college, to have, obviously, a high school diploma and good background; but another, to serve in our Nation's military.

I have been proud to have the support of Secretary of Defense Gates in this effort, and I look forward to the same support from the next, Secretary Panetta. The DREAM Act would strengthen our military and strengthen our Nation, and I am sure, as General Colin Powell has said, "Immigration is what's keeping this country's lifeblood moving forward." These young people can help us move forward as a nation to be safer and create more opportunity.

We have a number of challenges ahead. Our men and women are fighting wars in Iraq, Afghanistan, and now Libya. Servicemembers and their families have borne an incredible burden of sacrifice in these conflicts over the last decade. As a nation, we are spending tens of billions of dollars a month to sustain them in their efforts.

At the same time, public support for these undertakings will not last forever. The current situation needs to change, and the President is about to make an announcement when it comes to our troop levels in Afghanistan. We have to craft a way forward and deal honestly and responsibly with what is possibly one of our most challenging situations in Afghanistan. I believe it has to begin with a substantial redeployment of U.S. troops back to America from Afghanistan.

Last week I joined Senator JEFF MERKLEY of Oregon and 24 of my colleagues in a letter to the President expressing these concerns. I trust the President and incoming Secretary of Defense and Congress can find a responsible path forward. We need to take a hard look at every aspect of our Federal budget, including our Department of Defense, to sustain our men and women in uniform but not to waste money on privatization, on contractors, and on runaway contracts.

As Chairman of the Joint Chiefs of Staff, Admiral Mullen has commented that our greatest national security threat is our ballooning deficit. Of course, we need to protect our country, but we need to do it in a fiscally responsible manner. Even as we address the path forward in Iraq, Afghanistan, and Libya, even as we trim the spending in the defense budget, we will not back away from our commitment to the men and women in uniform. I know Leon shares that statement.

I support Leon Panetta as our next Secretary of Defense because now more than ever we need his steady hand, his leadership, to tackle these challenges in budgets, in management, and in the critical conflicts we are engaged in around the world. I congratulate President Obama for selecting Leon Panetta for this awesome responsibility, and I look forward to working with him on these issues and others in the years to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today to express my strong support for

the nomination of Leon Panetta as the next Secretary of Defense. Director Panetta comes to this job at an extraordinarily challenging time for the Department of Defense and for our Nation. Among the many issues he will confront, Mr. Panetta will oversee the completion of our direct military operations in Iraq, the beginning of the transition of our forces out of Afghanistan, the enhancement of our cyber defenses, and the reduction of our defense budget.

I have known Leon Panetta for many years, and I know he is particularly well suited to address all of these challenges. He is a man of great intellect, of great decency, and great determination.

At the end of this year, for example, in compliance with the Status of Forces Agreement, we will complete the withdrawal of our forces from Iraq and hand over primary responsibility for our ongoing relationship with Iraq to the Department of State. It remains to be seen whether the Iraqi Government will ask us to extend our military presence past December 31. But for now, we are thoroughly and determinately preparing our troops to leave. Having served as a member of the Iraq Study Group, Mr. Panetta certainly understands the importance of this transition and will carry it out.

As the next Secretary of Defense, Leon Panetta will also continue to focus our efforts on fighting terrorism in Afghanistan and Pakistan. We are facing a critical turning point in our operations. This week, we expect President Obama to announce his plan to begin reducing our force levels in Afghanistan this summer, a commitment he made in his speech at West Point in 2009.

Along with the reduction in forces we must sustain the security gains that we have accomplished during the past year and further build the capacity of the Afghan forces so they are able to take full responsibility for their own security. Mr. Panetta understands how important it is for all of our agencies to work together in this effort and all security missions; that using military force may be our primary weapon of securing areas but enduring success comes from coordination among the intelligence and law enforcement communities, from effective diplomacy, and from assistance programs administered by the Department of State and the USAID.

The conditions on the ground in Afghanistan are directly related to our ability to successfully attack the terrorist networks that are operating along the border in Pakistan. In his current position as Director of the CIA, Mr. Panetta has reinvigorated these efforts, most notably with the successful raid on Osama bin Laden. Indeed, I believe when history looks back, outside of the critical and ultimate decision by the President of the United States, one of the most important roles played in this effort to prepare the way for those

courageous SEALs was the steady leadership of Leon Panetta at the Central Intelligence Agency. He understands the complexities of our relationship with Pakistan and, indeed, throughout the world. This expertise will be critical as we move forward, and critical for our next Secretary of Defense.

He will also lead the Department of Defense in preparing for the emerging threats to our national security, such as attacks to our cyber infrastructure. Indeed, every branch of government is working to define the roles various organizations will play in protecting people, infrastructure, and information within cyberspace.

During his confirmation hearings before the Senate Armed Services Committee, I discussed with Director Panetta the strategy the Department of Defense would employ in confronting the potential of a cyber attack against the United States. He responded in no uncertain terms. His words:

I have often said that there is a strong likelihood that the next Pearl Harbor that we confront could very well be a cyberattack that cripples our power system, our grid, our security systems, our financial systems, our governmental systems. This is a real possibility in today's world. And as a result, I think we have to aggressively be able to counter that.

Indeed, Mr. Panetta understands the future as well as the present, and he will bring his experience as well as his vision to bear on the emerging challenges that face the United States.

Perhaps most challenging of all, Leon Panetta will lead the Department at a time of great fiscal constraints. As our Nation continues to find a path forward to rebound from the economic challenges of the last few years, there is an ever-growing pressure to reduce the size of the defense budget, which has nearly doubled over the past 10 years. But we must be careful to do so in a way that removes unsustainable costs without losing vital capability.

As a result of the high operational tempo and the duration of multiple overseas operations, all of our services are facing serious reset and recapitalization needs. Serious decisions will have to be made to ensure that we have the right systems in place to meet the threats we face, all at a price level that we can afford.

Having served as the House Budget Committee chairman, and as the Director of the Office of Management and Budget, there is no one who has more knowledge, more experience, more sense of the details than Leon Panetta, and I believe he is the most well qualified individual to tackle the huge budgetary issues that are facing the Department of Defense.

Leon will have an extraordinary role to play, particularly in the wake of the extraordinary service of Secretary of Defense Robert Gates. I can't think of anyone I respect or admire more. I can't think of anyone who has served this country with more distinction,



who has served with more selfless dedication to the Nation, and fundamentally who has made his decisions knowing full well that at the end of the day young Americans in the uniform of the United States will carry out his orders.

Bob Gates has done a superb job. But I have every confidence that Leon Panetta will continue to carry on, will continue to meet those standards, will continue to lead the Department of Defense with distinction, with dedication and great loyalty, just as Secretary Gates has done, and ultimately we will know that at the end of all the decisions emanating from the Pentagon there is a young American willing and able and ready to serve, to support this Nation and defend it.

With that, I rise to express my great support for Secretary-designee Panetta and wish him well in all of his endeavors and pledge to work with him closely.

I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

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

Mr. MANCHIN. Mr. President, first of all, I rise in total support of Mr. Leon Panetta as the new Secretary of Defense. He is an outstanding public servant who has served in many capacities and he has been a tremendous leader in every role he has held.

#### THE DEBT CEILING AND AFGHANISTAN

With that being said, I rise to speak on our war in Afghanistan. Very soon our Nation, this esteemed body, and particularly the President of the United States will address two of the greatest challenges our Nation currently faces. The first is Afghanistan.

The second issue is raising the debt ceiling and confronting our Nation's unsustainable spending and debt. To the average American, Afghanistan and raising our debt ceiling may seem unrelated, but they are, in fact, directly related. They are directly related to the hard fiscal and strategic choices our Nation must make if we are to remain safe and secure in the coming decades.

With respect to raising the debt ceiling, the budget realities we face are both striking and frightening. While some may choose to ignore this threat, mere words cannot give weight to the fiscal peril our Nation now faces. Only numbers can.

Since 1992, we have raised the debt ceiling 16 times. In 1992, our national debt stood at \$4.1 trillion. Between 2002 and today, our national debt rose from \$5.9 trillion to over \$14.3 trillion. Now for the first time in our Nation's history, our yearly budget deficits may exceed \$1 trillion for 4 years in a row. At the current pace of deficit spending, CRS projects our national debt will exceed \$23.1 trillion by 2021.

In order to pay for the financial hole we have dug, the Congressional Budget Office projects that net interest payments will increase fourfold over the next 10 years, from \$197 billion in fiscal year 2011 to \$792 billion in fiscal year 2021. To put that number into perspective, one decade from today, interest payments on our \$23.1 trillion debt will exceed the amount we currently spend on education, energy, and national defense combined. Numbers of this size are not only unimaginable, they will prove catastrophic for our Nation's future.

The fiscal peril we face reminds me of the words a former Senator said on this floor in declaring why he chose in 2006 to vote against raising the debt ceiling when our national debt stood at that time at \$8.18 trillion. He said:

The rising debt is a hidden domestic enemy, robbing our cities and States of the critical investments and infrastructure like bridges, ports, and levees; robbing our families and our children of critical investments in education and health care reform; robbing our seniors of the retirement and health security they counted on. Every dollar we pay in interest is a dollar that is not going to investment in America's priorities.

That former Senator was President Barack Obama.

While his perspective on these words may ring differently today, I believe they accurately capture the difficult choices we face today. The choice is this: Will we rebuild America's future?

Today, with our Nation facing a stagnant economy and a death spiral of debt, we can no longer have it all—or pretend we can. We must choose what as a nation we can and cannot afford to do. Our risky debt will not only undermine our economic security, it also threatens our national security. As ADM Michael Mullen said:

I believe that our debt is the greatest threat to our national security. If we as a country do not address our fiscal imbalances in the near-term, our national power will erode, and the costs to our ability to maintain and sustain influences could be great.

We can no longer in good conscience cut services and programs at home, raise taxes, or—this is very important—lift the debt ceiling in order to fund nation building in Afghanistan.

Ten years ago, when our mission in Afghanistan began, it was a just and rightful mission to seek out and destroy those responsible for the terrorist attacks on 9/11 and the deaths of thousands of innocent Americans. We overthrew the Taliban government to provide a safe haven to al-Qaida. We have hunted down and killed Osama bin Laden as well as most of the senior members of this terrorist group. Today, in Afghanistan, in a nation of 30 million people, intelligence estimates suggest there are only between 50 and 100 al-Qaida terrorists harbored there. Because of the incredible work of our military men and women, the mission of destroying al-Qaida in Afghanistan by all accounts has been a success. But the real truth is, after 10 years, our current mission in Afghanistan has be-

come less about destroying al-Qaida and more about building a country where, frankly, one has never existed.

In February, I saw firsthand the significant challenges our brave troops face as they pursue this nation building mission. During the trip I heard from Ambassador Eikenberry and General Petraeus. I visited Helmand Province and Kandahar. I met with local tribal leaders and President Karzai of Afghanistan. What I heard from many officials and diplomats was that progress could be just around the corner but only if we give it more time and more money. I heard we must stay to counter the threat of al-Qaida but then was told that only a handful of al-Qaida members existed in Afghanistan. I was told that governance was improving, but that corruption was so rampant that billions—yes, billions—of dollars were lost to corrupt officials who seemed more interested in improving their own lives than the lives of their own people. I was told we need a sizable force to diffuse the threat posed by the Taliban but that estimating the size of the enemy was difficult. Still, everyone acknowledges that their force is a fraction of the number of troops we have there now. I was told that because of rampant corruption and theft, the very cost of moving our supplies was indirectly funding the very enemy we face.

I was told that China—yes, China—could reap billions by extracting resources from Afghanistan, but guess what. They are not contributing anything to the cost of security. I was told that after years of spending billions training a new Afghanistan military and police force, it could be years longer before they could fully defend their nation and their people, and even then it would demand billions more in funding from us. I was also told we were building schools, roads, and infrastructure as well as providing billions in aid for small businesses and job creation so Afghanistan could become more self-sufficient. But today, 97 percent of the Afghan economy is based on foreign aid, and that is after 10 long years. I have been told again and again that American aid is critical to rebuilding Afghanistan but that local projects built with American tax dollars could not be branded as American-funded projects out of fear of reprisals. I was told the people of Afghanistan truly want us there but was then told in a meeting with President Karzai that it was time for America to leave.

The American people have been hearing all of these arguments and the sad facts for nearly a decade. Now, after 10 years, I had truly hoped progress in Afghanistan would be clear and the Afghan people would be united and their government and leaders would be one defined by honesty, integrity, and a shared determination to build a better state. But the real truth is impossible to ignore. After 10 years, we face the choice of whether we will continue to spend tens of billions of tax dollars and lose precious American lives not on

fighting and killing al-Qaida terrorists in Afghanistan but policing and building a state where the leaders seem indifferent to the difficulties of their people and their people seem indifferent at best, if not hostile, to our presence.

Tomorrow, President Obama will present to the American people his latest review on the war in Afghanistan and whether our mission will change. As is already clear, some in this esteemed body will argue for the President to stay the course and others will suggest a very different course. The question the President faces—and we all face—is quite simple: Will we choose to rebuild America or Afghanistan? In light of our Nation's fiscal perils, we cannot do both.

I believe if we are being honest with the American people about the depth of fiscal challenges we face at home, it is impossible to defend the mission in Afghanistan in which we are rebuilding schools, training police, teaching people to read—in other words, building a country—even at the expense of our own.

Neither the President nor any Senator can divorce the difficult decisions we must now make on Afghanistan from the equally difficult decisions we must now make on cutting domestic spending in order to raise the debt ceiling.

While the truth is the war on terrorism must be fought and it must be won, that war is not in Afghanistan. Yet, with every passing month, we are choosing to spend billions we can't afford to fight a war against an enemy that is no longer there.

Since the day I was sworn in, I have heard from countless of my fellow West Virginians who ask, How is it possible we are willing to spend hundreds of billions of dollars in Afghanistan while we face mountains of debt and spending cuts here at home? How is it possible we will choose to spend hundreds of billions of dollars to build Afghanistan when our children, our seniors, our veterans, the poor, and the middle class are being asked to bear the brunt of massive spending cuts?

I have carefully thought over these questions over these many months, and after hearing from my constituents, seeing Afghanistan again with my own eyes, listening to our soldiers on the ground, hearing from dozens of diplomats, foreign policy experts, and the military leaders over these many months, as well as confronting the truth about the fiscal and economic peril our Nation faces in the coming years, I believe it is time for President Obama to begin a substantial and responsible reduction in our military presence in Afghanistan. I believe it is time for us to rebuild America, not Afghanistan.

That is why I strongly agreed with Senators MERKLEY and LEE, and the words of 27 of my Republican and Democratic colleagues, who made it clear in a letter they sent to the President last Thursday that:

... we must accelerate the transfer responsibility for Afghanistan's development to the Afghan people and their government. We should maintain our capacity to eliminate any new terrorist threats, continue to train the Afghan National Security Forces, and maintain our diplomatic and humanitarian efforts. However, these objectives do not require the presence of over 100,000 American troops engaged in intensive combat operations.

I believe it is time for us to compel the elected leaders of Afghanistan and its people to take responsibility for the destiny of their nation so we can ensure the destiny of ours. In that spirit, I have sent President Obama a letter calling on him to pursue significant reductions and end the scope of our current mission in Afghanistan well before 2014. I believe any further mission in Afghanistan should, as my Senate colleagues suggested in their letter, focus primarily on responding to any resurgent terrorist threat as well as providing targeted training for the Afghan military and police.

Throughout this transition period and beyond, I have asked the President to provide the American taxpayer a monthly accounting, to be published online, of every dollar that will be provided to Afghanistan government officials and agencies so as to ensure that no American tax dollars are lost to corruption and greed.

As for those on the right or the left who believe that leaving Afghanistan sooner is irresponsible, I simply ask them: Is 10 years not long enough? I ask them to tell the families of our brave military men and women who are on their third and fourth tour of duty, how much longer must they wait to come home. I ask them to look into the eyes of any American child and ask them to surrender our Nation's future for the sake of another. I ask all of them to explain to the American people the sanity of spending \$485 billion more, on top of the \$443 billion we have spent, to build Afghanistan over the next decade at the very same time our Nation drowns in a sea of debt.

The time has come to make the difficult decision. Charity begins at home. We can no longer afford to rebuild Afghanistan and America. We must choose, and I choose America.

As I made clear when I ran for this esteemed office, I would not put my political party before country, but I would do my best to do what is right for the people of my beloved State and great Nation. To that end, I promised to speak out and take positions, as difficult as they may be, not for the benefit of my next election but that are best for the next generation.

It is why I spoke out about the debt, to tell the American people and the people of West Virginia that I would not vote to raise the debt ceiling without a long-term permanent fix. I did this not because it was popular or easy but because we, as elected leaders of this great Nation, have a solemn obligation to rebuild our Nation before all others.

Our economy, our prosperity, our schools, our children, our veterans, our soldiers, our workers, our seniors, our Nation's future must come first. I, for one, will not look West Virginians in the eye and tell them that in order to raise the debt ceiling, vital programs and funding for Social Security, Medicare, our schools, roads, health care, veterans, seniors, and infrastructure will be slashed but we will continue to spend billions building schools, roads, and infrastructure in Afghanistan.

The time has come for us to realize the people of Afghanistan have to choose their own destiny. We cannot build it for them. The time has come for us to realize that in this time of fiscal peril, our solemn obligation is to build our own Nation, and that by doing so we will make America safer and stronger for generations to come.

The words of the great West Virginia statesman Robert C. Byrd ring even more true today than in October 2009 when he gave his last floor speech about the war in Afghanistan. Our friend said this:

During a time of record deficits, some actually continue to suggest that the United States should sink hundreds of billions of borrowed dollars into Afghanistan, effectively turning our backs on our own substantial domestic needs, all the while deferring the costs and deferring the problems for future generations to address. Our national security interests lie in defeating—no, I go further, in destroying al-Qaida. Until we take that and only that mission seriously, we risk adding the United States to the long, long list of nations whose best laid plans have died on the cold, barren, rocky slopes of that far off country, Afghanistan.

May God bless the brave men and women who serve this Nation and the United States of America.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in support of the nomination of Leon Panetta to succeed Robert Gates. But first I feel compelled to respond to the statements by the Senator from West Virginia which characterize the isolationist, withdrawal, lack of knowledge, of history attitude that seems to be on the rise in America.

In case the Senator from West Virginia forgot it or never knew it, we withdrew from Afghanistan one time. We withdrew from Afghanistan, and the Taliban came, eventually followed by al-Qaida, followed by attacks on the United States of America.

