

was not being backed up, if they thought that we might renege on our IOUs, it could unravel the entire financial system.

These are scare tactics. These things need not happen. I am afraid they are meant to intimidate Members of Congress into voting for a debt limit increase without the underlying reforms and spending cuts that the President resists. I think it's irresponsible to make these suggestions because it is entirely within the power of the administration to avoid a catastrophic default even if the debt limit is not raised.

Now we have published reports that Treasury officials are making private phone calls to senior executives at big banks informing them that the Treasury will not allow a default—will choose not to default on our bonds. I think they should not default on our bonds, but it is all well and good to tell the big banks this. How about ordinary Americans who wonder: What about our savings, and what about Social Security payments?

This is unacceptable. That is why we introduced a bill called Ensuring the Full Faith and Credit of the United States and Protecting America's Soldiers and Seniors Act. We have over 35 cosponsors.

Our bill would instruct the Treasury Secretary that in the event, however unlikely, that the debt ceiling is not raised prior to August 2, they make certain obligations and priorities so they will be paid in full, on time, and without delay. Those three priorities are: interest on our debt, so we will not default and plunge our country into economic chaos; No. 2, Social Security payments because millions of senior citizens, including my parents, depend on Social Security payments. They have earned that benefit by virtue of the payments they have made. We can and must honor that obligation. Next is payroll for Active-Duty military personnel because those risking their lives for us deserve this certainty.

The fact is, there are far more than enough resources for the administration to make these payments. As this chart illustrates, the green bar reflects total minimum revenue expected to come in in August. The combination of interest on our debt, Active-Duty military pay, and Social Security benefits would add up to less than half of the revenue that we are going to take in in August alone. These are not my numbers. They come from the Bipartisan Policy Center. They illustrate clearly that we have the ability to pay these items and many others.

Let me be very clear. I am not suggesting this is a desirable outcome. I am not suggesting this bill is the substitute for raising the debt ceiling.

Mr. President, this chart illustrates that there clearly are more than enough financial resources that will be coming into the Treasury day in and day out in the form of ongoing tax revenue to easily be able to afford interest on our debt to avoid a default, Social

Security payments to seniors so that they can be assured of the income they deserve, and Active-Duty military pay, with a great deal left over.

These are not my numbers. They come independently verified by many organizations, including the Bipartisan Policy Center. This bill is not meant as a substitute for raising the debt limit. It is a mechanism for minimizing the disruption that might otherwise occur if the debt limit is not raised prior to August 2.

It is my hope that this legislation never needs to be implemented. But I believe it would be irresponsible for us to go into this period without having planned for how we will handle it in the event this happens.

I yield the floor.

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

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

EXECUTIVE SESSION

NOMINATION OF ROBERT S. MUELLER, III, TO BE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider Executive Calendar No. 276, which the clerk will report.

The bill clerk read the nomination of Robert S. Mueller, III, of California, to be Director of the Federal Bureau of Investigation for a term expiring September 4, 2013.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, before I begin, unless all time is yielded back, we have 2 hours on this debate. I ask unanimous consent that any quorum calls during that 2 hours be charged equally to both sides.

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

Mr. LEAHY. Mr. President, today the Senate will consider the President's nomination of Robert Mueller to continue serving as the Director of the Federal Bureau of Investigation. This is consistent with the President's May 12, 2011 request that Congress pass legislation to enable the Director to continue serving, in light of the leadership transitions at several key national security agencies.

Prior to the President's request, I had discussed this with President Obama, and one of the things he noted was that we were going to have a new Secretary of Defense, a new Director of the CIA, and that he did not want to

have yet a third key member of the national security team be replaced at this time. I applaud the President for this, as he could have taken another route and named somebody who would serve for 10 years, beyond any time the President might be in office. Instead, the President decided to do what is best for the country and extend Director Mueller for 2 years. With the tenth anniversary of 9/11 approaching and the continued threat from al-Qaida, we find ourselves facing unique circumstances. We need leadership, stability, and continuity at the FBI as the President makes necessary shifts to his national security team.

After I met with the President and heard his request, I immediately went to work with a bipartisan group of Senators to draft and introduce a bill to create a one-time exception to the statute that limits the term of the FBI Director to 10 years. I worked in a bipartisan manner to hold a hearing and report the legislation to the full Senate on June 16, 2011. We worked in such a way it could not be seen as a Democratic or Republican bill but as bipartisan. Unfortunately, it then took a month to get consent from the other side to consider the bill. Once we obtained consent, the Senate was able to pass a version of it on July 21. The House of Representatives, to their credit, followed suit on July 25 and the President signed the bill into law yesterday.

The President's nomination of Director Mueller shows there was never any effort to impose a legislative appointment upon the President. The request to extend Director Mueller's term originated with the President, not Congress. Nor was it Director Mueller's idea. The President has prevailed upon Director Mueller and his family, for the good of the country, to alter their plans for Director Mueller to leave the FBI. Instead, both Director Mueller and Mrs. Mueller have answered the call of the country. Incidentally, I don't think I am disclosing anything inappropriate by saying that in my discussions with the President, when he was talking about extending the term of Director Mueller, I asked him: How does Director Mueller feel about this? The President said: I haven't talked with him yet, but he is a good, loyal American, a good Marine, and he will answer the call. And that is precisely what he did.

