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## Senate

The Senate met at 2 p.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

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

Let us pray.

Father in heaven, our sustainer and friend, as our Senators deliberate over challenging legislative issues, infuse them with insight, energy, and patience. As they face relentless pressure from constituents, lobbyists, and special interests, give them strength and courage to do the right thing as You give them the light to see it. Resolving differences without rancor and bitterness, let their lives model the unity of Your kingdom.

Lord, lead them in the way of compromise that does not sacrifice principle or self-respect, preserving timeless values which are ethical, just, and equitable. Teach them to respect each other and Your image which can be seen in humankind.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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, July 18, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in a period of morning business until 3:30 this afternoon. Following morning business, the Senate will resume consideration of the Military Construction, Veterans Affairs, and related agencies appropriations bill. At 5 p.m. the Senate will go into executive session to consider the nomination of J. Paul Oetken. At 5:30 p.m. there will be a rollcall vote on confirmation of that nomination.

### MEASURE PLACED ON THE CALENDAR—H.R. 2018

Mr. REID. Mr. President, H.R. 2018 is at the desk and due for a second reading, I am told.

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

The legislative clerk read as follows:

A bill (H.R. 2018) to amend the Federal Water Pollution Control Act to preserve the authority of each State to make determinations relating to the State's water quality standards, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings on this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar under the provisions of rule XIV.

### DEFAULT CRISIS

Mr. REID. Mr. President, Senate Democrats sat down with Secretary Tim Geithner, and he painted a picture of what our world would look like if Republicans in Congress force this Nation, for the first time in its history, to default on its financial obligations.

The picture was grim. This is how he described the state of our government if Congress allows this unprecedented default: "Lights out."

He said default would result in a complete "loss of capacity to function as a government."

Even those who believe government should be small enough to drown in a bathtub have to admit that a total shutdown of even the most basic and essential functions of government is very, very scary. It would not be good for the American people, and it certainly would not be good for our economy.

The Senate has no more important task than making sure the United States continues to pay its bills for preexisting obligations such as Social Security.

I have spoken to the President's office today. Actually, I had a phone call scheduled with him, and he rescheduled it for later. But I have talked to his people, and he understands the importance of our meeting our responsibilities. Because of that, we are going to stay in session every day, including Saturdays and Sundays, until Congress passes legislation that prevents the United States from defaulting on our obligations.

I have spoken to the Republican leader. He understands the necessity of our being in session. We have a lot to do, not as many things as normal but extremely important things that are going to take time. So I know it is maybe inconvenient to have people rearrange their schedules, but this means

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



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Saturdays and Sundays and Mondays we have to be in session continuously.

Secretary Geithner described how the 80 million checks cut by the Treasury every day—that is 80 million checks every day—would likely simply stop coming. The Federal Government would, in effect, go dark.

Paychecks for troops in Afghanistan and Iraq and bases around the world could stop. FAA towers could shut down. So could the FBI and the CIA. Border crossings could close. Safety inspections of the food Americans eat and the cargo that enters our ports could halt. Literally every function of government could cease—Social Security checks, payments to our veterans. We have heard that before. There would be no discussion of which operations and personnel are essential. All the payments would very likely stop.

Some have said we could prioritize which bills to pay. Even if that would not irreparably damage the Nation's credit and our reputation in the global economy and the global community—which it would—it is also a complete fiction. Our government will not even be able to cover the bills due on August 3. It will simply run out of money. Because we will be in default and our credit rating trashed, we will be able to borrow the money not again to keep running even if we wanted to.

That is the picture Secretary Geithner painted. Like I said, it is grim.

Many of my Republican colleagues understand this fact. They know what is at stake. It is not blanket for sure, but the irresponsible Republicans who say default would not be an unmitigated disaster for this country either do not know what they are talking about or are twisting the truth for political gain.

Americans have gotten the message. Seventy-one percent of the American people disapprove of the way Republicans have used this crisis to force an ideological agenda. That is in the press today. Even a majority of Republicans disapprove of their unreasonable refusal to compromise, which puts our entire Nation at risk.

Those who say this crisis would be a blip on the radar are wrong. Default would be a plague that could haunt and would haunt our Nation for years to come. Our credit rating would take years to rebuild. The country would never, ever be the same.

Some will say this is an exaggeration, but it is not. This is what Treasury Secretary Geithner told us. That is what business leaders, economists, rating agencies, and bankers have all told us. If this country defaults on its obligations, they say—Secretary Geithner for certain says—it will be “much worse than the Great Depression.” It would make the massive financial crisis of 2008 look mild. “It will make what we just went through look like a quaint little crisis,” Secretary Geithner said. I repeat: “It will make what we just went through look like a quaint little crisis.”

That “quaint little crisis” led to the loss of almost 5 million American jobs. It caused our banking system to nearly collapse. More than \$34 trillion—Mr. President, that is not million, it is not billion, it is trillion—more than \$34 trillion in wealth was destroyed in less than 2 years. The ripples were felt throughout this Nation and around the world.

The average American family lost \$100,000 on its home and stock portfolio alone, and 400,000 families were plunged into poverty.

That crisis was minor, again, Geithner said, compared to the potential fallout from a U.S. default. No one should guess from what I have said that Secretary Geithner thinks what has taken place because of the Wall Street collapse is minor. But it is minor compared to what he believes would happen if we defaulted on our debt.

The leading business and economic voices of our time have said it again and again: The risks of default are unthinkable. It would be a catastrophe.

Secretary Geithner also said we are running out of time to avoid this iceberg. This huge iceberg is in the ocean, and our ship of state is headed toward it. The rating agencies have already placed our AAA credit rating under review and could downgrade us at any time.

This is what Secretary Geithner said. Again, I quote:

The eyes of the country are on us. The eyes of the world are on us, and we need to make sure we stand together and send a definitive signal that we're going to take the steps necessary to avoid default.

So, Mr. President, I ask what it will take to get my Republican colleagues to wake up to the fact that they are playing a game of political chicken with the entire global economy. They must wake up soon.

#### RECOGNITION OF THE MINORITY LEADER

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

#### BUDGET NEGOTIATIONS

Mr. MCCONNELL. Mr. President, let me echo the initial remarks of the majority leader with regard to the decision, which in this particular instance I think we would agree is a mutual decision, that we need to stay in every day until we resolve this crisis confronting our country. So I concur with what the majority leader has said. We will stay in every day, Monday through Sunday, and get this problem fixed for our country.

Mr. REID. Mr. President, if I could interrupt my friend and through the Chair say this: I would hope the Republican leader noted the tone and content of my statement where I did not lump all Republicans in one big bundle.

Pardon the interruption.

Mr. MCCONNELL. I thank my friend, the majority leader.

This is a pivotal week for America. Two years of reckless spending and debt have brought us to the point of crisis, and this week Americans will see how their elected representatives decide to resolve it.

On the one side are those who believe that failing to rein in spending now would be calamitous, and that a government which borrows 42 cents for every dollar it spends needs to sober up. Washington needs strong medicine to heal its spending addiction now, not a false promise to do it later.

On the other side are those who want to pretend the status quo is acceptable, that everything will be fine if we freeze current spending habits in place, raise job-killing taxes on small businesses, and do nothing about the long-term fiscal imbalance that imperils our economy.

Republicans have tried to persuade the President of the need for a course correction, but weeks of negotiations have shown that his commitment to big government is simply too great to lead to the kind of long-term reforms we need to put us on a path to balance and economic growth.

So we have decided to bring our case to the American people. That is why this week Republicans in the House and in the Senate will push for legislation that would cut government spending now, cap it in the future, and which only raises the debt limit if it is accompanied by a constitutional amendment to balance the Federal budget.

The cut, cap, and balance plan is the kind of strong medicine Washington needs and the American people want, and Republicans in both Houses of Congress will be pushing it aggressively this week.

I heard one of my Democratic colleagues say yesterday that the votes simply do not exist to pass any bill in the Senate that balances the budget. My question is, Why in the world not? If you cannot vote for a bill that says you will live within your means, then you have given up and you agree that the unsustainable path is the only one we have, and that is really completely unacceptable.

Every single Republican in the Senate supports a balanced budget amendment. All we need is for 20 Democrats to join us. By my count, at least 23 of them have led their constituents to believe they would actually fight for it.

So my message to Senate Democrats this week is this: I would suggest you think long and hard about whether you will vote for the cut, cap, and balance legislation the House is taking up tomorrow. Not only is this legislation just the kind of thing Washington needs right now, it may be the only option we have if you want to see the debt limit raised at all.

The White House has called for a balanced approach in this debate. Well, a bill that actually balances our books is coming to the Senate floor this very

week. I strongly urge my Democratic friends to join us in supporting it. Some have said they think this bill goes too far. With all due respect, I think most Americans believe Congress and the White House have gone too far in creating the fiscal mess we are in right now.

It is time for real action. It is time to show the American people where we stand. It is time to balance our books.

#### CONSUMER FINANCIAL PROTECTION BUREAU

Mr. McCONNELL. Mr. President, earlier today, the President announced his nominee to run the Consumer Financial Protection Bureau.

I remind him that Senate Republicans still are not interested in approving anyone to the position until the President agrees to make this massive new government bureaucracy more accountable and transparent to the American people.

Back on May 5 of this year, 44 Republican Senators signed a letter to the President stating:

We will not support the consideration of any nominee, regardless of party affiliation, to be the CFPB director until the structure of the Consumer Financial Protection Bureau is reformed.

We have been very clear about what these reforms would need to look like. Republicans have voiced our serious concerns over the creation of the CFPB because it represents a government-driven solution to a problem government helped create.

We have no doubt that without proper oversight the CFPB will only multiply the kinds of countless burdensome regulations that are holding our economy back right now and that it will have countless unintended consequences for individuals and small businesses that constrict credit, stymie growth, and destroy jobs. That is why everyone from florists to community bankers opposed its creation in the first place. That is why we will insist on serious reforms to bring accountability and transparency to the agency before we consider any nominee to run it.

It took the President a year to nominate someone to this position. I hope he will not wait that long to address our concerns and bring the CFPB the accountability and transparency it currently lacks.

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 until 3:30 p.m., with Senators

permitted to speak therein for up to 10 minutes each.

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

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

The legislative clerk proceeded to call the roll.

Mr. AKAKA. 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.

#### BUDGET NEGOTIATIONS

Mr. AKAKA. Mr. President, I rise to speak about the budget and the debt ceiling, following the Senate's failure to invoke cloture on a measure expressing that shared sacrifices from all Americans—including the wealthiest—are necessary to reduce the budget deficit.

As the Senate Budget Committee chair has proposed, we must reach an agreement that strikes a balance between raising revenues and cutting spending, in which all Americans contribute to the solution.

Congress faces an important task. Americans are following this debate because they have a stake in its outcome.

If we do not raise the debt ceiling, it will force the government to choose which of its many obligations it will meet.

As President Obama pointed out last week, we cannot guarantee that veterans and Social Security recipients will receive the checks we owe them on August 3 if we fail to reach a compromise. If we fail, we will damage our credit rating and worldwide confidence in our financial system.

To avoid such a situation, I call on all of my colleagues to negotiate in good faith so that the creditworthiness of the United States is not compromised. I hope we can reach an agreement that will bring down the debt without placing most of the burden on the vulnerable among us—the sick, the poor, the long-term unemployed, and the elderly.

While we must reduce spending, we cannot forget to continue investing in our Nation's future. I came of age during the Great Depression and served in World War II, along with my colleagues Senator INOUE and Senator LAUTENBERG.

We were the beneficiaries of one of the Federal Government's greatest investments: the Servicemen's Readjustment Act of 1944, more commonly known as the G.I. Bill of Rights. This visionary Federal legislation enabled returning World War II veterans—many who, like myself, came from families of modest means and may never have otherwise attended college.

The G.I. Bill not only changed the lives of its beneficiaries, it changed the United States by laying the groundwork for the emergence of our middle

class, which remains the backbone of our country.

Many other valuable investments made in the years that followed, such as the Interstate Highway System and Federal funding for research programs at the Nation's leading universities, propelled America into one of history's greatest periods of economic expansion, social advancement, and technological innovation.

None of these investments simply happened. They were made by past Congresses and Presidents from both parties. These legacies have proven repeatedly that dedicated social and economic investments are effective drivers of recovery, growth, and future success. As we move forward and make difficult but necessary choices to cut spending, we must strengthen those programs that are restoring our economic health.

Reaching an agreement on the debt ceiling and deficit reduction will undoubtedly require all of us to make difficult compromises on spending and revenues. As debate on these issues continues, I urge each of my colleagues to remember the obligation that we have to preserve the Nation's creditworthiness—and to defend our veterans and those depending on Social Security and other safety net programs from harm—as we continue to make needed investments for recovery.

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

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

The legislative clerk proceeded to call the roll.

Mr. KYL. 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.

#### BUDGET NEGOTIATIONS

Mr. KYL. Mr. President, I wanted to speak for a moment here about the status of discussions that Members of Congress have been having with the President and others regarding the debt ceiling, the extending of the debt ceiling, and how we can solve the problem that confronts our country.

Obviously, in 10 minutes, I will be brief and hit some of the highlights. But the first question I was asked on a program I was involved in was: Well, why wouldn't Republicans be supportive of raising taxes? So I want to answer that. There are three answers to that question. The first is, if you go to the doctor and he is going to treat you for what is wrong with you, he needs to figure out what is wrong and then treat that condition rather than something totally different. So the reason we are not going to want to raise taxes here is because it has nothing to do with the problem we have.

I meant to have this chart blown up, but I wasn't able to do it in time, but this shows how much money we are

spending. As you can see, when President Obama came into office, the spending spiked dramatically. We have historically spent about 20 percent of the gross domestic product of the country. With the Obama spending, we have gone straight up to about 25 percent of our gross domestic product. The problem, in other words, is not taxing; the problem is spending. So that is the first reason we should focus on spending, and reducing Federal spending, not focus on the Tax Code, which is not the problem.

The second problem with raising taxes as a part of this exercise is the taxes the President is talking about are not just on millionaires and billionaires. There are 319,000 households that report income of over \$1 million, so you can say 319,000 billionaires or millionaires. But there are 3.6 million households also in the same tax bracket that don't report incomes of even \$1 million. So as we have done before, with the alternative minimum tax, for example, we aim at the millionaires and billionaires but we end up hitting a lot of other Americans. This isn't just about taxing millionaires and billionaires.

Who are the other people who would be the target of the tax increases proposed by the President? Well, we know that 50 percent of all small business income is reported in those top two brackets. So the first thing you have to think about here is doing harm to the economy. If you are hitting the small businesses with more taxes—which, by the way, historically create two-thirds of the jobs coming out of a recession—you are going to inhibit economic growth. That is a problem that is recognized even by the Obama administration and by the President. Last December, the President reached agreement with the Congress and we extended the existing tax rates—sometimes they are called the Bush tax cuts, but those tax rates have been in existence for a decade now—and they were extended another 2 years.

At the time the President said: In the time of economic downturn, that is the worst time to raise taxes so we shouldn't do it.

We are still in an economic downturn, one could say even worse than it was back then. We are now back up to 9.2 percent unemployment. The economy is not getting better; it is still sick, and the worst medicine for a sick economy, as even the President has said, is a tax increase.

One of the taxes the administration sought to increase was the subject of a report by the Obama administration's small business agency, the SBA, and it said this particular tax increase "could ultimately force many small businesses to close."

Why would you propose raising a tax which could ultimately force many small businesses to close? It doesn't make sense. That is the second reason we are focused on wasteful Washington spending, not on raising taxes.

The third reason to talk about the problem of raising taxes is related to the second; that is, the effect it would have on job creation and the economy. If you add the tax rate that will result from the automatic tax increases in January of 2013 and the tax increases that are part of ObamaCare, the top rate in this country will be 44.8 percent, and that is before your State income tax rates.

