

For the last 6 years, she has served as the Democratic Governor of a bright red State. One doesn't succeed—let alone get reelected—in that environment without knowing how to put people ahead of partisanship. Governor Sebelius did just that—she expanded health care for children and made both health care and prescription drugs more affordable for everyone.

Her integrity is beyond reproach, her expertise is essential, and her confirmation is long overdue.

The only way for our economy to fully recover is by making the critical investment of reforming health care. The stakes are too high and the cost of inaction is too great.

If we are going to start digging out of this hole, we must start by filling the hole over at HHS. And if we are going to fix our broken health care system, who is better equipped to lead that effort than Kathleen Sebelius?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The nomination of Kathleen Sebelius.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that any remaining debate time be yielded back and the Senate then proceed to vote on confirmation of the nomination of Kathleen Sebelius to be Secretary of Health and Human Services; that upon confirmation, the other provisions of the April 23 order remain in effect.

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

Mr. BINGAMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Kathleen Sebelius, of Kansas, to be Secretary of Health and Human Services?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote "yea."

Mr. KYL. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

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

The yeas and nays resulted—yeas 65, nays 31, as follows:

[Rollcall Vote No. 172 Ex.]

YEAS—65

Akaka	Bingaman	Burris
Baucus	Bond	Byrd
Bayh	Boxer	Cantwell
Begich	Brown	Cardin
Bennet	Brownback	Carper

Casey	Kohl	Reid
Collins	Landrieu	Roberts
Conrad	Lautenberg	Sanders
Dodd	Leahy	Schumer
Dorgan	Levin	Shaheen
Durbin	Lieberman	Snowe
Feingold	Lincoln	Specter
Feinstein	Lugar	Stabenow
Gillibrand	McCaskill	Tester
Gregg	Menendez	Udall (CO)
Hagan	Merkley	Udall (NM)
Harkin	Mikulski	Voinovich
Inouye	Murray	Warner
Johnson	Nelson (NE)	Webb
Kaufman	Nelson (FL)	Whitehouse
Kerry	Pryor	Wyden
Klobuchar	Reed	

NAYS—31

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bunning	Graham	Murkowski
Burr	Grassley	Risch
Chambliss	Hatch	Shelby
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Corker	Isakson	Johanns
Cornyn	Johanns	Wicker
Crapo	Kyl	

NOT VOTING—3

Kennedy	Rockefeller	Sessions
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The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 31. Under the previous order requiring 60 votes, the nomination is confirmed. The motion to reconsider is laid upon the table, and the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

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

The Senator from Pennsylvania.

FOCUS ON AFGHANISTAN AND PAKISTAN

Mr. CASEY. Madam President, I rise to convey this afternoon some brief remarks on the new strategy of the United States for Afghanistan and Pakistan announced by President Obama last month. I applaud his statement, and I applaud the sharpening of focus this new administration has brought to our mission in this critical region of the world. For too long, our policy in both Afghanistan and Pakistan has drifted—overly reliant on support for individual leaders, excessively ambitious in our goals for the region, and, finally, lacking any constraints or accountability for the billions of tax dollars of the United States spent in both countries.

President Obama made clear during the campaign last year that we could no longer pair grandiose rhetoric with paltry resources when it comes to U.S. policy toward those two nations.

Accordingly, in one of his first national security decisions, he established a 60-day comprehensive review of our entire policy. He asked the respected Bruce Riedel to take leave from the Brookings Institution and oversee this review.

The policy review is now complete. With the full support of Admiral Mullen and General Petraeus, the President is dispatching an additional 4,000 troops to train and advise the Afghan Army as it grows in size and scope to shoulder the burden of securing Afghanistan on its own.

The President is dramatically increasing our civilian presence in Afghanistan, recognizing that we cannot win this conflict on military terms alone but must provide a robust development and diplomatic capability to complement our brave fighting men and women.

Finally, the Obama administration recognizes we cannot separate Afghanistan and Pakistan, to pretend as if they were two separate challenges. Nothing could be further from the truth.