When we passed our legislation, I did insist we include a unanimous consent agreement to expedite consideration of this nomination when others insisted we adopt a form of statute that would require Director Mueller's renomination. The Majority Leader now has consent to take up the nomination, and after the use or yielding back of time for debate, the Senate will vote on the nomination. Some asked why I insisted upon such a unanimous consent agreement. I did it to prevent a recurrence of the delays and obstruction that have been used to complicate consideration

of so many of the President's nominations, especially in the area of national security, such as the Deputy Attorney General, the Assistant Attorney General for National Security, and so many others.

We have Senators who speak on the floor about the importance of protecting the security of the United States, but then at the same time delay and delay the people the President needs in place to protect our national security. The irony is that after these nominees have been held up month after month, they pass overwhelmingly in this body. In fact, there was even a hold originally on the legislation making Director Mueller's nomination possible. But now that is behind us and the Senate can vote to reconfirm Director Mueller to a new 2-year term before the August 2 deadline and avoid any lapse in leadership at the FBI.

Let me speak a little about the Director. He took over as FBI Director just days before the attacks of September 11, 2001. Since then, he has overseen and guided the Bureau through a major transformation and evolution. Of course, as in any major transformation, there have been problems, but the Director has consistently displayed professionalism and focus in increasing the FBI's national security and counterterrorism efforts, while still carrying out the Bureau's essential law enforcement responsibilities. So I applaud Director Mueller's commitment to ensuring that the FBI adheres to the values and freedoms Americans hold dear, while vigorously pursuing important law enforcement national security objectives.

As chairman of the Judiciary Committee, I intend to continue to conduct vigorous oversight of the FBI, and will work closely with the Director on these important issues. After all, oversight is one of Congress's most important responsibilities. For example, on June 17, I wrote a letter with Ranking Member GRASSLEY to Director Mueller about the proposed changes in the FBI's revised edition of the Domestic Investigations and Operations Guide. I remain committed to ensuring that this revised guide provides the FBI with the latitude it needs to carry out its duties while not infringing upon the civil liberties of Americans, and ensuring the Judiciary Committee and public are kept informed from its implementation.

I will continue to monitor the implementation of the USA PATRIOT Act, which Congress extended this past May. At the start of this Congress, I introduced legislation that would have extended the three expiring provisions of the USA PATRIOT Act, while improving oversight, promoting transparency, and expanding privacy and civil liberties safeguards in current law. Unfortunately, despite the fact that legislation was reported favorably by the Judiciary Committee, it was never allowed to receive an up-or-down

vote during the debate to extend the expiring provisions of the USA PATRIOT Act earlier this year. Nonetheless, I will work with Director Mueller, the Department of Justice, and all Senators of both parties to ensure oversight of the USA PATRIOT Act authorities.

It is important that we vote for this renomination this afternoon, given the ongoing threats to our Nation, and I appreciate Director Mueller's willingness to continue his service. At the Judiciary Committee hearing on the legislation allowing for this extension, while I noted that Director Mueller has dedicated his life to public service, I also made a point to mention his wife, Ann. All of us who serve in public office know that it puts extra strain on our family members. I know how much of a partner she has been with him in bringing him to where he is, and I know it has to have been a large part of their life together. I am certain that they both were hoping to be able to have some time without the pressures of being in such demanding public service. So I thank him for being willing to serve, but I thank Mrs. Mueller, too. So often we forget that. Director Mueller has dedicated his life to public service, and we are grateful to him and his family for their continued sacrifice.

Mr. President, I see the distinguished ranking member on the floor, so I yield the floor to Senator GRASSLEY. And I note for the Senator from Iowa that I have already asked consent that when there is a quorum call, the time be divided equally.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I am very pleased to support the renomination of Robert Mueller to be Director of the FBI.

Director Mueller has served as Director since days immediately preceding the terrorist attacks of September 11, 2001. In the wake of that tragedy, he has overseen a top-to-bottom transformation of the FBI from a domestic law enforcement agency to a national security agency and with a necessary global presence to combat terrorism.

Director Mueller has led the charge to ensure that the FBI's transformation is successful. This includes upgrading the workforce from an agent-driven agency to one that includes an ever-increasing number of intelligence analysts. I applaud the hard work that has been done, and I also applaud the leadership of Director Mueller. But more work remains.

Despite the recent successes, the FBI also has its share of black marks and skeletons in the closet. I have been an outspoken critic of the FBI's culture for many years because of its unwillingness to own up to mistakes. Too often, officials sought to protect the agency's reputation at the expense of the truth. My concerns are magnified by the way the FBI has treated internal whistleblowers who come forward

and report fraud and abuse. But these problems are not necessarily the fault of Director Mueller, and many of these problems were in place long before he arrived.

The Director has been forthright in coming before Congress and explaining these mistakes and not simply passing the buck. I appreciate his candor, and I believe the FBI is in good hands with his leadership. But I will continue, as he knows, to conduct extensive oversight of the FBI to ensure that taxpayers' dollars are spent appropriately and that the civil liberties of Americans are protected.

In 1976, following the excesses of J. Edgar Hoover, Congress limited the term of the Director of the FBI to one nonrenewable 10-year term. Congress did so to prevent the accumulation of excess power by a Director as well as to provide some political independence for the FBI.

Despite his knowing about Director Mueller's impending term limit and his initiating a search for a successor led by Attorney General and Vice President BIDEN, President Obama chose not to send the Senate a nomination for the Director of the FBI. Instead, the President decided, notwithstanding those statutory provisions, Director Mueller should continue to serve in this position for another 2 years.