Corporations pay 35 percent, and they get a lot of deductions, so they don't always pay 35 percent. So here you have a small business person who is paying 10 percentage points above what a big corporation pays, and the 35 percent is too high. The President himself has said: We should get rid of corporate so-called tax expenditures or loopholes so we can, with that savings, reduce the corporate rate in America to something closer to 20 or 25 percent, which would make American businesses more competitive with our foreign competitors.

If we need to reduce the corporate rate down to 20 or 25 percent, it makes absolutely no sense for us to have the small business entrepreneurs in our country paying almost 45 percent. That is why we don't want to raise taxes on small businesses.

Moreover, some of these taxes are not just on those who are in the top two income tax brackets but are in businesses that I mentioned, the retailers and manufacturers, that would be hit with one of the taxes the SBA says could ultimately force many small businesses to close.

So those are the three key reasons why it is not the time to raise taxes, why we ought to be focused on spending. Spending is the problem. It has gone up from 20 to 25 percent of the gross domestic product in this country. We have had a deficit now of \$1.5 trillion each of the years of the Obama administration.

The Obama administration, in just 5 years—if it gets the first year of the second term—in 5 years would double all the national debt of this country all the way from George Washington to George W. Bush.

So if you take all Presidents and the debt we have acquired and then you double it, that is what happens under 5 years of the Obama administration budget and then the second 5 years would triple it. That is the problem we have. It is not taxes; it is spending. Secondly, because you are not just hitting millionaires and billionaires, and, third, because it would be very bad for the economy.

The administration has said: Well, it is just not fair. We need some "shared sacrifice" is their term, some shared sacrifice. I have two answers to that.

First of all, how about before we ask people to sacrifice, let's get rid of the waste, fraud, and abuse, and initiate savings that the Office of Management and Budget, the General Accounting Office, the CBO, all these groups have found exists in our budget, if we would just get about it.

There is over \$100 billion a year we could save by not making overpayments or improper payments in Medicare, Medicaid, and unemployment insurance, just those three alone. In unemployment insurance, \$1 out of every \$9 is improperly paid. What is wrong with a government that has that kind of error rate? That is \$16.5 billion a year. In Medicare, the error rate is over 10.5 percent and Medicaid 8.4 percent. You could save \$87 billion a year just in those two programs. That is well over \$100 billion a year.

What does the administration say to that? No, we don't want to talk about that.

That is not shared sacrifice. That is not any sacrifice. You are not taking any benefit away from any beneficiary by just enforcing the law Congress has passed. The administration says, no, it doesn't want to talk about those things.

The other reason is, I am just asking here: What is fair? You have to admit, the top 1 percent of American taxpayers are wealthy people and so they pay twice as much in taxes. They represent 1 percent of the taxpayers, of course. So do they pay 2 percent of the taxes? How about 5 percent? Does the top 1 percent pay 10 percent of all the taxes, 20 percent, 30 percent? How about 38 percent? One percent of the people pay 38 percent of the taxes in the country. I would call that shared sacrifice. The top 10 percent pay almost 70 percent. So how much do you want the top 10 percent to pay, 80 percent, 90 percent?

How fair is that, when the bottom 50 percent pay nothing and all of them receive benefits from the government and 30 percent of them receive an EITC benefit or payments back from the government in some other form, directly to them. So you have half the people who pay no Federal income taxes, the top 10 percent pay 70 percent of all the income tax.

We have said that is OK; we want to have a progressive tax rate. The OECD—these are the developed countries of the world—have done a study, and they make the point we have the most progressive income tax system in the world. Of all the developed countries in the world, we make the wealthy pay the most. We have said that is OK.

But how much more can this one group pay? They cannot carry the entire government on their back. So it is, frankly, political demagoguery for anybody to suggest that either we can solve the problem by taxing corporate jets or we can solve the problem by having millionaires and billionaires pay more than they already do. That only gets you a little bit.

The people who end up paying the taxes are the broad middle class. That is the way it always is.

So beware of the politician who says: I am just going to target the rich; you don't have to worry about it. The tax on millionaires was supposed to hit

about 125 millionaires, the AMT, that now hits somewhere between 20 million and 30 million Americans.

That is why I say we have to solve the problem. The problem is spending. It is not revenues. So when people ask me: Well, why aren't you willing to meet the President halfway and agree to raise taxes, those are the three reasons. It would stop our economy from creating the jobs it needs in order to get out of the economic doldrums we are in and begin to produce the kind of economic recovery that produces wealth. When you are unemployed, you are not working, you are not making money, you are not paying taxes to the Federal Government.

We can pay the Federal Government a lot more in tax revenues every year if we go back to work and if we are making more money and we are more productive as a country. But as long as we are in the condition we are right now, the Federal revenues are going to decline.

That is the answer. Get the economy moving again, and you don't do that by imposing another heavy burden of taxes on it. That is why we have to focus on spending. I hope my colleagues and I can work together in the days to come and reach agreement so we can actually get the country moving on a path toward economic recovery and sound fiscal future.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

#### EAST ASIA RELATIONS

Mr. WEBB. Mr. President, we spend probably the majority of the time when we discuss foreign policy on this floor talking about the crises in places such as Libya, Iraq, Afghanistan. If we talk about East Asia at all, we generally are discussing the economic situation as it portends to the future, especially with China.

But I would like to make a strong point here today; that is, if we don't get it right with our relations in East Asia, we are in very serious trouble as a nation. It is vitally important for the United States to continue to invigorate our relations with all the countries with East and Southeast Asia on economic, security, and cultural levels.

Today, I would like to talk about a few of these issues that are affecting our relations in that part of the world. This weekend, there will be a regional forum for the Asian countries in Bali. Our Secretary of State will be there.

This forum is coming at a pivotal moment with respect to our relations in Southeast Asia and the rest of East Asia. The recent military provocations by China against the Philippines and Vietnam in the South China Sea, which this body passed a resolution deploring, affect the mood of the entire region at this moment. There also have been political transitions in Thailand and in Burma and there are consistent ecological threats in the Mekong River, with hydropower dams up river begin-

ning in China and now also being proposed in Laos.

All of these issues underscore the need for vigorous multilateral engagement in this part of the world and the development of new strategic relationships and the continuity of balance the United States has been bringing to this vital region since the end of World War II.

We are going to be reauthorizing a piece of legislation called the Trafficking Victims Protection Act in this session of Congress. I have an amendment to this act. I think it is an extremely important amendment in terms of our relationship with friends and allies, particularly in East Asia, and with representatives of highly developed governmental systems that have a lot of problems with the way we have implemented this act in the past.

I, similar to everyone in the Senate, fully support the intentions of this legislation and the intentions of the State Department to prevent human trafficking and to assist trafficking victims. But under our present policy, we have a great deal of confusion and, quite frankly, resentment from many of these more developed governmental systems. This present policy requires that a country be ranked against the progress it has made in the past year. In other words, a country is ranked against itself over a period of yearly behavior. This practice doesn't provide countries with a consistent standard by which they might truly measure their efforts against human trafficking versus other countries around the world, and it creates a lot of misunderstandings.

The criteria used to judge a country's efforts are difficult to estimate with any precision. They are often very subjective. For example by placing prosecutions for trafficking as a part of this evaluation over actual successes in areas such as the protection of victims and the prevention of acts in the first place, we get a total misreading of the success that many of these governmental systems actually have been able to bring about.

This is an excerpt from a press release that came out of Singapore's Ministry of Foreign Affairs on June 28 of this year, talking about their ranking under this Trafficking in Persons Report, the TIP Report.

They say: We note that the United States has again unabashedly awarded itself a tier 1 ranking. Yet the New York Times observed—this is from their press statement—that teenage girls coerced into prostitution in the United States are treated not as trafficking victims but as miscreants who are arrested and prosecuted. This is directly opposite to Singapore's approach. The United States also suffers from serious problems with illegal immigrants, many of whom are trafficked by well-organized criminal gangs which seem to operate with impunity.

Singapore, our friend, our ally, and an advanced governmental system by any determination, then says:

On any objective criteria, the United States has a more serious TIP problem compared with Singapore.

Why are they angry? Why do they feel they have not been fairly evaluated? Because they are evaluated against themselves by standards that may not apply. They are not alone, by the way. Singapore is not alone.

The last year's reporting showed Nigeria got a tier 1 rating. Japan, another highly advanced governmental system and culture, got a tier 2 rating. Singapore got a tier 2 watch list rating, which means that they could be in danger of losing a lot of the governmental interactions between our two countries if this continued. How would they rate a tier 2 if we had a standard where we were evaluating all country systems against one another, rather than this approach we are now using?

Here is a good objective way to see if we cannot answer that question. These are the worldwide ratings from an organization called Transparency International. This is called the Corruption Perception Index, from the same year. From the country rankings for corruption perception, internationally, Singapore is tied for first as the most transparent governmental system. The United States is down here at No. 22—again, below Japan. I mention Japan because under this TIP system, Japan got a tier 2 rating. Nigeria is over here tied for 134th. This is not meant to be critical of the attempts of the Nigerian governmental system to fix their problems, but clearly, if we were evaluating these countries among each other rather than by this very confusing standard, you would not be seeing Singapore with a tier 2 watch list category and Nigeria as a tier 1.

I will have a simple but I think very important amendment to the legislation when it comes forward. It basically will require the State Department to categorize countries, first of all, as either in compliance or not with our legislation and then rank countries on a single scale rather than by year-to-year progress against themselves and to eliminate the special watch list category. It maintains all the other existing criteria we have used in terms of examining whether trafficking in persons is being addressed in these different countries; the extent to which a country is a country of origin, transit, or destination; the extent of non-compliance by the governments, including government officials; and what measures are reasonable to bring the government into compliance. This may seem a small matter on the floor of the Senate, but I can assure you this is not a small matter to countries that have been our friends and allies and have advanced governmental systems and believe they are being wrongly categorized for the rest of the world to see.

I would like to raise one other point today with respect to this part of the world—it goes back to what I said when I first began speaking—regarding

issues of sovereignty and freedom of navigation in the South China Sea and recent activities which could quickly reach a level of volatility that we would not like to see and to emphasize again that our country is the No. 1 reason we have had the kind of stability that has existed for the most part in this very volatile region since the end of World War II.

The red lines on this map are the areas in which China claims sovereignty in the South China Sea. As you can see from these lines, it goes all the way past the coast of the Philippines, down into Borneo and Malaysia, up the coast of Vietnam, back into China.

Over the last 10 years, we have seen incidents that people in the United States, including military officials, too often seem to recognize or deal with as tactical challenges rather than strategic data points in terms of the ongoing issues of who actually controls these areas.

These areas are claimed by many different countries. They are the most highly trafficked searoutes, in terms of trade, in the world. Just in the last 1½ years, we have seen an incident off the coast of Okinawa, with a dispute between the Japanese and the Chinese Governments. We have seen a military incident, a provocation by the Chinese off the coast of the Philippines, which was protested by the Philippines. We have seen two incidents off the coast of Vietnam, one in May and one in June. If you look at where these incidents have occurred, they mark the boundaries of the sovereignty claims that have been made by the Chinese.

This body unanimously passed a resolution condemning this use of military actions in disputes that should be resolved in a multilateral way. I am very hopeful that Secretary Clinton will reinforce our concerns in this area.

When I was on "Meet The Press" a couple of weeks ago, I said we could be approaching a Munich moment in this region. That comment has been widely circulated. Let me explain what I mean by that. That doesn't mean I see a Hitler out there; that doesn't mean I see a Neville Chamberlain here. What this means is when you have an expansionist power that is making claims that it owns land in disputed areas and is provoking these other countries through the use of military force, you are reaching the edge of a country unilaterally claiming sovereignty over areas that require multilateral solutions. That is not healthy. It is not healthy internationally.

This region historically has been a very volatile region, and the United States is the most important ingredient in making sure these issues are resolved multilaterally and without the use of force. Again, I strongly hope our Secretary of State will reinforce the comments she made last year to the effect that the United States does have a vital interest in resolving these issues in a multilateral way, just as we

do, by the way, in resolving the issues with respect to the Mekong River. Rather than having a strong, powerful country insisting only on bilateral adjustments with countries that it totally overpowers. We are the essential ingredient. No one wants to see this issue go the wrong way.

We have the potential of resolving this with China and resolving our relationships with the Chinese Government in a positive way, looking into the future, but it is going to require clear, consistent comments and a credible approach by the U.S. Government.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON of South Dakota. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### EXECUTIVE NOMINATION REFERRAL

Mr. JOHNSON of South Dakota. Mr. President, I was very pleased that the Senate recently acted to confirm the nomination of David Cohen to be Under Secretary of the Treasury for Terrorism and Financial Crimes. I would like to pose a brief parliamentary inquiry as a followup to the Senate's action. For future nominees by the President to the position of Treasury Under Secretary for Terrorism and Financial Crimes, would all such nominees be referred, under current law and precedents of the Senate, to the Senate Committee on Banking, Housing, and Urban Affairs?

The PRESIDING OFFICER. Yes, it is my understanding the Senator is correct.

Mr. JOHNSON of South Dakota. Thank you, Mr. President.

#### WALL STREET REFORM

Mr. President, Thursday marks the first anniversary of President Obama signing the Dodd-Frank Wall Street Reform and Consumer Protection Act into law. As chairman of the Banking Committee, I have a responsibility to oversee implementation of this critical new law.

The Wall Street Reform Act was a direct response to the worst financial crisis since the Great Depression. While it appears that many on Wall Street, and even some here in Washington, have already forgotten the painful costs of inadequate financial regulations, I have not. And neither have the millions of Americans who lost their jobs, their homes, or their savings, and who are still waiting for the recovery.

The financial crisis didn't just happen by itself. It was the result of reckless and irresponsible behavior on Wall Street, lack of consumer protections, and failure by financial regulators to

take action even as the warning signs grew ever larger.

In response to the devastation, Congress passed new financial reforms that created a sound regulatory foundation to protect consumers and help prevent future crises.

However, these reforms have been under constant attack since their inception. Opponents of Wall Street reform continually repeat misleading claims that the new law was hastily conceived and will harm our economy.

The truth is the Wall Street reform law is a product of nearly 50 Senate hearings, and scores more in the House, that identified the abuses and loopholes that fueled the catastrophe and helped develop clear proposals to end them.

After a long series of hearings that began in 2007 and 2008 with examination of the turmoil in the mortgage and credit markets, and after months of hard work by bipartisan working groups of Senators, the Banking Committee reported out a Wall Street reform bill that incorporated many Republican ideas.

On the Senate floor, the bill had a thorough debate in an open process that lasted more than 3 weeks. Fifty-six amendments were considered and 32 amendments were approved, 15 of which were Republican-sponsored amendments and 22 were bipartisan amendments. Finally, the bill was reconciled with the House version at an open conference committee which worked through more than 100 additional amendments.

In short, through a rigorous, bipartisan, and transparent process, we produced a comprehensive reform bill that the times demanded and the American people deserved.

The Wall Street reform law enhances consumer protections to help ensure people can make financial decisions with honest information, and it roots out predatory lenders who fueled the subprime mortgage bubble. The reforms we passed 1 year ago will no longer allow the shadow banking system that nearly destroyed our economy to continue to escape the light of day.

The Wall Street reform law also enhances investor protections.

During the financial crisis, investors suffered enormous losses when their retirement accounts or other assets were decimated. Some had invested in companies with compensation systems that encouraged executives to take on unmanageable risks. Some relied on mutual funds or pension funds that had bought mortgage-backed securities based on predatory loans that borrowers could not repay. New reforms will enhance transparency, increase accountability and allow oversight of previously hidden parts of the financial system.

