

The PRESIDING OFFICER. Is there objection? The Senator from Wisconsin.

Mr. JOHNSON of Wisconsin. Mr. President, reserving my right to object, I may not object to this request. It certainly is not addressing the primary problem facing our Nation; that is, the fact that we are bankrupting this Nation. We need to start actually addressing that in the Senate. But I realize the managers worked hard on this bill. I realize there are some good amendments the Senate really needs to debate and we should vote on. That is the way the Senate should work.

I also ask that I be allowed to speak for 10 minutes following the agreement here.

Mr. REID. Mr. President, I accept the modification of the request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments (Nos. 503 and 517) were agreed to.

The amendment (No. 512), as modified, was agreed to, as follows:

On page 48, strike lines 4 through 8.

The amendment (No. 520) was agreed to.

(The text of the amendment (No. 520) is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 509), as modified, is as follows:

On page 38, line 19, strike all through page 45, line 16.

On page 59, strike lines 11 through 15.

On page 66, strike lines 1 through 16.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank everybody for their cooperation. We worked long and hard on this bill. I thank the Senator from Wisconsin. He raises an excellent point. I thank the majority leader. I thank Senator ALEXANDER and Senator SCHUMER, who are the chief sponsors of this bill, and Senator LIEBERMAN. I am very glad we were able to work out this agreement and that we will be able to have final votes on the amendments and final passage tomorrow.

Thank you, Mr. President.

The PRESIDING OFFICER. The request, as modified, is agreed to.

• Mr. DURBIN. Mr. President, I was unavoidably absent for vote No. 98, a motion to instruct the Sergeant At Arms to request the attendance of absent Senators. Had I been present, I would have voted in favor of the motion. It is important for the Senate to respect bipartisan agreements and work towards completion of its legislative business. •

## MORNING BUSINESS

### NOMINATION OF GENERAL DAVID PETRAEUS

Mr. UDALL of Colorado. Mr. President, I will support the nomination of GEN David Petraeus to be Director of

the Central Intelligence Agency. Over the many years that he has served our country, he has proven himself time and again as a man of integrity, who will act in the best interests of the nation and—in this new position—the men and women of the CIA.

As one of the finest military leaders of our time, General Petraeus has been instrumental in the fight against Islamic extremism, playing key roles as Commanding General in Iraq and Afghanistan and as the Commander of U.S. Central Command. He has developed great expertise and deep knowledge of the threats we still face in South Asia and the Middle East. He will now take that expertise and knowledge to the CIA, where he will use different tools to face those and many other national security challenges around the world.

Despite my support for the general, I would be remiss if I did not add that I am concerned about a statement he made in answer to a question I asked during his Senate Intelligence Committee nomination hearing on June 23, 2011. General Petraeus has been on the record time and again explaining that torture does not fit with American values, that it creates new enemies, and perhaps most importantly, that it isn't effective. Yet he did not give a simple answer at the hearing when I asked him whether he sees torture any differently in a CIA context than in a military context.

Instead, he suggested that there might be a "special case" in which enhanced interrogation techniques might be an acceptable last resort option, for example, in the "nuclear football" scenario, where the government has in custody an individual who has placed a nuclear device under the Empire State Building, and only he has the codes to turn it off.

I understand the general's point that such a scenario—in which there is specific knowledge of imminent devastation—would be the exception, not the rule, and that it is a hypothetical one that might never occur in reality. He is certainly not the first to raise the ticking timebomb question in this context, nor is he the first to suggest that policymakers consider addressing this question in statute.

Perhaps it is time for Congress to weigh in definitively on the CIA's interrogation techniques. Today, only President Obama's executive order—not a law—prohibits the CIA's use of coercive interrogation, so it's possible that a new administration might decide to move this policy in a different direction. As I told General Petraeus at last week's hearing, I look forward to a debate and discussion with him about this important issue.

And as a member of the Senate Intelligence Committee, I look forward to working with CIA Director Petraeus on our country's many intelligence and national security challenges.

## INTENTION TO OBJECT—S.1145

Mr. GRASSLEY. Mr. President, I would like to alert my colleagues that I intend to object to any unanimous consent agreement for the consideration of S. 1145, the Civilian Extraterritorial Jurisdiction Act, CEJA. While I joined in supporting a vote to report S. 1145 out of the Judiciary Committee, my vote does not signal my support for the legislation in its current form. Unless changes are made to address my concerns with the legislation, I will continue to object.

