

Last year, I became increasingly concerned about some of the judicial nominations being sent to the Senate. In a few individual cases, it was very troublesome. The nomination of Ms. Lewis was one of those that gave me concern. When applying the standards I have articulated, it is my judgment that Ms. Lewis falls short and should not be confirmed.

The Senate process for reviewing the professional qualifications, temperament, background, and character is a long and thorough process. These issues need to be fully examined; nominations are not just rubberstamped.

At the conclusion of that lengthy process, a substantial majority of Republicans on the Judiciary Committee determined that this nomination should not be reported to the Senate.

Nevertheless, we now have the nomination before us. Even so, there are reasons sufficient to oppose this nominee. Ms. Lewis has limited courtroom experience and little criminal law experience. Her responses in her questionnaire and hearing regarding her legal experience indicated her significant cases were handled more than 10 years ago and was more of a team effort than individual experience. At her hearing she was not prepared to discuss the legal principles involved in a case her firm took to the Supreme Court. For these reasons and others, I will vote nay on this nomination and urge my colleagues to do likewise.

I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. TESTER. I ask that all time be yielded back.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Mary Geiger Lewis, of South Carolina, to be United States District Judge for the District of South Carolina?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY), the Senator from Iowa (Mr. HARKIN), and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from

Wisconsin (Mr. JOHNSON), the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. MORAN), the Senator from Florida (Mr. RUBIO), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 64, nays 27, as follows:

[Rollcall Vote No. 122 Ex.]

YEAS—64

Akaka	Gillibrand	Murray
Alexander	Graham	Nelson (NE)
Ayotte	Hagan	Nelson (FL)
Baucus	Hoeven	Pryor
Begich	Hutchison	Reed
Bennet	Inouye	Reid
Bingaman	Johnson (SD)	Rockefeller
Blumenthal	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brown (MA)	Kohl	Shaheen
Brown (OH)	Landrieu	Snowe
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Lugar	Warner
Conrad	Manchin	Webb
Coons	McCain	Whitehouse
Corker	Menendez	Wicker
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murkowski	

NAYS—27

Barrasso	DeMint	Lee
Blunt	Enzi	McConnell
Boozman	Grassley	Paul
Burr	Hatch	Portman
Chambliss	Heller	Risch
Coats	Inhofe	Roberts
Coburn	Isakson	Sessions
Cornyn	Johanns	Shelby
Crapo	Kyl	Thune

NOT VOTING—9

Casey	Kirk	Rubio
Harkin	McCaskill	Toomey
Johnson (WI)	Moran	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED—Continued

The Senator from Massachusetts.

The PRESIDING OFFICER.

HANSCOM AIR FORCE BASE

Mr. BROWN of Massachusetts. Madam President, I rise today to speak about the Electronic Systems Center at Hanscom Air Force Base in Massachusetts and its role in our Nation's cybersecurity.

I want to clarify a situation we face as a nation. First, the Secretary of Defense has said loudly and clearly that the threat of cyber attacks on our country and the need for America to develop strong military capabilities keeps him up at night, and it keeps me

and many other people up as well. We read about the cyber attacks by the Chinese, and we read about Iran. The Secretary has described it as an evolving and urgent threat in our future. Our Nation's security depends on winning the battle in cyberspace.

Unfortunately, the Air Force is in the midst of a four-structure change that ignores the crucial facts I have just stated. At a time when cyber threats are growing more important each day, the Air Force is making questionable decisions that, in my opinion, create an unnecessary risk to our Nation's cyber defenses and our ability to deal with those very threats. It makes absolutely no sense at this point in time.

That is why just a few weeks ago the House and Senate Armed Services Committee took strong action to prevent what the entire Massachusetts delegation believed was a premature proposal by the Air Force to reduce Hanscom's leadership from a three-star general to a two-star general.

The elimination of the ESC commander position at Hanscom will diminish our cyber capabilities and focus across the entire force, and that is not good at this point in time. That is the last thing we need in the midst of a cyber attack.

In response, Representative TSONGAS of Massachusetts inserted a provision in this year's National Defense Authorization Act that was passed by the full House of Representatives which required the Secretary of the Air Force to remain and retain core functions at Hanscom as they existed on November 1, 2011. Her language was aimed at retaining Hanscom's three-star leadership.