The Senator from West Virginia has expressed his admiration for the men and women who are serving. I hope he would pay attention to the finest military leader who will now be the head of the CIA, General Petraeus, whose knowledge and background may exceed that of the Senator from West Virginia.

If we leave Afghanistan in defeat, we will repeat the lessons of history. It is not our expenditures on Afghanistan that are the reasons we are now experiencing budget difficulties.

I am pleased the Senator from West Virginia went to Afghanistan once. I would suggest he consult with the people who know best that since 2009, when the surge began, we have had success on the ground in Afghanistan, and we are succeeding.

There are enormous challenges ahead of us. But as Secretary Gates has said: Withdrawal to “Fortress America”—which is basically the message of the Senator from West Virginia—will inevitably lead to attacks from them on the United States of America. I view the remarks of the Senator from West Virginia as at least uninformed about history and strategy and the challenges we face from radical Islamic extremism, including al-Qaida.

I urge my colleagues in the Senate to vote in favor of this nomination today.

Director Panetta has had an extraordinary career of public service. He served in the House of Representatives, representing his California district for eight terms. He served in the White House as President Clinton’s Chief of Staff and Director of the Office of Management and Budget.

Since February 2009 he has been the Director of the Central Intelligence Agency, strengthening that agency and forging positive relationships in the interagency process and with the congressional intelligence oversight committees. It is my expectation that Director Panetta will work closely with GEN David Petraeus, the nominee to succeed him at the CIA, and continue the cooperation and commitment that enabled the finding and elimination of Osama bin Laden.

I am certainly hopeful that as Secretary of Defense Director Panetta will successfully lead the effort to find and eliminate Ayman al-Zawahiri, who we are told has assumed leadership of al-Qaida, and other al-Qaida leaders. Zawahiri is a sworn enemy of the United States and our way of life and, like bin Laden, must be dealt with in similar terms.

Before discussing the challenges Mr. Panetta will encounter, I want to express my thanks and admiration for the service of Secretary Gates as he nears the end of his 4½-year tenure as Secretary of Defense. I recall that through much of 2007 and 2008 we heard about Secretary Gates’ countdown wristwatch that displayed the number of days until a new administration would take over in January 2009, and he and his wife Becky could finally return to their peaceful lakeside home and retirement in Washington State. It is fortunate for the country that President Obama asked, and Secretary Gates agreed to postpone retirement, and that he continued to serve and, presumably, discarded that wristwatch.

Secretary Gates testified at his nomination hearing on December 5, 2006, that he agreed to leave Texas A&M University and return to government out of love for his country, and he and his family have provided one of the greatest examples I have seen of that

kind of patriotism, answering the call to duty when his talents were most needed. For this, and for innumerable other contributions he has made to the men and women of the Armed Forces, he has truly earned a place in history as one of America’s greatest Secretaries of Defense.

In December 2006, at a time when so many Senators were clamoring for a cut-and-run strategy in Iraq—just as they are calling for a cut-and-run strategy in Afghanistan—Secretary Gates made the following statement at his nomination hearing:

While I am open to alternative ideas about our future strategy and tactics in Iraq, I feel quite strongly about one point. Developments in Iraq over the next year or two will, I believe, shape the entire Middle East and greatly influence global geopolitics for many years to come. Our course over the next year or two will determine whether the American and Iraqi people, and the next President of the United States, will face a slowly, but steadily improving situation in Iraq and in the region or will face the very real risk, and possible reality, of a regional conflagration. We need to work together to develop a strategy that does not leave Iraq in chaos and that protects our long-term interests in, and hopes for the region.

Mr. President, you could substitute the word “Afghanistan” for exactly what Secretary Gates then said in December 2006. Then we had the surge. There were 59 votes against the surge that would have called for withdrawal in the summer of 2007. Some of us knew what was right and fought for it, and we have succeeded in Iraq, just as we will fight to continue the surge in Afghanistan. We will succeed in Afghanistan, and we will come home with honor, and Afghanistan will not deteriorate to a cockpit of conflict between regional countries that will then cause again the threat of radical Islamic extremism to threaten our very existence—certainly pose threats of attacks on the United States.

Secretary Gates was, of course, correct then about Iraq. Today we must add Afghanistan and Libya to his warning about the future consequences of the decisions we make today. In the next few months, our country faces decisions related to our national security and defense that will echo for decades to come—decisions that will determine whether we remain the world’s leading global military power, able to meet our many commitments worldwide, or whether we will begin abandoning that role.

One of these decisions that will have perhaps the most impact on this outcome is our response to the President’s stated goal of cutting \$400 billion in national security spending by 2023—on top of the \$178 billion in efficiencies and top line reductions that Secretary Gates already has imposed.

Secretary Gates and Admiral Mullen have sounded the alarm against misguided and excessive reductions in defense spending that cut into the muscle of our military capabilities. If we get this wrong, it will result in a dramatic

drop in U.S. influence and, as Secretary Gates has said, “a smaller military able to go fewer places and do fewer things.”

Defense spending is not what is sinking this country into fiscal crisis, and if the President and Congress act on that flawed assumption they will create a situation that is truly unaffordable: the decline of U.S. military power and influence.

It is inevitable there will be cuts to defense spending, and some reductions are no doubt necessary to improve the efficiency of the Department of Defense. But I also remember GEN Edward Meyer, then-Chief of Staff of the Army, who warned in 1980 that excessive defense cuts over many years had produced a “hollow army.” That is not an experience we can or should repeat in the years to come. We must learn the lessons of history.

I sincerely hope Director Panetta, upon assuming office, will not focus exclusively on how but on whether the President’s proposal should be implemented and will apply his independent judgment in providing advice to the President on the cuts that can be made without damage to our national security.

Last week, the Committee on Armed Services completed its markup for the Defense Authorization Act for fiscal year 2012. In a very tough fiscal environment, this markup represents an effort to support our warfighters and bolster the readiness of the U.S. military. Unfortunately, the committee chose to authorize hundreds of millions of dollars in unnecessary and unrequested porkbarrel projects and rejected my efforts to stop the out-of-control cost overruns of the F-35 program.

The Defense authorization bill is an important piece of legislation while our country continues to be engaged in two wars; therefore, I voted to move the bill out of committee. Nevertheless, I will continue my efforts to fight the egregious and wasteful spending during debate on the floor of the Senate, and I will urge Director Panetta, once he is confirmed, to favorably endorse the proposals I will make to properly use precious national defense dollars.

In addition, especially in this budget environment, it will be important to continue to eliminate weapons programs that are over cost, behind schedule, and not providing improvements in combat power and capabilities. After 10 years of war, we must continue to eliminate every dollar of wasteful spending that siphons resources away from our most vital need: enabling our troops to succeed in combat.

One of the key criteria I am looking for in the next Secretary of Defense is continuity—the continuation of the wise judgment, policies, and decision-making that have characterized Secretary Gates’ leadership of the Department of Defense. As Director of the CIA, Mr. Panetta has demonstrated that he possesses the experience and

ability to ensure that we achieve our objectives in the three conflicts in which U.S. forces are now engaged: Iraq, Afghanistan, and Libya.

In Iraq, the key question now is whether some presence of U.S. forces will remain beyond the end of this year, pending an Iraqi request and approval, to support Iraq's continuing needs and our enduring national interests. I believe such a presence is necessary, and I encourage the administration to work closely with the Maliki government to bring about this outcome.

In Afghanistan, the main question is the size and scope of the drawdown of forces beginning this July. Here, too, I agree with Secretary Gates that any drawdown should be modest so as to maximize our ability to lock in the hard-won gains of our troops through the next fighting season. I hope Director Panetta, as the Secretary of Defense, will support "modest" reductions and take no action that would undermine the hard-won gains in Afghanistan.

Finally, we know that there is growing opposition to continuing the U.S. involvement in Libya. There has already been one legislative attempt to bind the President's authority as Commander-in-Chief, and there will likely be others. In short, the accumulated consequences of the administration's delay, confusion, and lack of meaningful consultation have been a wholesale revolt in Congress against the administration's policy.

Although I have disagreed, and disagreed strongly at times, with aspects of the administration's policy in Libya, I believe the President did the right thing by intervening to stop a humanitarian disaster in Libya. Amid all of our present arguments about legal and constitutional interpretations, we cannot forget the main point: In the midst of the most groundbreaking geopolitical event in two decades, as peaceful protests for democracy were sweeping the Middle East, with Qadhafi's forces ready to strike Benghazi, and with Arabs and Muslims in Libya and across the region pleading for the U.S. military to stop the bloodshed, the United States and our allies took action and prevented the massacre that Qadhafi had promised to commit in a city of 700,000 people. By doing so, we began creating conditions that are increasing the pressure on Qadhafi to give up power.

Director Panetta has been nominated to lead our Armed Forces amid their tenth year of sustained overseas combat. Not surprisingly, this has placed a major strain on our forces and their families. And yet, our military is performing better today than at any time in our history. That is thanks to the thousands of brave young Americans in uniform who are writing a new chapter in the history of our great country. They have shown themselves to be the equals of the greatest generations before them. And the calling that all of

us must answer, in our service, is to be equal and forever faithful to the sacrifice of these amazing Americans.

I have outlined some of the challenges that lay before Mr. Panetta. I have the highest confidence, however, that he is their equal.

Mrs. FEINSTEIN. Mr. President, I rise in strong support of the nomination of Leon Panetta to be the 23rd Secretary of Defense.

Mr. Panetta, who currently serves as the Director of the Central Intelligence Agency, was nominated by President Obama on April 28. The Senate Armed Services Committee held a hearing on his nomination on June 9, and I was honored to introduce him at that hearing. His nomination was approved unanimously by the committee on June 14.

I would like to speak briefly about Director Panetta's career, and in particular his time at the Central Intelligence Agency.

In his 47 years of public service, Director Panetta has held the positions of Congressman, chairman of the House Budget Committee, Director of the Office of Management and Budget, chief of staff to the White House, codirector, with his wife, of the Leon & Sylvia Panetta Institute for Public Policy, which I have had the pleasure of speaking before, member of the Iraq Study Group, and Director of the CIA.

His career and service started in 1964 as a second lieutenant in the U.S. Army, and now 47 years later he has come full circle to be nominated to lead the Department of Defense and U.S. Armed Forces.

In the course of 2 years as Director of the CIA, Mr. Panetta has mastered the intelligence field, led the CIA through a very tumultuous time, restored badly damaged relationships with Congress and with the Director of National Intelligence, and carried out President Obama's personal instruction to him to find Osama bin Laden.

It has been my pleasure to serve as the chairman of the Senate Select Committee on Intelligence during this time and to be able to work closely with Mr. Panetta.

I have no doubt that his past experience and his capabilities prepare Leon Panetta to meet the major challenges before the Department of Defense.

With knowledge of CIA operations and analysis, he will come to the Pentagon with a thorough understanding of the situation in Afghanistan as well as the aggravating factors of our relationship with Pakistan. Through CIA analysis and operations, he is also well aware of the other contingencies around the globe where the U.S. military may be called to deploy.

Director Panetta is also well positioned to guide the Department through the constrained budget environment. The budget cuts to the Pentagon have already begun, for the first time in 10 years, with the appropriations bills now moving through the Congress.

The Defense Appropriations Subcommittee, on which I serve, held a hearing last week with Secretary Robert Gates and the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen. Both of them expressed concerns that budget cuts not lead to a "hollow force" or deprive the Department and the Nation of needed capabilities.

I am confident that Leon Panetta possesses the credentials and experience to make cuts where needed and where prudent, but that he will do so in a way that keeps the military strong and capable, and in a way that maintains the cohesion of the Department and its services.

Beyond Director Panetta's experience is his leadership style, his character, and a deft personal touch. As we all know, personal relationships and the way one approaches things matter a great deal, whether within Cabinet meetings or negotiating with foreign counterparts. Mr. Panetta's approach is effective, and it provides for a very good working relationship with the Congress.

Positions like the Director of the CIA or the Secretary of Defense require a strong character and a strong moral compass, qualities that this nominee possesses.

Let me give you an example. Early in his tenure at the CIA in 2009, Director Panetta was briefed on a number of active and recent intelligence programs. One of them, which I can't describe here, was particularly sensitive and provoked questions and concern. Director Panetta asked the CIA staff if the congressional intelligence committees had been briefed on this program. He was told they had not.

Mr. Panetta immediately requested an urgent meeting with the Intelligence Committee to brief us. He said he found it unacceptable that this program had been withheld from Congress, and terminated it in large part on that basis.

In the 2 years since, he has never declined to answer a question or provide us with his candid views. He has been completely forthright, and motivated only by what is best for the CIA, and more importantly, this nation.

The Department of Defense is the largest Department in the Federal Government. As Secretary Gates recently noted, the health care budget of the Department of Defense is bigger than the entire budget of the CIA. The Secretary of Defense is responsible for thousands of young men and women serving in Afghanistan, Iraq, and deployed around the world, and bears the burden of every death and casualty we suffer.

I agree with Secretary Gates that no other position can fully prepare someone to be Secretary of Defense. But I believe that Leon Panetta, who has served honorably and successfully in Congress, at the Office of Management and Budget, at the White House, and now the CIA, is uniquely qualified to be

another outstanding Secretary of Defense in this very challenging time.

I urge his confirmation.

Ms. SNOWE. Mr. President, I rise today to enthusiastically support the nomination of Leon Panetta, the current Director of the Central Intelligence Agency, to be the 23rd Secretary of Defense.

Director Panetta has contributed nearly five decades of public service to our Nation, including as an officer in the U.S. Army, a distinguished Congressman, and most recently as Director of the Central Intelligence Agency, a position for which he was confirmed by the Senate on February 12, 2009. He and I served together in the House of Representatives from my first term in 1979 until he departed in 1993 to become Director of the Office of Management and Budget. Over the past 2½ years, I have had the opportunity to frequently work with Director Panetta, in my role as a senior member of the Senate Select Committee on Intelligence.

Like his predecessor, Dr. Robert Gates—who also served as CIA Director before becoming Secretary of Defense—Director Panetta brings to the Pentagon a wealth of experience built over a lifetime of service to his Nation and his fellow Americans. Over the past 2½ years, Director Panetta has repaired a damaged relationship between the CIA and Congress, an impressive accomplishment, to say the least, and led the agency and the Nation's human intelligence activities at a time when the Nation waged two wars and contended with such threats as Islamic extremism, terrorism, and cyber intrusion and attack.

And of course, Director Panetta will forever be remembered as the CIA Director during the May 1, 2011, mission in which U.S. forces once and for all rid the world of public enemy No. 1 and brought justice to the evil incarnate that was Osama bin Laden. On that night, the combined might of our Nation's military, intelligence, and counterterrorism professionals sent the unmistakable message to the terrorists of the world that America will prevail in this fight.

I deeply appreciate Director Panetta's efforts at the CIA, and believe he leaves the entire Agency, from the halls of Langley to its agents in the farthest reaches of the world, a better and more capable organization than it was when he arrived. I am confident that Director Panetta's unique experiences within the military, the Congress, and the intelligence communities will serve him, the Department of Defense, and the Nation well when he assumes the role of Secretary of Defense.

More than 4½ years ago, in December 2006, I rose in support of the nomination of Dr. Gates for the position for which we consider Director Panetta today. At the time, I said that Dr. Gates and the Nation were facing the imperative of charting a new course and strategy in Iraq, rising violence in

Afghanistan, global terrorism, the threats posed by nuclear states such as North Korea and possibly Iran, and the increasing strains on our military.

Director Panetta faces similar challenges today. He must continue to help shape our role in Iraq, define our strategy for the Nation's future involvement in Afghanistan, and recapitalize and reconstitute the elements of our military that have been at war for nearly a decade, while ensuring that the U.S. military is prepared to meet and overcome any hurdle on the horizon, whether in North Korea, China, Africa, the Middle East, Eastern Europe, or other, as yet unknowable, places around this globe.

At his confirmation hearing before the Senate Armed Services Committee on June 9, Director Panetta said, "We are no longer in the Cold War. This is more like the blizzard war—a blizzard of challenges that draws speed and intensity from terrorism, from rapidly developing technologies, and the rising number of powers on the world stage."

Director Panetta must confront the unpredictable vagaries of this "blizzard war" within perhaps the most arduous budgetary environment our Nation has faced since the Great Depression—an environment in which President Obama has already called for \$400 billion in reductions to national security spending over the next decade, much of which will come out of Department of Defense budgets.

It is hard to imagine how exactly cuts of hundreds of billions of dollars to national security budgets can be possible without both significant trade-offs and a fundamental retooling of our national security strategy. Perhaps more imperative than any other task confronting him, Director Panetta will likely be the individual most responsible for ensuring that our national security strategy is appropriate for meeting our global and national security interests, and that our defense budgets are sufficient to meet those challenges.

In this era in which distance alone is insufficient to insulate the United States and our global interests from terrorists and nations that wish to do us harm, Director Panetta faces the extraordinary task of ensuring that our Armed Forces remain able to defeat today's conventional and irregular threats, project power and U.S. presence around the world, and develop the war fighting capabilities necessary for our soldiers, sailors, airmen, and marines to prevail in the conflicts of the future.

If any nominee possesses the defense and budget bona fides required for such times, it is Director Panetta, who has demonstrated his capabilities as Director of the CIA, as former OMB Director, and as the former chair of the House Budget Committee. I believe that he is well prepared for the challenges of leading the Department of Defense, and I will vote to confirm Director Panetta as our 23rd Secretary of Defense.

On a final note, Secretary Gates will soon take leave from his post at the Pentagon, and I believe that he will be remembered for his consummate role in transforming our Nation's military from a force that focused on Cold War operations to one that was capable of defeating threats in Iraq and Afghanistan, while possessing the flexibility necessary to successfully carry out a mission like the one that killed bin Laden.

As Secretary Gates prepares to depart public life, I would like to thank him for the countless sacrifices he has made over a lifetime of contributions to the nation, which includes serving eight Presidents, as well as the distinctions of being the only Secretary of Defense in U.S. history asked to remain in that office by a newly elected President, and the only career officer in the CIA's history to rise from entry-level employee to Director. These two stand-out achievements speak volumes about Secretary Gates' work ethic and love of country. Our country and our security have been forever enhanced by his dedication to public service, and I wish him well in his future endeavors.

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

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

Mr. MANCHIN. Mr. President, I have the utmost respect for the Senator from Arizona and his commitment to this country and his service to this country.