Unfortunately, some powerful Wall Street apologists are trying to rewrite history. They are claiming that new regulations are overly burdensome and

will hurt their bottom line and the economy. Gaps in regulation hurt the economy. Bad, reckless decisions on Wall Street hurt the economy. But many top financial executives have apparently forgotten that the only reason they are still in business is that the American taxpayer saved them.

Now, many of these financial institutions have nearly fully recovered, while Main Street Americans continue to pay the price for those bad decisions and inadequate regulations.

The Wall Street Reform Act established responsible rules to make our financial system work for the benefit of all Americans, so that we never return to the days of too big to fail bailouts, backroom derivatives deals, predatory subprime mortgages, and the threat of economic collapse. Passing the Wall Street Reform Act was a monumental achievement, but there is much work left to be done. Now the financial regulators, the experts who have made it their life's work to understand these issues, must work to write rules and implement these reforms. This will take time, and we must get it right.

If the attacks on the law and its implementation are successful in weakening or eliminating these new protections, however, our economy will once again be at risk. Since I became chairman earlier this year, the Banking Committee has held more than 25 hearings and bipartisan briefings on financial reform. We are exercising our oversight authority, following the regulators' progress closely, and are committed to seeing the process of reforming Wall Street through to completion.

We all remember the economic nightmare we lived through 3 years ago, and we should never forget it. That is why I take my responsibility as chairman of the Banking Committee and custodian of this new law so seriously. I am fully committed to helping ensure Congress does its part to hold our regulators accountable and to providing Americans with a financial system they can trust.

I yield the floor, and 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. JOHNSON of South Dakota. 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 now closed.

#### MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

The PRESIDING OFFICER. Under the previous order, the Senate will re-

sume consideration of H.R. 2055, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

Pending:

Coburn (for McCain) amendment No. 553, to eliminate the additional amount of \$10,000,000, not included in the President's budget request for fiscal year 2012, appropriated for the Department of Defense for planning and design for the Energy Conservation Investment Program.

Johnson (SD)/Kirk amendment No. 556, of a perfecting nature.

Mr. JOHNSON of South Dakota. I ask unanimous consent that the reading of the bill be waived.

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

Mr. JOHNSON of South Dakota. Mr. President, as the Senate resumes consideration of the fiscal year 2012 Military Construction, Veterans Affairs, and Related Agencies appropriations bill, I wish to remind my colleagues of the important programs funded in this bill.

This bill funds the infrastructure that is the backbone of our military—the facilities in which our troops work, train, and live—and the facilities that support their families, including family housing, schools, hospitals, and childcare centers. It also funds the medical care and benefits promised to the Nation's veterans—a sacred trust we must not fail to honor.

This is a bipartisan bill that was reported unanimously out of the Appropriations Committee. As I have said before, the bill is balanced, disciplined, and responsible.

Two amendments to this bill are currently pending and several others have been filed. If my colleagues have additional amendments they wish to offer to the bill, I encourage them to file those amendments without delay or call them up if they wish a vote. My staff and Senator KIRK's staff are available to work with Members to clear amendments if possible.

There is a lot going on in Washington this week, but it need not distract from the disposition of this bill. I urge my colleagues to bring any amendments they have to the floor so we can act on them and move quickly to a vote on final passage.

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. JOHNSON of South Dakota. 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. JOHNSON of South Dakota. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Johnson amendment.

AMENDMENT NO. 556, AS MODIFIED

Mr. JOHNSON of South Dakota. I ask unanimous consent that amendment No. 556 be modified with the modifications at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 114 between lines 18 and 19, insert the following:

SEC. 301. Not later than 90 days after enactment of this Act, the Executive Director of Arlington National Cemetery shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives; the Senate Armed Services Committee; the Senate Veterans' Affairs Committee; and the Senate Homeland Security and Governmental Affairs Committee detailing the strategic plan and timetable to modernize the Cemetery's Information Technology system, including electronic burial records.

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that Senator MCCASKILL be added as a cosponsor to the amendment.

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

Mr. JOHNSON of South Dakota. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF J. PAUL OETKEN

Mr. SCHUMER. Mr. President, it is my distinct honor to rise in support of Paul Oetken's confirmation to the bench of the Southern District of New York. We have a very deep pool of legal talent in New York, but Paul's nomination is one everybody is talking about. Paul is brilliant, well rounded, and unwavering in his dedication to public service and his commitment to rule of law. His confirmation will only improve the workings of one of the best and busiest courts in the country.

I look for three qualities in judicial candidates: excellence, moderation, and diversity. Paul's Excellence is provable on paper. He is a graduate of the University of Iowa and Yale Law School and has worked in the highest echelons of two of the three branches of government, including for the Office of Legal Counsel at the Department of Justice and for Supreme Court Justice Harry Blackmun. He has also climbed the ranks of private legal practice, serving most recently as the head of litigation for the large New York media company Cablevision, one of our fine companies in New York.

I consider a broad range of experience to be an important training ground for teaching judicial candidates the second quality I look for: moderation. I do not like judges who tend to be too far to the right, but I do not like judges who come from a perspective that is too far



left either. Paul Oetken fits the bill of a mainstream, moderate judge. His moderation and modesty were evident during his confirmation hearing and are clear to all who know him. When judges have in their resume practical experience dealing with real-world problems, they tend to understand that a judge cannot simply impose things from on high without understanding the effect of imposing those decrees on average people, average businesses, and average governments.

When a candidate has these two qualities—excellence and moderation—diversity is a bonus. But in this case, at this moment, Paul is not just an excellent candidate. As the first openly gay man to be confirmed as a Federal judge and to serve on the Federal bench, he will be a symbol of how much we have achieved as a country in the last few decades. And importantly, he will give hope to many talented young lawyers who, until now, thought their paths might be limited because of their sexual orientation. When Paul becomes Judge Oetken, he will be living proof to all those young lawyers that it does get better.

Paul Oetken's modest but brave act of going through the confirmation process makes this otherwise quiet moment historic. But long after today, what the history books will note about Paul is his achievement as a fair and brilliant judge.

In a short while, our country will take one step closer toward equality and away from bigotry and prejudice. I am very proud to have played a supporting role, and I look forward to Paul Oetken's service on the bench in the Southern District of New York. Often quoted but still one of my favorites is what Martin Luther King often said:

The arc of history is long, but it bends in the direction of justice.

Paul Oetken's nomination to the Federal bench proves that point once again.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask that the order for the quorum call be suspended.

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

#### EXECUTIVE SESSION

#### NOMINATION OF J. PAUL OETKEN TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

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

The assistant bill clerk read the nomination of J. Paul Oetken, of New

York, to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the Senate will vote on the nomination of J. Paul Oetken to the U.S. district judge for the Southern District of New York.

Today's vote marks the 28th judicial confirmation this year, and I am pleased we are moving forward with filling another vacancy.

When I became ranking member of the Judiciary Committee earlier this year, the courts had 103 vacancies. I have worked with the chairman and other members of the committee to reduce vacancies by confirming consensus nominees. We have brought the vacancies down now to 89. Based upon media stories and other exaggerated statements that I hear from time to time, you would think the Republicans are blocking every judicial nominee. The record shows something quite different. In total, 60 percent of the President's judicial nominees have been confirmed; 33 percent of the nominees have been confirmed during this Congress.

We continue to achieve great progress in committee as well. Seventy-three percent of the judicial nominees submitted this Congress have been afforded hearings. Only 57 percent of President Bush's nominees had hearings for the comparable time period during his Presidency. We have reported 58 percent of the judicial nominees, compared to only 54 percent of President Bush's nominees. In total, the committee has taken positive action on 62 of the 86 nominees submitted this Congress or 72 percent of those nominees submitted.

I could go on with other statistics which demonstrate our cooperation and positive action, but I think I have made my point. We are moving forward on the consensus nominees. Complaints to the contrary are not supported by the facts.

I would like to say a few words about the nominee we are considering today, a nominee I will vote for.

Mr. Oetken grew up in my State of Iowa and attended the University of Iowa, where he received his bachelor of arts degree with distinction in 1988. Following graduation from Yale Law School in 1991, the nominee spent 3 years clerking. He first clerked for the Seventh Circuit, then the DC Circuit, and finally for Justice Harry A. Blackmun of the Supreme Court of the United States.

After his clerkships Mr. Oetken entered private practice. In 1997, he became an attorney-adviser with the Department of Justice Office of Legal Counsel. In 1999, the nominee joined the White House Counsel's Office as associate counsel to then-President Clinton. In 2001, he moved to New York and returned to private practice. In 2004, the nominee joined the legal department of Cablevision Systems Corpora-

tion. Currently, he is the senior vice president and associate general counsel at Cablevision.

The ABA Standing Committee on the Federal Judiciary has given Mr. Oetken a unanimous "qualified" rating. I support this nomination and congratulate him on his professional accomplishments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill 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.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is considering the nomination of Paul Oetken of New York.

Mr. LEAHY. Mr. President, let me speak for a moment on that. With today's vote on the nomination of Paul Oetken to fill a judicial vacancy on the Southern District of New York, the Senate is going to also mark a new and important milestone. Mr. Oetken, of course, is a superbly qualified nominee. He is also the first openly gay man nominated to be a Federal district judge. I fully expect him to be confirmed to a lifetime appointment to the Federal bench. I am proud first of the President for taking this critical step to break down another barrier, increase diversity in the Federal judiciary, but also on the part of Paul Oetken, who stepped forward to serve. He was reported with the support of every member of the Judiciary Committee, Democratic and Republican, and I commend my fellow Republicans and Democrats for that vote. I think he is going to be confirmed by what I believe will be an overwhelming vote in the Senate. It is a sign as a nation we take a new and welcome step on the path of ensuring the Federal judiciary better reflects all Americans.

To reiterate, today, the Senate will finally vote on the nomination of Paul Oetken to fill a judicial vacancy on the Southern District of New York. Mr. Oetken's nomination was reported unanimously by the Judiciary Committee more than 3 months ago and could—and in my view should—have been confirmed within days. Yet, like so many of President Obama's qualified, consensus nominees, Mr. Oetken has been stuck without cause or explanation for months on the Senate's Executive Calendar. At a time when judicial vacancies are above 90 and have remained at that crisis level for 2 years, this kind of needless delay undermines the serious work we have to do to ensure the ability of our Federal courts to provide justice to Americans around the country.

With today's vote the Senate will mark a new and important milestone. Mr. Oetken, a superbly qualified nominee, is the first openly gay man to be



nominated to be a Federal district judge. Today I expect he will be the first openly gay man to be confirmed to a lifetime appointment on the Federal bench. All of us can be proud of President Obama for taking this critical step to break down another barrier and increase diversity in the Federal judiciary. All of us in the Senate can also be proud that Mr. Oetken was reported with the support of every Member of the Judiciary Committee, Democratic and Republican, and will be confirmed by what I believe will be an overwhelming vote in the Senate. It is a sign that, as a nation, we have taken a new and welcome step on the path of ensuring that our Federal judiciary better reflects all Americans.

Senator GRASSLEY, the ranking member of the Judiciary Committee was pleased at Mr. Oetken's hearing in March that Mr. Oetken was a Phi Beta Kappa graduate of the University of Iowa. As Senator SCHUMER said when introducing Mr. Oetken to the committee, not every New York nominee has such a strong connection to Iowa. Born in Louisville, KY, Mr. Oetken earned his law degree from Yale Law School and then served as a law clerk at every level of the Federal judiciary, for Judge Louis F. Oberdorfer of the District Court for the District of Columbia, for Judge Richard D. Cudahy of the Seventh Circuit Court of Appeals, and for Justice Harry Blackmun on the Supreme Court. Mr. Oetken has worked in the Justice Department's Office of Legal Counsel, as associate counsel to President Clinton, as a litigator in private practice, and is now one of the top in-house counsels for Cablevision System Corporation.

Regrettably, Mr. Oetken's nomination is the only one the Republican leadership would consent to consider today. There is no reason the Senate is not also voting on the nomination of Paul Engelmayer, who was reported unanimously on April 7 along with Mr. Oetken to fill another vacancy—a judicial emergency—on the Southern District of New York. In fact, Mr. Oetken's nomination is only the fifth nomination we have considered in the last 2 months, at a time when vacancies have remained near or above 90. I thank Senator GRASSLEY for his cooperation in working with me to make progress in committee considering judicial nominations in regular order. But that progress has not been matched in the Senate, where agreements to debate and vote on judicial nominations are too few and too far between.

In addition to Mr. Oetken, there are now 22 judicial nominations reported favorably by the committee and ready to be debated and voted on by the Senate, 17 of them having been pending on the Executive Calendar for a month or more. Before the Memorial Day recess I urged that the Senate take up and vote on the many consensus judicial nominations then on the calendar, as it traditionally has done before a recess.

Republican Senators would not agree to consider a single one.

In June, I again urged the Senate to take steps to address the judicial needs of the American people by confirming the many qualified, consensus judicial nominations reported favorably by the Judiciary Committee. However, Republicans would consent to vote on only four judicial nominations during that month. Three of them were confirmed unanimously. In fact, one of the nominees we considered was, finally, the last of the judicial nominations that had been reported by the committee last year that, in my view, should have been considered then.

As a result, 17 judicial nominations reported favorably by the Judiciary Committee were left on the calendar throughout June and now halfway into July, 14 of which were reported unanimously and could easily have been confirmed. Last week, the Judiciary Committee favorably reported another five judicial nominations with significant bipartisan support, three of them unanimously. So in addition to Mr. Oetken's nomination there are now 17 judicial nominations pending on the Senate's Executive Calendar that, like his, were reported unanimously with the support of every Senator, Democratic or Republican, on the Judiciary Committee.

All these nominees have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. They are by any measure noncontroversial and will, I expect, be confirmed unanimously when Republicans consent to have votes on them. They should have an up-or-down vote after being considered by the Judiciary Committee, and without additional weeks and months of needless delay.

Federal judicial vacancies around the country still number too many, and they have persisted for too long. Whereas the Democratic majority in the Senate reduced vacancies from 110 to 60 in President Bush's first 2 years, judicial vacancies still number 91 2½ years into President Obama's term. By now, judicial vacancies should have been cut in half, but we have barely kept up with attrition. If we join together to consider all of the judicial nominations now on the Senate's Executive Calendar, we would be able to reduce vacancies below 80 for the first time since July 2009.

Regrettably, the Senate has not reduced vacancies as dramatically as we did during the Bush administration. In fact, the Senate has reversed course during the Obama administration, with the slow pace of confirmations keeping judicial vacancies at crisis levels. Over the 8 years of the Bush administration, from 2001 to 2009, we reduced judicial vacancies from 110 to a low of 34. That has now been reversed, with vacancies staying near or above 90 since August 2009. The vacancy rate—which we reduced from 10 percent at the end of President Clinton's term to 6 percent by this date in President Bush's third

year, and ultimately to less than 4 percent in 2008—is now back to more than 10 percent.

We have a long way to go to do as well as we did during President Bush's first term, when we confirmed 205 of his judicial nominations. We confirmed 100 of those judicial nominations during the 17 months I was chairman during President Bush's first 2 years in office. So far, well into President Obama's third year in office, the Senate has only been allowed to consider 89 of President Obama's Federal circuit and district court nominees.

This is an area in which we must come together as Democrats and Republicans for the American people. There is no reason Senators from both parties cannot join together to finally bring down the excessive number of vacancies that have persisted on Federal courts throughout the Nation for far too long, and which have led the Chief Justice, the President, the Attorney General and judges around the country to urge the Senate to act.

The nomination that we confirm today is an important one for the Senate and for the American people. The only questions that should matter for any judicial nominee are the questions I have asked about every judicial nominee, whether nominated by a Democratic or a Republican President—whether he or she will have judicial independence. Does the nominee understand the role of a judge? Mr. Oetken meets this standard, and I am proud to vote for his confirmation today.

Mr. President, 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.