Similarly, I worked with Senator LIEBERMAN and our Senate Armed Services Committee to include language in the Senate Armed Services markup reported version of the Defense authorization bill that directs the Air Force to keep in place the current leadership rank structure until the two defense committees have had an opportunity to review the recommendations of the National Commission on the Structure of the Air Force.

Given Secretary Panetta's warning, I believe we must pay particular attention to any changes that relate to cybersecurity. The Massachusetts delegation has been united in declaring that both Hanscom's mission and the senior leadership should be preserved in order to bring forth the best cyber capabilities our country has to offer.

Both defense committees have spoken with one voice to the Air Force: Stand down with this change until both committees receive more information about how the proposed force structure changes will impact our cybersecurity.

I also wish to explain why the delegation feels so strongly about this. Massachusetts has been a national security and information technology leader for many decades. Groundbreaking innovation in cybersecurity is taking place in

Massachusetts as we speak—perhaps more than any other State in our entire Nation. That innovation is happening at Hanscom, at universities such as the Massachusetts Institute of Technology, and in our defense sector. Our capabilities are second to none.

The Electronic Systems Center at Hanscom has unlimited potential to take on future missions and future threats in the realm of cybersecurity. The Air Force and the MIT Lincoln Lab are now upgrading their partnership to enhance our Nation's ability to meet key and growing cyber requirements. The Department of Defense and the Air Force continue to depend on Hanscom's unmatched cyber expertise.

To ensure our Nation's crucial cyber defense, I say again very firmly today that the Air Force must preserve the senior three-star leadership in Massachusetts. Doesn't it make sense for our military's cyber leadership, expertise, and talent to be based in a location where some of the world's most leading research and technological development is actually taking place? Placing Hanscom's cyber team under a chain of command with a 3-star general in another State with a number of other Air Force responsibilities diminishes our Nation's ability to deliver critical cyber tools and resources and impacts our ability to respond to the ever-growing cyber threat.

Congress has spoken in a bipartisan and bicameral way. We have stated our position clearly. The Air Force should not move forward with any force structure changes at Hanscom until Congress has had an opportunity to review what our appropriate force structure mix should be, particularly as it relates to cybersecurity. We absolutely, positively must be ready to meet this next-generation threat—the one that keeps Secretary Panetta up at night. I will continue to fight to make sure we are prepared.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

CELEBRATING JUNETEENTH INDEPENDENCE DAY

Mr. BROWN of Ohio. Madam President, I rise today in support of a resolution I am cosponsoring to commemorate Juneteenth Independence Day.

In just 2 weeks, Americans will gather, of course, as we know, to celebrate the Fourth of July, but it is important to remember that when our Nation gained its independence, there were some 450,000 enslaved people in the 13 States. It wasn't until June 19, 1865, more than 2 years after President Lincoln issued the Emancipation Proclamation, which liberated a limited number of people, that enslaved people in the Southwestern States finally learned of their freedom.

Months after the 13th amendment was ratified, Army MG Gordon Granger

and Federal troops arrived in Galveston, TX, to enforce emancipation. Since then, Americans in Texas and throughout the United States have celebrated Juneteenth, which is the oldest known celebration of the end of slavery in our country.

To celebrate that day, people from all backgrounds—not only African Americans and not only descendants of slaves but people of all backgrounds and ethnicities—will gather in special places all over Ohio. They will gather at Franklin Park in Columbus, our State capital. They will gather at “The Coming of Emancipation” memorial service in Oberlin, just a few miles from my house, the site of visits from Martin Luther King and the site of the Underground Railroad where those escaping slavery were housed on their way to Canada. Ohioans will reflect in Westwood Cemetery in Oberlin, where former slaves and famous abolitionists are buried. At Cincinnati's Juneteenth Festival in Eden Park, families and visitors will gather on one of the hilltops overlooking the Ohio River, which slaves saw while coming from Kentucky into freedom as they crossed the river into the North. They will remember the perilous journey to freedom that many made at the banks of that river. In Wilberforce, an African-American school—a university in southwest Ohio—and in Zanesville, in Newcomerstown and Cleveland, Ohioans will hold ceremonies of remembrance and celebration.

On Juneteenth Independence Day, especially, we have yet another opportunity to celebrate our great Democratic traditions—our American ingenuity, innovation, and imagination. We celebrate the rich heritage and vibrant culture of all Americans who are descendants of enslaved people on American soil. We celebrate the ingenuity of Ohioans such as Columbus native Granville T. Woods, who invented the telegraph device that sent messages from moving trains and train stations. We celebrate the innovation of Ohioans such as Garrett Morgan, a Cleveland who invented the traffic light. We celebrate the imagination and wisdom of Ohioans such as Nobel Prize-winning and recent Presidential Medal of Freedom honoree Toni Morrison of Lorain, OH.