I can only report what I have seen. I was in Afghanistan twice—as a Governor in 2006, representing the National Guard of West Virginia, and I went back in 2010. While there, I saw deterioration. I did not see a country that had an infrastructure and an economy. I saw corrupt leadership and nothing good coming of it.

With that, I know that the Senator has had much more experience. I can only speak from common sense and for the people of West Virginia about what they feel. We are a very hawkish State and a patriotic State. If 10 years is not enough, how long is enough—I think that is the question being asked—for the sacrifices being asked of them? When we cannot buy water lines and sewer lines or fix roads and repair bridges in West Virginia, yet they hear about the billions we are spending in a country that doesn't want us there, I think it is time to leave.

Respectfully, that might be the disagreement we have.

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

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

Mr. GRAHAM. Mr. President, I rise in support of the nomination of Leon Panetta for Secretary of Defense. The President has chosen wisely. He has a terrific national security team in place. General Petraeus has become the CIA Director. Mr. Donilon has done a great job as National Security Adviser. In Leon Panetta, the President could not have chosen better. I am pleased with Ambassador Crocker, Ambassador Eikenberry, and General Petraeus did a heck of a job in Afghanistan. Ambassador Crocker will be the best we have to offer on that side for the military-civilian partnership in Afghanistan.

Leon Panetta heading up the Department of Defense is a home-run choice. I have known Leon for quite a while. I want to let the country know I think the President made a very wise decision. Tomorrow night, he is supposed to tell us about Afghanistan.

Mr. SCHUMER. Will my colleague yield?

Mr. GRAHAM. Yes.

Mr. SCHUMER. Mr. President, I wish to add my accolades about Leon Panetta. I know him well. We roomed together for 11 years here in Washington. He is a strong, smart, honorable, and devout man. He will be a great Secretary of Defense. I thank my colleague for praising him and add my accolades.

Mr. GRAHAM. Mr. President, that shows you how bipartisan it is going to be—GRAHAM and SCHUMER. That shows you the depth and breadth of Leon Panetta—the way people view him here.

One of the first decisions he will have to make is what to tell the President about Afghanistan. I know we are war weary and have been there for 10 years. We didn't just throw a dart at the map when we decided to go there. That is the place the Taliban was controlling, they invited al-Qaida to be their honored guests, and bin Laden had a welcome home in Afghanistan. The rest is history.

President Bush understood that the Taliban was a force for evil. They allowed bin Laden to come to Afghanistan and plan the 9/11 attacks. They had a choice to make, and they chose poorly. We went in there to take the Taliban down.

We have a war in Iraq—and we can debate whether we should have done that. One of the reasons we are still not where we would like to be 10 years later is because a lot of the resources we had in Afghanistan went to Iraq. Now we finally got it right.

For the last 17 months, we have had enough troops in Afghanistan to make a difference. To President Obama, that was a hard decision for you to make—to add 30,000 additional troops at a time when most people said: Why are we still there? Can't we come home? But the President chose wisely, and 2014 is the transition goal—to transition to Afghan control. I think we are well on track.

Tomorrow night, the President will tell us about withdrawing troops. I believe we can, not because we are tired but because of the success on the ground. Let me point out some successes that would allow the President to make a reasoned judgment to withdraw troops. The one thing I urge the President to do is never lose sight of why we went there and our national security goals in Afghanistan. We will all be judged by what we leave behind. We want to leave behind the ability of the Afghan people to say no to the Taliban and reject extremism. They have the will, but they don't have the capacity yet. But they are getting there. Anytime you have the desire of the people who are oppressed by the Taliban and al-Qaida and you can help them help themselves, that makes it all safer.

Here is what happened since the President sent surge forces in. In November of 2009, there were two nations and 30 NATO trainers—two nations helping train the Afghan security forces from NATO. They had a combined 30 people. You could put them all in a bus. One thing the President did when he surged American forces in was that he insisted NATO step up their game. Here we are today, and we have 1,300 NATO trainers in Afghanistan with 32 countries providing assistance. We have 49 different countries helping in some form of training.

In the last 17 months, we have added 90,000 Afghan Army and police forces. So there has been a surge, far beyond the American coalition surge, in Afghan forces. How did that happen? We have better training. In September of 2009, 800 people were joining the Afghan Army per month. They were losing 2,000 a month. That was a terrible trend. In December of 2009, because of this new construct we came up with, we have been averaging 6,000 army recruits a month and 3,000 for the police. Today, we have 160,000 in the Afghan National Army and 126,000 in the Afghan National Police. By the end of the year, we will have 305,000 army and police under arms in Afghanistan. And the reason that has happened is because we have changed the way we train the Afghan security forces.

So I hope the President, listening to Leon Panetta, Secretary Gates, and Secretary Petraeus, will tell the American people we can start bringing forces home beginning this summer because we have been successful, and we are not going to do anything to undermine that success because it has come at such a heavy price.

In reality, ladies and gentlemen, we have been in Afghanistan with the right configuration for about 18 months. The army retention rates today in the Afghan Army are 69 percent—almost doubled. The literacy rate among the Afghan Army and police force is twice that of the national population because we have focused on literacy. It is hard to be a policeman or army officer if you can't read or write. We are helping a people who have been

dirt poor, who have been at war for 30 years, and who have been treated very poorly by everybody in the world. At the end of the day, it is in our national security interest to make sure the country where the Taliban took over and allowed bin Laden to come in as an honored guest never goes back into the hands of an extremist.

I am confident Leon Panetta has the wisdom and background, as the CIA Director, as a former Member of Congress, and as a successful businessperson, to lead the Pentagon at the most challenging time since World War II.

He is taking over from Bob Gates. There is not enough we can say or do for Secretary Gates to thank him. He has had the job for 5 years. When he came on board, Iraq was a hopeless, lost cause in the minds of many, and he and General Petraeus, Ambassador Crocker, and many others—mainly our troops and coalition forces—took an Iraq that was on the verge of an abyss and we are now on the verge of a representative government that can defend itself and be an ally of the United States. Having Saddam Hussein replaced by a representative government in Iraq aligned with us is priceless. If we could as a nation take the place from which we were once attacked and turn it over to people who want to go a different way than the Taliban, and they have the ability to fight back and say no, all of us will be safer.

I congratulate the President on picking Leon Panetta to be Secretary of Defense. I know he has had a lot of hard decisions in the war on terror, and one of the biggest decisions he will make is coming up maybe tomorrow night. I want to work with him, Republicans and Democrats together, in making sure our Nation is never attacked again from Afghanistan. That is possible. We are on the verge of getting that right.

As we draw down troops, I ask the President to please tell those who are left behind still fighting in Afghanistan that he hasn't lost sight of the prize. The prize is not just bringing our troops home, the prize is to make sure their children never have to go back and fight in the future. That is the goal—to withdraw from Afghanistan in a way that we are safer and that our national security is enhanced. We are on the verge of achieving that goal.

What Secretary Panetta and others are going to be challenged with as we go forward in the 21st century is going to be substantial. The enemy is still alive, even though not well. We have punished the enemy—al-Qaida and other extremist groups—but they will not give up easily. At the end of the day, the goal is for our country to be safe, and it will take more than killing bin Laden to do that. Killing bin Laden was a form of justice long overdue, and it did make us safer, but the ultimate security in this world lies not with our ability to kill individuals but with our ability to help those who need to fight in their own backyard and protect

themselves from terrorism. That really is security that is sustainable.

If we can leave Afghanistan in 2014 in a fashion that they have the capacity to marry up with their will to say no to the Taliban and turn their country around toward the light and not the darkness, then I say without any doubt that our country did them right. If we cut this operation short because we are tired and weary, we will pay a price. Our values are so much better than the enemy's. They have patience and bad ideas. We have a lot of good ideas for the future of mankind. The question is, Do we have the patience to make sure those ideas can flourish?

This is a long, hard war, fought by a few. We are on the verge of success. I could not think of a better person to lead us to a complete success, an enduring success, than Leon Panetta. So I look forward, in a bipartisan fashion, to voting for I think one of the best choices the President could have made as Secretary of Defense.

To Bob Gates, I would say: Whatever you do in retirement, wherever you go, you have my respect, my admiration, and on behalf of the American people you will go down in history as one of the steadiest hands America could have ever had during challenging times.

With that, I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Michigan.

Mr. LEVIN. Madam President, first, let me thank the Senator from South Carolina for his analysis on Afghanistan as well as his great support for Leon Panetta and his comments about Bob Gates, which I very much share and commented about this afternoon in a very similar way.

I particularly wish to commend Senator GRAHAM for his analysis of what has changed in Afghanistan in the last 17 or 18 months, so that the reductions which will be announced tomorrow are not based on getting tired but are being based, I am sure, on the conditions on the ground or in Afghanistan and on the critical changes which have taken place in Afghanistan.

I very much agree with his assessment about the surge in the Afghan forces. I was listening to his comments from a monitor, and when I heard his analysis about 90,000 additional Afghan forces, he is exactly right. The surge has not just been 30,000 of our troops but three times as many in terms of Afghan troops. And the importance of that is not just the numbers, not just the training, and not just the literacy, which the Senator pointed out, but also the mentoring and the partnering in the field with coalition forces.

We have tracked this very carefully, and there has been a significant increase in the number of Afghan units that consistently are in the field partnering with our troops and with other coalition members' troops, and that makes a huge difference too because when the Afghan people see Afghan troops in the lead instead of foreign nations' troops in the lead, they

understand that, in fact, the Taliban's argument that they are being occupied is a false propaganda argument, and that weakens the Taliban tremendously as well.

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

Mr. LEVIN. Yes.

Mr. GRAHAM. This is the time to have some good bipartisanship.

Senator LEVIN, is it not true—I have to ask you a question—that you have been saying as long as I can remember that the surge that really needs to occur is on the Afghan side?

You have focused like a laser in the last couple of years on training capacity. Not only are we producing 90,000 additional Afghan Army and police forces, 97 percent of them now can pass Western shooting standards. Two years ago, that number was less than a third. Of the NCOs—noncommissioned officers—graduating from the schools in Afghanistan, there is about an 80-percent literacy rate. Two years ago, it was less than 50 percent.

So what I wish to acknowledge is that Senator LEVIN has been focusing on what I think is the ticket home with honor and security: building up an Afghan army and police force that can fight the fight without 100,000 Americans. We are well on the way. If we had not changed our training program—which the Senator has been focused on for a very long time—we would not have had this success. And General Caldwell is one of the unsung heroes of this war.

But I couldn't agree more with my colleague from Michigan. The reason we can bring American troops home is because there are more Afghans to do the fighting. And the Senator mentioned that during the surge in Helmand, it was a 10-to-1 ratio. For every Afghan, there were 10 American forces. It is almost 50-50 today, with a climb to where it will be Afghans in the lead.

The final thought is that among the trainers themselves, the goal by 2013 is to replace NATO trainers with Afghan trainers, and we are well on our way to having a majority of the training done by Afghans themselves. So if we can get the fighting ratios to 1-to-1 this year and improve on that by 2014, we will be able to turn the country over to the Afghan security forces. And I think we have a good plan. Let's just stick with it.

Mr. LEVIN. I want to first of all thank my good friend from South Carolina for those comments. He has been very perceptive of the importance of turning this responsibility over to the Afghans as soon as possible, and we are clearly on track to do exactly that. It is that improvement in the situation on the ground that will allow, hopefully, for a significant reduction that will be announced tomorrow. That is our hope—my hope.

But I think the Senator from South Carolina has seen this right from the beginning, that we wanted success and

we could have success in Afghanistan. Indeed, we see some real evidence of that success in the military situation on the ground. If only that could be equivalent to the governance situation, we all would be a lot more comfortable.

Mr. GRAHAM. If the Senator will yield for one final thought, the two big impediments to our success in Afghanistan are Pakistan and poor governance. The reason the Taliban came back is because the governance in Afghanistan was poor, not well-accepted by the people, and lack of security. We now have better security, and I do see signs of better governance. And we have to fix the Pakistan side of the equation. On the Afghan side of the border, we are doing about everything we can do to build up the Afghan people. We will deal with Pakistan and we will deal with better governance, but none of that is possible without better security. Now we have a security environment that I think will lead to better governance. But don't lose sight of the prize, and that is to leave the country in a sustainable manner.

I look forward to working with Senator LEVIN to push the Afghan Government to do their part and also to engage Pakistan and say: What you are doing in Pakistan is unacceptable. Stop the double-dealing. Get involved.

I thank the Senator.

Mr. LEVIN. I think we know our Presiding Officer, Senator SHAHEEN, is very much into the issue of putting some real pressure on Pakistan to end the Haqqani network's intrusions and excursions into Afghanistan. And I think we are all together on that essential goal of changing Pakistani behavior in terms of what they are allowing to occur on their soil, which is that safe haven, particularly for the Haqqanis.

I again thank my friend from South Carolina, and I am reminded by something he said of an earlier visit I made to Afghanistan, by the way, with a number of colleagues—I think Senator REED and one other Senator were with me. We were with a bunch of Afghan leaders in a small town. This is what they call their Shura. It just happened that they were having this the day we were visiting. There were maybe 50 or 60, 70 guys—old guys, all guys—sitting on the ground on a dirt floor. We intruded, barged in, and I asked one question.

I said: Do you want us here?

The answer: We want you to train our army and leave, and then we will invite you back as guests.

You can't say it much more succinctly.

I thank my colleague.

I yield the floor, 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. LEVIN. Madam President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. LEVIN. We are prepared to yield back the remainder of our time and do so.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Leon E. Panetta, of California, to be Secretary of Defense?

Mr. LEVIN. 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 legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 93 Ex.]

YEAS—100

Akaka	Gillibrand	Moran
Alexander	Graham	Murkowski
Ayotte	Grassley	Murray
Barrasso	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Hatch	Paul
Bennet	Heller	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Kirk	Sessions
Carper	Klobuchar	Kohl
Casey	Kohl	Shaheen
Chambliss	Kyl	Shelby
Coats	Landrieu	Snowe
Coburn	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Lee	Thune
Conrad	Levin	Toomey
Coons	Lieberman	Udall (CO)
Corker	Lugar	Udall (NM)
Cornyn	Manchin	Vitter
Crapo	McCain	Warner
DeMint	McCaskill	Webb
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Mikulski	

The nomination was confirmed.

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

The President shall be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate shall resume legislative session.

The majority leader is recognized.

#### ORDER OF PROCEDURE

Mr. REID. Madam President, we have 10 minutes. Senators should listen to the debate. It is very important. We have an important vote in just 10 minutes, and it is my understanding that the arrangements have been made that Senator BOXER would close. She would have the final 5 minutes. Does anybody have any problem with that?

I ask unanimous consent that be the case.

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

#### ECONOMIC DEVELOPMENT REVITALIZATION ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 782, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 782) to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

Pending:

DeMint amendment No. 394, to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Paul amendment No. 414, to implement the President's request to increase the statutory limit on the public debt.

Cardin amendment No. 407, to require the FHA to equitably treat home buyers who have repaid in full their FHA-insured mortgages.

Merkley/Snowe amendment No. 428, to establish clear regulatory standards for mortgage servicers.

Kohl amendment No. 389, to amend the Sherman Act to make oil-producing and exporting cartels illegal.

Hutchison amendment No. 423, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Portman amendment No. 417, to provide for the inclusion of independent regulatory agencies in the application of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.).

Portman amendment No. 418, to amend the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) to strengthen the economic impact analyses for major rules, require agencies to analyze the effect of major rules on jobs, and require adoption of the least burdensome regulatory means.

McCain amendment No. 412, to repeal the wage rate requirements commonly known as the Davis-Bacon Act.

Merkley amendment No. 440, to require the Secretary of Energy to establish an Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making qualified energy efficiency or renewable efficiency improvements.

Coburn modified amendment No. 436, to repeal the Volumetric Ethanol Excise Tax Credit.

Brown (MA)/Snowe amendment No. 405, to repeal the imposition of withholding on certain payments made to vendors by government entities.

Inhofe amendment No. 430, to reduce amounts authorized to be appropriated.

Inhofe amendment No. 438, to provide for the establishment of a committee to assess the effects of certain Federal regulatory mandates.

Merkley amendment No. 427, to make a technical correction to the HUBZone designation process.

McCain amendment No. 441 (to Coburn modified amendment No. 436), to prohibit the use of Federal funds to construct ethanol blender pumps or ethanol storage facilities.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate only equally divided between the two leaders or their designees.

Who yields time?

The Senator from Wyoming.

Mr. BARRASSO. Madam President, I yield back Republican time.

Mr. DURBIN. Madam President, the one thing that all Members of Congress agree we need more of is jobs.

Illinois recently published its most recent statewide unemployment numbers and there is no question that the numbers are disappointing. Following 15 straight months of declining unemployment, unemployment rates rose for the first time to 8.9 percent. The only way to decrease the unemployment rate is to ensure robust job growth in all parts of the country. And while Members from different parties often disagree on how to help create jobs, the Economic Development Administration, EDA, reauthorization before us today is a great example of bipartisan legislation that can help.

On May 1, 1961, President Kennedy signed into law a bill creating the precursor of the Economic Development Agency, the Area Redevelopment Administration, ARA. The ARA was championed by another Illinois Senator and the man who gave me my start as an intern in this building, Senator Paul Douglas.

ARA provided assistance to distressed areas through loans and grants for public facilities; technology and market information; and research grants in order to spur economic growth. Sound familiar? Paul Douglas believed then, as I believe now, there is a proper role for government to play in assisting distressed communities and regions.

Now for 50 years, the ARA and then the EDA have helped communities identify the best strategies for creating economic growth and leveraging private investment to help create jobs. EDA remains focused on assisting distressed communities and communities recovering from disasters.

And it has been very effective. Every Federal dollar invested in EDA projects attracts \$7 additional dollars in private investments in these distressed communities. And even in the midst of this last recession and sparse private investments, EDA-funded public/private projects created an estimated 161,500 jobs in the last 2½ years.

In Illinois in 2009 and 2010 alone, EDA funded 52 projects that resulted in nearly \$70 million in new investments in the State. But beyond just the numbers, I want to give you some real life examples of EDA's impact in Illinois communities.

Under the 2010 EDA Community Trade Adjustment Assistance Program, the city of Galesburg and Knox County identified themselves as significantly impacted by trade. EDA funded a project that allowed for the creation of the Entrepreneurs Innovate & Go Global Initiative to help develop entrepreneurs at every level. The grantees are putting together workshops and training that focuses on entrepreneurship, innovation and globalization. EDA assistance also includes technical



assistance in commercialization that will ultimately help small businesses and new entrepreneurs streamline business plans and create new jobs.