Mr. LEAHY. Mr. President, I understand this vote is scheduled for 5:30; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, I ask consent not to delay in any way the vote—we will still have the vote at 5:30—but that I be allowed to continue during the time remaining to me as in morning business.

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

EXTENDING SERVICE OF FBI DIRECTOR ROBERT MUELLER

Mr. LEAHY. Mr. President, back on May 12, the President requested that Congress pass legislation to enable Robert Mueller to continue serving as Director of the Federal Bureau of Investigation for up to 2 additional years in light of the leadership transition at other key national security agencies—the Secretary of Defense was leaving, there was a change in the directorship of the CIA, and so forth—and, of course, the unique circumstances in

which we find ourselves as the 10th anniversary of 9/11 approaches in less than 2 months.

In response to the request of the President, a bipartisan group of Senators drafted and introduced S. 1103, a bill that would create a one-time exception to the statute that limits the term of the FBI Director to 10 years. This bill would allow the term of the incumbent FBI Director to continue for 2 additional years.

Given the continuing threats to our Nation and the need to provide continuity and stability in the President's national security team, it is important that this critical legislation be enacted without delay.

Director Mueller's term expires on August 2, 2011. Of the 12 weeks between the President's request and the expiration of Director Mueller's term, 10 have passed. The time for responsible congressional action has all but elapsed. We are almost in the final hour.

Congressional leaders, including Republican leaders, reacted to the President's request saying that they supported it. On May 26, bipartisan legislation providing the one-time statutory exception, which was drafted by Senator GRASSLEY, was introduced. It was cosponsored by me, Senator GRASSLEY, and the chair and vice chair of the Senate Select Committee on Intelligence, Senator FEINSTEIN and Senator CHAMBLISS.

The Judiciary Committee moved quickly to consider this legislation and report it to the full Senate. We proceeded at Senator GRASSLEY's request to a prompt hearing on June 8. I listed the legislation on the committee's agenda for action on June 9. It was held over for another week. Finally on June 16, the committee met, debated the matter, and reported the bill with an amendment to clarify its constitutionality. On June 21, Senate Report 112-23 was filed regarding the bill. We have been trying to reach an agreement to consider the bill for more than a month, but Republican objections have stalled this effort.

On June 29, my statement to the Senate warned that we would have only a few short weeks left this month to complete action and for the House to act. We should be acting responsibly and expeditiously. I have worked diligently in a bipartisan way with Senator GRASSLEY in order to prevent a lapse in the term of the Director of the FBI. The bill enjoys the strong support of law enforcement groups, including the National Association of Police Organizations, the National Fraternal Order of Police, the International Association of Chiefs of Police, the Police Executive Research Forum, the Major County Sheriffs' Association, the National Native American Law Enforcement Association, and the FBI National Academy Associates. They have all supported it.

We must act on this bill without further, unnecessary delays. The Senate must take it up, consider it and pass it,

and then the House will need to consider and pass the bill before the President has the opportunity to sign it. Each of these steps must be completed prior to the expiration of the Director's current 10-year term on August 2, 2011. There is no time to waste.

All Senate Democrats have been prepared to take up and pass this extension bill for weeks. There is no good reason for delay. At first it was reportedly Senator COBURN who was holding up consideration of the bill, then Senator DEMINT, and now apparently it is an objection by Senator PAUL of Kentucky that is preventing the Senate from proceeding. I find it hard to understand why we would hold up a piece of legislation like this. This sort of delay is inexplicable and inexcusable.

In order to accomplish our goal, I have even been willing to proceed along the lines of an alternative approach demanded by Senator COBURN. That approach is based on a constitutional problem that does not exist. The bill reported by the Senate Judiciary Committee is an extension of a term limit that Congress imposed on the service of the Director of the FBI. As set forth in the committee report on the extension bill, and as reaffirmed in a June 20, 2011, memorandum opinion by the Office of Legal Counsel, the bill reported by a bipartisan majority of the Senate Judiciary Committee to the Senate is constitutionally sound and a proper response by Congress to the President's request. Nonetheless, I was prepared to proceed using Senator COBURN's language instead of Senator GRASSLEY's and mine, so long as one further problem was removed. Specifically, the major problem with Senator COBURN's approach is that it would necessitate the renomination of Director Mueller, and then his reconsideration and reconfirmation by the Senate after enactment of Senator COBURN's alternative bill—and all before August 2.

On June 29, I warned that this was an additional, unnecessary and possibly dangerous complication. I do not want Americans to approach the 10th anniversary of 9/11 without an FBI Director in office. At the markup of this bill in our Judiciary Committee, I was assured by the Senator from Oklahoma that he would get unanimous consent to do all the short time agreements to get the bill passed, get his amendment passed, get it through the House and back, and get Director Mueller confirmed with a 2-hour time agreement. If we did all of that, it would not be the best of solutions, but it would be better than what we have now.

Now we have the distractions from Director Mueller that have been created by these extended proceedings, which have been damaging enough. To require his renomination and then allow it to be held hostage or used as leverage, as so many of President Obama's nominations have been, seemed to me a risk that was better avoided. I did not want the extension of Director Mueller's service leading the

FBI to fall victim to the same objections that have obstructed Senate action on other important Presidential nominations and appointments. Unfortunately, as I had warned, that is precisely what has happened in this case.

I have spoken often about the unnecessary and inexcusable delays on judicial nominations. Even consensus nominees have faced long delays before Senate Republicans would allow a vote. Since President Obama was elected, we have had to overcome two filibusters on two circuit court nominees who were reported unanimously by the committee. These judges—Judge Barbara Keenan of the Fourth Circuit and Judge Denny Chin of the Second Circuit—were then confirmed unanimously once the filibusters were brought to an end. There are currently 17 judicial nominees who were reported unanimously by all Republicans and Democrats on the Judiciary Committee and yet are stuck on the Senate Executive Calendar because Senate Republicans will not consent to vote on them. These are consensus nominations that should not have been delayed while the Federal courts are experiencing a judicial vacancies crisis.

This pattern of delay and obstruction has not been confined to judges. President Obama's executive nominations have been subjected to the same unfair treatment. The first five U.S. attorneys appointed by President Obama were delayed more than 2 months for no good reason in the summer of 2009. These are the top Federal law enforcement officers in those districts and yet it took from June 4 to August 7 before Senate Republicans would consent to their confirmations. They were then confirmed unanimously. The Chairman of the United States Sentencing Commission was similarly delayed unnecessarily for almost 6 months, from May 7 until October 21, 2009. He, too, was ultimately confirmed without opposition, but after needless delay.

Among a slew of other troublesome examples are these: One Republican Senator objected to a nominee to serve on the Federal Reserve Board of Governors because, according to that Senator, the nominee lacked the necessary qualifications. The nominee was a Nobel Prize winner and MIT economics professor. Another Republican Senator is blocking the confirmation of two SEC Commissioners until he extracts action from the SEC related to a case against the Stanford Financial Group. A group of Senate Republicans have sent a letter to President Obama vowing to oppose any nominee to be Director of the Consumer Financial Protection Bureau. Republican Senators are vowing to block President Obama's nominee to serve as the Secretary of Commerce.

In a particularly illustrative case, one Republican Senator lifted his hold on the nomination of the Director of the United States Fish and Wildlife Service only after the administration acceded to his demands and issued 15

offshore oil drilling permits. Shortly thereafter, another Republican Senator placed a hold on the very same nomination to force the Interior Department to release documents on the Department's "wild lands" policy. It did not end there. When that dispute was resolved, a third Republican Senator reportedly placed a hold on the nominee, demanding a review of the protected status of wolves. That nominee has still not been confirmed.

Regrettably, Senate Republicans have ratcheted up the partisanship, limiting the cooperation that used to allow nominations to move forward more quickly. That hostage-taking should not affect this critical term extension for the head of the FBI, but it has. Another important nomination is being subjected to holds and delays. Another well-qualified national security nominee is being used as leverage by the Republican Senate minority to extract other unrelated concessions. That is what Senator COBURN's alternative plan invited and that is what is happening with Senator PAUL's objection to proceeding.

Just recently, we finally broke through months of obstruction of the Deputy Attorney General and the Assistant Attorney General for National Security, key national security related nominations. In May, Senate Republicans filibustered for the first time in American history the nomination of the Deputy Attorney General of the United States. The nomination of the Assistant Attorney General for the National Security Division at the Department of Justice was subjected to similar, inexcusable delay. That nominee was approved unanimously by the Senate Judiciary Committee and unanimously by the Senate Select Committee on Intelligence, and ultimately approved unanimously by the Senate. But that nomination, approved unanimously all along the way, took 15 weeks. It took more than a month just to schedule the Senate vote after the nomination was reported unanimously by two Senate committees. I warned on June 29 that we have no guarantee that the President's nomination of an FBI Director would be treated any differently. Regrettably, that has become true. I wish I had been wrong, but unfortunately the same kinds of delays and obstructions for the sake of delays and obstructions have occurred.

Senate Republicans have known since we began consideration of the President's request to extend the FBI Director's term that his plan could not be considered a viable alternative unless there was an agreement from Senate Republicans to ensure that the Senate would complete its work and have the FBI Director in place at the end of the summer. That agreement would take the form of a unanimous consent agreement in the Senate, entered into by all Senators, and locked in, on the RECORD, so that it could not be changed without unanimous consent. That has not occurred. Senator

COBURN was unable to convince his leadership and the Republican caucus to agree. That was the only way to ensure Senate action on a nomination before August 2.

To complete action in accordance with Senator COBURN's alternative plan would mean not only passing legislation through both the Senate and House, but the Senate also receiving, considering and confirming the re-nomination of Director Mueller. I was chairman of the Judiciary Committee back in 2001 when the Senate considered and confirmed Director Mueller's initial nomination within 2 weeks. I worked hard to make that happen. I predicted in June that given the current practices of Senate Republicans, and their unwillingness to agree on expedited treatment for President Obama's nominations, it was foolhardy to think that all Senate Republicans would cooperate. They have not. There has already been a shifting series of Republican holds over the last month.

The bill was reported over 1 month ago and action has been stymied by Republican objections every since. Senate Republicans have simply refused to agree to proceed and now there is no time for a complicated two phase procedure. We need to pass the necessary statutory authority to allow Director Mueller to continue without further delay.

As I have said, all Senate Democrats are prepared to take up and pass this extension bill, and send it to the House of Representatives for it to take final action before August 2. That is what we should be doing. We should do that now. There is no good reason for delay. All that is lacking is Senate Republicans' consent.

Virtually everybody that I have heard from in the Senate says that Director Mueller is the right person to lead the FBI at this critical time. Now is not a time—2 months before the anniversary of 9/11—to have somebody new on the job. I hope we will take up the bill soon. I wish we had done it at the time I urged Senators to.

I do applaud the Democratic side of the aisle for saying there would be no objections on our side to moving forward to this legislation so that we can extend for 2 years the term of Robert Mueller. I also congratulate and thank Director Mueller and his wife for being willing to put on hold their plans for retirement for those 2 years for the good of the country.

Given the continuing threat to our Nation, especially with the 10th anniversary of the September 11, 2001, attacks approaching, and the need to provide continuity and stability on the President's national security team, it is important that we respond to the President's request and enact this necessary legislation swiftly. The incumbent FBI Director's term otherwise expires on August 2, 2011. I hope cooler heads will prevail, and I urge the Senate to take up this critical legislation and pass it without further delay.

(Mr. MANCHIN assumed the Chair.)

Mrs. GILLIBRAND. Mr. President, today I am pleased to offer my strong support to the nomination of James Paul Oetken to serve on the U.S. District Court for the Southern District of New York. In Mr. Oetken, President Obama has sent to the Senate a nominee who we all should be proud to support.

J. Paul Oetken is a brilliant lawyer with a remarkable level of accomplishment. A graduate of the University of Iowa, where he received his bachelor of arts degree with highest distinction, and Yale Law School, where he received his juris doctorate, Mr. Oetken has built a successful career spanning the public and private sectors.

During the Clinton Administration, he served as an attorney-adviser at the U.S. Justice Department's Office of Legal Counsel and at the White House as associate counsel to the President. Prior to that, he clerked for three distinguished Federal judges, including U.S. Supreme Court Justice Harry Blackmun.

He currently serves as senior vice president and associate general counsel at Cablevision Systems Corporation, a New York Company, following several years in private practice.

Throughout his career, J. Paul Oetken has demonstrated a strong commitment to public service and civil rights, especially for gay and lesbian Americans. He has worked pro bono on amicus briefs defending the rights of LGBT Americans against laws that discriminate based on an individual's sexual orientation.

Mr. Oetken is the first openly gay man to be nominated to serve on the U.S. district court, and if confirmed, will be only the second openly gay individual serving in a U.S. district court or circuit court of appeals.

I firmly believe that the American people will be best served by a Federal judiciary that reflects our diversity as a nation, broadening the range of perspectives and experiences represented on the Federal bench. J. Paul Oetken will bring a strong intellect and commitment to justice, but also the diversity of experience that is currently lacking in our Federal courts. It is for that reason that I particularly want to applaud the President for submitting this nomination to the Senate.

J. Paul Oetken was unanimously favorably reported out of the Senate Judiciary Committee, and it is rare that we see a nominee come to the Senate floor with that kind of bipartisan support. To date, there are still 90 judicial vacancies in article III Courts, and 53 pending nominations that still need to be acted on by the full Senate. This is simply unacceptable. It is my hope that more of President Obama's highly qualified nominees will be reported out of committee and receive an up-or-down vote on the Senate floor.

J. Paul Oetken has the experience, education, and commitment to the rule of law and equal rights to be an outstanding Federal judge. He received a

unanimous rating of "qualified" by the American Bar Association Standing Committee on the Federal Judiciary and I am confident that if confirmed, he will be an excellent fit for the U.S. District Court for the Southern District of New York. I urge my colleagues to join me in voting yes on this nomination.

Mr. COONS. Mr. President, it is with great pleasure that I speak today on behalf of J. Paul Oetken's nomination to be U.S. District Judge for the Southern District of New York. Mr. Oetken and I knew each other while we were law students at Yale, and I have followed his career with great interest since then. Mr. Oetken is, in my view, a strikingly intelligent man. His varied career—in private practice, with Jenner & Block and Debevoise & Plimpton; in the public sector with a number of admirable clerkships, culminating with a Supreme Court clerkship for Justice Blackmun; with the Office of Legal Counsel and the White House Counsel's Office; and, now, in the business world, where he is vice president and associate general counsel for Cablevision—demonstrates a searching intellect and great capability.

Mr. Oetken possesses a unique combination of perspectives and an exceptional series of qualifications. Given Mr. Oetken's obvious talent and broad experience, I am confident he will make a great Federal judge. In my view, it is an added and important bonus that, as the first openly gay man confirmed to the Federal bench, his service will also move us closer to full equality in our Nation. His confirmation will inspire future judges, lawyers and litigants with the knowledge that, for gay, lesbian, bisexual, and transgendered Americans, it does get better in our Nation's long journey to inclusion and justice.

Mr. LEAHY. Have the yeas and nays been ordered on the nomination?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the Senate advise and consent to the nomination of J. Paul Oetken, of New York, to be United States District Judge for the Southern District of New York?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Carolina (Mrs. HAGAN) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kentucky (Mr. PAUL), the Senator from Florida (Mr. RUBIO), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 80, nays 13, as follows:

[Rollcall Vote No. 112 Ex.]

#### YEAS—80

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

#### NAYS—13

Blunt	Hatch	Risch
Boozman	Hutchison	Roberts
Cochran	Lee	Wicker
Crapo	McConnell	
DeMint	Moran	

#### NOT VOTING—7

Hagan	Paul	Vitter
Inhofe	Rubio	
Murkowski	Toomey	

The nomination was confirmed.