Following the successful offensive of the United States in Afghanistan in 2001 and 2002, hard-line Taliban and al-Qaida elements successfully relocated to western Pakistan. From there, they have created a sanctuary to attack troops of the United States, to destabilize eastern and southern Afghanistan, and to launch attacks on Pakistani military units and civilian installations.

Moreover, these radical elements are beginning to move westward within Pakistan, threatening the stability of the Pakistani state. I am extremely concerned by the speed with which the Taliban is gaining ground, especially in the areas close to Islamabad, the capital. I know the administration is working with our partners in Pakistan to prevent the situation from deteriorating even further. We must continue to work with the Government of Pakistan to prevent these radical groups from destabilizing the Pakistani State and the region. As we all know, Pakistan has a nuclear arsenal which would pose a grave threat should it fall under the control of extremists.

The recent gains of the Taliban show how interrelated the threats in Pakistan and Afghanistan are. The threat in Afghanistan feeds off the threat in Pakistan and vice versa. We must treat this for what it is: one theater that requires a unified approach.

The President laid out, in vivid terms, why this is so important that we achieve success in our mission in both countries. Let me quote from his speech laying out the new strategy. I am quoting President Obama:

Multiple intelligence estimates have warned that Al Qaeda is actively planning attacks on the U.S. homeland from its safe-haven in Pakistan. And if the Afghan government fails to the Taliban—or allows Al Qaeda to go unchallenged—that country will again be a base for terrorists who want to kill as many of our people as they possibly can.

It gets no clearer than that. The very people who attacked us on 9/11 are plotting future attacks on us in Afghanistan and the border region in Pakistan. We must disrupt and neutralize these groups before they strike again.

A theme I have emphasized in recent weeks is that the President, supported by his Cabinet officers and top aides, must continue to engage the American people on why our mission in Afghanistan and Pakistan is so essential to our national security. In other words, it is not enough to have one Presidential speech on our strategy and then to ignore the issue. I know this President, and I understand he will not do that. Instead, he will continue to talk about the importance of the sacrifices being made by our fighting men and women in that theater. He will lay out a series of benchmarks to measure progress by the Afghan and Pakistani Governments and then give us clear indications as to how they are doing. The American people will support their Commander in Chief but only provided they are given updates on the progress achieved at regular intervals.

Let me conclude with one final observation. During the lead up to and the early execution of the Iraq war, the Congress was rightly criticized for being missing in action. Tough questions on our mission and our strategy were not asked often enough. Administration assertions were too often taken at face value. We cannot allow that to happen again, not in a military conflict so vital to the security of the American people.

I support the President wholeheartedly, but that support is neither blind nor unthinking. I happen to chair the Senate Foreign Relations subcommittee responsible for the Middle East and South Asia. Accordingly, Afghanistan and Pakistan fall within my subcommittee's jurisdiction. I intend to hold hearings later this year to review the administration's implementation of the strategy it announced recently, with a special focus on the promised benchmarks for success in both countries.

Effective congressional oversight is essential if the United States is to have unity of purpose and unity of will to, as the President has said, disrupt, dismantle, and defeat al-Qaida in Pakistan and Afghanistan and to prevent their return to either country in the future.

Madam President, I yield the floor and 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. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

BANKRUPTCY CODE REFORM

Mr. DURBIN. Madam President, later this week, probably tomorrow or

Thursday, we will consider an amendment which I will offer relative to the Bankruptcy Code. I can remember not that many years ago, when we reformed the Bankruptcy Code, I was a member of the Senate Judiciary Committee—a new member—and the ranking chairman of the Subcommittee on Bankruptcy was Senator GRASSLEY of Iowa. He had worked on this for quite some time.