Presidential decisions to make transitions in other national security positions are not a special circumstance supporting the extension of the Director's term. Those personnel changes were entirely within the control of the President. However, we do live in extraordinary times and currently face unusual national security threats. Between the recent death of Osama bin Laden and with the upcoming 10th anniversary of the 9/11 attacks, there is an increased threat of a possible terrorist attack. Against this backdrop and with a heavy heart, I agreed to support the President's request to provide a one-time exception to the 10-year term limit on the FBI directorship.

With some reluctance, I joined as a cosponsor of the original S. 1103. The President recently signed into law a modified version of that bill that provides a one-time extension of the FBI Director's term. Early in the process, I said that as a requirement for my support of any legislation extending the 10-year term, regular procedure be followed. The purpose of this requirement was to set a substantial precedent against pursuing a simple process evincing the 10-year term limit.

The process of getting to today's confirmation vote has met my early requirement. A precedent has been set that the FBI Director's term would not be routinely extended—the process of holding a hearing where the FBI Director testified, a legislative markup, and a floor vote in both the House and Senate. Further, the bill was coupled with a unanimous consent agreement requiring a vote on the renomination of

Director Mueller. Taken together, this process has established a historical record that we do not take this extension lightly and that any future extensions should have to go through no less than this same process.

The 10-year limit has achieved its intended purpose. Until Director Mueller, no Director subject to the limit has served the full 10-year term. The limit has been successful in reducing the power of the Director and in preserving the vital civil liberties of all Americans.

It has also provided important political independence for the FBI Director. Only one Director has been fired in this period, and this did not occur for political reasons. The prohibition on reappointment has also preserved the Directors' independence by eliminating any potential that the Director will attempt to curry favor with the Presidents to be reappointed.

Director Mueller has done an admirable job on some areas of reform in an agency under difficult circumstances. I strongly support Director Mueller and believe he will continue to provide steady leadership at this agency during what continue to be extraordinary times, and you can say extraordinary times going back to at least September 11, 2001, but as you look on the history of the war on terror, it probably started 25 years before that in one form or another. However, it is clear to me, as the legislation the President signed requires, that in 2 years Director Mueller will need to move on and the President will send the Senate a new nominee to fill his shoes.

In the meantime, we all ought to thank Director Mueller for his willingness to serve for another 2 years in this very important position because I am sure he was already ready to move on. So the people of the United States as well as this Congress need to say thank you, Director Mueller, for being willing to serve your people again.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Alabama.

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

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

Mr. SESSIONS. Mr. President, I support the President's nomination of Robert Mueller to be the Director of the FBI for an additional 2-year term.

I believe Mr. Mueller is a fine Director of the FBI. I had the opportunity to observe him within the Department of Justice for a number of years. I served as U.S. attorney in Alabama for 12 years, and during that time he was the U.S. attorney. He was an attorney in the Department of Justice, and he was one of the top administrators of the Department of Justice. Director

Mueller was a decorated Marine officer and served in Vietnam. I truly believe he represents the highest and best ideals of American patriotism and capability.

He had the opportunity over the years to go into private practice and make a lot of money. He has stayed and committed himself to public service according to the highest ideals, I believe, of public service.

He had a 10-year term. Normally, we would expect that it would be just that, a 10-year term. The Director has given that long a period of time because there was a concern that when people stay too long, problems can arise in the system because it becomes personality driven rather than meritocracy and people can become entrenched in that sort of thing. So we have a 10-year term. I am not sure that is a perfect period of time, but that was the one that was decided, so it should not be lightly changed to a longer period of time without some serious thought.

Are we violating the very purposes of the act that limited his term? I am pleased that, instead of moving forward with the proposal as originally drafted, we are now moving forward with the proposal Senator COBURN offered, his substitute amendment. I think that is the better way to extend the term. I would like to talk about that a little bit.

The original proposal would have just amended the statute providing that the Director serve for only one 10-year term and created an exception to allow Director Mueller to serve an additional 2 years. I am concerned about the potential for creating a dangerous precedent that the 10-year term limit applies depending on who is the Director, his or her political popularity, and the political dynamics of the White House and the Congress. That was not our goal.

I do understand the President's desire to retain Director Mueller during this time in our Nation's history and to do so expeditiously and not to have some sort of interim uncertainty. Actually, I congratulate the President on his judgment in concluding that Director Mueller can do a good job and has done a good job. While it is true that the original legislative proposal would have accomplished those things, I believe it was the easy way out and would not only have been a temptation to future generations to replicate it, but, more important, it might have run afoul of the Constitution.

At the hearing before the Judiciary Committee, of which I am a member, concerns were raised about the original proposal. Those were raised by University of Virginia James Madison Distinguished Professor of Law John Harrison.

As we all recall, James Madison was considered to be the Founder of our Constitution, the most active member of our Constitutional Convention, the one whose notes told us what went on,

the one who went to the convention with an outline, a framework for the structure of government that eventually became our Constitution.

Mr. Harrison testified that it was an unconstitutional "attempt by Congress to exercise directly through legislation the appointments power."

Article II, section 2, clause 2 of the Constitution, the appointments clause—it is in the Constitution—states that the President "shall nominate and by and with the Advice and Consent of the Senate, shall appoint Ambassadors and other public Ministers and Consuls, Judges of the Supreme Court and all other Officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law."