In America, progress is never promised, but through the work of dedicated citizens, we move closer to being the Nation our Framers envisioned. We can work together toward achieving a more perfect union, where justice isn't limited to the powerful but is also accessible to the people.

Today I am proud to commemorate Juneteenth Independence Day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask unanimous consent to speak as in morning business for 15 minutes.

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

UTILITY MACT

Mr. INHOFE. Madam President, as we know, the Senate will take a vote this week on the CRA that I have offered concerning Utility MACT. Utility MACT is a requirement. MACT, of course—M-A-C-T—means maximum achievable controlled technology. One of the problems with the overregulation we have with a lot of these emissions is that there is no technology to accommodate this. In the case of Utility MACT, I think everyone understands now that this is an effort to kill coal. I know there are a lot of reasons people have, but recently some things have happened, and I thought I would mention them as we look toward this bill. It looks as though it is going to be on Wednesday. It looks as if there will be some speaking time on Tuesday, and on Wednesday we will actually have the vote.

As we all know, a CRA is an effort for elected officials to reflect upon overregulation and to stop a regulation. After all, we are the ones who are accountable to the people and not the Environmental Protection Agency.

The breaking news is that President Obama just issued a statement this afternoon that he will veto my resolution if it passes. Just before that announcement from the White House this afternoon, Representatives ED MARKEY and HENRY WAXMAN came out fighting with a new report detailing what Representative WAXMAN has called the most anti-environmental House of Representatives in history. I wish to remind my Democratic friends that 19 House Democrats supported the companion legislation in the House—the same thing we will be voting on here. Democrats and many of the labor unions have sent letters in support of my resolution, so it is not just Republicans whose constituents are feeling the pain of the EPA's regulations.

To my Democratic friends in the House, I beg to differ—it is not that this Congress is anti-environmental; it is that the EPA is the most radical EPA in history, aggressive to the point that even the left-leaning Washington Post has called out the Agency for “earning a reputation for abuse.” Of course, this is the same EPA whose top officials have told us they are out to crucify the American energy producers.

We all remember the sixth area of the EPA, when Mr. Armendariz came out and made this statement to some of his supporters: We need to do the same thing the Romans did. We remember back in the old days when they were going around the Mediterranean and they would go into the towns in Turkey and they would crucify the first five people they would see. That gets them under their control.

He said: That is what we have to do.

He said: That is going to be our operation.

Well, we went through that, and of course he is no longer there.

Over the course of President Obama's Presidency, whatever they could not

achieve through legislation they have tried to achieve through aggressive, onerous EPA regulations. They tried first of all to do it through legislation. Remember the cap-and-trade legislation—they tried for 10 years to get that done. Finally, each year they brought it up, more and more people in this body, the U.S. Senate, were opposed to a cap-and-trade system to do away with greenhouse gases and to put regulations on them. Well, every time a vote comes up, there is a larger majority opposed to it because the people of this country are concerned about the economy and the fact that this would be very costly. It was President Obama who said that with the cap-and-trade regulations, it would be very expensive.

Now, when they couldn't pass the Clean Water Restoration Act, the same thing happened. Remember, that was introduced by Senator Feingold from Wisconsin and by Representative Oberstar in the House. And not only did they defeat overwhelmingly the Clean Water Restoration Act, but the two individuals who were the sponsors in the House and the Senate were both defeated in the next election.

So just how radical is President Obama on environmental issues? By imposing these backdoor global warming cap-and-trade regulations through the EPA, President Obama is fulfilling his campaign promise that energy prices would necessarily skyrocket—his words. By vetoing the Keystone Pipeline, he gave the far left what one of his supporters called the biggest global warming victory in years. By finalizing the most expensive EPA rule in history, he is making good on his campaign promise that if anybody wants to build a coal-fired powerplant, they can; it is just that it will bankrupt them. And he succeeded in throwing hundreds of millions of taxpayers' dollars out the window on companies such as Solyndra, which he said would lead us to a brighter and more prosperous future.

But President Obama is not running on this record of accomplishments. Why? Because Americans are worse off, not better off, for it. They are out of work, and they are struggling to make ends meet under the pain of regulations that cause their energy prices to skyrocket. So he is running as far away from that radical record as possible.

