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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

### PRAYER

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

Let us pray.

Gracious Lord, we acknowledge Your ownership of all the Earth and everything and everyone in it. Thank You for the evidences of Your favor in the past and for Your hand that has made and preserved us as a nation. May the knowledge of our rights and privileges keep us conscious of our duties and obligations.

Today, guide our lawmakers with Your spirit. Keep them from stumbling as they seek to do Your will. Empower them in their work with a strength that is not their own, infusing them with serenity to meet the challenges of an agitated world. Light up the candles of their hearts and help them shine with Your peace and good will.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable AL FRANKEN 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. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 2, 2010.

To the Senate:

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

appoint the Honorable AL FRANKEN, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. FRANKEN 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 remarks of the leaders, the Senate will be in a period of morning business for an hour, with Senators permitted to speak for up to 10 minutes each. The first half hour will be controlled by the Democrats, the second by the Republicans.

Following morning business, the Senate will proceed to executive session to resume postcloture debate on the nomination of Patricia Smith to be Solicitor for the Department of Labor. I would note this is another one of the endless delays we have had to go through. We are in postcloture; 30 hours of doing nothing. We have had so many 30 hours of doing nothing it is hard to comprehend the wasted time—all the staff, Senators' time that could be better put to use. People could be drafting legislation, on and on, contemplating what could be done but for this endless stalling we have seen.

The Senate will recess from 12:30 to 2:15 for the weekly caucus meetings. Following disposition of the Smith nomination, whenever that might be, the Senate will proceed to vote on the nomination of Martha Johnson to be Administrator of the largest real estate organization in the world, the General Services Administration. It is difficult to comprehend, but that has

been without a leader because of what has been going on and the stalls that have taken place, so we had to file cloture.

We will notify Senators when the votes are scheduled. I would like to finish Patricia Smith at a reasonable hour today. That is immediately following a simple majority vote for her. Then there is a 60-vote margin on cloture on the future Administrator of the General Services Administration and then there is 30 hours after that.

We will do tomorrow as we did for the Republicans when they had their retreat last Wednesday; we were not in session. We don't wish to be in session tomorrow. We have the President coming to our retreat and a number of other special guests, but if we have to come in tomorrow, either before or after the retreat, we are going to have to do that to meet the burdens of this endless stalling that is taking place in the Senate.

When a young Nigerian terrorist boarded an airplane bound for America on Christmas Day, there was no permanent boss at the TSA, the agency responsible for the safety of our airports. This agency was created after 9/11 specifically to keep air travel safe. When he tried to blow up that plane, the top positions at both the intelligence agencies within the State Department and the Department of Homeland Security were empty. Why? Because Republican Senators refused to let this body hold a vote on these highly capable people the President has asked to serve in these roles.

We all know Republicans have dedicated themselves to grinding the Government to a halt. They do so openly and proudly and boast about their aversion to compromise. That is why, time and time again, they exploit the rules of the Senate and abuse this body's procedural traditions. That is why they have wasted countless hours and shattered remarkable records for stubbornness. That is why, when we

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



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have faced questions of national security, they have answered with politics.

Republicans have repeatedly asked fearful families to put their concerns on hold while they score political points, they think, by playing partisan games. This is not a game.

An embarrassingly high number of critical national security officials remain unable to go to work. For political reasons, a handful of Republican Senators are standing between these experts and their offices. That means they are also standing between the American people and the American people's security.

Too many of the President's nominees for critical national security jobs await Senate confirmation. Today, I wish to talk about four of those positions Republicans refuse to fill; one, the Under Secretary of Defense for Personnel and Readiness, which is the No. 3 job at the Pentagon. We have Secretary Gates, we have one other individual, and then we have this Under Secretary of Defense—whose position is not filled.

No. 2, Assistant Secretary of State for Intelligence and Research, the head of the State Department's Intelligence Department. Think about that. When Secretary Clinton is called to go to Pakistan, Afghanistan or anyplace in the world, her arm, the intelligence arm, the security department, must be able to give her information as to what is going on, what has gone on, what is going to go on in the future. Not with this State Department. The Republicans will not let this person be chosen.

Third, Under Secretary of Homeland Security, again, for Intelligence. This person is head of the Department of Homeland Security's intelligence arm. Just like there is no one today at the State Department, there is no one at the Department of Homeland Security dealing with intelligence. It is hard to comprehend, but that is true.

Finally, the U.S. Representative for the Conference on Disarmament, whose job is to work with other nations to keep our own people safe from nuclear, chemical, and biological weapons. The President has chosen exceptionally qualified men and women for these jobs, but without a Senate vote confirming them as our Constitution requires, they cannot do those jobs.

Let's talk about the Pentagon. For the first job I mentioned, the No. 3 job at the Pentagon, the President has nominated GEN Clifford Stanley. For 33 years, Dr. Stanley, General Stanley has served our country in the Marine Corps and in communities where he and his family have lived. After serving bravely as a marine infantry officer, he went on to become quite an academic, served as a White House fellow. He was head of the Nation's largest nonprofit sector scholarship organization. He was asked to come back.