In the case of *Buckley v. Valeo*, the Supreme Court held that "any appointee exercising significant authority pursuant to the laws of the United States is an 'Officer of the United States' and must, therefore, be appointed in the manner prescribed by [section] 2, [clause] 2, of that Article."

In addition, the Supreme Court has long recognized that "the power of removal [is] incident to the power of appointment." Therefore, Congress may not involve itself in the removal process insofar as it interferes with the ability of the President to exercise Executive power and to perform his constitutional duty.

Professor Harrison explained that because "an appointment is a legal act that causes someone to hold an office that otherwise would be vacant or held by someone else," a "statutory extension of the term of an incumbent causes the current incumbent to hold an office that otherwise would have been vacant upon the expiration of the incumbent's term. It is thus a statutory appointment."

Professor Harrison further testified that the original proposal would have also run afoul of the fundamental constitutional principle that underlies the appointments clause. This is a fundamental principle because the President has the ultimate veto—the power to decide whether to appoint someone at all—and he has the absolute responsibility for their nomination, good or bad. He nominates them.

Indeed, the rationale for the structure of the appointments clause dates back to *Federalist No. 76* in which Alexander Hamilton explained:

The sole and undivided responsibility of one man will naturally beget a livelier sense of duty and a more exact regard to reputation. He will on this account feel himself under stronger obligation and more interested to investigate with care the qualities requisite to the stations to be filled, and to prefer with impartiality the persons who may have the fairest pretensions to them.

That is pretty effective language.

Dilution of the President's sole responsibility for nomination and appointment is inconsistent with constitutional principles.

Given that constitutional concerns were raised by these scholars, it was at

least arguable that had we proceeded with the original proposal, a judge could find Director Mueller's appointment and term of service to be unconstitutional if it were to be challenged by someone in court, and that was possible.

Particularly concerning was the suggestion that in a properly presented case involving an individual subject to a purported exercise of government power by the Director who was appointed pursuant to a statute such as the original proposal, a court could find that exercise of power to be invalid, either prospectively or retroactively. In the past, courts have enforced the appointments clause by holding invalid the actions of purported officers whose appointments did not comport with the Constitution.

When questioned about this possibility at the hearing, both Director Mueller and former Deputy Attorney General of the United States James Comey agreed that if serious constitutional concerns could be raised, they would favor proceeding with the reappointment process in a different way, one that would pass constitutional muster and not raise questions.

Professor Harrison advises an alternative constitutional method, which is the proposal Congress passed and the President signed into law yesterday. He gave us a suggested way to proceed that would be constitutional, and we drafted it, agreed with it, and passed it.

I think it speaks pretty well of Congress that we are attuned to the complexities of the Constitution and are committed to being faithful to that document, not just taking convenience and going faster but taking the time to hear professors, to think it out, because in that way we respect the Constitution, we venerate it, we strengthen it. When we just bypass it or slide by, dismiss lightly concerns that actions of Congress or the President may be in violation of the Constitution and don't give due weight to that, we disrespect the document.

This law creates a new 2-year term that would run until September 4, 2013. It assumed that President Obama would nominate Director Mueller to that new term with the advice and consent of the Senate, requiring the confirmation vote we will proceed to shortly. Under the new law, Director Mueller is not eligible for another term after September 4, 2013, and after the expiration of that new term, the term for the Director of the FBI will revert to the previous law, the 10-year term; therefore, whoever is the President in 2013 can appoint a new Director to a 10-year term.

While I agree Congress should work to expedite the confirmation process in this unique situation, I also saw no reason to proceed in a constitutionally unsound manner. The formalities of the Constitution may sometimes create obstacles to getting things done as quickly as some would like, but the Constitution and its formalities exist

for a very important reason; that is, our constitutional tradition of the adherence to the rule of law. We cannot circumvent those formalities in the interest of some expediency or because it is a convenient means to a desired end. The words of the Constitution have meaning. They are not suggestions that we are free to ignore if it is inconvenient today.

I believe in the process by which we are now proceeding—creating a separate 2-year term and then calling on the President to make a new nomination. He didn't have to renominate Director Mueller, but he indicated that was his desire, and we have accorded him the opportunity to do that. He has renominated Director Mueller, and I hope in a few moments we will confirm him to this important position.

One of the discussions we had at that hearing was with Professor Van Alstyne. I heard him make a speech many years ago—I was a U.S. attorney, so it must have been 15, 20 years ago—at the Eleventh Circuit Conference, I think, in Georgia. He spoke to the judges. He said he had come to the belief that if one really respected the Constitution, they would follow it faithfully, the good and the bad parts, because that was the only way you respected the Constitution, that was the way to honor the Constitution. That is the way to respect it, to follow what it says.

To the extent to which we are tempted to move around the plain words, the plain intent of the Constitution for convenience, we weaken that document. In the long run, a weakened document will be less of a bulwark protecting our liberties and our freedom as individual Americans.

I thank the President, I thank the leadership, and I thank Senator LEAHY, the chairman of our committee, for responding to the professor's request and ideas and proceeding in a way that I think raises no question about constitutionality—or if it does, it is small—and in a way that took a little more effort.

I once again express my deep admiration for Director Mueller. He is a thoroughly professional law enforcement officer. For virtually the entire time of his law enforcement career, he has tried individual cases, prosecuted individual defendants for all kinds of crimes and depredations. He has understood the reality of courtroom experience. He has worked as a prosecutor with the FBI investigative agents over his entire career as a law enforcement officer, and now, as the Director of the FBI, he brings a unique experience to it. I believe he has done a fine job, and I believe he will continue to do a fine job for the people of the United States.