So what are we trying to do in the Senate by stopping Utility MACT? We are trying to prevent the President from achieving another aspect of his radical global warming agenda and hopefully restore some sanity and balance to this out-of-control regulatory regime.

I think everyone in this body can agree that we all share a commitment to improving air quality, that it should be done in a way that doesn't harm jobs and the economy and cause electricity prices to skyrocket on every American or do away with one of the most reliable, abundant, affordable en-

ergy resources—coal. We have to keep in mind that right now, in order to run this machine called America, 50 percent of it is actually being done on coal.

I wish to address the public health debate which has long been the excuse for those in this administration who simply want to kill coal. It was certainly the excuse President Obama used today to defend his decision to veto my resolution. Let's be clear about one thing from the outset: If the effort behind Utility MACT were really about public health, then my Democratic colleagues would have joined our efforts way back in 2005 and passed the Clear Skies bill—a bill that would have put a plan in place to achieve a 70-percent reduction in mercury emissions—but they didn't. We all remember why. We wanted to include in this bill Sox, Nox, and mercury—the real pollutants—a mandatory 70-percent reduction, and they said we can't do it because we don't also have CO₂ anthropogenic gases that are covered by this bill. So it was held hostage, and consequently we weren't able to get it passed.

I can remember President Obama said:

I voted against the Clear Skies bill. In fact, I was the deciding vote despite the fact that I'm a coal State and that half of my State thought I'd thoroughly betrayed them because I thought clean air was critical and global warming was critical.

At an Environment and Public Works hearing in April of this year, Senator BARRASSO asked Brenda Archambo from the National Wildlife Federation if the American people would have been better off if the Senate had passed the Clear Skies bill back in 2005, and her answer was "absolutely." Of course, the National Wildlife Federation was not happy that we were calling attention to Ms. Archambo's admission, so over the weekend they accused my staff of twisting her words. My staff did nothing of the sort. Not only did Ms. Archambo say that mercury reductions in 2005 would absolutely have made Americans better off, she reiterated that same point later when Senator BARRASSO asked her again, "It would have been better if they had done it in 2005?" Ms. Archambo replied, "Sure." The entire exchange from the hearing has been posted on our EPW Web site for anyone who wants to see exactly what was said.

I do not think it gets any clearer than that. Commonsense reductions earlier would have made us better off. That was 2005 when we would have had these reductions, mandatory reductions, in a very short period of time; and that time is more than 50 percent expired at this time.

In a National Wildlife Federation blog accusing me of twisting Ms. Archambo's words, the author says:

An odd part of Sen. Inhofe's attack: He's essentially saying a 70% reduction in mercury emissions would've been just dandy, but

the 91% reduction proposed by the EPA would destroy the economy. Is that really such a huge difference? Or is he just playing politics with public health?

That is a good question: What is the difference between Clear Skies and Utility MACT? It is very simple. Clear Skies would have reduced emissions dramatically—by 70 percent—now we are talking about reducing emissions on SO_x, NO_x, and mercury—but it would have done it without threatening to kill coal and the millions of jobs that coal sustains.

On the other hand, Utility MACT is specifically designed to kill coal. It makes no effort whatsoever to balance environmental protection and economic growth.

Now who is playing politics with public health? If public health were the priority, why did President Obama and his fellow Democrats vote against a 70-percent reduction way back in 2005?

What is this effort about? It is about one thing: killing coal. And killing coal is the centerpiece of their radical global warming agenda. Remember then—Senator Obama said that he voted against the health benefits in Clear Skies because he thought "global warming was critical." In other words, global warming was more important than any of the considerations regarding health. And these are real pollutants: SO_x, NO_x, and mercury.

Importantly, the Senate will take this vote on my resolution just as the world leaders are gathering in Rio de Janeiro. Right now they are down there gathering at the Rio + 20 Sustainable Development Conference.

Let's remember what happened 20 years ago. In 1992, that was the conference in Rio where they all got together, and they were going to be doing all these things on anthropogenic gases and all of that. President Obama, who is now busy pretending to be a fossil fuel President to garner votes, will not be attending. But he is sending his "green team" to negotiate on his behalf.

What is this conference about? As Fox News reported back in April:

The main goal of the much-touted, Rio + 20 United Nations Conference on Sustainable Development . . . is to make dramatic and enormously expensive changes in the way that the world does nearly everything—or, as one of the documents puts it, "a fundamental shift in the way we think and act."