Under the Recovery Act, EDA helped fund the creation of a micro revolving loan fund for Accion Chicago, a spinoff of an international nonprofit organization dedicated to microfinance. ACCION is using the project funds to expand its existing microlending activities in Cook County and to promote entrepreneurship by providing loan capital and financial literacy counseling to clients who don't have access to traditional bank credit. The \$1,200,000 revolving loan fund is projected to make 120 loans in the initial round of lending—creating or saving about 400 jobs.

After terrible flooding in 2008 and the subsequent disaster declaration, EDA was able to award \$677,000 in disaster supplemental funding to the city of Princeton. The city of Princeton used these funds to build infrastructure for a 137-acre industrial site, including rehabilitation of existing roadway, construction of new roadway, water-main, sewer lines, and city-owned electric and fiber optic cable. This project not only will improve the long-term economic options for the community, but is expected to create 500 jobs and induce \$50,000,000 in private investment in the region.

The bill on the floor right now would reauthorize EDA to continue making these necessary investments for an additional 5 years. And it would also improve flexibility and efficiency at the agency. For example, the bill would allow EDA to do more in the most distressed communities by increasing the cap on the Federal share of projects in areas that have very high unemployment rates and very low per capita income. And it would allow communities using EDA's revolving loan fund to more easily shift those dollars to the economic development project with the greatest potential to help the region.

When Senator Douglas led the effort to create ADA he faced opposition from none other than Senator Goldwater. Senator Goldwater argued that distressed regions are, and I quote, "perfectly normal to the economic cycle of American enterprise, and not in need of government intervention."

While history has proven he is wrong, at least this is a debatable argument. At least he was grappling with policy issues actually being considered. The reality is, if Congress wants to help create jobs and bring down the unemployment rate, we need to be able to pass simple pieces of legislation that will help create jobs with little to no costs. Instead for the second time in 2 months, we find a jobs bills filibustered by amendment.

If we can't find a way to work together on bills like EDA reauthorization or SBIR/STTR reauthorization, the American public is justified in believing that we will do nothing to help create jobs. And to borrow a quote

from Paul Douglas during his work on ADA, "The lives of too many human beings are at stake to sit by and do nothing . . ."

I urge my colleagues to support the legislation and move quickly to final passage.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, we have spent many days talking about the importance of the bill before us which would reauthorize the Economic Development Administration. The EDA is a proven success. I think it is instructive that no one on the other side is speaking out against it. It is amazing to me they do not speak out against it, but I have a feeling we may not get this cloture vote. I hope I am wrong.

As I look at ways for us to be bipartisan, there are a couple of areas where I think we can come together. One would certainly be deficit reduction. We Democrats know how to do it. We did it under Bill Clinton, and we are the only party in 50 years to pass a budget that actually brought us to a surplus. We can do that with our friends on the other side, and I am glad there are talks going on.

The other area is job creation and job preservation. The other side says they want to do it with us. This is a golden opportunity for them to join with us. We have seen—and Leader REID knows this because he has selected various jobs bills to bring to the Senate floor. It was not by chance this bill came. He wanted committee chairmen to say which bills had bipartisan support in their committees. We voted this bill out nearly unanimously. We had one objection in a time when things are pretty contentious. Why is it? I will tell you why it is.

One of the best ways to tell you is to quote Senator JOHN CORNYN, who said a \$2 million EDA grant for a water tower in Texas will "pave the way for creation of new jobs and business opportunities." That says it all.

We have 27 Republicans who went on the record saying the EDA was a good job creation bill. We know that historically \$1 of EDA investment attracts \$7 in private sector investment. So while this is a \$500 billion bill, if you see that it is \$7 for each \$1, it is into the millions in terms of the job creation that will follow. As a matter of fact, we know the jobs created will be between about 250,000 and 1 million over the life of the bill. One million jobs. All we need is a cloture vote.

This EDA started in 1965, and it has been supported by Democrats and Republicans. I gave you an example of Senator CORNYN and what he said. These are just some of the people who are supporting us: the Conference of Mayors, the Public Works Association—it goes on into all of our States—the University Economic Development Association—why do they support it? They know this particular program is a spark plug. Put in \$1 and attract \$7 of

private sector investment. People get to work again.

I am just hopeful that we do not see this bill die today. This is a moment in time we can show that we mean what we say. Senator CRAPO said the EDA business grant will help "keep Idaho firms on the cutting edge."

Senator LUGAR said EDA funding is "essential in our efforts to improve the quality of life and the standard of living for Hoosier families."

It goes on. Senator COLLINS has some beautiful statements. Twenty-seven of our colleagues, Republicans and Democrats, have always supported this legislation. The last time it was signed into law was by George W. Bush, yes, and it passed this Senate unanimously. If this bill goes down because our friends on the other side keep wanting to offer—they have offered tens of amendments. It is up to about 100 amendments: one about the prairie chicken, another one about a lizard—all fine but do not belong on this bill. This bill is about jobs.

I hope our friends will vote with their hearts and will look back on their press releases. I certainly think if they did that, they would cast an "aye" vote, and we would pass this bill and do something for jobs in this Nation.

Thank you very much.

I yield back my time, and I ask for the yeas and nays.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII of the Standing Rules of the Senate, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 38, S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that act, and for other purposes.

Harry Reid, Barbara Boxer, Kent Conrad, John F. Kerry, Sheldon Whitehouse, Amy Klobuchar, Benjamin L. Cardin, Jeff Bingaman, Jeff Merkley, Patty Murray, Robert Menendez, Jeanne Shaheen, Bernard Sanders, Frank R. Lautenberg, Jack Reed, Richard J. Durbin, Daniel K. Akaka.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that act, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 49, nays 51, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—49

Akaka	Begich	Bingaman
Baucus	Bennet	Blumenthal

Boxer	Kerry	Reid
Brown (OH)	Kohl	Rockefeller
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Shaheen
Casey	Levin	Stabenow
Conrad	Lieberman	Tester
Coons	Manchin	Udall (CO)
Durbin	Menendez	Udall (NM)
Feinstein	Merkley	Warner
Franken	Mikulski	Webb
Gillibrand	Murray	Whitehouse
Hagan	Nelson (FL)	Wyden
Harkin	Pryor	
Inouye	Reed	

#### NAYS—51

Alexander	Graham	McCaskill
Ayotte	Grassley	McConnell
Barrasso	Hatch	Moran
Blunt	Heller	Murkowski
Boozman	Hoeben	Nelson (NE)
Brown (MA)	Hutchison	Paul
Burr	Inhofe	Portman
Chambliss	Isakson	Risch
Coats	Johanns	Roberts
Coburn	Johnson (SD)	Rubio
Cochran	Johnson (WI)	Sessions
Collins	Kirk	Shelby
Corker	Klobuchar	Snowe
Cornyn	Kyl	Thune
Crapo	Lee	Toomey
DeMint	Lugar	Vitter
Enzi	McCain	Wicker

The PRESIDING OFFICER (Mr. CASEY). On this vote, the yeas are 49, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. If we could have the attention of the Senate.

The PRESIDING OFFICER. The Senate will come to order.

#### ORDER OF PROCEDURE

Mr. REID. Senator SCHUMER and Senator ALEXANDER are that far from an agreement that we can move forward on the next bill. So with everyone's patience, I ask unanimous consent that the cloture vote scheduled to occur immediately—right now—be postponed until Wednesday; that is tomorrow, June 22, at a time to be determined by the majority leader, in consultation with the Republican leader, and that if cloture is invoked tomorrow, time postcloture be counted as if cloture was invoked at 6 p.m. today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business until 6 p.m. this evening, with Senators permitted to speak for up to 10 minutes each during this time.

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

The Senator from Vermont is recognized.

#### NUCLEAR POWER

Mr. SANDERS. Mr. President, I wish to say a word about a critical issue for the State of Vermont and for my

State's energy future, and that deals with the Vermont Yankee nuclear powerplant. The Vermont Yankee nuclear powerplant is one of 23 plants in our country with the same design—General Electric Mark One—as the Fukushima plants that have experienced partial or perhaps full meltdowns in Japan.

All of us feel terribly about what has happened in Japan, and our hearts go out to that struggling country. But at the same time, in our Nation, we also have some very disturbing developments regarding nuclear power, and I wish to touch this afternoon on two of them.

The first is, we have a situation in the State of Vermont in which a powerful \$14 billion energy company called Entergy is trying to force the people of my State to keep an aging and troubled nuclear reactor open for another 20 years. This is a plant that is 40 years old. They want to keep it open for another 20 years. The Vermont Yankee plant's original 40-year license expires in March of 2012, and I firmly believe 40 years is enough. But that is not just my opinion.

Vermont, uniquely, thanks in part to an agreement between the State and Entergy when it purchased Vermont Yankee in 2002, has asserted its authority through our State legislature to decide whether Vermont Yankee should operate beyond March of 2012. The Vermont State Senate, representing the wishes of the people of our State, voted on a bipartisan basis, 26 to 4—not to grant an extension of the license of that plant. The law is clear that States have the right to reject nuclear power for economic reasons, and that is exactly what the Vermont State Senate did in an overwhelming bipartisan vote.

We know Vermont Yankee has had serious problems in the last several years, including a collapse of its cooling towers in 2007 and radioactive tritium leaks in 2005 and 2010. The tritium leaks came from pipes plant officials claimed under oath did not exist.

In support of the Vermont legislature's decision, the Vermont congressional delegation has been clear that Entergy should respect Vermont's laws. In other words, what we are saying—the delegation here—is that Entergy should respect the laws of the State of Vermont and what our State senate has done. However, just last week, we learned that Entergy's well-paid corporate lobbyists and lawyers have been meeting in secret with Federal agencies, including the Nuclear Regulatory Commission staff, pushing the Federal Government to intervene in the lawsuit Entergy filed against Vermont. Entergy wants the Federal Government to take up its extreme argument that Vermont's right to decide its own energy future is preempted by Federal nuclear safety laws.

It so happens that NRC Chairman Greg Jazcko, who is, in my view, a fair-minded public servant, does not agree with Entergy. He told me last week at

a Senate hearing that "I see nothing that would tell me that there's a preemption issue here." He said in a conversation with reporters that Vermont had a "role to play in determining Vermont Yankee's future" and that he "doubted the NRC would do anything to interfere with the state's process." I believe the Chairman's position is correct. The NRC regulates safety—safety—although some Vermonters believe they do not do that very well. Nevertheless, it is not the arbiter of political or legal disputes between a powerful energy company and the State of Vermont. That is not the business of the NRC.

So I was very surprised to learn last week that against the Chairman's public recommendation, the NRC voted in secret, by a 3-to-2 margin, to tell the Department of Justice to intervene on Entergy's behalf. When I questioned the NRC's Commissioners at a hearing last week, they refused to tell us how they voted. Several of them admitted they had not even read the major 1983 Supreme Court opinion on this issue—a case between PG&E v. California, where the Supreme Court said—and I quote an important point regarding States rights and nuclear energy. This is the quote from the Supreme Court:

The promotion of nuclear power is not to be accomplished "at all costs." The elaborate licensing and safety provisions and the continued preservation of state regulation in traditional areas belie that. Moreover, Congress has allowed the states to determine—as a matter of economics—whether a nuclear plant vis-a-vis a fossil fuel plant should be built. The decision of California to exercise that authority does not, in itself, constitute a basis for preemption. . . . the legal reality remains that Congress has left sufficient authority in the states to allow the development of nuclear power to be slowed or even stopped for economic reasons.

That is the decision of the Supreme Court of the United States, 1983.

I reminded the NRC at that hearing, and do so again today, that this lawsuit is none of their business, and their getting involved damages the credibility of the Nuclear Regulatory Commission. The NRC opted to relicense Vermont Yankee based on safety, and that is where their concern and authority begins and ends. The main point is this: The NRC does not represent the people of Vermont and has no right to tell us what kind of energy future we will have. The people of Vermont believe—and I agree—that our future lies significantly with energy efficiency and sustainable energy. Today, I renew my call on the floor of the Senate for the Federal Government to stay out of this case. Entergy is a \$14 billion corporation. They have all kinds of lobbyists and they make all kinds of campaign contributions. They don't need the help of the Federal Government.

Mrs. BOXER. Will the Senator yield?

Mr. SANDERS. Yes.

Mrs. BOXER. I am very pleased the Senator took to the floor to speak to the American people about what they are going through in his State. I am

not as familiar with the condition of the nuclear powerplant, so I will not go there. I trust my friend's judgment. There are some serious issues raised—a different design of the plant—and the fact that it is close or identical to the design of the plant in Japan that had all the issues. Here is the point. I support the Senator. I was proud of the way he questioned the issues.

I will pose a question to the Senator. Isn't it true that there is a lot of talk around Washington about how States rights should be protected?

Mr. SANDERS. I tell my good friend from California, day after day, we hear from some of our colleagues how they don't trust the Federal Government and they don't want the Federal Government getting involved in the issues impacting their constituents. So the answer to the Senator's question is yes.

Mrs. BOXER. Building on that, isn't it true that the NRC—as we have learned by reading their founding documents—is an independent commission; isn't that a fact?

Mr. SANDERS. Yes, that is true.

Mrs. BOXER. I say to my friend, given those two points, plus the ones my friend made, it seems untenable that the NRC, which is supposed to be an independent agency, would assert itself into a matter between the State of Vermont and a private company. I just say, as chairman of the Environment and Public Works Committee, how strongly I support what the Senator is trying to do, which is to allow his State to, frankly, have a say over something as important as the economics surrounding energy. My friend knows we work hard in this day and age to make sure America can leap forward and save energy and lead the world and invent alternatives.

In light of what happened in Japan, this becomes more and more important. I hope my friend will take heart and know that this chairman of the committee stands with him on this battle.

Mr. SANDERS. I thank Senator BOXER for her thoughts and the extraordinary leadership she is providing on the Environment Committee.

I think everyone understands that the function of the NRC is very simple. It is to make sure the 104 nuclear powerplants in this country run as safely as possible. That is their job. Their job is not to tell the State of Vermont or the State of California or the State of Pennsylvania what future they might want to pursue in terms of energy. They are not supposed to be a proponent of the nuclear industry. That is not their job. Their job is to make sure our nuclear plants are being run safely. So in terms of economics, the people of Vermont or any other State in this country have the right to determine what the future of nuclear powerplants is in their State. What our State is saying is, after 40 years, we want to shut down Vermont Yankee. We want to move in a new direction that we

think benefits our State. We do not want the Department of Justice to intervene in this case, where Entergy is suing Vermont.

Let me conclude, while we are on the issue of nuclear power, and point out that the Associated Press recently revealed that 48 out of 65 nuclear power sites in this country have leaked radioactive tritium, and Vermont Yankee is one of those sites. Thirty-seven facilities had leaks at levels that violated Federal drinking water standards, and some leaks have migrated off the sites, contaminating private wells, although none is yet known to have contaminated public drinking water supplies.

These allegations by the Associated Press are extremely disturbing. Safety at our nuclear plants should be the most important priority at the NRC, particularly after what we saw happen in Japan. The function of the NRC is not to represent the nuclear power industry; it is to represent the needs of the people of the United States.

That is why I will be working as a member of the Environment Committee, which has oversight over the NRC, with our chairperson, Senator BARBARA BOXER, and others on the committee who are interested in this issue, to call for a GAO investigation of the allegations made by the Associated Press. We need to determine whether it is true that the NRC is systematically working with the industry to undermine safety standards for aging plants in order to keep them operating.

Let me conclude by mentioning that around the world there is growing concern about the dangers of nuclear power, and I think that concern has been heightened by the terrible tragedy in Japan. It is important to note that Germany has decided to close all 17 nuclear plants in the next decade and not to build any new ones. They are getting out of the nuclear business. Switzerland is also phasing out nuclear power. In Italy, just a few weeks ago, 94 percent of the people voted in an election against restarting the nuclear power industry.

Here in the United States, some States are moving in the same direction. In addition to Vermont, New York, led by Governor Cuomo, wants the Indian Point plant shut down. Massachusetts is supporting Vermont in its lawsuit to preserve States rights to decide their own energy future, and I believe other States will support us as well.

The bottom line—and the law supports this—is that if States such as Vermont want to move away from aging and troubled nuclear reactors and to a sustainable energy future, we have the right to do that. I will fight tooth and nail to protect that right.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

#### ECONOMIC DEVELOPMENT REVITALIZATION ACT

Mr. BROWN of Ohio. Mr. President, Senate Republicans, in their typically unanimous way, just blocked this Chamber from even voting on the Economic Development Revitalization Act of 2011.

We heard Senator BOXER point out how many Republicans have supported the Economic Development Administration many times in what they did for economic development in their States. We know in Vermont, Pennsylvania, and Ohio, how EDA works with small Federal investments, leveraging that money in the private sector through incubators, in many cases, or accelerators or whatever the communities call them, and they do, in fact, create jobs. Unfortunately, every Republican in this Chamber decided that wasn't such a good thing—perhaps to deny a political victory to President Obama. What it did was take away another tool to get this economy back on course.

So many people in this body seem to think it is all about reducing the debt. It is about reducing the debt, but it needs to be largely about creating jobs. There doesn't seem to be that much interest in that on the other side of the aisle.

Just last week, I spoke with economic development directors and county commissioners from the city of Moraine, a suburb of Dayton where a GM plant closed, and Ashtabula County, my wife's home county in the northeast corner of the State. They explained the importance of EDA funding and how it supports economic growth in their communities.

EDA has traditionally been a non-controversial and bipartisan job-creation bill. It helps broker deals between the public and private sectors, which is critical to economic growth and recovery. It is particularly important to economically distressed communities and in these types of economic times.

Every \$1 of EDA grant funding leverages \$7 worth of private investment. For every \$10,000—and this is one study, proven by evidence and fact—of EDA investment in business incubators, which helps entrepreneurs start companies, between 50 and 70 jobs are created. When we put money into the Youngstown incubator or a bit of Federal money into LaunchHouse in Shaker Heights—an incubator just launched, if you will—it creates jobs. It helps entrepreneurs and startup companies create jobs in our communities. Some of these businesses will fail. A few of them will wildly succeed. Many will hang on for several years, hiring 5, 10, 20 or maybe hundreds of people.

In Ohio, since 2006, more than 40 EDA grants worth \$36 million have leveraged a total of more than \$87 million once private resources were matched.