He is not a controversial nominee. The Senate Armed Services Committee approved him unanimously but on the

Senate floor, no, not General Stanley. He would not only be a pivotal part of the Pentagon's senior leadership, he would also be in charge of making sure servicemembers are prepared for war at a time we are waging two of them and as we plan to send 30,000 more troops to Afghanistan, a surge I know my Republican colleagues support.

Our military leaders have told me his absence is having a negative impact on the Pentagon's operations. I have received phone calls: Senator REID, what are you going to do to get this person approved?

I tell them I am doing my best. Now we wasted all week—that is what it will wind up being—on two nominees, one to be the Solicitor for the Labor Department and the other to be the head of the General Services Administration. If people are serious about giving our troops the tools they need to succeed in battle and at home—and I am confident the Republicans must think that—we should be and they should be as committed to giving our military the leader who will be going to work every day and making sure that happens.

Let's talk about intelligence, these agencies that try to find out what the enemy is doing. The second and third positions I mentioned earlier are the two intelligence roles at the Department of State and Homeland Security, as I mentioned. For the State Department position, President Obama has nominated Ambassador Phil Goldberg. Similar to General Stanley, Ambassador Goldberg is not a controversial or partisan nominee. In fact, it was President Bush who gave him the title of Ambassador when he made Goldberg our top diplomat in Bolivia.

I traveled to Bolivia, the first Senate congressional delegation I can ever remember going to Bolivia. Ambassador Goldberg was there—so impressive. Ambassador Goldberg has also led law enforcement intelligence and non-proliferation efforts in countries such as Kosovo and North Korea. He is head of the State Department's intelligence branch. He would work with our ambassadors around the world and be the Secretary of State's top intelligence adviser. But, no, he is going to have to wait; this intelligence aspect of the Department of State can wait.

The assistant leader, my friend, Senator DURBIN, was at the State Department today learning from the Secretary of State about some of the issues facing our country, meeting with Secretary Clinton. It is a shame Ambassador Goldberg cannot go to work, but he can't.

For the Homeland Security position, the President has nominated Caryn Wagner. She, too, is highly qualified for this role, having held a number of senior positions in the House Permanent Select Committee on Intelligence and Officer of the Director of National Intelligence and the National Intelligence Program. As Homeland Security's top intelligence official, Wagner

would be responsible for ensuring the Department's partners at State, local and tribal levels—and private sector—have the information they need to keep us safe from the bad folks around the world.

As far as disarmament, the fourth nominee I mentioned is Ambassador Laura Kennedy. President Obama asked her to serve as our Nation's representative to the conference on disarmament. This group is responsible for negotiating multilateral arms control and disarmament agreements such as the Comprehensive Test Ban Treaty, the Biological Weapons Convention, and the Chemical Weapons Convention—some big issues. Ambassador Kennedy is a member of the Senior Foreign Service and has worked with the State Department and Bureau of European and Eurasian Affairs, the United Nations, the National War College, and as President Bush's Ambassador to Turkmenistan.

Of all the countries with nuclear weapons, the United States, our great country, is the only one that does not have a representative at the negotiating table of the Conference on Disarmament. Why? Because the Republicans are stalling everything. That is unacceptable. We need to confirm her. We need to have confirmed her a long time ago.

But it is not just those cases, it is many others. It is clear these positions are critical to our national security, as I talked about, and equally evident that these nominees are well-qualified, nonpartisan public servants. What is not clear is why our Republican colleagues refuse to bring them up for a vote. Senate Republicans are simply so opposed to everything, absolutely everything, they even opposed putting people in some of the most important positions of our Government, people who were originally appointed by President Bush to positions of high standing.

These are not isolated cases, they are part of an endless and reckless pattern. As with candidates for the President's Cabinet and other top administration posts and numerous Federal judges, Republicans have decided the President does not deserve to have his nominees reviewed by the Senate, as the Constitution clearly States. Ignore him, is what they say.

This obstruction could not have come at a more dangerous time. I was coming to work and was in an elevator. I looked and there was an extremely impressive woman, she had on a coat, and I could see she had a uniform on. She said, "I am Dr. Benjamin, the Surgeon General of the United States." I heard so much about this Alabama physician who dedicated her life to taking care of poor people. I was so happy to meet her. Then I remembered how long we had to wait to get her confirmed.

The obstruction could not come at a more dangerous time, given what is going on in the country. The Republicans blocked a vote on our Surgeon

General, Dr. Benjamin, as I just mentioned, even when the President declared H1N1 as a national emergency. They blocked a vote on the top Homeland Security official in science and technology, and that was even as the Nation braced for both a flu pandemic and bioterror threats.

The list seems endless. While our sons and daughters are fighting in Iraq and rebuilding that nation, last year Republicans delayed the confirmations of America's Ambassador to Iraq. And while our troops serve bravely in Afghanistan, Republicans delayed the confirmation of LTG Stanley McChrystal, our new commander in that difficult war.