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

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

#### COMMENDING JOHN HERSCHEL GLENN

Mr. BROWN of Ohio. Mr. President, I am here today to celebrate a friend and a statesman, a former Member of the Senate, a marine aviator, a pioneering astronaut, a beloved family man, and an American hero.

Today is the 90th birthday of John Herschel Glenn.

I was 10 years old when John Glenn observed three sunsets, three sunrises, and the wonder of the universe in just under 5 hours while orbiting the Earth.

I was 16 years old when John Glenn presented to me and another couple dozen Eagle Scouts in Mansfield, OH, our Eagle Scout Award, teaching us yet again about community service and community pride.

When I was 54, in one of the most memorable moments of my professional life—with John's wife Annie and my wife Connie in the gallery—John Glenn escorted me into this Senate Chamber to be sworn in as a Senator from Ohio.

As a grandfather and a father, a husband and a Senator, I continue to be inspired by the example of a life well lived—a life in public service, a life fighting for the public good.

Born in Cambridge, OH, 150 miles east of Dayton, where the Wright brothers first figured out how to fly, he attended public school and became an Eagle Scout in New Concord.

It was there where he would meet his childhood sweetheart and future wife Annie. As children, they literally shared a playpen. John says: "She was part of my life from the time of my first memory."

On April 6, 1943, Annie and John married. Since then, they have earned the adulation and admiration from people around the world for their accomplishments and for their devoted love. By 1941, he had studied mathematics at nearby Muskingum College and earned his pilot's license.

After the attack on Pearl Harbor, he dropped out of college to enlist in the Navy and after 2 years of advanced aviator training was reassigned to the U.S. Marine Corps. John Glenn flew 59 combat missions with the Marines in World War II and 90 combat missions with both the Marines and Air Force in Korea. On some of these flying missions, he had baseball great Ted Williams on his wing. John Glenn was awarded numerous commendations and citations for his heroic military service.

In 1959, he was selected by the National Aeronautics and Space Administration (NASA) as one of the original Mercury Seven astronauts. In 1962, President Kennedy made John Glenn the first American to orbit the Earth, and 35 years later, John Glenn was asked by another President, Bill Clinton, to fly into space for a second time as a mission specialist on the Space Shuttle Discovery. At the age of 77, he became the oldest human being to fly in space, conducting a series of scientific investigations into the physiology of the human aging process and exploring the effects of space flight and aging.

By the 1960s, Glenn's service to his country had expanded into a career in politics. He was with Senator Robert F. Kennedy that fateful day in June in California, and he served as a pallbearer a few days later at Arlington National Cemetery.

In 1974, John Glenn was elected to the Senate from my State of Ohio, serving four consecutive terms until his retirement 24 years later in 1999. He served as chairman of the Committee on Governmental Affairs. He was the chief author of the Nuclear Nonproliferation Act of 1978.

Throughout the years, he continually championed the advancement of

science and technology, especially NASA, so much that 12 years ago, the NASA Lewis Research Center in Cleveland—the only NASA facility north of the Mason-Dixon Line—was officially renamed the NASA John H. Glenn Research Center.

After his retirement from the Senate, he and Annie founded the John Glenn School for Public Affairs at The Ohio State University saying: “If there is one thing I’ve learned in my years on this planet, it’s that the happiest and most fulfilled people I’ve known are those who devoted themselves to something bigger and more profound than merely their own self-interest.”

Whether he was flying in the air or floating in space, walking the campaign trails or in this Chamber, he remained grounded in his New Concord roots and always by the steady hand and constant love of Annie. When my family and I decided I should run for the Senate in the fall of 2005, the first people we called were Annie and John Glenn.

Annie’s advice to Connie then and now has been to “be yourself and not allow others to tell you who you should be.” Connie, who was a noted writer in Ohio, writes for the Cleveland Plain Dealer—Connie had this to say about Annie:

“Annie Glenn refuses to draw attention to herself, which is one of the reasons so many of us cannot get enough of her. She is that rare person who is genuinely interested in whomever is standing right in front of her. You will never capture her looking over your shoulder searching for someone more interesting, more important. If you are looking into the eyes of Annie Glenn, you have just become the most fascinating person in the world. This is not to suggest Annie is a wallflower. She was won many honors, changed many lives, through her advocacy.

She is as engaging as she is generous, full of opinions earned by living life at full throttle, even when she was scared to death. And that is a crucial truth about Annie: Americans rightly ooh and aah over John Glenn’s courage in space. But let us never forget the hero of a wife who gave her public blessing, and then privately prayed until his safe return.”

John and I traveled across Ohio on the campaign trail, hearing each other so often that we could finish each other’s speeches and roll our eyes at the same jokes we would tell.

John and Annie teach all of us about our own capacity for selflessness and to have the confidence to serve with humility and with honor. They are dedicated public servants and trailblazers whose sense of humor and smiles brighten any room and in whose presence we better understand the meaning of love and compassion. It is a love and marriage that everyone from lifelong New Concord friends to U.S. Presidents, to colleagues in this Chamber have described with affection.

Barack Obama said during a campaign stop in Columbus:

The thing I admire most about John Glenn is his relationship to his wife, Annie. They have been married for 65 years—

That was then. Now it is 68—

and you should see the way he treats her. He’s in love. Sixty-five years later he’s still in love. And no wonder, because she is a remarkable woman.

Through John and Annie’s remarkable American lives, we reveal and remember the greatness of our country, our capacity to love and to wonder and to see something greater than ourselves.

My wife Connie and I are fortunate to call Annie and John friends, and they remain trusted mentors and role models for us and so many. When his country was attacked, he enlisted. When his President asked, he served. When his country needed it, he instilled a confidence in the American spirit of scientific discovery. When his State needed his leadership, he represented the people of our State with honor.

Happy 90th birthday, John Glenn. Your life tells our Nation’s story in the 20th century, our triumphs and our turbulence, and it tells how our Nation’s spirit of discovery could be found in the humility of a hometown hero from New Concord, OH.

The PRESIDING OFFICER. The majority leader.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that following my remarks, Senator DURBIN be recognized to give a brief presentation and, following that, Senator GRASSLEY will have one-half hour.

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

#### JOHN GLENN

Mr. REID. Mr. President, I did not know it was John Glenn’s birthday. I am so happy I was on the floor when my dear friend from Ohio talked about John Glenn. John Glenn—when I came to the Senate, one of the first Tuesday caucuses we had I watched John Glenn stand and say: I am going to go out on the aircraft carrier USS *Kennedy* on Saturday. Would anyone like to go?

I was a new Senator. I thought everyone would raise their hand and march off with him. I was the only one who raised my hand. So I did. I went out with him. It was a wonderful experience. The seas were a little bit rough and we landed and that cable snagged that airplane going in. We were there for many hours and the seas got rougher and rougher.

The pilots coming in, this was the first time they had landed on an aircraft carrier. We went out on the deck of the ship, and the planes would come in. Oh, man. The crews there, if they did not think the plane could land—it was going too far off the end: “Dirty. Dirty.”

That meant get the plane up off the carrier, go up and come back and try it again. They did that for quite some time. Then, John Glenn said: I think I should go up in one of those airplanes. So John Glenn went up and flew an air-

plane. I do not know how old John Glenn was. It was 25 years ago, so he was a young man—he was 65—and here he comes in, landing on the aircraft carrier, John Glenn.

Totally changing the subject. A group from Nevada won the Double Dutch skip-rope championship. They came to my office over in the Hart Building to show me how good they were. Of course, it takes a little space to do it. So in one of the outside hallways there in the Hart Building they do this Double Dutch jumping.

They asked me to try it. I was so embarrassed. I could not get one step. I did not realize, but from his office, John Glenn had been watching these kids jumping rope. He comes out, the famous John Glenn, and says: Would you mind if I tried?

I do not know. I assume he was 70 years old at the time. He was perfect, did not miss a step. I mean, that is hard to do. Jumping rope is hard, but when you have two people flipping two different ropes, it is hard. He did that. What a physical specimen he was at 70 years old. Think what he must have been when he was 20 years old, a man who in World War II was an ace, meaning he shot down so many airplanes. He did the same thing in Korea. Here is a man who was the first to orbit in space. You can go see his spacecraft down in the Air and Space Museum. He says: Go look at it. He said: What they said about that is I wore it. It was so small, but he went up there.

The stories he told, I just so loved John Glenn. He said: They did not know what it would be like to go up in space. No one had ever done this. He told me about all the precautions they did the first time he went up in space. They did not know if the air sickness would come and they could not handle the flight. He was trained. He had a big hypodermic syringe that would go through his space clothes, shoot him in the thigh so he would not get too sick up there.

He learned—I do not know how many—“I come in friendship”—in many different languages because they did not know for sure, if the spacecraft would go down, who would be there. But they had a general idea where it would go. So he learned to say: “I come in friendship” in many different languages. Then, of course, he went up in space once again.

He was such a wonderful human being. I had such admiration for him. To think I was able to serve in the Senate with John Glenn says it all, and SHERROD BROWN, Senator BROWN, was absolutely right. This relationship, this love affair, that John Glenn and Annie had and have, their 68 years of marriage is remarkable.

As the books have shown and the movies show, Annie had a very bad speech impediment. She stammered. She stuttered. She stuttered until she was, I do not know how old, but in her fifties, and she stammered very much. John Glenn, when they were courting

each other, would have to do her phone calls for her because she could not talk on the phone very well.

What a wonderful human being, John Glenn. I know there are other people wanting to speak. But I have to say a couple of things. He led a congressional delegation when I was a relatively new Senator. We went behind the Iron Curtain. I can remember going from Austria into Czechoslovakia, and the Communists had stopped the train we were on. They had dogs and they had these soldiers looking under the train and they went and looked at who we were.

But when things calmed down, one of the soldiers asked John Glenn for his autograph. He is a world-famous man and is a man of such humility. I want him to know, and everyone within the sound of my voice, he is one of the finest human beings I have ever met. He is a historical figure now and for all time in the United States.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I know Senator GRASSLEY is waiting and I am going to be brief. I thank him for his indulgence.

But when Senator SHERROD BROWN of Ohio came to the floor to speak of John Glenn, I could not help but stay, and I am glad I did. First, for those who were listening, the good news is we are celebrating his birthday. He is still alive and well, with Annie, and we are sure happy that is the case.

When I was just getting started in politics, 1982, I was running for Congress in Springfield, IL, and Senator John Glenn called and said: I am going to come and campaign for you. I cannot tell you how excited I was to meet him face to face in my hometown. He is truly an American hero. For all his service to the United States, a naval pilot, Marine pilot in World War II, in the Korean war, our first man into space, an astronaut who reprised his performance at the age of 77. He went back into space. It tells you what kind of person he is, his courage and his strength, his physical strength that he could do that.

I had the good fortune of being on the floor of the Senate for my orientation in 1996, and your predecessor, Mr. President, Senator Robert Byrd, would sit in that chair and tell all the new Members and their spouses the history of the Senate. I sat right over here, and Loretta sat next to me. At one point, Senator Byrd said: Open that desk drawer in front of you. You are going to see a great Senate tradition. Remember how the teachers told you, don't write on the desks. Well, the Senators never got the message.

Inside virtually every desk on this floor is the name of the Senator who sat in the desk, scratched in the wood by the Senator at the bottom of the drawer. He said, pull out the drawer on the desk and see whose name is in there. Sure enough, it was John Glenn's. It was his desk I was sitting at. Next to it was Paul Douglas, the

man I worked for as a college intern, who inspired me to get started in public life. So I have that desk today. I am honored to have it and to have added my name to the desk drawer of these two great men.

I didn't realize at the time that not only would I be able to have this desk, but I would actually serve with John Glenn. I think there have been fewer than 1,300 men and women who have had the honor to be in the Senate. Many have vanished into history and will never be remembered for anything significant. That is not true of John Glenn. What he has done in his public life is set an example to everybody who aspires to this job. He literally risked his life for this country over and over. He is a humble, quiet, friendly person, and he is dedicated to Annie. The two of them have a relationship, as President Obama said, that is extraordinary in American life.

The fact that I got to know him, got to serve with him, and he helped launch me on this political journey I am on today is something I will never, ever forget. I wish John Glenn, our former colleague, a happy birthday, and thank him again and again for all the service he has given to this great Nation. He has made America a better place. I am honored to have been one of his colleagues.

The PRESIDING OFFICER. The Senator from Iowa.

#### JUDICIAL ACTIVISM

Mr. GRASSLEY. Mr. President, the Supreme Court earlier this month issued a very important decision which bothered me—a decision that I think shows that dissenters in this decision are judicial activists. It is important not only on the merits of the case but because it shows how this country is only one vote away from unprecedented judicial activism.

The Obama administration is encouraging this judicial activism. The Obama administration is taking legal positions that threaten the role of Congress as a coequal branch of our government. Those positions challenge the separation of power that is designed to protect the freedom of Americans, and even the right of people to govern themselves, which is the basis of representative government and the purpose of the Congress.

The United States happens to be a party to the Vienna Convention on Consular Relations. This treaty gives rights to the citizens of countries who are parties to that treaty to have access to their country's consular officials if they are arrested abroad. There are some foreign nationals in this country who were sentenced to death without those rights being respected. All of these death sentences appear to be valid under the American Constitution.

The story is complicated, but in 2008 the Supreme Court ruled that failure to comply with the treaty was not an obstacle to the execution of a foreign national who had been sentenced to

death. This was the case even if the President ordered a State to allow the criminal to challenge his sentence in light of the treaty, and even if the criminal obtained a judgment from the International Court of Justice that his conviction violated international law. The Court said that Congress could pass legislation to make the treaty apply to people on death row who had not received consular access. We in the Congress have never passed such a law.

Now to the Supreme Court case that concerns me in light of this background on the consular relations treaty. In 1994, Humberto Leal Garcia, a Mexican national, kidnapped a 16-year-old girl, raped her, and bludgeoned her to death. He did not ask for access to the Mexican consul, and he did not receive access. He did not challenge his failure to receive consular access during his trial. Only after he brought State habeas corpus litigation did he raise this claim; and even then, he did not raise consular notification as an issue in his first habeas corpus petition.

Mr. Leal did obtain a ruling from the International Court of Justice that his conviction and sentence were obtained in violation of international law. The International Court of Justice ordered that he was entitled under national law to receive another review of his conviction and sentence, regardless of whether habeas law allowed him to raise such an issue. But that ruling is obviously not binding on American courts, as no country in the world, including the country of Mexico, enforces International Court of Justice rulings as part of its domestic law.

As his execution date approached, Mr. Leal sought a stay in the Supreme Court. Since Mr. Leal received a fair trial under American law, and there was no question concerning his guilt, his request should have been rejected, and rejected unanimously. But that is not what happened. He was executed, but the Supreme Court's ruling was shockingly close—5 to 4.

The Department of Justice, through the Solicitor General, Donald Verrilli, asked the Supreme Court to grant the stay. Its brief was truly astonishing. It did not argue that there was any doubt Mr. Leal was guilty. It did not say Mr. Leal had been harmed in any way by the Vienna Convention violation. It cited no case that provided an example where a stay had been issued in similar circumstances. It raised no arguments for the stay that were based on American law, because American law did not support a stay.

Instead, the Department of Justice relied on international law and made policy arguments. It argued that Mr. Leal's execution would create negative effects on America's international relations. It argued that his execution would violate our international legal obligations, and it argued that the mere introduction of legislation—understand this, just introducing a bill and at the same time having the support of the Obama administration—



should allow the Court to issue a stay to preserve its jurisdiction if time were given to allow the bill to be enacted. This is the position that worries me and threatens the role of Congress as a coequal branch of government.

Everyone knows bills are not laws. Bills are what we introduce. If we pass bills, they become law. The Founding Fathers made it very difficult to enact laws. There are two Houses of Congress, and each has to pass the same version of the bill and the President has to sign that bill or a supermajority of both Houses must override a veto.