Mr. HATCH. Mr. President, I rise today in strong support of FBI Director Robert Mueller continuing in his current position for another 2 years. He valiantly served our country in the Marine Corps, earning various commendations including the Purple Heart. He

also served our country in a variety of other important positions including as a Federal prosecutor, as the head of the of the criminal division at the Department of Justice, and as Acting Deputy Attorney General. He is the second-longest serving director in the FBI's history.

Robert was sworn in as the FBI Director exactly 1 week before the terrorist attacks of September 11, 2001. He inherited an agency ill-equipped at that time for detecting the emerging threats posed by terrorist organizations such as al-Qaida. Change does not come easily to Federal Government agencies, but Director Mueller immediately committed to Congress that he would alter the status quo that dominated and redefined the culture of the Bureau to effectively address the new emerging threats facing our Nation.

As Congress began looking at providing the FBI with badly needed terror investigation tools such as the USA PATRIOT Act and the Foreign Intelligence Surveillance Act, Director Muller was a prominent and critical part of the process. In the 10 years since that terrible attack on our Nation, the agency that Director Mueller leads has detected numerous plots aimed at attacking Americans both at home and abroad. At the same time, the FBI still carries out its function as the Nation's leading criminal investigative agency at the Department of Justice.

Robert Mueller had a baptism by fire in those first days and weeks of his tenure. His leadership, character, and poise have remained constant and the net result has been a revamped FBI that is smarter, more nimble, and better equipped to meet the continuing threat of terrorism that America faces every day.

I not only support this opportunity for Director Mueller to serve for another 2 years, but I am very pleased that we achieved this end through a constitutional means. The initial legislation would have simply extended Director Mueller's statutory term without a new nomination and confirmation. That would have amounted to an appointment by the Senate. The Constitution, however, gives the appointment power to the President. We must not use unconstitutional means to achieve even desirable political ends.

I applaud the Senator from Oklahoma, Mr. COBURN, who offered the alternative of creating a single separate 2-year term that would be available only to Director Mueller. That approach leaves in place the statutory 10-year term for the position of FBI Director and respects the constitutional process of nomination and confirmation. It is indisputably constitutional. We have all taken the same oath to support and defend the Constitution, and that at least means we should choose a path that is constitutionally firm over a path that is constitutionally shaky. We did in this case, and I think it is a win-win. It achieves a

good purpose through a constitutional process.

So I am proud to vote once again to support Robert Mueller's nomination to be FBI Director. He is a great public servant and the right leader for these challenging times.

Ms. MIKULSKI. Mr. President, I rise today to support wholeheartedly the nomination of Robert S. Mueller III to continue serving as the Director of the Federal Bureau of Investigation, FBI, for an additional 2 years.

I have three criteria for nominees: (1) competence; (2) commitment to mission of the agency; and (3) highest integrity. Director Mueller surpasses all those tests with flying colors.

His competence cannot be questioned. Director Mueller came to the FBI just a week before the 9/11 terrorist attacks of 2001. Since then, he has provided steadfast leadership as the FBI has transformed from a traditional domestic law enforcement agency into a global counterterrorism and anticrime police force that has successfully kept Americans safe from terrorist attacks here at home and abroad. Prior to the FBI, he served our Nation as a decorated marine in Vietnam, and as a Federal prosecutor who tackled cases ranging from the bombing of Pan Am flight 103 to the prosecution of Panamanian dictator Manuel Noriega.

He has shown unwavering commitment to the FBI's mission. Director Mueller is the only FBI Director to serve out a full 10-year term. From his first day on the job, he fought to make sure the hardworking men and women at the FBI have the tools they need to carry out their extraordinary responsibilities. As chairwoman of the Senate Appropriations Subcommittee that funds the FBI and as a member of the Intelligence Committee, I am proud to call Director Mueller my steadfast partner in that fight. Together, we work to provide the FBI with the capabilities to stop terrorists before they attack us here at home, go after schemers and scammers who prey on hardworking American families, prevent cyberterrorists from devastating our technology infrastructure, and catch sexual predators before they harm our children. I look forward to continuing our strong partnership for the next 2 years.

Lastly, Director Mueller has strong integrity. He speaks truth to power, even when the truth is unpopular or inconvenient. He answered the call to service when President Bush asked him to serve as FBI director in 2001. And he has answered the call of President Obama when asked to serve 2 more years.

We live in extraordinarily critical times, facing threats from both within and outside our Nation, and the President's national security team has experienced major leadership changes in recent months. Keeping Director Mueller at the FBI for another 2 years means that one of the tested "Nighthawks"

will continue guarding our Nation's national security. The broad bipartisan support in the Senate to have him continue serving as Director is a testament to the faith we place in this proven leader. We are privileged to have such a committed and dedicated public servant leading the FBI, and I am proud to support his nomination.

Mrs. FEINSTEIN. Mr. President, I rise to speak in strong support of the nomination of Robert Mueller to continue as the Director of the Federal Bureau of Investigation for an additional 2 years.

In his 10 years at the FBI, Director Mueller has served admirably, instituting important reforms at the Bureau and strengthening its counterterrorism capabilities. An extension of his term will insure that those efforts can continue and provide important stability to the President's national security team during this challenging time.