Colleges and universities from Bowling Green in the northwest to Ohio University in the southeast, to Miami

in the southwest, have received EDA funds. So too have port authorities in Toledo and Ashtabula—the Presiding Officer's border with Erie—in that part of Ohio and entrepreneurs in Cleveland and Appalachia.

If we are going to strengthen our competitiveness, communities will need to equip businesses with the tools they need to survive, and communities will need to create higher skill, living wage jobs and attract private investment.

That is what EDA is designed to do; it is the “front door” for communities facing sudden and severe economic distress.

When economic disaster hits, communities turn to the government, and in so many cases it is EDA that does the job.

EDA has helped redevelop the former GM plant in Moraine—several thousand GM jobs, Frigidaire jobs. Because of EDA, local partnerships, and outside private investments, we expect to see hundreds and hundreds, maybe a few thousand jobs in manufacturing in that Moraine plant. We have seen EDA help redevelop the DHL plant in Wilmington. Ashtabula's Plant C received EDA investments to make vital repairs. The bill Republicans just blocked us from even voting on would have strengthened a proven job-creating program.

How many times do we hear about businesses worried about uncertainty created in a still recovering economy? This bill would have provided certainty in funding for an established job-creating problem. It would have reduced regulatory burdens to increase flexibility for grantees. It would have encouraged public-private partnerships that we have already seen make a difference across Ohio.

I offered two amendments that would have further strengthened EDA. One would have assisted former auto communities when a plant closure or downsizing causes economic distress, such as Wilmington or Moraine.

The other would have made more Ohio communities eligible to receive funds for business incubators. Ohio is the home of the National Business Incubator Association—the trade association for all incubators in southeast Ohio and Athens. We have a model for business incubators in Toledo, Youngstown, and now Shaker Heights.

This amendment would have allowed more Ohio communities to support homegrown entrepreneurship.

Republican Senators chose to bog down the EDA bill with other unrelated amendments. All of them were unrelated to the task at hand; that is, how do we create jobs? Just yesterday, I was at Cleveland State University, where its Veteran Student Success Program goes above and beyond in serving our Nation's veterans.

Unemployment among young Americans is especially acute and disproportionately affects young veterans, and that is an outrage. Today, the unem-

ployment rate for returning servicemembers between 20 and 24 is 27 percent—almost 3 times the national unemployment average. That means more than one in four veterans can't find a job to support his or her family, easing the transition to civilian life. When our economy needs their skills, when veterans can get the job done, too often veterans are turned away. Cleveland State University has a Project SERV Program to ensure servicemembers who return home and into the classroom receive the educational benefits they earned and deserve. Imagine the difficulty for someone 25 years old, who has done two combat tours in Iraq, who comes back to Cleveland or to Philadelphia or anywhere else in this country and tries to integrate into a classroom of 18- and 19-year-olds who have seen nothing like the 25-year-old who has been in combat in Iraq or Afghanistan.

This Project SERV at Cleveland State has been groundbreaking and is one of the few in the country—and now at Youngstown State University. What they are doing is establishing veteran support programs at colleges and universities. It started as an idea at a community roundtable I convened at Cleveland State a few years ago. It became law in the last Congress, and we have ensured its funding.

Yesterday, I met with Clarence Rowe, a staff sergeant in the Marine Corps, who is using the veterans resources at CSU to translate his military skills to the needs of the civilian job market. But as much as CSU and other universities do to assist our veterans, high unemployment continues to hurt all Americans. Too often, people such as Staff Sergeant Rowe, who has put years into serving his country, come back and, even with developing their job skills in school, they simply can't find jobs.

Education, workforce investment, and EDA have long been sound Federal investments that have helped to create jobs and strengthen our economy. It is a shame Republicans have yet again placed a roadblock on the pathway toward a strong and more prosperous middle class. We can do better than that.

Mr. President, I yield the floor.

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

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

#### AFGHANISTAN

Mr. CASEY. Mr. President, I rise tonight to speak about our policy in Afghanistan. We know the President is about to announce a major decision on the policy. As the President determines the degree and scope of the drawdown in Afghanistan, there will be a lot of debate, about troop levels, principally. But while this is an important discussion, we need to step back and com-

prehensively focus on overall U.S. strategic interests in the region.

Over the course of my time in the Senate, some 4½ years now, I have participated in more than 20 Foreign Relations Committee hearings on Afghanistan and Pakistan. This week we will hear from Secretary Clinton on the U.S. policy on both Afghanistan and Pakistan. I personally chaired four hearings on U.S. policy in the region. I have traveled to Afghanistan and Pakistan on two occasions, and met with our military and civilian leadership as well as senior government officials in both countries. I have spoken repeatedly on the Senate floor about the importance of accountability of U.S. military and civilian programs.

When it comes to matters of war, the Senate has a special responsibility to ask questions and to hold the executive branch accountable no matter what party is in the White House. I have taken this responsibility very seriously and have repeatedly questioned and examined U.S. policy in south Asia.

There has been substantial progress in Afghanistan. On the battlefield, the United States coalition and Afghan forces have rolled back advances made by the Taliban. We have made measurable, albeit fragile, gains on security in key provinces of the country. Al-Qaida, operating from Pakistan, has been significantly degraded.

There has also been measurable progress in the education and health fields. Only 900,000 boys and no girls attended school under the Taliban. Today more than 6 million children are in school and a third of them are girls. In the field of health, more than 85 percent of Afghans now have access to at least some form of health care, up from 9 percent in the year 2002.

These gains have not come without immeasurable sacrifice on the part of our Armed Forces and of course their families. In Pennsylvania we have lost 30 servicemembers killed in action in Operation Enduring Freedom since 2001. To date, 461 have been wounded, some of them grievously wounded.

In Iraq, the Commonwealth of Pennsylvania lost 197 servicemembers killed in action and 1,233 were wounded. These courageous men and women gave what many years ago Lincoln called “the last full measure of devotion” to their country. We owe them a debt of gratitude. We owe the same debt of gratitude to their families and to all veterans and their families returning from the battlefield.

After this exhaustive review, and based upon measurable gains in Afghanistan, I believe the United States can shift from a strategy of counterinsurgency toward an increased focus on counterterrorism. It is time for the United States to lighten its footprint in the country. It is also a time to accelerate the shift in responsibility to Afghan forces and for a drawdown of a significant number of United States troops from Afghanistan. The capabilities of both al-Qaida and the Taliban have been severely degraded.

The United States-led development projects have strengthened the health and education sectors, as I mentioned before. At a time of economic austerity here in the United States, the approximately \$120 billion per year pricetag is, for sure, unsustainable. We must take a significant shift in our strategy.

As chairman of the Senate Foreign Relations Subcommittee on Near Eastern, South, Central Asian Affairs, I am focused on our broader national security interests in both regions. We must focus on extremist groups that have the capability and intent to project terrorism on the United States homeland and interests around the world. We should continue to conduct counterterrorism operations on al-Qaida, Pakistani Taliban, and others who seek to strike the United States homeland and our interests.

Significant challenges, however, do remain and the United States should focus on the following. First, we must redouble our efforts to train the Afghan security forces. We made substantial progress in recruiting and training, but this needs to be ramped up. In the long run, Afghanistan's ability to deny safe haven to al-Qaida or any terrorist organization will depend upon a strong and durable army and police in Afghanistan.

Second, much work remains in Pakistan. In Senate hearings and meetings with U.S. and Pakistani officials, I have questioned Pakistan's full commitment to addressing the extremist threat within its borders. For example, Pakistan has done little to stop the flow of bomb components across the border into Afghanistan, where they are used against our troops. Terrorists in Pakistan have the capability to strike internationally, and have done so in recent years.

These terrorists are also the central threat to the Pakistani state itself, a concern that grows as Pakistan inexplicably expands its nuclear arsenal.

The Pakistani people have suffered greatly in the struggle against these extremist groups as thousands of civilians and security forces have died. This is precisely why it is so unfortunate that the Pakistani Government is not fully committed to confronting this threat.

I have been very patient with respect to this critical relationship, but I am compelled to speak the truth when the stakes are so high for the American people. The United States troops and the people of Pakistan both have a lot at stake, in addition to the American people. In my judgment, recent developments are unacceptable and merit a serious examination of U.S. aid to Pakistan. The Senate should hold hearings so we have a full accounting of Pakistan's efforts to combat terrorism.

The third area of our focus should be the grave concerns that many of us have—and I have for sure—about the future of women and girls in Afghanistan. If nothing else, we cannot lose

precious ground gained in rights for this critical 50 percent of the population—women and girls. Over the past 10 years, women have assumed seats in Parliament and girls have returned to school. I mentioned the number earlier. Women's rights have become a part of the public dialog at long last.

When speaking to a group of Afghan women in May, Secretary of State Clinton said, "We will not abandon you, we will stand with you always."

We must as a nation stand by this commitment to the women and girls who live in Afghanistan. Empowered women are the most influential voice to dissuade young men from taking up arms in Afghanistan and places around the world. These women are the most likely to develop their own communities as well.

Finally and most importantly, it is our moral obligation to protect those who are most vulnerable in Afghanistan.

I have significant concerns about governance in Afghanistan. I have closely examined Afghanistan's uneven governance record and have serious questions about the viability of the democratic experiment in that country. The foundational act of democracy, elections, has not met international standards in Afghanistan and has established the basis for an unresponsive government and unresponsive government officials and corruption.

As the United States draws down its military presence, the international community must renew its focus on governance in Afghanistan and efficient disbursement of U.S. assistance. A recent Senate Foreign Relations Committee report suggests that we must do a better job of accounting for the resources spent on bolstering the Afghan Government.

In conclusion, we have made progress in Afghanistan all these years. The surge in U.S. troops, working with coalition forces and the Afghan Army, has rolled back gains made by the Taliban. Our special forces have killed Osama bin Laden and several other senior al-Qaida leaders. The numbers and capabilities of the Afghan security forces have increased. Women and girls are better off than they were in the year 2001, and the health sector has improved.

Significant challenges remain, but based upon these advances and on the significant costs of our current policy, it is time, after 10 long years, to begin the drawdown process.

I yield the floor.

#### TRIBUTE TO DR. CONRAD JONES

Mr. McCONNELL. Mr. President, I rise to recognize a distinguished doctor and Kentuckian, Dr. Conrad Jones. Dr. Jones has risen to become one of the most admired and applauded physicians in the Bluegrass State, a feat that was recognized at the Murray-Calloway County Hospital in 2007 when they opened their new women's health

facility and named it the Conrad Jones Women's Pavilion. As Dr. Jones has contributed to the field of women's health for six decades now, it was a very fitting tribute.

When Dr. Jones was born in 1922, there was not yet the MRI, the ultrasound or the home pregnancy test. Dr. Jones's father, Dr. Cody Jones, was also a physician, and a young Conrad would accompany him on his rounds as a country doctor. The Jones family had come to Kentucky from the Carolinas and Tennessee before the Civil War. Conrad's mother was a school teacher who taught in Hazel and at Murray High School.

Conrad remembers his father worked long, hard hours. His father would have preferred that Conrad become a farmer instead of a doctor, in fact, because a doctor's life was too hard. Luckily for the people of Kentucky, Conrad did not take that particular piece of advice.

Dr. Conrad Jones attended Murray State and then went to medical school at the University of Louisville. After serving his country in uniform, he returned to Murray, KY, to work at what was then the new city-county hospital and its obstetrics unit. He helped patients from the immediate area as well as all over Marshall, Graves and Henry counties.

Dr. Jones has practiced medicine in Murray so long he can tell you the history of how medicine and medical technology has advanced in the area. Dr. Jones certainly keeps up with the technology, and is proud that Murray has what he calls by today's standards state-of-the-art facilities.

I wish to commend Dr. Conrad Jones for his many decades of service to his community. The people of Murray, Calloway County and Kentucky are lucky to have him. I know my colleagues join me when I say this U.S. Senate is grateful to him and his family for all he has contributed to make ours a stronger country.

The Murray-Calloway County Chamber of Commerce published a 2008 Viewbook that contained an illuminating article detailing Dr. Conrad Jones's life and career. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed, as follows:

[From the Murray-Calloway County Chamber of Commerce 2008 Viewbook]

MURRAY'S CONRAD JONES: A LIFE IN MEDICINE  
(By Robert A. Valentine)

In February 2007, the Murray-Calloway County Hospital opened a state-of-the-art facility dedicated to women's health. Almost everyone there recognized the appropriate name of the new facility: The Conrad Jones Women's Pavilion. Dr. Conrad Jones, who had already witnessed six decades of progress in women's health, was looking on in a state of near-speechless humility.

He was born long before the MRI, the ultrasound or even the home pregnancy test. Most women had yet to vote in their first presidential election, and all but a very, very few babies were born at home. It was a warm October in 1922.

"My father wanted me to be a farmer because a physician's life was hard," Dr. Jones told us in an interview in his offices at the Murray Woman's Clinic. He was attracted to the life of the country doctor, despite its perils and long, hard hours. "Work in the tobacco fields made me know that I didn't want that."

After Murray State, he entered medical school at the University of Louisville. Following that, he went directly into the service. "There were few specialists there," he remembers. "You did whatever was necessary for the patient."

He returned to Murray after the service. By that time, the new city-county hospital had come into being with an obstetrics unit on the second floor of the northwest wing. "It was pretty crude by today's standards," he remembers, "But it was probably the best OB unit for several counties around. We did about as many deliveries then as we do now," Dr. Jones observed, because many patients came from Marshall, Graves and Henry counties.

"Murray has always been a very progressive community in terms of technology" he reminded us. "By today's standards, what we have now is the state-of-the-art. This should serve us well for several years."

We asked Conrad Jones how long he has been in Murray. With a broad smile, he answered, "Always." That makes him the ideal source of information on changes in women's healthcare over the years. We also asked about the most important changes during his career.

"Today there are far more caesarian sections being performed. In the '50s and '60s, if your section rate got above 5 or 6 percent, it was uncommon. Now, we see 23 to 30 percent. Surgery is much safer now, and we have better tracking technology, so you can tell how the fetus is under stress. Fetal monitors were a major step forward by in the late '60s and early '70s."

Modern techniques make it much safer for the mother. "Anesthesia is also another big change. Not too many years back, the only anesthesia was the 'saddle block' (a procedure which cuts off sensation in the pelvic region) or nitrous oxide. Now, the epidural has replaced that."

But the main change is the technology and the facility. The custom of hospital instead of home deliveries has drastically reduced the infant mortality rate. Only two generations ago, maternal and infant mortality was all too common. "The mothers of today have no idea how dangerous childbirth used to be," he recalls with a serious look.

And women are presenting more challenges. Today, there are more career or professional women, and more women remain in the workforce longer. "The age at which women start families is higher, and I don't know what affect that's going to have on the family. But we know that, as a mother ages, there is a greater risk to her and to the child. However, medicine is keeping pace, I think, so it's safer." He points with pride to the work of his associates in fertility treatments and in the new outpatient, non-invasive surgeries for incontinence hysterectomies, and non-surgical permanent birth control. "Fifty years ago, that would have seemed like a miracle," he says.

#### THE ROLE OF WOMEN IN MURRAY MEDICINE

In the future, he expects to see more women entering medicine, and he welcomes it. "We had two women in my medical school class of 100; now about half of the classes are women. It's a growing thing, and very important. Most of the pediatricians in Murray are women, and there are two top-notch internists. We have Dr. Deeter and Dr. Burnett in our practice (Murray Woman's Clinic) and

three outstanding nurse-practitioners, and that is very important to good, modern family care."

After so many sleepless nights and the constant drive to remain "current" in technology and practice, we had to ask if he would still choose medicine as a career if he were starting over, today. "Most emphatically, yes! The hours are very difficult, but you get so much joy out of helping others. It's a very happy, joyous experience; you are helping people at a vital time in their lives."

And what would he tell someone starting out in medicine today? "Well," he smiled, and leaned over his desk, "You've got to have a good partner—and that's my wife. She was with me all the way; when I was gone all night, she had to be alone. We couldn't take vacations as other folks might, and maybe we missed a lot of things. She has been a real trooper; without her, I couldn't have done it."

Would he change anything about his career? "Not a bit," he smiled. After all, it has been not merely a career so much as it is a life in medicine.

#### FELONY STREAMING

Mrs. FEINSTEIN. Mr. President, I rise to address S. 978, legislation passed by the Judiciary Committee last week that would increase the penalties for willful copyright infringement by "streaming." I would like to explain why I voted "pass" on the bill at the Judiciary Committee markup, and to express what my concern is.

First, I very much appreciate the intent behind this legislation, and commend Senators KLOBUCHAR and CORNYN for bringing it forth. Online infringement of copyrights has had a very serious, detrimental, effect on the entertainment industry, which is based in large part in my State of California. Those who willfully infringe copyrights for the purpose of commercial advantage or private financial gain deserve to be punished like the thieves that they are.

But in doing this, we must make sure that the punishment is proportionate to the crime. This bill simply copies the penalty structure from the current law that makes larger scale illegal downloading a felony. That law makes "the reproduction or distribution, including by electronic means"—i.e. downloading—a felony punishable by up to 5 years imprisonment, if it involves: 10 or more copies; with a total retail value of more than \$2,500; and within a 180-day period.

This bill just replicates that penalty structure, with the additional element of an alternative "fair market value" threshold. It makes willful infringement through "public performances by electronic means"—i.e. streaming—also a felony, subject to the same 5-year maximum sentence, if it involves: 10 or more public performances; within a 180-day period; with either a total retail or economic value of more than \$2,500; or total fair market value of licenses of more than \$5,000.

As I stated at the beginning, I have no problem with increased punishment for large-scale infringers, whether they infringe through downloads or through

streams. The problem, though, with this structure is that it treats streaming as being as serious as downloading. But a download, in my view, is obviously much more serious, because it makes a permanent copy of the song or movie or show, as opposed to the one-time viewing or listening that streaming creates. This is very likely why downloading was made a felony to begin with, while streaming wasn't. Given that downloading is much more serious and damaging, to have a moral consistency with the downloading penalties, the streaming thresholds, at least in quantity, should be much higher.

Therefore, I hope to work with the bill's sponsors before this legislation goes to the floor, to craft a more appropriate threshold, which reflects the differences between downloading and streaming. As the sponsors and the chairman of the Judiciary Committee, Senator LEAHY, have stated, there are other outstanding issues that they are committed to addressing before this bill comes to the floor, and I hope this concern that I have can be resolved in the same way.

#### SUMMER LEARNING

Mrs. MURRAY. Mr. President, today I wish to discuss the importance of summer learning, and to draw attention to the significance of high-quality summer learning opportunities in the lives of young people.