I oppose S. 1145 in its current form because it does not include a sufficient carve-out for intelligence, law enforcement, or protective assignments by U.S. Government employees abroad. The current version of S. 1145 does include a carve-out for intelligence activities, but the current version of the intelligence carve-out is problematic. There is repetition in the language and extraneous language is unnecessary. Further, under the current carve-out an intelligence agent may not be protected from prosecution, even though he was authorized to undertake an operation. The current provision in the bill would require that a supervisor's directive be authorized and also be "consistent with applicable U.S. law." This extra requirement opens up a world of questions. How should an agent in the field know his supervisor's instruction was "consistent with applicable U.S. law"? Will this provision now require agents to obtain a legal opinion before they take action? This is not the message we should be sending to the agents in the field.

Instead, I proposed a carve-out in the Judiciary Committee that would exclude government employees performing intelligence, law enforcement, and protective assignments abroad. This version was based upon existing U.S. law that some members of the Judiciary Committee previously supported. If the carve-out I proposed is good enough for employees operating inside the United States, it should be good enough for those operating abroad. Why would we give agents operating in the U.S. more protections than those operating in foreign lands?

Further, the current carve-out in S. 1145 is not the preferred language that the intelligence community proposed at the beginning of negotiations. If past is any prologue, this appears to be yet another instance where the intelligence community is settling for language it can "live with" as opposed to the optimal language it should be seeking. This same problem occurred in negotiations during consideration of legislation extending the three expiring provisions of the USA PATRIOT Act. Ultimately, extraneous language that would have restricted the ability of law enforcement and the intelligence community was removed from the extension of the PATRIOT Act authorities and a similar outcome should occur on CEJA.

I also oppose S. 1145 in its current form because the legislation does not

currently include the Unborn Victims of Violence Act, UVVA, in the list of covered offenses that would apply to crime victims abroad. The UVVA applies to violent Federal crimes in the United States, and to employees and contractors of the Department of Defense abroad under the Military Extraterritorial Jurisdiction Act. There is no reason that extending the long arm of Federal criminal law expanded under CEJA should exclude the UVVA.

No one would dispute the importance of holding government employees and contractors accountable abroad. I support the idea of this legislation because we should never have government employees or contractors committing serious crimes like rape or murder abroad with impunity. However, we need to think long and hard about the consequences of our actions if we legislate criminal extraterritorial jurisdiction too broadly absent a sufficient carve-out for authorized intelligence, law enforcement, and protective activities.

Until these concerns are addressed and further changes are included in the bill, I support holding this legislation on the Senate floor. No one should take my support for reporting this bill out of committee to mean anything more than an expression of my willingness to work with the sponsors on this topic to address these concerns going forward.

#### KYRGYZSTAN'S DEMOCRATIC TRANSITION

Mr. KERRY. Mr. President, this is a critical moment for Kyrgyzstan's democratic transition.

On June 27, 2010, the people of Kyrgyzstan took to the polls to adopt a new constitution for their country. The vote sent a powerful message to the region and to the world: that democracy is an idea whose appeal transcends ethnic divides.

Kyrgyzstan's President, Roza Otunbayeva, deserves enormous credit for orchestrating the transition to democratic rule after the deadly inter-ethnic clashes of last summer.

Since that tumultuous period, President Otunbayeva has overseen the first free and truly democratic parliamentary elections in central Asia. She has made it a priority to strengthen the rule of law, and she has moved to create a government that is increasingly responsive to the needs of all its citizens, regardless of ethnicity.

Kyrgyzstan today stands at a crossroads. Its people have expressed the desire to live in an open, free, and just society. Over the past year, we have witnessed some progress toward that goal, with credible parliamentary elections in October, the formation of a government in December, and a more vibrant media and political debate.

But let's be clear: Kyrgyzstan's democratic experiment faces considerable challenges.

Three, in particular, threaten the aspirations that powered last year's historic vote.