It is not surprising that when searching for a replacement for Director Mueller, the President determined that it would be best if the Director would continue his service. Director Mueller has a long and distinguished career in public service and we are fortunate that he has agreed to continue in his position.

I know that my colleagues are generally familiar with Mr. Mueller's background, but I think this is an appropriate time to review his many accomplishments.

Director Mueller first began his service to our Nation when he joined the U.S. Marine Corps after graduating from Princeton University. He served as an officer for 3 years, leading a rifle platoon of the Third Marine Division in Vietnam. He received the Bronze Star, two Navy Commendation medals, the Purple Heart, and the Vietnamese Cross of Gallantry.

After receiving his law degree from the University of Virginia Law School, Mr. Mueller headed to my home State of California to begin his legal career. He worked in San Francisco as a litigator until 1976, when he joined the U.S. Attorney's Office in the Northern District of California. Eventually, he would become the chief of the criminal division in that office.

In 1982, he moved to Boston to serve as an assistant U.S. attorney. He investigated and prosecuted major financial fraud, terrorism, and public corruption cases.

After serving in several positions in the public and private sectors, in 1998 Mr. Mueller was named U.S. attorney in San Francisco. That was when he first came to my attention as a skilled and committed prosecutor.

Mr. Mueller continued in that role until he was nominated to be FBI Director by President George W. Bush on July 5, 2001. That was an extremely challenging and difficult time to take on this responsibility, as he came to office only a few months before the terrorist attack on September 11, 2001.

Director Mueller more than rose to the occasion. He provided strong and

steady leadership, and worked to transform the Bureau into an agency that can better detect and prevent terrorist attacks against the United States.

Under Director Mueller's direction, the FBI has played an essential role in more than 20 significant counterterrorism operations, while infiltrating and arresting groups of individuals charged with planning attacks against our country.

The FBI has also built its cyber investigation capability, focused on counterintelligence, investigated public corruption cases, and tracked and disrupted gang activity.

Time and again, Director Mueller has met the many challenges facing the Bureau, and it is now one of our most respected government institutions.

Of course, Congress had good reasons for placing a term limit on the Director of the FBI. History has shown that the enormous power wielded by the Director and the FBI can be subject to abuse in the wrong hands.

Congress has recognized those concerns with regard to the extension of Director Mueller's term. With the implementing legislation that has passed Congress, and this subsequent nomination, Congress and the President have created a one-time extension that would only apply to Director Mueller. Future FBI Directors would still be limited to a 10-year term.

Extending Director Mueller's term at the FBI for an additional 2 years will ensure that the important reforms and progress he has made will continue. Additionally, it will provide important stability to the President's national security team during this sensitive and challenging time and while it is otherwise going through important leadership changes.

This summer Leon Panetta has succeeded Robert Gates as Secretary of Defense. Although General David Petraeus has been confirmed to be the next Director of the CIA, he will not arrive at Headquarters in Langley to take leadership of the Agency until after Labor Day.

There are additional changes in key military leadership positions, as well as at the National Counterterrorism Center.

In the midst of these changes, Director Mueller will be an experienced, steady hand among the President's national security advisors. Keeping Director Mueller in his position will provide important continuity and leadership during this transition.

Personally, I have deep admiration and respect for Director Mueller. His integrity, courage, and dedication are an inspiration, and his leadership and effectiveness serve as an example for all. I am very pleased to call him my friend, and thank him for his willingness to continue to serve for another 2 years.

I urge my colleagues to support his confirmation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

BUDGET CUT IMPACT

Mr. SANDERS. Mr. President, we are clearly at a momentous moment in American history. We are getting tens of thousands of people visiting our Web site, sanders.senate.gov, every day. People want to know what is going on. As the longest serving Independent in history in Congress, let me give my view of where we are right now.

First, I do wish to say I get a little bit tired of hearing some of our pundits and some of the politicians around here blithely talking about trillions of dollars in cuts. I see some of these guys making huge salaries on TV saying: Why don't they just come to an agreement—\$2 trillion in cuts, \$3 trillion in cuts. That may be OK if one is making a whole lot of money on television doing a television show, but, clearly, those people have not been talking to real Americans.

Let me go over what the media and many of us in Congress have not been talking about, and that is what the impacts of these trillions of dollars of cuts are about. These are not just words on a piece of paper. These are cuts which are going to have devastating impacts on people who are already suffering as a result of the worst recession since the Great Depression. Some people come up with this great idea and they say: The cost-of-living adjustment for Social Security is too high today, seniors and disabled vets are getting too much, and "noted economists"—I have not heard from these noted economists—think it is too extravagant.

Mr. President, go back to Baltimore and I will go to Vermont and we will ask seniors whether they think the COLAs they are getting now are too extravagant, given the fact they haven't gotten a COLA in the last 2 years. Studies I have seen say not only are the COLAs today not too extravagant for Social Security and disabled vets, they are, in fact, too low because they underestimate the real expenses of seniors, which largely have to do with health care and prescription drugs. The costs are soaring. Any of these pundits or any of these economists who go out and talk to real people and say Social Security COLAs are too high are going to get laughed right out of the room because it isn't true.

If we come forward with this so-called chained CPI, this new formulation for COLAs, this is what it will mean in the real world: If someone is 65 today, when they become 75 in 10 years, that will result in a \$560 decline in what they otherwise would have gotten in Social Security benefits, and when they are 85, 20 years from today, that

will be a \$1,000-a-year decline. I know in DC, with the lobbyists making millions a year, when we talk about \$1,000, that is what these guys spend on a fancy dinner. It is laughable. They don't know what goes on in the real world.