This was done to protect the rights of the American people. Only if a bill passes through a specified process can a bill become a law. A court following the rule of law can only enforce what actually becomes a law. There may be times when an agency might pay attention to a bill that is introduced, but that is an agency. In the case of courts, a court should only apply what has actually become law—in other words, a bill passing both Houses of Congress, signed by the President—not pay attention to a bill that has just been introduced.

The Solicitor General's brief relied on a bill, not a law. The name of the bill is the Consular Notification Compliance Act. That bill would retroactively allow prisoners on death row whose Vienna Convention rights were violated yet another bite at the apple. If the bill passed, they would be able to delay their death sentences—lawful sentences under American law—with another round of judicial review for compliance with what? International law. Although the bill is strongly supported by the Obama administration, it has not passed, so it is not law, it is a bill. It is going to have a hearing soon, but it is not scheduled to be placed on the committee agenda for markup. It is clear there is no chance this Congress would pass a law that retroactively allowed foreign nationals who face lawful death penalties another round of judicial review based upon the Vienna Convention.

Congress simply will not pass a bill that gives Federal judges another opportunity to display their dislikes of the death penalty by delaying cases for no good reason. Only Congress can legislate. But the Obama administration argued in the Court that the Supreme Court should grant a stay, even though Congress has not legislated, simply because the executive branch strongly supported the bill, which theoretically—but only theoretically—could pass at some future time.

Do you know what disturbs me? Four Justices agreed with this outlandish position. There is absolutely no precedent for the position. These dissenters accepted an Obama position that was made out of whole cloth. When courts rule based on law, we have the rule of law. When they rule based upon policy preferences, we have judicial activism, not the rule of law.

The Obama administration asked for a stay based upon policy preferences,

based on international law, and based on that administration's view that a bill it supports takes overwhelming precedence over a considered decision of Congress not to pass that legislation. Four Justices—just one short of a majority—were willing to disregard American law in favor of international law, and also in favor of policy implications, and also based upon a bill being introduced in Congress. This is not only inconsistent with the rule of law, it is a threat to American democracy. How extreme.

The American people, through their elected representatives, have enacted the death penalty and established limits on habeas corpus petitions that impede executions. The people's representatives—those of us in the Congress—also declined to enact a bill to implement the Vienna Convention. Notwithstanding that decision of the people's representatives, this administration and four Justices would have used an unpassed bill to delay a death sentence. How extreme. They would have had the courts not allow the preferences of the American people as expressed through their elected representatives but, instead, their own policy preferences. How extreme. But under our system of government, the results of the democratic process are entitled to prevail, unless the Constitution—and only the Constitution—clearly provides otherwise.

The position of the Obama administration and the four dissenting Justices also is harmful to American democracy in yet another way. If the American people dislike what Congress is doing, it is very simple. In the next election, they can elect new Representatives and Senators. They can ask that Federal judicial nominees be stopped or that laws be passed that overturn judicial decisions made under Federal law. But what are the American people to do if judges make decisions based on the views of foreign governments and international tribunals that are contrary to our very own law? What if judicial rulings are designed to enforce decisions of the International Court of Justice, rulings that are not binding as Federal law? Americans cannot influence the views of foreign governments or the rulings of international tribunals.

Had the Obama administration and the four dissenting Justices prevailed, the American people would have lost a part of the right to govern themselves. That right would have been replaced with "obedience without recourse" to foreign powers over whom our people exercise no voice. That is not the system the Founding Fathers bequeathed us.

The question of whether courts should apply American law or foreign law is of great concern to me and to other members of the Judiciary Committee, and maybe to a lot of Senators who aren't on that committee. Those of us on the committee have thought about this specific question long before

this recent Leal case that has come, I guess within the last 3 weeks. And I have asked judicial and administration nominees about these very issues at their confirmation hearings.

For instance, just a few months ago, I posed a question to the nominee for Solicitor General, Mr. Verrilli, about an amicus brief he had filed on behalf of foreign nationals who had been sentenced to death. In that brief, Mr. Verrilli argued not that the prisoner's constitutional rights had been violated, but that "[i]t is in the interests of the United States and the world community that the legal standards of the United States should reflect and be informed by international human rights."

I asked Mr. Verrilli, were he confirmed, whether there were any circumstances in which he would argue before the Supreme Court in a death penalty case that the Court be "informed by international rights?" He responded:

I will adhere to the view that foreign law, including international human rights law, has no authoritative force in interpreting the Constitution and laws of the United States, except in those rare instances where federal statutes incorporate or make international and/or foreign court decisions binding legal authority.

Responding to my question on the difference between international human rights and our own constitutional rights, Mr. Verrilli stated:

International human rights are set forth in international treaties, conventions and customary international law. They are not binding and enforceable in the United States unless Congress has made them so.

The Leal case does not involve a Federal statute of the type Mr. Verrilli cited, nor does it concern any international standards binding and enforceable in the United States because Congress made them so. I believe Mr. Verrilli's brief as Solicitor General is very inconsistent with what he related during his confirmation hearing.

The brief relied on international human rights, and its only reference to American law was this bill that I have referred to—not a law, a bill—which, under our constitutional system, is as different from a law as night is from day.

I would also note that Mr. Verrilli stated during his confirmation hearing:

If the Attorney General [or the President] directed that I take a position . . . one that I believe to be an indefensible view of the law, I would not lend my name or that of the Office of Solicitor General to carrying out the order, and would certainly resign rather than carry out the order.

Mr. Verrilli obviously does not believe that reliance solely on international law and a bill is an indefensible view of the law. I disagree with him on that point.

Similarly, during her confirmation hearing, Justice Sotomayor was asked about the application of foreign or American law. She was one of these dissenters. She stated:

I do not believe foreign law should be used to determine the result under constitutional



law or American law, except where American law directs.

In the *Leal* case, foreign law should not have been used to resolve the case because American law did not direct that foreign law apply.

When Justice Kagan appeared for her confirmation hearing, she stated that in deciding cases, “you’re looking at law all the way down, not your political preferences, not your personal preferences.”

However, the law in the *Leal* case is clear. Executive branch policy arguments and unenacted bills are not law.

I am not saying the Solicitor General or these Justices who dissented lied at their confirmation hearings or made a mockery of the confirmation process, but Judiciary Committee members foresaw cases such as *Leal* and asked the nominees to address the role of foreign law in constitutional cases. I believe, although they do not, what these individuals wrote in the *Leal* case is inconsistent with what they said at the time of their confirmation hearings.

Finally, one of these issues could arise again in a different legal context. Like the death penalty cases, there is ongoing litigation challenging the constitutionality of the Defense of Marriage Act. Like the death penalty cases, the Defense of Marriage Act is the subject of a bill. The particular bill—called the Respect for Marriage Act—notwithstanding its Orwellian name, would repeal the Defense of Marriage Act.

The Department of Justice has already decided not only to defend the Defense of Marriage Act but now argues the Defense of Marriage Act is unconstitutional. The Department, in light of its *Leal* brief, may be considering making the implausible argument the courts should strike down the Defense of Marriage Act simply because a bill has been introduced to repeal it—the same argument used in the *Leal* case before the Supreme Court.

You might well argue the introduction of a bill that is strongly supported by the administration is enough to lead courts to believe the Congress has already repealed the law anyway, so why not have the Court simply declare the law unconstitutional. The Department should not make such an argument, and I can tell the courts that, like the bill to make the Vienna Convention apply retroactively to convicted criminal defendants who face the death penalty, this Congress will not—and I repeat, will not—pass the Respect for Marriage Act and courts should not consider its introduction in resolving *DOMA*’s constitutionality.

Mr. President, obviously, I am disappointed the Obama administration has advanced policy arguments rather than legal arguments in the Supreme Court. How ridiculous it is to try to convince the Supreme Court that just because a bill is introduced they ought to make a decision based upon that bill being introduced.

In the absence of arguments based on American law, it should not have asked

the Court to rule based on policy. Rather, it should have either argued based on American law—even if American law did not conform to its view of desirable policy—or it should have declined to participate in the case.

I am also disappointed that four Supreme Court Justices voted to advance their views of policy rather than law, which is the essence of judicial activism. We were—or you could say we are—only one vote away from a Supreme Court majority that would have applied policy preferences in favor of international law rather than American constitutional law. We were only one vote away from a Supreme Court majority that would have usurped the separation of powers by considering a bill to be the same as a law that Congress passed. And we were only one vote away from a Supreme Court majority that would have applied the ruling of an international tribunal over which Americans have no say rather than a body—as in this Congress of the United States—that is representative of and answers only to the American people.

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

The PRESIDING OFFICER. 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 PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

#### HONORING OUR ARMED FORCES

SPECIALIST NICHOLAS P. BERNIER

Mrs. SHAHEEN. Mr. President, I rise today with deep sadness to pay tribute to the service and sacrifice of Army SPC Nicholas P. Bernier, who died on June 25, 2011, from injuries sustained during combat in Kherwar, Afghanistan, while supporting Operation Enduring Freedom. Specialist Bernier was a combat medic with Headquarters, Headquarters Company, 2nd Battalion, 30th Infantry Regiment, 4th Brigade Combat Team, 10th Mountain Division based out of Fort Polk, LA.

A native of East Kingston, NH, and 2007 graduate of Exeter High School, Nicholas or Nick, as he was called by those who knew him, enlisted in the U.S. Army shortly after graduation. Prior to his deployment to Afghanistan in October 2010, Nick provided medical care in Texas to wounded soldiers who had returned from overseas.

From a very young age, Nick stood out in his tight-knit community for his desire to help others. It was, therefore, no surprise to his friends and family when he answered the call to serve his country, to protect his fellow Americans, and to care for his brothers in arms as a medic on the frontlines in Afghanistan. This last assignment was, in fact, a natural fit for him.

Our Nation can never adequately thank Nick for his willingness to serve and to make the ultimate sacrifice defending the freedoms we hold dear. While words provide little comfort at such a time as this, I hope Nick’s family will find some solace in the deep appreciation all Americans share for Nick, for the life he lived and for the ultimate sacrifice he made in the service of others. He was a true American hero.

Nick is survived by his parents, Paul Bernier of East Kingston, NH, and Tina Clements of Haverhill, MA; two brothers, Bradley and Christopher, and half-sister, Brittany. He also leaves behind a caring extended family and a community that loved him.

I ask my colleagues and all Americans to join me in honoring the life, service, and sacrifice of SPC Nicholas P. Bernier.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO ASSISTANT SECRETARY INES R. TRIAY

• Mrs. MURRAY. Mr. President, it is with great privilege that today I honor and express my thanks to Dr. Inés Triay, Assistant Secretary for Environmental Management at the Department of Energy for her service to our country.

The Environmental Management Program at DOE has consistently been a priority for me during my tenure in the Senate, as Washington State is home to the Hanford Nuclear Reservation. As a part of the Manhattan Project, Hanford produced plutonium from 1944 until 1987, and the efforts of Hanford workers and the Tri-Cities community helped end World War II.

Today, under the leadership of Dr. Triay, Hanford workers are involved in an environmental cleanup project of enormous scale necessitated by the processes required to transform raw uranium into plutonium for bombs. These processes generated billions of gallons of liquid waste and millions of tons of solid waste which must now be cleaned up, removed, or remediated. Dr. Triay and her staff have worked closely with both the Richland Operations Office and the Office of River Protection to ensure cleanup efforts at Hanford continue to move forward in a meaningful and timely fashion.

Inés has devoted her career to the safe and timely cleanup of radioactive waste and facilities from our Nation’s Cold War nuclear weapon production and research sites. Inés, a Cuban-born

immigrant who earned her Ph.D. in chemistry, has worked at DOE for 24 years, rising from her position as a scientist at Los Alamos National Laboratory to Assistant Secretary for Environmental Management, a Presidentially nominated, Senate-confirmed position. During her tenure as Assistant Secretary, she has led the largest, most diverse, and technically complex environmental cleanup program in the world.

One of Inés' greatest successes came after Congress invested \$6 billion in the Environmental Management Program. Inés led the effort to accelerate important cleanup projects to reduce the Environmental Management footprint across the country. The success of this investment has been, by all measures, incredible—Inés and her team were able to reduce the footprint of the entire Environmental Management complex by 50 percent.

For the past several years, I have worked closely with Inés and I have seen firsthand her commitment to making sure the federal government meets its obligations to protect the health of our communities at Hanford and around the country. Her professionalism, passion and knowledge has contributed significantly to the successes of the Environmental Management Program in recent years, and I will miss working with her and her staff on a daily basis.

On behalf of all Washingtonians, and on behalf of our country, I thank Inés for her dedication to the mission of the Environmental Management Program, for her passion and expertise, and for her commitment to the safety and well-being of the people working at Hanford and at Environmental Management sites around the country. Inés will be difficult to replace. I congratulate Dr. Triay on all of her successes as Assistant Secretary for Environmental Management and wish her the best of luck moving forward.●

#### REMEMBERING DAVID GETCHES

● Mr. UDALL of Colorado. Mr. President, a few days ago, I came to the Senate floor to honor one of Colorado's great educators and community leaders, David Getches, who passed away on Tuesday, July 5, 2011, at the too-young age of 68. Today, I would like to add further to my earlier remarks so that I may provide an even fuller picture of David's life.

This is more than a poignant moment for me. I originally had planned to come to the floor to discuss David's career and character because he was stepping down after 8 very productive years as the dean of the University of Colorado Law School.

We all have had this terrible experience in our lives when somebody whom we love and respect suddenly finds they have a cancer that is aggressive—beyond aggressive. Literally a month ago, David was diagnosed with pancreatic cancer. In the 4 weeks since

that time, that cancer stole him from us. But he was always upbeat. He was always someone who we looked to for enthusiasm and inspiration. I will be inspired in my remarks by what he did. I will attempt not to dwell on his loss.

As I said, David served as dean of the Colorado Law School for the last 8 years. With him at the helm, CU Law became one of the most forward-looking institutions of legal training in the country. I want to share a few examples of his vision and leadership. I could not cover all of them if I had a full hour. I want to share some of them with the Senate and with his friends and admirers in Colorado.

He steered the law school through the construction of the new LEED Gold Certified Wolf Law Building, which put CU and its law school at the cutting edge of environmental sustainability and energy efficiency—two ideas that were connected to the values that David was committed to fostering throughout his career. David previously served as executive director of the Colorado Department of Natural Resources and as an adviser to the Interior Secretary in the Clinton administration. He had an extensive background in water, environmental, and public lands law. Through his work, David impressed upon all Coloradans the importance of good stewardship of our State's precious natural resources.

I am not a lawyer, but I do know David's efforts to teach and share the legal framework that protects our resources could not have been more critical to preserving our Western way of life.

David left a lasting impression on the demographic composition of CU Law School. He was committed to a student body composed of people from many different backgrounds and cultures, and that commitment made an indelible impact on the school and on Colorado's legal community. In 2008, the Hispanic Bar Association awarded him their Community Service Award for increasing Hispanic enrollment, and he also assembled one of the most diverse administrative teams of any law school in the country. He didn't stop there, however. He then created a commission to produce a groundbreaking report on diversity in the legal profession and how to increase diversity in law firm recruitment. The highly skilled and diverse alumni of the CU Law School reflect his efforts and successes.

Moreover, David built a legacy of access to legal education for all. He worked to expand scholarships and financial aid awarded by the law school to worthy students regardless of their financial background, increasing scholarship awards from \$600,000 in 2004 to a hefty \$2.1 million in 3 short years by 2007. This came during a period of time where David expanded alumni giving and oversaw a 110-percent increase in the law school's endowment. And all the while, he continued to recruit and retain top-notch faculty to guide students in their legal education and produce world-class scholarship.