First, Kyrgyzstan's coalition government is beset by infighting. The task of rebuilding the country after the turmoil of the past year is daunting. But the challenges should also inspire a sense of common purpose. Upcoming Presidential elections in the fall present an opportune moment for Kyrgyzstan's leadership to articulate a political compact that unites the diverse elements of its society.

Second, the country's fractious political environment has impeded efforts to combat organized crime and corruption. Rampant crime has heightened the sense of insecurity among citizens, created an unfavorable climate for business, and slowed economic growth. To the government's credit, over 90 members of organized criminal groups are now behind bars. But much work remains to be done to reform Kyrgyzstan's judicial system and strengthen controls over its borders.

The United States can play a constructive role by providing financial support and technical expertise. We must also speak out forcefully for evenhandedness in the prosecution of cases related to last year's violence. Guaranteeing justice and equality before the law would go a long way toward alleviating interethnic tensions.

Finally, Kyrgyzstan must deal with the underlying causes of last year's violence. Reconciliation initiatives have been slow to get off the ground. And tensions between ethnic Kyrgyz and Uzbek communities continue to fester.

Mr. President, Kyrgyzstan is a multi-ethnic state. Its diversity is a source of strength. But too often, opportunistic actors have exploited ethnicity to settle scores, acquire resources, and reclaim land in the fertile plains of the Ferghana valley.

Last June, Senator LUGAR and I authored a resolution on Kyrgyzstan calling for a full and fair investigation into the violence. The recently released report of the Kyrgyzstan Inquiry Commission is a welcome contribution to this debate, and I hope that all parties will give serious consideration to its findings.

The United States has committed over \$28 million for projects that will support reconciliation in Kyrgyzstan. A portion of these funds will engage civil society to increase links between Kyrgyz and Uzbek communities. U.S. assistance will also support implementation of the recommendations contained in the inquiry commission's report. Going forward, we must continually look for ways to bring Kyrgyz and Uzbeks together through economic and community-based initiatives.

I harbor no illusions about the road ahead. Indeed, no experiment—democratic or otherwise—has been without its fair share of setbacks. But I remain confident that the people of Kyrgyzstan will seize this moment and advance the cause of democracy for the

benefit of their country, the region, and the world.

#### REMEMBERING SAN FRANCISCO FIREFIGHTERS

Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of Lieutenant Vincent "Vince" Perez, and Firefighter and Paramedic Anthony "Tony" Valerio. Both of these heroes were long time veterans of the San Francisco Fire Department who were tragically killed in the line of duty fighting a fire on June 2, 2011.

During their many years of service to the city of San Francisco, both Vincent and Anthony earned the respect and admiration of those with whom they worked by consistently going above and beyond the call of duty. Both men led by example, and were considered shining stars among San Francisco's courageous and dedicated firefighters.

Vincent was a San Francisco native, growing up in San Francisco's Mission District and Bernal Heights neighborhoods. He attended St. Charles Elementary School, and graduated from Archbishop Riordan High School in 1981. After high school, Vincent attended City College of San Francisco, and then served his country in the U.S. Marine Corps and later as a deputy sheriff in Alameda County.

In 1990, Vincent joined the San Francisco Fire Department, ultimately rising to the position of lieutenant, where he supervised the crew of Engine Company 26, located in San Francisco's Diamond Heights neighborhood.

Vincent is survived by his mother Irene; siblings Lucio, Maryleen, and Alexander; many other family members and loved ones; and was preceded in death by his father Vincent and brother David.

Anthony was born in Fort Monmouth, NJ, and later moved to the San Francisco Bay Area. In 1975, he graduated from El Camino High School in South San Francisco and then went on to earn an associate's degree from San Francisco State University.

He embarked on his career in public service in 1980, starting as an EMT at Acme Western in the city of Oakland and later as a paramedic for 13 years with the San Francisco Department of Public Health. In 1997, Anthony began serving the City as both a firefighter and paramedic who was assigned to numerous fire stations in the city, including his last assignment with Engine Company 26.

Anthony is survived by his parents Lorraine and Frank; siblings Jacqueline, Donna, Marina, Laura, Mark, and Kevin; and many other family members and loved ones.

Lieutenant Vincent Perez and Firefighter and Paramedic Anthony Valerio dedicated their lives to their family, community, and Nation, and they will long be remembered for their courage and dedication. Their service and bravery inspired others and both