There are millions of seniors today hanging on, trying to pay their prescription drug costs, trying to pay their out-of-pocket costs for health care, and \$1,000 a year in 20 years is a lot of money for those people. In my view, it would be immoral and unacceptable to do what a number of plans out here are talking about; that is, to cut Social Security benefits very significantly. Clearly, that is where the Republicans are coming from, but it distresses me that I hear the President and Democrats in Congress also talking about that. This Senator will do everything he can to protect this enormously important program which, by the way, just in passing, has not contributed one nickel to the deficit because it is funded by the payroll tax and has a \$2.6 trillion surplus. From a moral perspective, we cannot and must not cut Social Security.

There are other geniuses out there who are saying: Well, the way Medicare health care costs are going up, maybe it is time we did something like make major cuts in Medicare, including raising the eligibility age from 65 to 67. What is the problem? What is 2 years? Clearly, those folks have not talked to anybody who has been struggling when they are 60 or 63 and looking forward to Medicare at 65. What happens if a person is a modest-income person and they are 66 years of age and they are dealing with a health care crisis? Maybe they were hospitalized, but the government has said, pundits have said, my Republican friends have said, we are going to raise the Medicare age to 67. Tell me what happens. Let the American people tell me what happens to those millions of people? What are they supposed to do? They get diagnosed with cancer, they have a serious heart problem, they are 66, have no money in the bank, what happens to them? How many of those people will not survive?

Then other people say: Well, Medicaid is an easy program to cut. I mean, let's be politically honest about Medicaid. Medicaid is for lower income people. They don't have lobbyists, they don't make large campaign contributions. Many low-income people don't vote. They are easy to go after. Let's cut hundreds of billions of dollars from Medicaid. Let's be clear. According to a recent study at Harvard University, some 45,000 Americans die each year unnecessarily because they don't get to a doctor on time. That is 45,000 Americans, 15 times what we lost in the disaster of 9/11. Every single year those people are dying.

What happens if we make savage cuts in Medicaid? How many children do we throw off the Children's Health Insurance Program? What happens to the

older people who are now in nursing homes on Medicaid? What happens to all those people? I guess we don't have to worry about them. Their lobbyists are not here. What happens to people on disability? We turn our back on those people, that is what we do.

One of the very interesting aspects of this whole debate and why the American people are so angry, so frustrated, and so disillusioned is that Congress is moving in a direction of exactly the opposite way that the American people want us to handle deficit reduction. Every single poll I have seen and in my experience in talking to people in the State of Vermont, people want shared sacrifice. People understand that the wealthiest people in this country are doing phenomenally well. Over a recent 25-year period, 80 percent of all new income went to the top 1 percent. The rich are getting richer, and you know what. Their effective tax rates today are one of the lowest in American history, about 18 percent. So the richest people in America who are doing phenomenally well are paying a lower tax rate than nurses, teachers, and police officers. The American people who see the middle class declining and the rich getting richer are saying: Hey, it is only fair that the wealthiest people help us contribute to deficit reduction. We can't place the whole burden on the backs of people who are getting poorer and poorer as a result of the recession.

The American people also understand we have large multinational corporations, such as General Electric, ExxonMobil, and many others that have been making billions of dollars in profits in recent years and don't pay a nickel in Federal taxes. Then, on top of that, we have the absurdity of a tax policy which allows the wealthy and large corporations to stash huge amounts of money in the Cayman Islands and in other tax havens so we are losing about \$100 billion a year in revenue. The American people are looking around and saying: That is crazy. The wealthy and large corporations, which are doing phenomenally well, which are not paying their fair share of taxes, have to contribute to deficit reduction. It cannot simply be on the backs of the elderly, the children, the sick, the poor. That is what the American people are saying in poll after poll.

There was a poll that just came out the other day—just one more of many polls. Washington Post: Should the wealthiest people in this country be asked to pay more? That is the question. They asked: In order to reduce the national debt, would you support or oppose the following: raising taxes on Americans with incomes of over \$250,000 a year. The response in that poll was 72 percent of the American people said yes, 27 percent said no. Overwhelmingly, every poll we see says the wealthy have to pay more in taxes, and then the same polls say: Protect Social Security, protect Medicare, protect Medicaid, protect education. Here is the irony: We are marching down a

path which will do exactly the opposite of what the American people want. Our Republican friends have been absolutely fanatically determined that no matter what happens, billionaires and large corporations will not pay a nickel more in taxes. That has been their religious belief, not a nickel more from the wealthiest people in this country. I have to say Democrats have not been particularly strong in opposition to that nor has the President been strong, with retreat after retreat.

In recent months, we have heard more and more discussion from Democrats about cuts in Social Security, cuts in Medicare, cuts in Medicaid. Now there is apparently a willingness to come forward with a proposal that would include only cuts and no revenue at all—no revenue at all.

I think the American people are angry. I think they are frustrated. I think they are disillusioned because what they want to see happen is deficit reduction done through shared sacrifice, although with the wealthy and large corporations playing their role appears not to be happening. And when they have said loudly and clearly that we must protect Social Security, Medicare, and Medicaid, they are also seeing that it is not happening.