This clearly is not the way the Senate is supposed to work. It is not even the way it typically works. As I have pointed out before, it took only 4 months for President Obama to face as many filibusters of his nominees as President Bush faced in his entire first 4 years. This Republican caucus over here proudly says: We blocked as many of President Obama's nominees in 4 months as you—over here on this side of the aisle—took 4 years to block. Democrats have no interest in playing these games. That is why we did not do what they are doing. No other minority has ever done anything like this before. This is one of a kind.

It would be one thing if Republicans, bound together in unified opposition to everything, as they have made their custom, voted against these vital nominees. It would be one thing if they reviewed their resumes, brought the nominees before the appropriate committees, and decided they were not fit to serve. But that is not what is happening. Instead, simply to waste time, Republicans are refusing to let the Senate vote at all. When these nominees do finally come before this body, you would be surprised—many of them pass unanimously after they have stalled for days and days. You shouldn't be surprised, but it is enough to make you feel uneasy in the stomach that these people who are concerned with the security of our Nation are being stopped from being able to go to work by virtue of the Republican party of no.

These Senators are ignoring their responsibilities to confirm or reject the men and women our Commander in Chief has chosen to help lead this Nation to safety. They are abdicating their responsibility to the American people to keep us safe. They are certainly not putting country first as advertised.

Here is the bottom line: My Republican colleagues are basing their judgment on the political party doing the nominating rather than the person being nominated. This irresponsible partisanship does not merely poison our political system, it endangers our national security.

I have no doubt our friends on the other side realize that when we keep a critical office empty in the Pentagon,

the State Department, the Department of Homeland Security, we are not keeping the American people safe. They know what they are doing, and they know what they are doing is dangerous. If they do not, they certainly should. That makes these partisan games all the more disgraceful.

#### RESERVATION OF LEADER TIME

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

#### CONCLUSION OF MORNING BUSINESS

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

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

#### NOMINATIONS STALLING

Mr. DURBIN. Mr. President, last week at the State of the Union Address, President Obama laid out the challenges facing America—they are many—and he called on us to rise above partisanship to try to find good solutions for America. I think most Americans agree with that. Oh, there are some Yellow Dog Democrats and some hard-shell Republicans who say: Never compromise, never, but they do not represent the majority of America. The majority of the American people could care less about Democrats and Republicans. They worry about this Nation and its future. They worry about their families, their neighborhoods, their schools, and they wonder why we squabble so much here and spend so much time tied up in knots over arguments that do not make any sense.

I just heard the majority leader describe four individuals who have stepped up when the President asked them to and said: We will serve. Do you know what it means when you say you will serve? It means the FBI looks through every aspect of your life. You fill out lengthy questionnaires, you prepare yourself to go before a committee and be asked questions about every aspect of your life, personal and public. You submit your name to the press to let them look through everything as well. And then you bring your name, of course, to the floor of the Senate, in this case, for final scrutiny. Is there any wonder that a lot of people say: Thanks, but no thanks. I am not interested in doing that. I love my country, but, you know, I value my privacy, and I do not want to go through that hassle. But some have the courage

to step up and say: I will do it if the President asks. I am not going to say no. If my country needs me, I will contribute in any way I can.

Let me give you an example of one of them. His name is Clifford Stanley. He has a 33-year career in the U.S. Marine Corps. He retired in 2002 with the rank of major general. He comes from a family devoted to military service. His father and his brother served in the Army. His daughter is an officer in the Navy. He has a niece in the Air Force. Dr. Clifford Stanley was the first African-American regimental commander in the history of the U.S. Marine Corps.

The President nominated him in October to serve as Under Secretary of Defense for Personnel and Readiness. The Armed Services Committee held a hearing in November and reported his nomination to the full Senate on December 2. He came out of the committee without controversy. Is it any wonder? Thirty-three years in the Marine Corps, the first African-American regimental commander in its history, a man who has served his country so well and risked his life for this great Nation, reported by the Armed Services Committee to the full Senate floor in December. We are now in February.

This is a critical post he has been appointed to by the President. He would be in charge of basically managing the readiness of the U.S. Armed Forces. Dr. Stanley would have the responsibility to oversee the National Guard and Reserve. There are 143,000 Americans who are serving in that capacity today in support of the wars in Iraq and Afghanistan. He would be responsible for the health of the men and women in uniform. The budget the President submitted yesterday includes \$30.9 billion for health care for the members of the military family who are covered by TRICARE. That would be one of Dr. Stanley's responsibilities.

Finally, he is a senior policy adviser on retirement, career development, pay, and benefits. It is a critically important role for our military and our families who really support these military people. And Dr. Stanley is clearly qualified to do it. He has gone through the process of scrutiny and investigation.

Yesterday on the floor of the Senate, when the majority leader asked for permission so that he could go forward and serve our country again in the Department of Defense, the Senator from Alabama, Mr. SHELBY, objected. I would like to hear why. What is it about this man that he objects to? Is there something we do not know about Dr. Stanley? Is there something he knows about his 33 years of service in the Marine Corps? I bet there is not. I bet there is another reason for it. I do not know if we will ever know that. But the fact is, he was objected to. But he was not the only one.

Laura Kennedy is the nominee of the President to serve as U.S. Representative to the Conference on Disarmament. That is the way we meet together with the other nations around