The effort to keep kids learning during summer is based on research that shows that without effective summer learning opportunities: students fall more than 2 months behind in math over the summer; low-income children fall behind 2 to 3 months in reading each summer; and that by the end of fifth grade, lower income children can be nearly 3 years behind their higher income peers in reading.

Last year, nearly 500 events were held nationwide that highlighted how summer learning programs advance academic growth, support working families, keep children safe and send students back to school ready to learn.

I am proud to recognize the importance of summer learning and encourage communities across the country to celebrate and acknowledge the importance of providing all young people with high-quality learning opportunities during the summer months.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO LINDA RUNDELL

● Mr. BINGAMAN. Mr. President, today I recognize Ms. Linda Rundell, the Bureau of Land Management's New Mexico State director, for her exemplary public service and to express my congratulations on her upcoming retirement after 32 years.

Linda has held many titles during her time with BLM, including range

conservationist, wildlife biologist, environmental impact statement team leader, program analyst, congressional fellow, and district manager. And her work has taken her to nearly as many parts of our country, including Alaska, Nevada, Oregon, and Washington, DC.

But the majority of her career has kept her in my home State of New Mexico where she will finish her tenure with BLM as State director for New Mexico, Oklahoma, Texas, and Kansas. Since 2002, Linda has overseen an annual budget of \$250 million and is responsible for 13.4 million acres of public lands in New Mexico and nearly 54 million acres of Federal and tribal subsurface minerals underlying non-BLM lands in the four States.

With a mission of multiple-use management, the BLM is tasked with balancing competing uses of our public land—including oil and gas development, wildlife protection, recreation, grazing, landscape conservation, and cultural resource protection—to name just a few. Attempting to balance these activities can be a challenging task for any land manager. However, Linda's career demonstrates how well she has personified this mission by assisting groups with opposing viewpoints to find common ground through collaboration.

Restore New Mexico, a program Linda established in 2005, demonstrates the benefits that can be achieved through collaboration. In only about 6 years the BLM—in partnership with environmental groups, ranchers, oil and gas companies, and sportsmen—has begun the restoration of 1.5 million acres of grasslands and woodlands in New Mexico. These efforts are reversing decades and even centuries of habitat fragmentation, encroachment by invasive species, and the legacy of orphaned oil and gas wells across the State. The results have been excellent, and the partnerships that have been built between long-time adversaries cannot be understated. With this collaboration as a framework, the long-term successful restoration of our public lands is more likely than ever.

Linda's impressive record as State director is no doubt a product of what she learned in the years leading up to it. Her background as a wildlife biologist, for example, gave her the foresight to recognize that the BLM had a significant role to play if further population declines of the lesser prairie chicken were to be averted. Before this small grouse began gaining headlines in newspapers, Linda knew that a continued decline of this species would have far-reaching implications. For this reason, she has worked diligently to protect and expand lesser prairie chicken habitat in the State.

Linda exemplifies the attributes found in effective leaders—honesty, a strong work ethic, and a willingness to make the right decision even when it may be difficult. She is highly respected within and outside the agency for her leadership skills and her staff in

New Mexico mirror these traits. I appreciate how helpful she and her staff have been while working with my office in the development of various policy initiatives including conservation measures—many of which have been signed into law—like the Ojito Wilderness, Prehistoric Trackways National Monument, Fort Stanton-Snowy River Cave National Conservation Area, and Sabinoso Wilderness.

Linda's tenure as BLM State director will leave a lasting legacy that has and will continue to benefit the health of our public land and wildlife as well as the economy of our State and Nation. Our Nation is grateful for her service, and I wish her the best on her future endeavors.●

## MESSAGE FROM THE HOUSE

### ENROLLED JOINT RESOLUTIONS SIGNED

At 12:38 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 7. Joint resolution providing for the reappointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 9. Joint resolution providing for the reappointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution.

The enrolled joint resolutions were subsequently signed by the President pro tempore (Mr. INOUE).

## ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, June 21, 2011, she had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 7. Joint resolution providing for the reappointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 9. Joint resolution providing for the reappointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2207. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Robert L. Van Antwerp, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-2208. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General David H. Petraeus, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-2209. A communication from the Under Secretary of Defense (Acquisition, Tech-

nology and Logistics), transmitting, pursuant to law, a report relative to the RQ-4A/B Unmanned Aircraft System (UAS) Global Hawk Block 30 Program; to the Committee on Armed Services.

EC-2210. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to depot-level maintenance and repair workloads by the public and private sectors; to the Committee on Armed Services.

EC-2211. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Conservatorship and Receivership" (RIN2590-AA23) received during recess of the Senate in the Office of the President of the Senate on June 17, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-2212. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC-2213. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Bangladesh; to the Committee on Banking, Housing, and Urban Affairs.

EC-2214. A communication from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting, pursuant to law, the Bank's management reports and statements on system of internal controls for fiscal year 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-2215. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Safety Standards for Toddler Beds" (RIN3041-AC79) received during recess of the Senate in the Office of the President of the Senate on June 17, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2216. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fractional Aircraft Ownership Programs and On-Demand Operations; Technical Amendment" ((RIN2120-AH06) (Docket No. FAA-2001-10047)) received during recess of the Senate in the Office of the President of the Senate on June 17, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2217. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Control Room Management/Human Factors" (RIN2137-AE64) received during recess of the Senate in the Office of the President of the Senate on June 17, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2218. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model Bae 146 and Avro 146-RJ Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0673)) received during recess of the Senate in the Office of the President of the Senate on June 17, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2219. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F; Model MD-10-10F, MD-10-30F, and MD-11, and MD-11F Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1044)) received during recess of the Senate in the Office of the President of the Senate on June 17, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2220. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Various Aircraft Equipped with Rotax Aircraft Engines 912 A Series Engine" ((RIN2120-AA64) (Docket No. FAA-2011-0504)) received during recess of the Senate in the Office of the President of the Senate on June 17, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2221. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 42 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0231)) received during recess of the Senate in the Office of the President of the Senate on June 17, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2222. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application for Reinstatement and Retroactive Reinstatement for Reasonable Cause under Internal Revenue Code Section 6033(j)" (Notice No. 2011-44) received in the Office of the President of the Senate on June 16, 2011; to the Committee on Finance.

EC-2223. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Dow Chemical Company in Madison, Illinois, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-2224. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Bliss and Laughlin Steel Company located at 110 Hopkins Street, Buffalo, New York, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-2225. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Chapman Valve Manufacturing Company (i.e., Building 23 and the Dean Street facility) in Indian Orchard, Massachusetts, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-2226. A communication from the Inspector General of the General Services Administration, transmitting, pursuant to law, the Administration's Semi-Annual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-2227. A communication from the Secretary of Education, transmitting, pursuant to law, the Department of Education's Semi-Annual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-2228. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the

report of the appointment of members to the Tennessee Advisory Committee; to the Committee on the Judiciary.

EC-2229. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Connecticut Advisory Committee; to the Committee on the Judiciary.

EC-2230. A communication from the Staff Director, U.S. Sentencing Commission, transmitting, pursuant to law, the 2010 Annual Report and Sourcebook of Federal Sentencing Statistics; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 1103, a bill to extend the term of the incumbent Director of the Federal Bureau of Investigation (Rept. No. 112-23).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 679, a bill to reduce the number of executive positions subject to Senate confirmation (Rept. No. 112-24).

By Ms. STABENOW, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

H.R. 872. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

## 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. BLUMENTHAL (for himself, Mr. LIEBERMAN, and Mr. ROCKEFELLER):

S. 1237. A bill to amend the Internal Revenue Code of 1986 to allow manufacturing businesses to establish tax-free manufacturing reinvestment accounts to assist them in providing for new equipment and facilities and workforce training; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. ROCKEFELLER):

S. 1238. A bill to make bills implementing trade agreements subject to a point of order unless certain conditions are met, and for other purposes; to the Committee on Finance.

By Mr. CASEY (for himself and Mr. TOOMEY):

S. 1239. A bill to provide for a medal of appropriate design to be awarded by the President to the memorials established at the 3 sites honoring the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LIEBERMAN (for himself and Mr. BLUMENTHAL):

S. 1240. A bill to support the establishment and operation of Teachers Professional Development Institutes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. RUBIO (for himself, Mr. HATCH, Ms. AYOTTE, Mr. BLUNT, Mr. BURR,

Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. CORNYN, Mr. DEMINT, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. JOHANNIS, Mr. KYL, Mr. LEE, Mr. MCCAIN, Mr. MORAN, Mr. RISCHE, Mr. SESSIONS, Mr. THUNE, Mr. WICKER, Mr. VITTER, and Mr. PAUL):

S. 1241. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself and Mr. MANCHIN):

S. 1242. A bill to provide for the treatment of certain hospitals under the Medicare program; to the Committee on Finance.

By Mrs. HAGAN:

S. 1243. A bill to require that certain Federal job training and career education programs give priority to programs that provide an industry-recognized and nationally portable credential; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. MCCAIN, Mr. LEVIN, Mr. KYL, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. LIEBERMAN, Mr. BLUNT, Mr. CARDIN, and Mr. KIRK):

S.J. Res. 20. A joint resolution authorizing the limited use of the United States Armed Forces in support of the NATO mission in Libya; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HARKIN (for himself, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. BARRASSO, Mr. BROWN of Ohio, and Mr. PORTMAN):

S. Res. 212. A resolution congratulating the people and Government of the Republic of Slovenia on the twentieth anniversary of the country's independence; considered and agreed to.

By Mr. DEMINT (for himself, Mr. CORNYN, Mr. VITTER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Mr. CRAPO, Mr. ENZI, Mr. GRASSLEY, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. KIRK, Mr. LEE, Mr. MCCONNELL, Mr. PORTMAN, Mr. RISCHE, Mr. RUBIO, Mr. SESSIONS, Mr. SHELBY, Mr. THUNE, Mr. WICKER, Mr. ROBERTS, Mr. LIEBERMAN, Mr. GRAHAM, and Mr. ALEXANDER):

S. Res. 213. A resolution commending and expressing thanks to professionals of the intelligence community; to the Select Committee on Intelligence.

## ADDITIONAL COSPONSORS

S. 56

At the request of Mr. INOUE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 56, a bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Delaware



(Mr. COONS) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 343

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 343, a bill to amend Title I of Pub. L. 99-658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended Pub. L. 99-658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mrs. GILLIBRAND) 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. 418

At the request of Mr. HARKIN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 462

At the request of Mr. KOHL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 462, a bill to better protect, serve, and advance the rights of victims of elder abuse and exploitation by establishing a program to encourage States and other qualified entities to create jobs designed to hold offenders accountable, enhance the capacity of the justice system to investigate, pursue, and prosecute elder abuse cases, identify existing resources to leverage to the extent possible, and assure data collection, research, and evaluation to promote the efficacy and efficiency of the activities described in this Act.

S. 528

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 528, a bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements.

S. 534

At the request of Mr. KERRY, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 541

At the request of Mr. BENNET, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 541, a bill to amend the Elementary and Secondary Education Act of 1965 to allow State educational agencies, local educational agencies, and schools to increase implementation of schoolwide positive behavioral interventions and supports and early intervening services in order to improve student academic achievement, reduce disciplinary problems in schools, and to improve coordination with similar activities and services provided under the Individuals with Disabilities Education Act.

S. 596

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 596, a bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

S. 652

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 652, a bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of an American Infrastructure Financing Authority, to provide for an extension of the exemption from the alternative minimum tax treatment for certain tax-exempt bonds, and for other purposes.

S. 679

At the request of Mr. SCHUMER, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 679, a bill to reduce the number of executive positions subject to Senate confirmation.

S. 726

At the request of Mr. RUBIO, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 726, a bill to rescind \$45 billion of unobligated discretionary appropriations, and for other purposes.

S. 755

At the request of Mr. WYDEN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. 769

At the request of Mr. HARKIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 769, a bill to amend title 38, United States Code, to prevent the Secretary of Veterans Affairs from prohibiting the use of service dogs on Department of Veterans Affairs property.

S. 778

At the request of Mr. MORAN, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S.

778, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 797

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 797, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 800

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 800, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 834

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 834, a bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

S. 946

At the request of Mr. BAUCUS, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 946, a bill to establish an Office of Rural Education Policy in the Department of Education.

S. 951

At the request of Mrs. MURRAY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1056

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1056, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 1088

At the request of Mr. KERRY, the names of the Senator from Ohio (Mr.

BROWN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1088, a bill to provide increased funding for the reinsurance for early retirees program.

S. 1094

At the request of Mr. MENENDEZ, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 1094, a bill to reauthorize the Combating Autism Act of 2006 (Public Law 109-416).

S. 1167

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1167, a bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes.

S. 1189

At the request of Mr. PORTMAN, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Indiana (Mr. COATS), the Senator from Nebraska (Mr. JOHANNIS), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Utah (Mr. LEE), the Senator from Kansas (Mr. ROBERTS) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 1189, a bill to amend the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) to provide for regulatory impact analyses for certain rules, consideration of the least burdensome regulatory alternative, and for other purposes.

S. 1211

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1211, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1214, a bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1224

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1224, a bill to amend Public Law 106-392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery program through fiscal year 2023.

S.J. RES. 17

At the request of Mrs. FEINSTEIN, the name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor 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.J. RES. 19

At the request of Mr. HATCH, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Nebraska (Mr. JOHANNIS) were added as cosponsors of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 23

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. Con. Res. 23, a concurrent resolution declaring that it is the policy of the United States to support and facilitate Israel in maintaining defensible borders and that it is contrary to United States policy and national security to have the borders of Israel return to the armistice lines that existed on June 4, 1967.

S. RES. 80

At the request of Mr. KIRK, the name of the Senator from Georgia (Mr. ISAKSON) 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. 211

At the request of Mr. LEVIN, the names of the Senator from Delaware (Mr. COONS) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 211, a resolution observing the historical significance of Juneteenth Independence Day.

AMENDMENT NO. 405

At the request of Mr. BARRASSO, his name was added as a cosponsor of amendment No. 405 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 440

At the request of Mr. MERKLEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 440 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 476

At the request of Mrs. FEINSTEIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of amendment No. 476 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself and Mr. BLUMENTHAL):

S. 1240. A bill to support the establishment and operation of Teachers Professional Development Institutes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, today I am introducing legislation, along with my colleague from Connecticut, Senator BLUMENTHAL, which will strengthen the content knowledge and instructional skills of our present K-12 teacher workforce. Our goal with this legislation, like any education legislation I support, is to ultimately raise student achievement.

The Teachers Professional Development Institutes Act would establish up to eight new Teachers Professional Development Institutes throughout the nation each year over the next 5 years based on the successful model that has been operating at Yale University for over thirty years. Every Teachers Institute would consist of a partnership between an institution of higher education and the local public school system in which a significant proportion of the students come from low-income households. These Institutes will strengthen the present teacher workforce by giving each participant an opportunity to gain more sophisticated content knowledge and a chance to develop curriculum units with other colleagues that can be directly applied in their classrooms. We know that teachers gain confidence and enthusiasm when they have a deeper understanding of the subject matter that they teach and this translates into higher expectations for their students and an increase in student achievement.

The Teachers Professional Development Institutes are based on the Yale-New Haven Teachers Institute model that has been in existence since 1978. For over 30 years, the Institute has offered, five or six 13 session seminars each year, led by Yale faculty, on topics that teachers have selected to enhance their mastery of the subject areas they teach. The subject selection process begins with representatives from the Institutes soliciting ideas from teachers throughout the school district for topics on which teachers feel they need to have additional preparation, topics that will assist them in preparing materials they need for their students, or topics that will assist them in addressing the standards that the school district requires. As a consensus emerges about desired seminar subjects, the Institute director identifies university faculty members with the appropriate expertise, interest and desire to lead the seminar. University faculty members, especially those who have led Institute seminars before, may sometimes suggest seminars they would like to lead, and these ideas are circulated by the representatives as well. The final decisions on which seminar topics are offered are ultimately

made by the teachers who participate. In this way, the offerings are designed to respond to what teachers believe is needed and useful for both themselves and their students.

The cooperative nature of the Institute seminar planning process ensures its success. Institutes offer seminars and relevant materials on topics teachers have identified and feel are needed for their own preparation, as well as what they know will motivate and engage their students. Teachers enthusiastically take part in rigorous seminars they have requested, and practice using the materials they have obtained and developed. This helps ensure that the experience not only increases their preparation in the subjects they are assigned to teach, but also their participation in an Institute seminar gives them immediate hands-on active learning materials that can be used in the classroom. All of this is a very empowering experience for teachers.

The Yale-New Haven Teachers Institute conducted a National Demonstration Project from 1999–2002 that showed that similar Institutes could be created rapidly at diverse sites with large concentrations of disadvantaged students. After 2 years of research and planning, and based on the success of that project, the Institute in 2005 launched the Yale National Initiative to strengthen teaching in public schools, a long-term endeavor to assist with the establishment of Teachers Institutes of this specific type in most states. As a result, new Institutes already have been established in Philadelphia, Pennsylvania, Charlotte, North Carolina, and New Castle County, Delaware. Nine other school districts in 6 states, including California, Arizona, Oklahoma, Illinois, Virginia, and Georgia, are currently participating in the Initiative to learn how to develop a new Institute.

The teachers surveyed for the National Demonstration Project reported that student motivation, student interest, and student mastery were higher during the Institute-developed unit than during other work. Subsequently, the findings of a 2009 Report on Teachers Institute Experiences found that teachers participated out of desires to obtain curricula that suited their needs, increased subject mastery, and motivated students. Mr. President, 96 percent of the teachers rated the Institute seminars as useful, partly due to the reported increase in knowledge and in raising expectations for their students.

A retrospective study showed that over 5 years, Teachers Institute participants were almost twice as likely as non-participants to remain teaching in the district 5 years later. Research has shown that longevity in a district leads to increased teacher effectiveness.

Many agree that teacher quality is the single most important school-related factor in determining student achievement. High-quality teacher professional development programs that

focus on subject and pedagogy knowledge are a proven method for enhancing the effectiveness of a teacher in the classroom. A recent review of professional development studies by the Department of Education's Institute of Education Sciences found that, and I quote "teachers who receive substantial professional development, an average of 49 hours in the 9 studies, can boost their students' achievement by about twenty-one percentile points."