I looked around the Senate Judiciary Committee and reflected on my colleagues, many of whom had served for years in the Senate and on that committee. But when it came to the issue of bankruptcy, 10 years ago, I realized something that was a little amazing. By virtue of the fact that I had taken a course in bankruptcy at Georgetown Law School 30 years before—a 3-hour, one-semester course—and had been appointed a trustee in bankruptcy in the Federal court in Springfield, IL, over a bankrupt gas station, I had more experience in bankruptcy than any member of the committee.

Nevertheless, we embarked on this reform of the Bankruptcy Code—a massive undertaking. It took years before it was finally accomplished, and during the course of that a lot of amendments were offered. Of course, I viewed bankruptcy then and now as the last resort of desperate people. But, sadly, many millions of Americans have found this to be the only thing to which they can turn. They have reached such a point in their lives and in their economic experience where they have no choice but to turn to bankruptcy court and try to wipe the slate clean and to start over.

The major reasons people go into bankruptcy are pretty obvious—the loss of a job; the No. 1 reason, of course, is health care bills. People end up with bills that aren't covered by insurance and have no place else to turn. Sometimes a bitter divorce will end in bankruptcy court. It is rare that people turn to it. I think many of the critics of bankruptcy think people are just looking for any opportunity to go to bankruptcy court. I don't think that is the case with the majority of those petitioners who file for bankruptcy.

So here I am again, some 10 years later, looking at the Bankruptcy Code, but this time in a different context altogether. At this point in time, more and more Americans are headed for bankruptcy court for a new reason. They are losing their homes. They fell behind in their payments on their mortgages, became delinquent, and now face foreclosure. You know what I am talking about—people who have lost their jobs, people who signed up for mortgages that were very misleading, people who ended up in a circumstance where the mortgage they signed ends up triggering a new interest rate they can't sustain. So the most important asset they have on Earth—their home—is about to be lost, and they are headed to bankruptcy court to try to salvage something out of their lives.

Now, if the person headed for bankruptcy court facing foreclosure on their home is well off and has other real estate, such as a vacation condo in Arizona or Florida, it is interesting what the bankruptcy court can do. The person who comes in filing for bankruptcy facing foreclosure on two pieces of real estate, the home and the vacation condo, finds out that the court treats them totally different.

When it comes to the vacation condo, the bankruptcy judge sits down, takes a look at the assets of the person filing for bankruptcy, and tries to determine whether at the end of the day they can ever make another mortgage payment. For some, it is hopeless; they have lost a job and they are so far behind it will never work. But for others, they are right on the edge. So the bankruptcy judge has the power, when it comes to the vacation condo, to rewrite the terms of the mortgage that is being foreclosed upon because the judge concludes that the person can make a mortgage payment, if in fact the person is given a new interest rate or a new term for the mortgage.

That is what they can do with the vacation condo. But what can the bankruptcy judge do when you file for bankruptcy facing foreclosure on your home? The answer is nothing. There is nothing the court can do. There could literally be a circumstance where a person could have a restructured mortgage coming out of bankruptcy to save that condo in Florida but lose their home. That is the way the law is written.

The same is true when it comes to farms and ranches. Not long ago some of the critics of my amendment were pushing in Congress and in the Senate a revision in the bankruptcy law which said, if someone goes into bankruptcy facing foreclosure on their farm, then we ought to let the bankruptcy judge see if they can rewrite the terms of the mortgage. We passed that into law. The same thing applies to ranches—farms, ranches, second homes, and vacation condos. The bankruptcy court has that power. But when it comes to your home it does not.

How do you explain that? Why in the world could someone turn to the bankruptcy court for relief for every piece of property but the most important one in life? The answer is that it is the law, and that is what the Durbin amendment would change.

Of course, there are some who do not like this change—the banks. They don't like this change because it means at the end of the day, if they will not sit down with someone facing foreclosure to try to work out and renegotiate the terms of the mortgage—at the end of the day that person may go to bankruptcy court and end up having a judge do it. That is the court of last resort when one is facing foreclosure under my amendment. So that is why many of the banks resist it. They don't want to sit down and renegotiate the terms of the mortgage.