So I just conclude by saying I think there is a path toward deficit reduction which is fair and responsible. It does ask the big-money interests to understand that they are Americans also and they have to play a role in deficit reduction. It does say that at a time when we have tripled military spending since 1997, we have to make significant cuts there as well.

I hope our Republican friends give up their fanatical opposition to asking billionaires and millionaires and large corporations to play a role in deficit reduction. I hope my Democratic friends will stand tall. And I hope that at the end of the day, we have the deficit-reduction program the American people will feel good about.

With that, I yield the floor.

THE PRESIDING OFFICER (Mr. MERKLEY). The Senator from Maryland.

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

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

FAA REAUTHORIZATION

Mr. CARDIN. Mr. President, we all know we are running against the deadline of Tuesday, August 2, on raising the debt of our Nation, and there is a real risk that if we don't make that deadline on Tuesday, there will be checks from the Federal Government that will not be able to go out. The number of 70 million is used as the number of checks written each month by the Federal Government that go to employees, that go to contractors, that go to recipients of certain benefits.

Let me talk about 4,000 Federal workers who already have been furloughed. It doesn't have to do with

raising the debt ceiling; it has to do with the failure of the House of Representatives to send a clean extension of the Federal Aviation Administration—the FAA reauthorization bill—for us to consider. As a result of the failure to pass the reauthorization of the Federal Aviation Administration or to pass a short-term extension of the FAA, 4,000 workers at the Federal Aviation Administration have been put on furlough. That in and of itself has a major impact on our economy. That is 4,000 Americans who are no longer receiving a paycheck. It affects people who work for the FAA in such fields as safety engineers, computer scientists, aeronautics engineers, physical scientists—the list goes on and on—jeopardizing the progress we have made in keeping our airways safe and jeopardizing the convenience to those who travel by air. Many of those workers live in the State of Maryland, so it is having a direct effect on the State I have the honor of representing in the Senate.

It goes beyond just the Federal workforce who have been put on furlough as a result of the failure to pass a short-term extension of the FAA. It also goes to construction contracts that are funded through aviation funds. At many airports around the Nation, there have now been stop orders on construction of runways, construction of towers, and construction of other improvements that are important to keep our airports modern and safe and convenient in handling the increased number of air passengers.

Let me tell my colleagues that, yes, it affects those large contractors who are doing the work of the Federal Government. It is going to affect their payrolls and their workforce, but it also affects a lot of small businesses in Maryland and around the Nation.

Let me give one example. Chappy Corporation is an electrical and mechanical operations small business specializing in airport landing systems and lighting. Chappy Corporation is the lead contractor implementing BWI's—the main airport in Maryland—ASDE-X project, a runway safety mechanism that enables air traffic controllers to detect potential runway conflicts by providing detailed coverage of movement on runways and taxiways. For the safety of all of us, I hope we would want to move forward with those types of improvements in our major airports in the Nation, including the one which most Marylanders use—BWI Airport. Chappy Corporation has been told to stop work on this important aviation safety project, thus decreasing their value and making it more difficult to make payroll. It is already tough for small companies out there today, and now, because of the failure of the House to send over to us a clean extension of the FAA bill, which we have done many times in the past, we have a company such as Chappy which is running the risk of its strength to continue with its current

workforce and to do important work at airports for safety.

It also goes beyond the Federal employees and the contractor employees who are not getting a paycheck and the contractors whose work has been stopped and they are not getting their construction contract payments. It also affects the Federal Aviation Administration's revenues. They collect a lot of revenue. There is a ticket tax. When a person buys an airline ticket, they pay a tax that goes into the Federal Aviation Administration's funds which are used for improvement projects at our airports. That amounts to about \$30 million that will not be collected. What happens to that money? Well, we lose it in the Federal Treasury. People say: Well, maybe it will make it less expensive for people to travel. But that is not the case.

Let me quote a headline from Reuters: "Airlines Raise Fares as Taxes Lapse."

I am quoting:

Many U.S. airlines have raised fares in recent days to take advantage of a lapse in U.S. ticket tax collection after Congress failed last week to fully fund the Federal Aviation Administration's budget, but passengers are not likely to notice any price difference.

JetBlue Airways Corp. and Southwest Airlines Co. began raising ticket prices by at least 7.5 percent on Friday, according to FareCompare.com. Other airlines, such as Delta Air Lines and United Continental Holdings Inc., boosted prices on Saturday.

So we can't collect the 7.5-percent tax and the airlines are pocketing the money. The people who are purchasing tickets are still paying the same amount even though none of that money is going to improve our airports. It makes no sense whatsoever.

All of these occurrences—the Federal workers not getting a paycheck and being put on furlough, contractors not getting paid and construction work not being done, revenues not being collected that are necessary for the Federal Government—are hurting our economy. All are making it more difficult for our recovery.

Why has this happened? The reason, quite frankly, is that we have not been able to pass the reauthorization bill. We passed the reauthorization bill early in the session, the Senate did. The House passed a bill about 100 days ago but has refused to appoint conferees to work out the differences. Then the House sends over—because we didn't meet the deadline—an extension bill that includes a partisan labor provision, an antilabor provision. Now, that should never be in an extension bill. It shouldn't be in any legislation. But it should be negotiated between the conferees of the House and Senate so we can get a reauthorization bill done. They shouldn't use an extension bill in order to get that done, and that is what they have done. As a result, we have the consequences of Federal workers being furloughed, contractors not being paid, and revenues necessary for our airport improvements not being collected.