The Yale-New Haven Teachers Institute model enhances teachers' basic writing, math, and presentation skills. It increases expectations of student achievement and enthusiasm for teaching while developing skills for motivating students. These are key features that research suggests are effective in producing gains in both teacher knowledge and practice and student achievement. The Teachers Institutes lead to student achievement gains through a proven approach distinguished from both conventional professional development offerings of school districts and from traditional continuing education and outreach programs of colleges and universities.

Education Secretary Arne Duncan said recently, and I quote, "the practices of high-performing countries show clearly that America in particular has to do much more to elevate the teaching profession, from the recruitment and training of teachers to their evaluation and professional development."

This is precisely what the Teachers Professional Development Institutes Act strives to accomplish. The need for effective teachers with deep content knowledge is most apparent and urgent in schools and school districts that enroll a high proportion of students from low-income families, exactly the schools and school districts that Teachers Institutes serve.

The Yale-New Haven Teachers Institute has already proven to be a successful model for teacher professional development as demonstrated by the high caliber curriculum unit plans that teacher participants have developed and placed on the web, and by the evaluations that support the conclusion that virtually all the teacher participants felt substantially strengthened in their mastery of content knowledge and their teaching skills. The finding that Institute participants were almost twice as likely as non-participants to remain teaching in high-need schools is especially encouraging. Our proposal would open this opportunity to many more teachers in high-need schools throughout the nation.

I urge my colleagues to act favorably on this measure.

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. 1240

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

**SECTION 1. TEACHERS PROFESSIONAL DEVELOPMENT INSTITUTES.**

(a) IN GENERAL.—Part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

**"Subpart 6—Teachers Professional Development Institutes**

**"SEC. 2161. SHORT TITLE.**

"This subpart may be cited as the 'Teachers Professional Development Institutes Act'.

**"SEC. 2162. FINDINGS AND PURPOSE.**

"(a) FINDINGS.—Congress makes the following findings:

"(1) Teaching is central to the educational process and the ongoing professional development of teachers in the subjects they teach is essential for improved student learning.

"(2) Attaining the goal of the No Child Left Behind Act of 2001 (Public Law 107–110)—having a classroom teacher who is highly effective in every academic subject the teacher teaches—will require innovative approaches to improve the effectiveness of teachers in the classroom.

"(3) The Teachers Institute Model focuses on the continuing academic preparation of schoolteachers and the application of what the teachers study to their classrooms and potentially to the classrooms of other teachers.

"(4) The Teachers Institute Model was developed initially by the Yale-New Haven Teachers Institute and has successfully operated in New Haven, Connecticut, for more than 30 years.

"(5) The Teachers Institute Model has also been successfully implemented in cities larger than New Haven.

"(6) In the spring of 2009, a report entitled 'An Evaluation of Teachers Institute Experiences' concluded that—

"(A) Teachers Institutes enhance precisely those teacher qualities known to improve student achievement;

"(B) Teachers Institutes exemplify the crucial characteristics of high-quality teacher professional development; and

"(C) Teachers Institute participation is strongly related to teacher retention in high-poverty schools.

"(b) PURPOSE.—The purpose of this subpart is to provide Federal assistance to support the establishment and operation of Teachers Institutes for local educational agencies that serve significant low-income student populations in States throughout the Nation, in order to—

"(1) improve student learning; and

"(2) enhance the quality and effectiveness of teaching and strengthen the subject matter mastery and the pedagogical skills of current teachers through continuing teacher preparation.

**"SEC. 2163. DEFINITIONS.**

"In this subpart:

"(1) SIGNIFICANT LOW-INCOME STUDENT POPULATION.—The term 'significant low-income student population' means a student population of which not less than 40 percent of the students included are eligible for free or reduced price lunches under the Richard B. Russell National School Lunch Act.

"(2) TEACHERS INSTITUTE.—The term 'Teachers Institute' means a partnership or joint venture—

"(A) between or among—

"(i) 1 or more institutions of higher education; and

“(ii) 1 or more local educational agencies that serve 1 or more schools with significant low-income student populations; and

“(B) that improves the effectiveness of teachers in the classroom, and the quality of teaching and learning, through collaborative seminars designed to enhance both the subject matter and the pedagogical resources of the seminar participants.

**“SEC. 2164. PROGRAM AUTHORIZED.**

“(a) IN GENERAL.—The Secretary is authorized to award grants under this subpart in order to encourage the establishment and operation of Teachers Institutes.

“(b) TECHNICAL ASSISTANCE.—The Secretary may reserve not more than 50 percent of the funds appropriated to carry out this subpart to provide technical assistance to facilitate the establishment and operation of Teachers Institutes. The Secretary may contract with the Yale-New Haven Teachers Institute to provide all or part of the technical assistance under this subsection.

“(c) SELECTION CRITERIA.—In selecting Teachers Institutes to support through grants under this subpart, the Secretary shall consider—

“(1) the extent to which a proposed Teachers Institute will serve schools that have significant low-income student populations;

“(2) the extent to which a proposed Teachers Institute will follow the understandings and necessary procedures described in section 2166;

“(3) the extent to which each local educational agency participating in the Teachers Institute has a high percentage of teachers who are unprepared or underprepared to teach the core academic subjects the teachers are assigned to teach; and

“(4) the extent to which a proposed Teachers Institute will receive a level of support from the community and other sources that will ensure the requisite long-term commitment for the success of a Teachers Institute.

“(d) CONSULTATION.—

“(1) IN GENERAL.—In evaluating applications using the criteria under subsection (c), the Secretary may request the advice and assistance of the Yale-New Haven Teachers Institute or other Teachers Institutes.

“(2) STATE AGENCIES.—If the Secretary receives 2 or more applications for grants under this subpart from local educational agencies within the same State, the Secretary shall consult with the State educational agency regarding the applications.

“(e) FISCAL AGENT.—The fiscal agent for the receipt of grant funds under this subpart shall be an institution of higher education participating in the partnership or joint venture, as described in section 2163(2)(A), that is establishing or operating the Teachers Institute.

“(f) LIMITATIONS.—A grant under this subpart—

“(1) shall provide grant funds for a period of not more than 5 years; and

“(2) shall be in an amount that is not more than 50 percent of the total costs of the eligible activities supported under the grant, as determined by the Secretary.

**“SEC. 2165. ELIGIBLE ACTIVITIES.**

“Grant funds under this subpart may be used—

“(1) for the planning, development, establishment, and operation of a Teachers Institute;

“(2) for additional assistance to an established Teachers Institute for its further development and for its support of the planning, development, establishment, and operation of a Teachers Institute under paragraph (1);

“(3) for the salary and necessary expenses of a full-time director for a Teachers Institute to plan and manage the Teachers Insti-

tute and to act as a liaison between all local educational agencies and institutions of higher education participating in the Teachers Institute;

“(4) to provide suitable office space, staff, equipment, and supplies, and to pay other operating expenses, for the Teachers Institute;

“(5) to provide a stipend for teachers participating in the collaborative seminars conducted by the Institute in the sciences and humanities and to provide remuneration for members of the faculty of the participating institution of higher education leading the seminars; and

“(6) to provide for the dissemination, through print and electronic means, of curriculum units prepared in the seminars conducted by the Teachers Institute.

**“SEC. 2166. UNDERSTANDINGS AND PROCEDURES.**

“A grantee receiving a grant under this subpart shall abide by the following understandings and procedures:

“(1) PARTNERSHIP.—The essential relationship of a Teachers Institute is a partnership between a local educational agency and an institution of higher education. A grantee shall demonstrate a long-term commitment on behalf of the participating local educational agency and institution of higher education to the support, including the financial support, of the work of the Teachers Institute.

“(2) SEMINARS.—A Teachers Institute sponsors seminars led by faculty of the institution of higher education partner and attended by teachers from the local educational agency partner. A grantee shall provide participating teachers the ability to play an essential role in planning, organizing, conducting, and evaluating the seminars and in encouraging the future participation of other teachers.

“(3) CURRICULUM UNIT.—A seminar described in paragraph (2) uses a collaborative process, in a collegial environment, to develop a curriculum unit for use by participating teachers that sets forth the subject matter to be presented and the pedagogical strategies to be employed. A grantee shall enable participating teachers to develop a curriculum unit, based on the subject matter presented, for use in the teachers' classrooms.

“(4) ELIGIBILITY AND REMUNERATION.—Seminars are open to all partnership teachers with teaching assignments relevant to the seminar topics. Seminar leaders receive remuneration for their work and participating teachers receive an honorarium or stipend upon the successful completion of the seminar. A grantee shall provide seminar leaders and participating teachers with remuneration to allow them to participate in the Teachers Institute.

“(5) DIRECTION.—The operations of a Teachers Institute are managed by a full-time director who reports to both partners but is accountable to the institution of higher education partner. A grantee shall appoint a director to manage and coordinate the work of the Teachers Institute.

“(6) EVALUATION.—A grantee shall annually review the activities of the Teachers Institute and disseminate the results to members of the Teachers Institute's partnership community.

**“SEC. 2167. APPLICATION, APPROVAL, AND AGREEMENT.**

“(a) IN GENERAL.—To receive a grant under this subpart, a Teachers Institute, or a partnership or joint venture described in section 2163(2)(A) that is proposing to establish a Teachers Institute, shall submit an application to the Secretary that—

“(1) meets the requirement of this subpart and any regulations under this subpart;

“(2) includes a description of how the applicant intends to use funds provided under the grant;

“(3) includes such information as the Secretary may require to apply the criteria described in section 2164(c);

“(4) includes measurable objectives for the use of the funds provided under the grant; and

“(5) contains such other information and assurances as the Secretary may require.

“(b) APPROVAL.—The Secretary shall—

“(1) promptly evaluate an application received for a grant under this subpart; and

“(2) notify the applicant, within 90 days of the receipt of a completed application, of the Secretary's determination.

“(c) AGREEMENT.—Upon approval of an application, the Secretary and the applicant shall enter into a comprehensive agreement covering the entire period of the grant.

**“SEC. 2168. REPORTS AND EVALUATIONS.**

“(a) REPORT.—Each grantee under this subpart shall report annually to the Secretary on the progress of the Teachers Institute in achieving the purpose of this subpart.

“(b) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this subpart and submit an annual report regarding the activities assisted under this subpart to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by Teachers Institutes.

“(c) REVOCATION.—If the Secretary determines that a grantee is not making substantial progress in meeting the purposes of the grant by the end of the second year of the grant under this subpart, the Secretary may take appropriate action, including revocation of further payments under the grant, to ensure that the funds available under this subpart are used in the most effective manner.

**“SEC. 2169. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated, for grants (including planning grants) and technical assistance under this subpart, such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.”

(b) TABLE OF CONTENTS.—The table of contents of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 2151 the following:

**“SUBPART 6—TEACHERS PROFESSIONAL DEVELOPMENT INSTITUTES**

“Sec. 2161. Short title.

“Sec. 2162. Findings and purpose.

“Sec. 2163. Definitions.

“Sec. 2164. Program authorized.

“Sec. 2165. Eligible activities.

“Sec. 2166. Understandings and procedures.

“Sec. 2167. Application, approval, and agreement.

“Sec. 2168. Reports and evaluations.”

By Mr. RUBIO (for himself, Mr. HATCH, Ms. AYOTTE, Mr. BLUNT, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. CORNYN, Mr. DEMINT, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. JOHANNIS, Mr. KYL, Mr. LEE, Mr. MCCAIN, Mr. MORAN, Mr. RISCH, Mr. SESSIONS, Mr. THUNE, Mr. WICKER, Mr. VITTER, and Mr. PAUL):

S. 1241. A bill to amend title 18, United States Code, to prohibit taking

minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

Mr. RUBIO. Mr. President, it is an honor to stand alongside Senator HATCH today as we introduce the Child Interstate Abortion Notification Act. This bill, which would help States enforce laws requiring that parents be notified before their child has an abortion, is supported by many pro-life groups and organizations. But perhaps most importantly, it is supported by a broad majority of parents, who are in a much better position to help children with tough decisions than virtually anyone else.

Many States require that a parent be notified before a minor has an abortion, while even more require the consent of a parent before a physician can legally perform an abortion. Unfortunately, these laws are undermined and circumvented by those simply willing to travel to a State without these restrictions.

This important legislation would put an end to this practice permanently by simply enabling States to enforce their existing laws, which are designed to protect our children and defend parents' rights. While this legislation serves that goal, it also promotes a culture of life in our nation that is critical to ensuring we continue to cherish and defend the self-evident, fundamental right to life, especially as it applies to the unborn.

Specifically, this bill has two parts: First, it prohibits the act of knowingly taking a minor across State lines with the intent of obtaining an abortion if this action evades the parental involvement law in her home State. Second, it would require abortion providers to notify a parent of an out-of-State minor before performing an abortion.

Sadly, many are willing to circumvent State law and shuttle young girls across State lines in order to avoid parental notification laws. With the help of my Senate colleagues, we will put a stop to this and ensure that parents are aware of profound medical operations involving their children. With that thought in mind, I ask you to support this legislation to help keep parents informed.

Mr. HATCH. Mr. President, today I am proud to stand with my friend from Florida, Senator RUBIO, as he introduces an important piece of legislation, the Child Interstate Abortion Notification Act. This bill, which today is being introduced in the House by Representative ILEANA ROS-LEHTINEN of Florida, is based on the belief that children should not make profound life-changing decisions by themselves and that parents are generally in the best and most responsible position to help them.

One of the many disturbing ironies in the abortion debate is that parental consent is needed for such things as tattoos or school fieldtrips but not al-

ways for abortions that will end one life and change another forever. Abortion advocates say that abortion should be treated as any other surgical procedure, but many of them oppose requiring the same parental consent for abortion that is required for any other procedure.

What is worse, there are individuals and organizations out there who appear to care more about money than about kids. They are willing to help young girls get abortions by any means necessary, including taking them to other States without the knowledge or consent of their parents. Mind you, those same parents will be responsible for the aftermath, for the physical, emotional, and spiritual consequences of the abortion. If parents are to be responsible at the end, they have the right to be there at the beginning.

If it were possible, just for a moment, to take the abortion politics out of the picture, every parent knows that kids have to develop over time the judgment and maturity to make decisions. No one is more committed to them, no one has more love for them, no one has more responsibility for them than their parents.

This bill has two parts. First, it prohibits taking a minor across State lines for an abortion if doing so evades the parental involvement law in her home State. In the 109th Congress, this portion of our bill passed the Senate with 65 bipartisan votes. More than 80 percent of our fellow Americans support it. Second, this bill requires abortionists to notify parents of an out-of-State minor before performing an abortion. Fifty-seven Senators voted for cloture on this combined bill in 2006.

I urge my colleagues to read the bill. It does not apply when an abortion is necessary to save a girl's life or if the girl is a victim of abuse or neglect. Again, please read the bill. It is carefully drafted with the appropriate exceptions and safeguards in order to focus on what unites the vast majority of Americans, that parents should be involved before their child has an abortion. The majority of States have laws requiring parental involvement and, with its interstate component, this bill is a legitimate and constitutional way for Congress to help protect children and support parents.

By Mr. ROCKEFELLER (for himself and Mr. MANCHIN):

S. 1242. A bill to provide for the treatment of certain hospitals under the Medicare program; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I, along with my colleague Senator MANCHIN, rise today to introduce the Fair Competition for Hospitals Act of 2011, legislation that will level the playing field for a handful of hospitals in the Northern Panhandle of West Virginia who are burdened by a payment disparity as compared to hospitals in neighboring States serving the same patient population. This legislation

will adjust the wage index determination for these hospitals to make sure they are treated the same as the nearby facilities in other States. It will also help hospitals in other areas of the country facing a similar situation.

Medicare's hospital wage index system was created to reflect the variation in the price of labor across the country. Usually, hospitals in different States are located far enough apart that they do not compete for the same patients or workforce, within the same labor market. However, the geography in the Northern Panhandle of West Virginia presents a unique situation; with a geographic area as little as 6 miles wide, hospitals in West Virginia are much more akin to hospitals in Ohio and Pennsylvania, on either side of the panhandle. Therefore, this small group of hospitals is competitively disadvantaged because of wage index differences across state borders. This competitive disadvantage is causing these hospitals to struggle under the weight of providing the same care for a lower payment and making it more difficult to continue the high level of care for which they have become known.

These hospitals are vital cornerstones to the people in their communities. They employ more than 4,000 people and provide health care for tens of thousands more. As an essential part of the community, they should not be significantly disadvantaged by a payment structure that does not take into account the unique makeup of this area.

The solution I am introducing today is budget neutral and fair. It will make sure that these hospitals in my State are treated on a level playing field with their competitors and not disadvantaged by an economically meaningless State border. I urge my colleagues to support this legislation.

By Mrs. HAGAN:

S. 1243. A bill to require that certain Federal job training and career education programs give priority to programs that provide an industry-recognized and nationally portable credential; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HAGAN. Mr. President, I am pleased to reintroduce a very important piece of legislation to accelerate job growth across America, the American Manufacturing Efficiency and Retraining Investment Collaboration Achievement Works Act, also known as the AMERICA Works Act. This bill is part of the solution to the Nation's economic and unemployment problem.

We all know that American families, as well as the manufacturing industry, have faced difficult times over the last few years. But the truth is that the manufacturing industry will always be a vital part of our Nation's economy.

The national unemployment rate has stabilized somewhat, but almost 14 million Americans remain out of work. We still have a long way to go. In my home

State of North Carolina, unemployment hovers at 9.7 percent, with several counties facing double-digit unemployment rates. Job creation is my number one priority and this legislation is an innovative way to get Americans back into the workforce.

The United States needs a strong technical workforce. The AMERICA Works Act would encourage national industries, such as biotechnology, construction, and machinery, to come together and agree on the skill sets they most value in prospective employees. Community colleges would participate, creating the appropriate curricula to meet those needs. Students who complete the programs would receive an industry-recognized credential. Workers who carry these industry-backed credentials would be able to market themselves in any area of the country. Businesses could count on the fact that workers with these credentials have the expertise and skills they are looking for.

The AMERICA Works Act would require certain Federal job training and career development education programs to give priority to programs that provide an industry-recognized and nationally portable credential. This credentialing system starts out with basic competencies that prepare individuals for the workplace. Once basic competencies are completed, individuals can work toward high performance technical competencies and then progress further to highly skilled technical and management competencies. The credentialing levels are stackable, allowing workers flexibility along their career tracks. Stackable credentials provide straightforward paths, with clear entry and exit points, for workers to advance their careers and attain high quality jobs.