In 2008, David worked with the Colorado State Legislature to pass a law allowing public universities to offer loan repayment assistance grants to graduates practicing public interest law and more recently founded an endowment to award grants to CU Law School graduates in the public sector. These actions reflected David's strong belief in training and inspiring future leaders to give back to their communities.

What David did by reducing the cost of law school was make public service a viable alternative to private practice for bright, idealistic graduates of the law school. Without question, those students, CU Law School, the State of Colorado, and I would venture to say the country will reap the benefits in the future from David's foresight and thoughtful investments.

David's contributions went beyond his tenure as dean, and he had more than an academic interest in the critical issues of our time, especially environmental protection, civil rights, and social justice. He put his social and conservation ethics to work every day, using the law to foster a fair and livable world. As a very young attorney with California Indian Legal Services, David represented tribal members in the State of Washington who were being arrested for exercising their centuries-old treaty rights to fish. David, alongside his clients, devised a strategy to breathe life into the legal promises made to tribes, and the results he achieved changed the face of fisheries and water management in the Northwest. His legal work helped create modern Indian law and will have an everlasting imprint on natural resources management in the Northwest. He later became the founding executive director of the Native American Rights Fund, the leading nonprofit organization dedicated to tribal sovereignty, economic self-determination, and defense of treaty rights.

David was passionate about protection of the environment, especially the spectacular landscapes, wild country, and treasured wildlife of the West. As a water law expert, David was visionary with respect to the changing needs of the West. He had a particular devotion to the Colorado River Basin and strove to find ways to meet human demands for the river's waters while conserving its fish and wildlife and other environmental values. He expressed his love for the West through service on the boards of directors of the Grand Canyon Trust, the Wilderness Society, and Defenders of Wildlife. He was the founding board chair of the Land and Water Fund of the Rockies, now called Western Resource Advocates, and helped grow that fledgling organization into an important regional voice for clean energy and wise stewardship of the region's lands and waters. He gave his time, energy, and thoughtful creativity to each organization and all have expressed gratitude for his wise counsel.

It is also worth noting that even the vast expanse of the Western United States could not contain David. He even taught himself Spanish and published papers and books in that language, influencing water and natural resources legal developments in Central and South America.

I cannot help but feel that David was the living expression of the best of our ideals, a man of character and kindness, a modest but tireless achiever who preferred to be measured by his work, not by the accolades awarded by others. We were honored by his friendship and blessed by his many gifts.

At the heart of why I wanted to come to the floor today is that I think we know we can all learn from David's passion for giving back to whatever community in which he found himself. He led a life of service, and he also compiled an impressive academic record as well as serving as the dean of CU Law School. David cared about justice for disenfranchised communities just as strongly as he cared about the long-term health and sustainability of our natural resources. To David, these matters were intertwined. He was, at his core, committed to the future of his children, our children, our grandchildren, and his grandchildren, and he had a deep love for the Rocky Mountain Western way of life. He was an avid outdoorsman, he was fit, and he faced any and all physical challenges just like he faced intellectual and emotional challenges. As I said in the beginning of my remarks, he was a mentor to all of us, and he always had his eye on the future. I know, as painful as it is for all of us who knew him to lose him so suddenly, he would want us to be focused on the future.

David did this and much more for Colorado and our country, and I just want to close with this. We have lost a unique man and a towering Colorado figure.●

#### TRIBUTE TO JOEL MURRAY

● Mr. VITTER. Mr. President, today I wish to honor a young man who is now one of our Nation's finest Olympians.

Joel Murray of West Monroe, LA, was recently invited to represent the United States of America at the 2011 Special Olympics World Summer Games in Athens, Greece. Joel is an eight time Louisiana State golf champion and a two time national gold medalist, and this year was the first time in his 13 years competing in the Special Olympics that he was invited to compete in the World Summer Games.

As a result of his dedication and commitment to the game he loves, Joel competed in Level V Stroke Play, the highest and most challenging level, and won a silver medal.

Joel is also a 2011 Louisiana Special Olympics gold medalist, was recognized as the Louisiana Special Olympics male athlete of the year and was inducted into the Louisiana Special Olympics Hall of Fame.

If his list of accolades wasn't long enough, in 2009, Joel set a 54-hole tournament record for the Special Olympics Golf National Invitational Tournament. And away from golf, Joel devotes his time to counseling young adults with disabilities at the Louisiana Youth Leadership Forum.

Mr. President, I am proud to honor Joel Murray and applaud him on his remarkable accomplishments.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 2:10 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2354. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2354. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; to the Committee on Appropriations.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2018. An act to amend the Federal Water Pollution Control Act to preserve the authority of each State to make determinations relating to the State's water quality standards, and for other purposes.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. MURRAY, from the Committee on Veterans' Affairs:

Report to accompany 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 (Rept. No. 112-36).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 300. A bill to prevent abuse of Government charge cards (Rept. No. 112-37).

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 49, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads (Rept. No. 112-38).

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. AKAKA for the Committee on Indian Affairs.

\*Barbara Jeanne Ellis, of Colorado, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring October 18, 2016.

\*Deborah Downing Goodman, of Oklahoma, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring October 18, 2014.

\*Cynthia Chavez Lamar, of New Mexico, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2016.

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

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. ENZI (for himself and Mr. GRASSLEY):

S. 1376. A bill to conform income calculations for purposes of eligibility for the refundable credit for coverage under a qualified health plan and for Medicaid to existing Federal low-income assistance programs; to the Committee on Finance.

By Mr. ROBERTS (for himself and Mr. JOHANNIS):

S. 1377. A bill to require the Corps of Engineers to take into account all available hydrologic data in conducting Missouri River basin operations; to the Committee on Environment and Public Works.

By Mr. NELSON of Nebraska:

S. 1378. A bill to ensure that Social Security and Tier 1 Railroad Retirement benefits are properly taken into account for purposes of determining eligibility for Medicaid and for the refundable credit for coverage under a qualified health plan; to the Committee on Finance.

By Mr. AKAKA:

S. 1379. A bill to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER (for himself and Mr. DEMINT):

S. 1380. A bill to suspend until January 21, 2013, certain provisions of Federal immigration law, and for other purposes; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself, Mr. REED, Mrs. GILLIBRAND, Mr. WHITEHOUSE, Mr. LIEBERMAN, and Mr. FRANKEN):

S. 1381. A bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne disease, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself, Mr. SHELBY, and Mr. MANCHIN):

S. 1382. A bill to complete construction of the 13-State Appalachian development highway system, and for other purposes; to the Committee on Environment and Public Works.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COONS (for himself, Mr. ISAKSON, Mr. DURBIN, Mr. WICKER, and Mr. LEVIN):

S. Con. Res. 25. A concurrent resolution welcoming the independence of the Republic of South Sudan, congratulating the people of South Sudan for freely and peacefully expressing their will through an internationally accepted referendum, and calling on the Governments and people of Sudan and South Sudan to peacefully resolve outstanding issues including the final status of Abyei; considered and agreed to.

### ADDITIONAL COSPONSORS

S. 20

At the request of Mr. HATCH, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 211

At the request of Mr. ISAKSON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 384

At the request of Mrs. FEINSTEIN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 411

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 411, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter

into agreements with States and non-profit organizations to collaborate in the provision of case management services associated with certain supported housing programs for veterans, and for other purposes.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mr. PRYOR) 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. 542

At the request of Mr. BEGICH, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 542, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 609

At the request of Mr. INHOFE, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 609, a bill to provide for the establishment of a committee to assess the effects of certain Federal regulatory mandates.

S. 633

At the request of Ms. SNOWE, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 633, a bill to prevent fraud in small business contracting, and for other purposes.

S. 641

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 649

At the request of Mrs. GILLIBRAND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 649, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 735

At the request of Mr. KERRY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 735, a bill to reauthorize the Belarus Democracy Act of 2004.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota

(Ms. KLOBUCHAR) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 891

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

S. 965

At the request of Mrs. GILLIBRAND, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 965, a bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the costs of certain infertility treatments, and for other purposes.

S. 966

At the request of Mrs. GILLIBRAND, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 966, a bill to amend the Public Health Service Act to provide for osteoporosis and related bone disease education, research, and surveillance, and for other purposes.

S. 979

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

S. 1013

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1013, a bill to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1122

At the request of Mr. MENENDEZ, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1122, a bill to amend title 23, United States Code, to establish standards limiting the amounts of arsenic and lead contained in glass beads used in pavement markings.

S. 1173

At the request of Mr. WYDEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1173, a bill to amend title XVIII of the Social Security Act to

modernize payments for ambulatory surgical centers under the Medicare program.

S. 1176

At the request of Ms. LANDRIEU, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1176, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1206

At the request of Mr. ROCKEFELLER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1206, a bill to amend title XVIII of the Social Security Act to require drug manufacturers to provide drug rebates for drugs dispensed to low-income individuals under the Medicare prescription drug benefit program.

S. 1245

At the request of Mr. BLUNT, the names of the Senator from Indiana (Mr. COATS) and the Senator from Missouri (Mrs. McCASKILL) were added as cosponsors of S. 1245, a bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

S. 1262

At the request of Mr. AKAKA, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1262, a bill to improve Indian education, and for other purposes.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1340

At the request of Mr. LEE, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Iowa (Mr. GRASSLEY), the Senator from Arizona (Mr. MCCAIN), the Senator from Idaho (Mr. RISCH) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1340, a bill to cut, cap, and balance the Federal budget.

S. 1360

At the request of Mr. MENENDEZ, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Vermont

(Mr. LEAHY) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 1360, a bill to amend the Securities Exchange Act of 1934 to require shareholder authorization before a public company may make certain political expenditures, and for other purposes.

S. 1369

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1369, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1375

At the request of Mr. LEVIN, the name of the Senator from Missouri (Mrs. McCASKILL) was added as a cosponsor of S. 1375, a bill to amend the Internal Revenue Code of 1986 to provide that corporate tax benefits based upon stock option compensation expenses be consistent with accounting expenses shown in corporate financial statements for such compensation.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Nebraska (Mr. JOHANNES), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Idaho (Mr. RISCH) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

At the request of Mrs. FEINSTEIN, the names of the Senator from Colorado (Mr. BENNET) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S.J. Res. 17, *supra*.

S.J. RES. 21

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S.J. Res. 21, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S. RES. 80

At the request of Mr. KIRK, the name of the Senator from Montana (Mr. TESTER) 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. 132

At the request of Mr. NELSON of Nebraska, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Mississippi (Mr. COCHRAN), the Senator from Mississippi (Mr. WICKER) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Res. 132, a resolution recognizing and honoring the zoos and aquariums of the United States.

S. RES. 180

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 180, a resolution expressing support for peaceful demonstrations and universal freedoms in Syria and condemning the human rights violations by the Assad regime.

S. RES. 228

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Florida (Mr. RUBIO), the Senator from North Carolina (Mrs. HAGAN), the Senator from Ohio (Mr. BROWN), the Senator from Michigan (Mr. LEVIN), the Senator from Illinois (Mr. DURBIN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Iowa (Mr. HARKIN), the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS), the Senator from Alaska (Mr. BEGICH), the Senator from Florida (Mr. NELSON), the Senator from Alabama (Mr. SHELBY), the Senator from Hawaii (Mr. AKAKA), the Senator from West Virginia (Mr. MANCHIN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Mississippi (Mr. WICKER), the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Mr. CARDIN), the Senator from North Dakota (Mr. CONRAD), the Senator from California (Mrs. BOXER), the Senator from Washington (Mrs. MURRAY), the Senator from Oregon (Mr. MERKLEY), the Senator from Michigan (Ms. STABENOW), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Minnesota (Mr. FRANKEN), the Senator from Indiana (Mr. COATS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. Res. 228, a resolution expressing the sense of the Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001.

S. RES. 232

At the request of Mr. MENENDEZ, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. Res. 232, a resolution recognizing the continued persecution of Falun Gong practitioners in China on the 12th anniversary of the campaign by the Chinese Communist Party to suppress the Falun Gong movement, recognizing the Tuidang movement whereby Chinese citizens renounce their ties to the Chinese Communist Party and its affiliates, and calling for an immediate end to the campaign to persecute Falun Gong practitioners.

AMENDMENT NO. 553

At the request of Mr. MCCAIN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 553 proposed

to H.R. 2055, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

## AMENDMENT NO. 556

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 556 proposed to H.R. 2055, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (for himself, Mr. SHELBY, and Mr. MANCHIN):

S. 1382. A bill to complete construction of the 13-State Appalachian development highway system, and for other purposes; to the Committee on Environment and Public Works.

Mr. ROCKEFELLER. Mr. President, 46 years ago, Congress made a promise to the thirteen Appalachian Regional Commission member States—New York, Pennsylvania, Ohio, West Virginia, Maryland, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, and Mississippi—to complete the ADHS. The initial Appalachian Regional Commission recognized that, while the Interstate Highway System was slated to provide historic economic benefits to most of our nation, the system was designed to bypass the Appalachian Region. The Commission found that the limited access to these regions stifled the economic opportunities for countless communities—a problem that can unfortunately still be seen all these years later.

Today, I rise to introduce the Appalachian Development Highway System Act of 2011. This legislation will move us toward the completion of the ADHS and keep that promise. This bill would also allow states that have additional ADHS funds they cannot spend to loan to other states throughout the Appalachian region which have ADHS projects that are the closest to commencing construction. Such a provision will mean that funds are spent in the most efficient and streamlined manner possible.

West Virginia represents a microcosm of the transportation successes and difficulties throughout the country. While our state faces challenges, they aren't unique to West Virginia. Communities throughout Appalachia are also tackling these same difficulties.

Since I was Governor, I have known how important ADHS funding is to the economy of West Virginia. The completion of corridor G in the southern part of the state has become a critical link between Pikeville, Kentucky and Charleston, WV much like Corridor D has in the northern part of the state

between Bridgeport and Cincinnati, OH. Today, West Virginia has one more ADHS project left to complete, Corridor H. This four line highway between Weston and the Virginia State Line has approximately 58 miles left to construct until it will be finished.

An effective transportation infrastructure encourages competition, promotes our national security, and creates economic growth. It is also imperative for building our communities by helping bring in businesses, creating jobs, building the economies in our states and cities, and increasing tourism.

As Chairman of the Senate Committee on Commerce, Science, and Transportation, my Committee has jurisdiction over a wide variety of issues. My Committee oversees the safety of our nation's highways, skies, pipelines, waterways, and railroads and it sets the tone of the debate when transportation issues come up in the Senate. I am working on a number of fronts to transform our transportation network.

There is still much of the same isolation and lack of infrastructure in parts of Appalachia today as when the ADHS was envisioned. The Federal Government has a responsibility to keep the promise it made decades ago to the people of Appalachia. Besides the essential need for roads, there is also a critical need for the types of jobs and economic stimulus that highway dollars will bring to these underserved areas.

## SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 25—WELCOMING THE INDEPENDENCE OF THE REPUBLIC OF SOUTH SUDAN, CONGRATULATING THE PEOPLE OF SOUTH SUDAN FOR FREELY AND PEACEFULLY EXPRESSING THEIR WILL THROUGH AN INTERNATIONALLY ACCEPTED REFERENDUM, AND CALLING ON THE GOVERNMENTS AND PEOPLE OF SUDAN AND SOUTH SUDAN TO PEACEFULLY RESOLVE OUTSTANDING ISSUES INCLUDING THE FINAL STATUS OF ABYEI

Mr. COONS (for himself, Mr. ISAKSON, Mr. DURBIN, Mr. WICKER, and Mr. LEVIN) submitted the following concurrent resolution; which was considered and agreed to:

## S. CON. RES. 25

Whereas the United States was a witness to the 2005 Comprehensive Peace Agreement (CPA), which marked the end of more than 2 decades of civil war between North and South Sudan that resulted in the deaths of more than 2,000,000 people;

Whereas the CPA provided the framework for the historic referendum held between January 9, 2011, and January 15, 2011, in which the people of South Sudan voted overwhelmingly in favor of independence;

Whereas the United Nations Mission in Sudan (UNMIS), as established by United Nations Security Council Resolution 1590 on March 24, 2005, was instrumental in supporting the implementation of the CPA;

Whereas the mandate for the United Nations Mission in Sudan (UNMIS) expired on July 9, 2011, with the completion of the CPA Interim Period;

Whereas the mandate for the United Nations Mission in South Sudan (UNMISS), as established by United Nations Security Council Resolution 1996 (2011), commenced on July 9, 2011;

Whereas, on February 7, 2011, the Southern Sudan Referendum Commission announced that the people of South Sudan voted in favor of succession by a margin of 98.8 percent, and President Bashir, on behalf of the Government of Sudan, accepted the results of the referendum;

Whereas the African Union, the Arab League, the United Nations Secretary-General's Panel on the Referenda in Sudan, Sudanese Network for Democratic Elections (SuNDE), Sudanese Group for Democracy and Elections (SuGDE), and the Carter Center were among those to report that voting in the referendum was credible and transparent, allowing the people of South Sudan to freely express their desire for independence;

Whereas several outstanding issues and potential points of conflict remain unresolved between the Government of Sudan and the Government of South Sudan, including the final status of the contested area of Abyei, disputed border areas, popular consultations, citizenship rights and nationality, division of oil resources and profits, currency, international debt and assets, and other matters;

Whereas the CPA parties signed an agreement on June 20, 2011, on temporary administrative and security arrangements for Abyei, including the establishment of a United Nations Interim Security Force for Abyei and the redeployment of all military forces of the Government of Sudan from the area;

Whereas fighting in Southern Kordofan over the past month has resulted in deaths and injuries to civilians, the displacement of thousands of residents, and restricted access for humanitarian workers despite the framework agreement for Blue Nile and Southern Kordofan states signed by the Government of Sudan and Sudan People's Liberation Movement-North on June 28, 2011;

Whereas the needs for security, development, and democracy-building are great throughout Sudan and South Sudan, and the United States and the international community have invested significant resources in order to provide assistance to the people of both countries;

Whereas more than 2,000,000 refugees and internally displaced persons from Sudan and South Sudan continue to be displaced from their homes;

Whereas lasting peace and stability for all of Sudan cannot be realized until a comprehensive peace in Darfur is secured and an appropriate mechanism for accountability and justice is established for those responsible for atrocities and crimes against humanity;

Whereas the United States has a compelling national interest in the security, stability, and development of Sudan and South Sudan in order to prevent conflict, humanitarian crises, and the establishment of safe havens for terrorists;

Whereas Sudan was the first country to formally recognize the Republic of South Sudan on July 9, 2011; and

Whereas the United States Government formally recognized the Republic of South Sudan as a sovereign and independent state on July 9, 2011: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That the Senate—*



(1) welcomes the independence of the Republic of South Sudan and recognizes South Sudan as the newest member of the international community;

(2) congratulates the people of South Sudan for freely and peacefully expressing their desire for independence through an internationally accepted referendum, and notes the Government of Sudan's recognition of the results of the referendum and South Sudan's independence;

(3) commends the people and leaders of South Sudan on their efforts to reach this historic milestone as well as the members of the international community that assisted them, including the United States, the European Union and its member states, Norway, the United Nations, the African Union and the AU High-Level Implementation Panel, the Arab League, the Intergovernmental Authority on Development, neighboring countries, and others;

(4) calls on the Governments of Sudan and South Sudan to continue high level engagement to resolve outstanding matters relating to the final status of Abyei, disputed border areas, the completion of popular consultations, citizenship and nationality, division of oil resources and profits, currency, international debt and assets, and other matters in order to ensure a smooth transition to two states and to mitigate points of conflict;

(5) calls on all sides to fully implement their June 20, 2011, agreement on temporary arrangements for the contested Abyei area and swiftly establish a cessation of hostilities in Southern Kordofan to facilitate the delivery and resupply of humanitarian assistance;

(6) welcomes the deployment of up to 4,200 Ethiopian peacekeepers to Abyei and the new United Nations Mission in South Sudan (UNMISS) to provide security and stability in Sudan;

(7) calls on the Government of Sudan to allow for continued United Nations peacekeeping operations in Southern Kordofan and Blue Nile states to support new security arrangements and the delivery of humanitarian assistance;

(8) calls on the United States Government and international community, in coordination with the Governments of Sudan and South Sudan, to support peace, rule of law, security, and good governance in Sudan and South Sudan in order to—

(A) promote security and stability in both countries, especially in critical areas such as Darfur, Blue Nile, and Southern Kordofan and in Abyei;

(B) promote the human and civil rights of all—including southerners living in Sudan and northerners living in South Sudan—through laws and regulations fully respected by both governments;

(C) encourage the Government of South Sudan to engage opposition parties to foster open political space and vibrant democratic institutions;

(D) encourage the Government of Sudan to facilitate the development of multiple political parties with freedom of speech and association;

(E) provide technical assistance and expertise to the Government of South Sudan;

(F) promote access to humanitarian and development aid for the people of Sudan and South Sudan, with a focus on the critical areas of education, health care, and infrastructure, and paying particular attention to historically marginalized areas, including Darfur, Southern Kordofan and Blue Nile states, and Eastern Sudan;

(G) encourage the Governments of Sudan and South Sudan to prevent terrorist groups from using their territories and to continue

to cooperate with the United States on counterterrorism priorities; and

(H) encourage the Governments of Sudan and South Sudan to continue to work together in a productive relationship that recognizes the mutual need for cooperation and an open flow of people and goods across borders and to refrain from the use of proxy forces to foment conflict;

(9) urges that the Darfur peace process remain a priority in United States relations with the Government of Sudan and receives appropriate attention and resources, including—

(A) continued high level engagement to secure a just and lasting peace in Darfur;

(B) a commitment to ensuring humanitarian access to vulnerable populations; and

(C) sustained support for the African Union-United Nations Mission in Darfur (UNAMID) and its mandate to protect civilians and move freely without seeking permission from the armed forces of the Government of Sudan; and

(10) welcomes the anticipated nomination of a United States ambassador to the Republic of South Sudan.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 559. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2055, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 560. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2055, supra; which was ordered to lie on the table.

SA 561. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2055, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 559. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2055, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 84, between lines 5 and 6, insert the following:

SEC. 127. None of the funds appropriated or otherwise made available by this title may be obligated or expended on a military construction project at Grafenwohr, Germany, or Baumholder, Germany, until the Secretary of the Army submits to Congress, in writing, a report that identifies the brigade combat team that is scheduled to be withdrawn from Germany in 2015.

SA 560. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2055, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 12 and 13, insert the following:

SEC. 410. The funds appropriated or otherwise made available by this Act shall be obli-

gated or expended pursuant to the level of the Senate and House of Representative concurrent budget resolution for fiscal year 2012.

SA 561. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2055, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 12 and 13, insert the following:

SEC. 410. None of the funds appropriated or otherwise made available by this Act may be obligated or expended at a rate higher than the level of the Senate and House of Representative concurrent budget resolution for fiscal year 2012.

#### PRIVILEGES OF THE FLOOR

Mr. KIRK. Mr. President, I ask unanimous consent that Joel Garrison of Senator WYDEN's staff be granted floor privileges during the consideration of H.R. 2055.

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

#### WELCOMING THE INDEPENDENCE OF THE REPUBLIC OF SOUTH SUDAN

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 25.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 25) welcoming the independence of the Republic of South Sudan, congratulating the people of South Sudan for freely and peacefully expressing their will through an internationally accepted referendum, and calling on the Governments and people of Sudan and South Sudan to peacefully resolve outstanding issues including the final status of Abyei.

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

Mr. REID. Mr. President, I ask unanimous consent that the concurrent 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 relating to this matter be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 25) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

#### S. CON. RES. 25

Whereas the United States was a witness to the 2005 Comprehensive Peace Agreement (CPA), which marked the end of more than 2 decades of civil war between North and South Sudan that resulted in the deaths of more than 2,000,000 people;

Whereas the CPA provided the framework for the historic referendum held between January 9, 2011, and January 15, 2011, in



which the people of South Sudan voted overwhelmingly in favor of independence;

Whereas the United Nations Mission in Sudan (UNMIS), as established by United Nations Security Council Resolution 1590 on March 24, 2005, was instrumental in supporting the implementation of the CPA;

Whereas the mandate for the United Nations Mission in Sudan (UNMIS) expired on July 9, 2011, with the completion of the CPA Interim Period;

Whereas the mandate for the United Nations Mission in South Sudan (UNMISS), as established by United Nations Security Council Resolution 1996 (2011), commenced on July 9, 2011;

Whereas, on February 7, 2011, the Southern Sudan Referendum Commission announced that the people of South Sudan voted in favor of succession by a margin of 98.8 percent, and President Bashir, on behalf of the Government of Sudan, accepted the results of the referendum;

Whereas the African Union, the Arab League, the United Nations Secretary-General's Panel on the Referenda in Sudan, Sudanese Network for Democratic Elections (SuNDE), Sudanese Group for Democracy and Elections (SuGDE), and the Carter Center were among those to report that voting in the referendum was credible and transparent, allowing the people of South Sudan to freely express their desire for independence;

Whereas several outstanding issues and potential points of conflict remain unresolved between the Government of Sudan and the Government of South Sudan, including the final status of the contested area of Abyei, disputed border areas, popular consultations, citizenship rights and nationality, division of oil resources and profits, currency, international debt and assets, and other matters;

Whereas the CPA parties signed an agreement on June 20, 2011, on temporary administrative and security arrangements for Abyei, including the establishment of a United Nations Interim Security Force for Abyei and the redeployment of all military forces of the Government of Sudan from the area;

Whereas fighting in Southern Kordofan over the past month has resulted in deaths and injuries to civilians, the displacement of thousands of residents, and restricted access for humanitarian workers despite the framework agreement for Blue Nile and Southern Kordofan states signed by the Government of Sudan and Sudan People's Liberation Movement-North on June 28, 2011;

Whereas the needs for security, development, and democracy-building are great throughout Sudan and South Sudan, and the United States and the international community have invested significant resources in order to provide assistance to the people of both countries;

Whereas more than 2,000,000 refugees and internally displaced persons from Sudan and South Sudan continue to be displaced from their homes;

Whereas lasting peace and stability for all of Sudan cannot be realized until a comprehensive peace in Darfur is secured and an appropriate mechanism for accountability and justice is established for those responsible for atrocities and crimes against humanity;

Whereas the United States has a compelling national interest in the security, stability, and development of Sudan and South Sudan in order to prevent conflict, humanitarian crises, and the establishment of safe havens for terrorists;

Whereas Sudan was the first country to formally recognize the Republic of South Sudan on July 9, 2011; and

Whereas the United States Government formally recognized the Republic of South

Sudan as a sovereign and independent state on July 9, 2011: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That the Senate—*

(1) welcomes the independence of the Republic of South Sudan and recognizes South Sudan as the newest member of the international community;

(2) congratulates the people of South Sudan for freely and peacefully expressing their desire for independence through an internationally accepted referendum, and notes the Government of Sudan's recognition of the results of the referendum and South Sudan's independence;

(3) commends the people and leaders of South Sudan on their efforts to reach this historic milestone as well as the members of the international community that assisted them, including the United States, the European Union and its member states, Norway, the United Nations, the African Union and the AU High-Level Implementation Panel, the Arab League, the Intergovernmental Authority on Development, neighboring countries, and others;

(4) calls on the Governments of Sudan and South Sudan to continue high level engagement to resolve outstanding matters relating to the final status of Abyei, disputed border areas, the completion of popular consultations, citizenship and nationality, division of oil resources and profits, currency, international debt and assets, and other matters in order to ensure a smooth transition to two states and to mitigate points of conflict;

(5) calls on all sides to fully implement their June 20, 2011, agreement on temporary arrangements for the contested Abyei area and swiftly establish a cessation of hostilities in Southern Kordofan to facilitate the delivery and resupply of humanitarian assistance;

(6) welcomes the deployment of up to 4,200 Ethiopian peacekeepers to Abyei and the new United Nations Mission in South Sudan (UNMISS) to provide security and stability in Sudan;

(7) calls on the Government of Sudan to allow for continued United Nations peacekeeping operations in Southern Kordofan and Blue Nile states to support new security arrangements and the delivery of humanitarian assistance;

(8) calls on the United States Government and international community, in coordination with the Governments of Sudan and South Sudan, to support peace, rule of law, security, and good governance in Sudan and South Sudan in order to—

(A) promote security and stability in both countries, especially in critical areas such as Darfur, Blue Nile, and Southern Kordofan and in Abyei;

(B) promote the human and civil rights of all—including southerners living in Sudan and northerners living in South Sudan—through laws and regulations fully respected by both governments;

(C) encourage the Government of South Sudan to engage opposition parties to foster open political space and vibrant democratic institutions;

(D) encourage the Government of Sudan to facilitate the development of multiple political parties with freedom of speech and association;

(E) provide technical assistance and expertise to the Government of South Sudan;

(F) promote access to humanitarian and development aid for the people of Sudan and South Sudan, with a focus on the critical areas of education, health care, and infrastructure, and paying particular attention to historically marginalized areas, including Darfur, Southern Kordofan and Blue Nile states, and Eastern Sudan;

(G) encourage the Governments of Sudan and South Sudan to prevent terrorist groups from using their territories and to continue to cooperate with the United States on counterterrorism priorities; and

(H) encourage the Governments of Sudan and South Sudan to continue to work together in a productive relationship that recognizes the mutual need for cooperation and an open flow of people and goods across borders and to refrain from the use of proxy forces to foment conflict;

(9) urges that the Darfur peace process remain a priority in United States relations with the Government of Sudan and receives appropriate attention and resources, including—

(A) continued high level engagement to secure a just and lasting peace in Darfur;

(B) a commitment to ensuring humanitarian access to vulnerable populations; and

(C) sustained support for the African Union-United Nations Mission in Darfur (UNAMID) and its mandate to protect civilians and move freely without seeking permission from the armed forces of the Government of Sudan; and

(10) welcomes the anticipated nomination of a United States ambassador to the Republic of South Sudan.

#### ORDERS FOR TUESDAY, JULY 19, 2011

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning, Tuesday, July 19, at 10 a.m.; that following the prayer and 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 will be in a period of morning business for up to 2 hours, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority and the Republicans controlling alternating 30-minute blocks, with the Republicans controlling the first block; that following morning business, the Senate will resume consideration of H.R. 2055, the Military Construction, Veterans Affairs and related agencies appropriations bill; further, that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus meetings.

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

#### PROGRAM

Mr. REID. Mr. President, we are continuing to work on Senator JOHNSON's military construction appropriations bill. The Senate will be notified when votes are scheduled on that matter.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate adjourn under the previous order.

There being no objection, the Senate, at 7:18 p.m., adjourned until Tuesday, July 19, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FARM CREDIT ADMINISTRATION

BRUCE J. SHERRICK, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICUL-

TURAL MORTGAGE CORPORATION, VICE GLEN KLIPPENSTEIN.

CHESTER JOHN CULVER, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, VICE JULIA BARTLING.

BUREAU OF CONSUMER FINANCIAL PROTECTION

RICHARD CORDRAY, OF OHIO, TO BE DIRECTOR, BUREAU OF CONSUMER FINANCIAL PROTECTION FOR A TERM OF FIVE YEARS. (NEW POSITION)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DAVID A. MONTOYA, OF TEXAS, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE KENNETH M. DONOHUE, SR., RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate July 18, 2011:

THE JUDICIARY

J. PAUL OETKEN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.