In North Carolina, we have an advanced manufacturing skills program at Forsyth Technical Community College in Winston-Salem. Forsyth Tech is participating in the National Association of Manufacturers' Manufacturing Skills Certification System, which offers credit programs toward nationally recognized, stackable credentials. They have had hundreds of students enroll in their programs. Forsyth Tech has already collaborated with state and local businesses to begin the process of incorporating their credentials into job descriptions. They believe that introducing graduates with skill certifications into the local workforce will help improve the hiring process, and the nationally recognized credentials will improve employment opportunities.

When the President's Jobs Council met earlier this month in North Carolina, a leading topic of discussion, and something the President himself mentioned, is the need to improve job training for American industries so that our workers can be competitive in the global economy.

The AMERICA Works Act will help job seekers and employers keep America competitive in every industry, from textiles to aerospace, high-tech to

biotech, and connect programs like those offered at Forsyth Tech with employers in the community, region, and across the United States.

As I mentioned before, job creation is my number one priority. I want to do everything I can to create jobs and make sure our workers have the skills necessary to help our businesses grow and thrive. By incentivizing industry-recognized, nationally portable, stackable credentials, we can ensure that America has the best businesses, with the best-trained workers leading the world.

I urge my colleagues to join me in supporting this important bill to expand employment opportunities for hardworking Americans.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 212—CONGRATULATING THE PEOPLE AND GOVERNMENT OF THE REPUBLIC OF SLOVENIA ON THE TWENTIETH ANNIVERSARY OF THE COUNTRY'S INDEPENDENCE

Mr. HARKIN (for himself, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. BARRASSO, Mr. BROWN of Ohio, and Mr. PORTMAN) submitted the following resolution; which was considered and agreed to:

##### S. RES. 212

Whereas, on December 23, 1990, the people of Slovenia voted overwhelmingly in favor of independence from the former Yugoslavia in a national referendum;

Whereas, on June 25, 1991, the Republic of Slovenia declared itself as an independent and sovereign nation;

Whereas, on December 23, 1991, the parliament of Slovenia adopted a constitution based on the rule of law, respect for human rights, and democratic ideals;

Whereas, during its 20 years of independence, Slovenia has been an important United States ally in Central Europe and a strong advocate of democracy, the rule of law, and the merits of an open, free market economy;

Whereas the Government of Slovenia has made important contributions to international efforts to promote peace, stability, and development in Southeast Europe, Afghanistan, and elsewhere;

Whereas the Government of Slovenia serves as a leader in efforts to remove destructive land mines in parts of Southeast Europe and in other parts of the world;

Whereas Slovenia has become an active member of international organizations, including the United Nations, the Organization for Security and Cooperation in Europe, the Council of Europe, the World Trade Organization, the European Union, the North Atlantic Treaty Organization, and the Organization for Economic Cooperation and Development; and

Whereas Slovenia has further consolidated its international role through successful chairmanship of the Organization for Security and Cooperation in Europe in 2005, and, as the first new member from Central and Eastern Europe, the presidency of the Council of the European Union in 2008: Now, therefore, be it

*Resolved*, That the Senate hereby—

(1) congratulates the people and the Government of the Republic of Slovenia as the country celebrates 20 years of independence on June 25, 2011;

(2) commends the people of Slovenia on the significant progress made in the last 20 years;

(3) recognizes the important role of the Slovenian community in the United States to promote partnership and cooperation between the two countries; and

(4) encourages the Government of the Republic of Slovenia to continue its important work in the transatlantic alliance, and the efforts to further peace, stability, and prosperity in Southeast Europe and elsewhere.

#### SENATE RESOLUTION 213—COMMENDING AND EXPRESSING THANKS TO PROFESSIONALS OF THE INTELLIGENCE COMMUNITY

Mr. DEMINT (for himself, Mr. CORNYN, Mr. VITTER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Mr. CRAPO, Mr. ENZI, Mr. GRASSLEY, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. KIRK, Mr. LEE, Mr. MCCONNELL, Mr. PORTMAN, Mr. RISCH, Mr. RUBIO, Mr. SESSIONS, Mr. SHELBY, Mr. THUNE, Mr. WICKER, Mr. ROBERTS, Mr. LIEBERMAN, Mr. GRAHAM, and Mr. ALEXANDER) submitted the following resolution; which was referred to the Select Committee on Intelligence:

##### S. RES. 213

Whereas since the attacks on September 11, 2001, the United States intelligence community has gathered critical information that has helped to prevent additional attacks on United States soil;

Whereas the Central Intelligence Agency (hereinafter referred to as the "CIA") plays a vital role in United States intelligence collection;

Whereas the importance of the CIA's work was exemplified by the successful operation against Usama bin Laden;

Whereas, as authorized by the President and in accordance with specific legal guidance provided by the Department of Justice, the CIA lawfully detained and interrogated certain high-value suspected terrorists;

Whereas information obtained from high-value detainees who had been detained and interrogated by the CIA was essential in determining the organizational structure, key operatives, modus operandi, and other relevant information on al-Qaeda operations;

Whereas information obtained from high-value detainees who had been detained and interrogated by the CIA was crucial to tracking down Usama bin Laden;

Whereas Michael Hayden, a former Director of the CIA, wrote, "Let the record show that when I was first briefed in 2007 about the brightening prospect of pursuing bin Laden through his courier network, a crucial component of the briefing was information provided by three CIA detainees, all of whom had been subjected to some form of enhanced interrogation. One of the most alerting pieces of evidence was that two of the detainees who had routinely been cooperative and truthful (after they had undergone enhanced techniques) were atypically denying apparent factual data—a maneuver taken as a good sign that the CIA was on to something important. So that there is no ambiguity, let me be doubly clear: It is nearly impossible for me to imagine any operation like the May 2 assault on bin Laden's compound in Abbottabad, Pakistan, that would

not have made substantial use of the trove of information derived from CIA detainees, including those on whom enhanced techniques had been used.”;

Whereas a May 30, 2005, Department of Justice memo stated, “In particular, the CIA believes that it would have been unable to obtain critical information from numerous detainees, including KSM [Khalid Sheikh Mohammed] and Abu Zubaydah, without these enhanced techniques. . . . Indeed, before the CIA used enhanced techniques in its interrogation of KSM, KSM resisted giving any answers to questions about future attacks, simply noting, ‘Soon, you will know.’”;

Whereas according to such May 30, 2005, memo, Abu Zubaydah explained the effect of enhanced techniques as, “Brothers who are captured and interrogated are permitted by Allah to provide information when they believe they have reached the limit of their ability to withhold it in the face of psychological and physical hardships.”;

Whereas such May 30, 2005, memo further indicates that after using enhanced interrogation techniques, high-value detainees became cooperative stating, “since the use of enhanced techniques, ‘KSM and Abu Zubaydah have been pivotal sources because of their ability and willingness to provide their analysis and speculation about the capabilities, methodologies, and mindsets of terrorists.’”;

Whereas mastermind of the attacks of September 11, 2001, Khalid Sheikh Mohammed disclosed to CIA interrogators information about a “second wave” plot using an East Asian al-Qaeda group known as Jemmah Islamiyah to hijack and crash an airliner into the Library Tower in Los Angeles;

Whereas Khalid Sheikh Mohammed gave CIA interrogators information that led to the capture of Riduan bin Isomuddin, known as Hambali, the leader of the Indonesian terrorist organization Jemaah Islamiyah;

Whereas al-Qaeda senior operational planner Abu Zubaydah and Khalid Sheikh Mohammed supplied important intelligence about Abu Musab al-Zarqawi and his terrorist network, aiding United States operations against al-Qaeda in Iraq;

Whereas in a May 2011 interview, Leon Panetta, the Director of the CIA, in response to a direct question about enhanced interrogation and the successful bin Laden operation, stated that, “Obviously there was some valuable information that was derived through those kind of interrogations.”;

Whereas, although the President issued an Executive Order in January 2009 that effectively ended the CIA’s interrogation and detention program, the Administration has yet to establish clear policies for the detention and interrogation of suspected high-value detainees, particularly those captured overseas by foreign governments;

Whereas in 2009, the Attorney General launched a preliminary review into whether Federal laws were violated in connection with the interrogation of specific detainees, even though career prosecutors had previously considered and rejected filing criminal charges in those cases; and

Whereas the preliminary review initiated by the Attorney General will determine whether CIA employees involved in the detention and interrogation of terrorists should be prosecuted for alleged violations of Federal law: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the professionals of the United States intelligence community for their dedication;

(2) expresses thanks to the employees of the Central Intelligence Agency for their selfless service;

(3) recognizes that continued investigation of employees of the Central Intelligence

Agency for their involvement in a detention and interrogation program that helped to save lives by averting terrorist attacks on the United States is unwarranted and will likely have a chilling effect on the critical work of their colleagues and other United States national security professionals;

(4) urges the President and the Attorney General to immediately close the Department of Justice’s ongoing investigation, and decline future prosecution, of Central Intelligence Agency employees for actions related to the interrogation of detainees at overseas locations, including the use of enhanced interrogation techniques on detained terrorists at such locations; and

(5) urges the President to develop and implement policies allowing for the long-term detention and interrogation by the intelligence community of high-value detainees, including detainees who are captured overseas or are in the custody of foreign countries.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 494. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 434 submitted by Mr. GRASSLEY and intended to be proposed to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table.

SA 495. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table.

SA 496. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 497. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 498. Mr. CASEY (for Mr. CONRAD) proposed an amendment to the resolution S. Res. 202, designating June 27, 2011, as “National Post-Traumatic Stress Disorder Awareness Day”.

#### TEXT OF AMENDMENTS

SA 494. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 434 submitted by Mr. GRASSLEY and intended to be proposed to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following:

##### SEC. 23. PERMANENT REAUTHORIZATION OF EB-5 REGIONAL CENTER PROGRAM.

Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking “pilot” each place such term appears; and

(2) in subsection (b), by striking “until September 30, 2012”.

SA 495. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation;

which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:  
SEC. \_\_\_\_\_. **DEBATE AND CONSIDERATION OF LEGISLATIVE MATTERS AND NOMINATIONS.**

(a) **DEBATE ON MOTIONS TO PROCEED.**—Rule VIII of the Standing Rules of the Senate is amended by striking paragraph 2 and inserting the following:

“2. Debate on a motion to proceed to the consideration of any matter, and any debatable motion or appeal in connection therewith, shall be limited to not more than 2 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees except for a motion to go into executive session to consider a specified item of executive business and a motion to proceed to consider any privileged matter, which shall not be debatable.”.

(b) **RIGHT TO OFFER AMENDMENTS.**—Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

“After debate has concluded under this paragraph but prior to final disposition of the pending matter, the Majority Leader and the Minority Leader may each offer not to exceed 3 amendments identified as leadership amendments if they have been timely filed under this paragraph and are germane to the matter being amended. Debate on a leadership amendment shall be limited to 1 hour equally divided. A leadership amendment may not be divided.”.

(c) **POSTCLOTURE DEBATE ON NOMINATIONS.**—The second undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following: “If the matter on which cloture is invoked is a nomination, the period of time for debate shall be 2 hours.”.

SA 496. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:  
SEC. \_\_\_\_\_. **ESTABLISHING MAJORITY VOTE THRESHOLD FOR PROCEEDING TO NOMINATIONS.**

The second undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

“Is it the sense of the Senate that the debate shall be brought to a close?” And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn — except on a nomination to an Executive Branch position requiring the advise and consent of the Senate, in which case the necessary affirmative vote shall be a majority of the Senators duly chosen and sworn — then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.”.

SA 497. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

**SEC. \_\_\_\_ . POSTCLOTURE DEBATE ON NOMINATIONS.**

The second undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following: "If the matter on which cloture is invoked is a nomination, the period of time for debate shall be 2 hours."

**SA 498.** Mr. CASEY (for Mr. CONRAD) proposed an amendment to the resolution S. Res. 202, designating June 27, 2011, as "National Post-Traumatic Stress Disorder Awareness Day"; as follows:

On page 2, beginning on line 4, strike "urges" through "working" on line 5 and insert "supports the efforts of the Secretary of Veterans Affairs and the Secretary of Defense".

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Mr. TESTER. 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 21, 2011, at 4:15 p.m. in room S-216 of the Capitol.

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

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. TESTER. 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 21, 2011, at 10 a.m., to conduct hearing entitled "Cybersecurity and Data Protection in the Financial Sector."

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 21, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 21, 2011, at 10 a.m.

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

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled "Senior Hunger and the Older Americans Act" on June 21, 2011, at 10 a.m. in room SD-430 of the Dirksen Senate Office Building.

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

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. TESTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 21, 2011, at 2:30 p.m.

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

**SUBCOMMITTEE ON CRIME AND TERRORISM**

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Terrorism, be authorized to meet during the session of the Senate on June 21, 2011, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Cybersecurity: Evaluating the Administration's Proposals."

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

**SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA**

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on June 21, 2011, at 2:30 p.m., to conduct a hearing entitled, "Inspiring Students to Federal Service."

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

**PRIVILEGES OF THE FLOOR**

Mr. WYDEN. Mr. President, I ask unanimous consent that Shelby Clark and Dan Majewski from Senator BINGAMAN's office be given the privileges of the floor for Tuesday, June 21, 2011.

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

Mr. REED. Mr. President, I ask unanimous consent that Danielle DeFant, a fellow with my office, be granted the privilege of the floor for the remainder of the 112th Congress.

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

**NATIONAL POST-TRAUMATIC STRESS DISORDER AWARENESS DAY**

Mr. CASEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 202 and the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows: A resolution (S. Res. 202) designating June 27, 2011, as "National Post-Traumatic Stress Disorder Awareness Day."

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

Mr. CASEY. Mr. President, I ask unanimous consent the resolution be considered; the Conrad amendment, which is at the desk, be agreed to; the resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the matter be printed in the RECORD.

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

The amendment (No. 498) was agreed to, as follows:

(Purpose: To improve the resolution)

On page 2, beginning on line 4, strike "urges" through "working" on line 5 and insert "supports the efforts of the Secretary of Veterans Affairs and the Secretary of Defense".

The resolution (S. Res. 202), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

**S. RES. 202**

Whereas the brave men and women of the United States Armed Forces, who proudly serve the United States, risk their lives to protect the freedom of the United States and deserve the investment of every reasonable resource to ensure their lasting physical, mental, and emotional well-being;

Whereas 2.4 percent of servicemembers returning from deployment to Operation Enduring Freedom or Operation Iraqi Freedom are clinically diagnosed with post-traumatic stress disorder (referred to in this preamble as "PTSD") and up to 17 percent of Operation Enduring Freedom and Operation Iraqi Freedom veterans exposed to sustained ground combat report PTSD symptoms;

Whereas up to 10 percent of Operation Desert Storm veterans, 30 percent of Vietnam veterans, and 8 percent of the general population of the United States suffer or have suffered from PTSD;

Whereas the Department of Veterans Affairs reports that more than 438,000 veterans were treated for PTSD in 2010 alone;

Whereas many cases of PTSD remain unreported, undiagnosed, and untreated due to a lack of awareness about PTSD and the persistent stigma associated with mental health issues;

Whereas PTSD significantly increases the risk of depression, suicide, and drug- and alcohol-related disorders and deaths, especially if left untreated;

Whereas the Departments of Defense and Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain; and

Whereas the establishment of a National Post-Traumatic Stress Disorder Awareness Day will raise public awareness about issues related to PTSD and help ensure that those suffering from the invisible wounds of war receive proper treatment: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 27, 2011, as "National Post-Traumatic Stress Disorder Awareness Day";

(2) supports the efforts of the Secretary of Veterans Affairs and the Secretary of Defense to educate servicemembers, veterans, the families of servicemembers and veterans, and the public about the causes, symptoms, and treatment of post-traumatic stress disorder; and



(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Secretary of Veterans Affairs and the Secretary of Defense.

#### CONGRATULATING THE REPUBLIC OF SLOVENIA

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 212, which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 212) congratulating the people and Government of the Republic of Slovenia on the twentieth anniversary of the country's independence.

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

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The resolution (S. Res. 212) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

##### S. RES. 212

Whereas, on December 23, 1990, the people of Slovenia voted overwhelmingly in favor of independence from the former Yugoslavia in a national referendum;

Whereas, on June 25, 1991, the Republic of Slovenia declared itself as an independent and sovereign nation;

Whereas, on December 23, 1991, the parliament of Slovenia adopted a constitution based on the rule of law, respect for human rights, and democratic ideals;

Whereas, during its 20 years of independence, Slovenia has been an important United States ally in Central Europe and a strong

advocate of democracy, the rule of law, and the merits of an open, free market economy;

Whereas the Government of Slovenia has made important contributions to international efforts to promote peace, stability, and development in Southeast Europe, Afghanistan, and elsewhere;

Whereas the Government of Slovenia serves as a leader in efforts to remove destructive land mines in parts of Southeast Europe and in other parts of the world;

Whereas Slovenia has become an active member of international organizations, including the United Nations, the Organization for Security and Cooperation in Europe, the Council of Europe, the World Trade Organization, the European Union, the North Atlantic Treaty Organization, and the Organization for Economic Cooperation and Development; and

Whereas Slovenia has further consolidated its international role through successful chairmanship of the Organization for Security and Cooperation in Europe in 2005, and, as the first new member from Central and Eastern Europe, the presidency of the Council of the European Union in 2008: Now, therefore, be it

*Resolved*, That the Senate hereby—

(1) congratulates the people and the Government of the Republic of Slovenia as the country celebrates 20 years of independence on June 25, 2011;

(2) commends the people of Slovenia on the significant progress made in the last 20 years;

(3) recognizes the important role of the Slovenian community in the United States to promote partnership and cooperation between the two countries; and

(4) encourages the Government of the Republic of Slovenia to continue its important work in the transatlantic alliance, and the efforts to further peace, stability, and prosperity in Southeast Europe and elsewhere.

#### ORDERS FOR WEDNESDAY, JUNE 22, 2011

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, June 22; 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 be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to S. 679, the Presidential Appointment Efficiency and Streamlining Act.

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

#### PROGRAM

Mr. CASEY. Mr. President, we are working on an agreement for consideration of the Presidential Appointment Efficiency and Streamlining Act. We will notify Senators when votes are scheduled.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CASEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:30 p.m., adjourned until Wednesday, June 22, 2011, at 9:30 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate June 21, 2011:

##### THE JUDICIARY

MICHAEL H. SIMON, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON.

##### DEPARTMENT OF DEFENSE

LEON E. PANETTA, OF CALIFORNIA, TO BE SECRETARY OF DEFENSE.