Utility MACT is a huge part of this effort to change the way we live and to spread the wealth around, and that is what they are talking about down there. We have started invoking a new tax system.

U.N. Secretary General Ban Ki-moon proposes how sustainable development challenges "can and must be addressed." He included—now I am quoting him—more than \$2.1 trillion a year in wealth transfers from rich countries to poorer countries, in the name of fostering "green infrastructure," "climate adaptation," and other "green economy" measures.

He is advocating for new carbon taxes—that is on us—for industrialized

countries that could cost about \$250 billion a year or 0.6 percent of gross domestic product by 2020. Other environmental taxes are mentioned but not specified.

Also included are further unspecified price hikes that extend beyond fossil fuels to anything derived from agriculture, fisheries, forestry, or other kinds of land and water use, all of which would be radically reorganized. These cost changes would “contribute to a more level playing field between the established, ‘brown’ technologies and newer, greener ones.”

He has advocated for major global social spending programs, including a “social protection floor” and “social safety nets” for the world’s most vulnerable social groups for reasons of “equity.”

It is all talking about more higher taxes on the developed world to go to the benefit of the underdeveloped world. This is the same thing they were talking about 20 years ago.

I think it is very timely that this is happening today. It is happening at the very moment we will be voting on Wednesday as to whether to kill coal. By the way, this is the only vote that will be taken this year or probably ever to ultimately kill coal. Once this is passed, then, of course, the contracts are all broken and we have to figure out: What are we going to do in this country? If you kill coal, how do we run this machine called America? The answer to that question is, you cannot do it.

So it is very important, and I do not think there is any doubt in anyone’s mind that the real purpose of the vote that will take place on Wednesday is to kill coal in America. And America cannot provide the necessary energy to run its machine and be competitive without coal. So it is a critical vote, and it is one that I think people are aware of that is going to be taking place.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE DREAM ACT

Mr. DURBIN. Madam President, more than two centuries ago, in the Declaration of Independence, our Founding Fathers wrote that “all men are created equal.” America has sometimes fallen short of that ideal, but the history of our country has been a slow march toward equality for all.

We have seen Presidents play a key role in expanding freedom and equality. Who can forget Harry Truman’s desegregation of the military, which set the stage for a Supreme Court decision and a civil rights era that has literally changed the face of America?

Last Friday was another case in point. President Barack Obama declared that his administration will no longer deport immigrant students who grew up in America. This action will give these young immigrants the chance to come out of the shadows and be part of the only country they have ever called home. With that decisive executive decision, America took another step toward fulfilling the Founders’ promise of justice for all.

It has been 11 years—11 years—since I first introduced the DREAM Act—legislation that would allow a select group of immigrant students with real potential to contribute more fully to America.

The DREAM Act would give these students a chance to earn citizenship if they came to the United States as children, they have been long-term U.S. residents, they have good moral character, graduate from high school, and either complete 2 years of military service or 2 years of college.

The DREAM Act has a history of broad bipartisan support. When I first introduced it, Senator ORRIN HATCH, Republican from Utah, was my lead cosponsor. In fact, we had kind of a head to head—who was going to be the first name: HATCH or DURBIN? Since the Republicans were in the majority, I bowed toward Senator HATCH.

In 2006—when Republicans last controlled this Congress—the DREAM Act passed the Senate as part of comprehensive immigration reform on a 62-to-36 vote, with 23 Republicans voting for the DREAM Act. Unfortunately, the Republican leaders in the House refused to even consider the bill.

Republican support for the DREAM Act, unfortunately, has been diminishing over the years. The last time the DREAM Act was considered in Congress, the bill passed the House under the leadership of Congressman LUIS GUTIERREZ of Illinois and received a strong majority vote in the Senate. But only eight Republican House Members and three Republican Senators voted for the bill. What a change in such a short period of time.

Let’s be clear: The only reason the DREAM Act is not the law of the land of America is because we consistently face a Republican filibuster whenever we bring up this bill.

The vast majority of Democrats continue to support the DREAM Act, but the reality is it cannot pass without support from my colleagues on the other side of the aisle. That is why I have always said I am open to sitting down with anyone, Republican or Democrat, who is interested in working in good faith to solve this problem.

I am personally committed to passing the DREAM Act, no matter how long it takes. But the young people who would be eligible for the DREAM Act cannot wait any longer for Congress to act. Many have been deported from the only country they have ever known: America. They have been sent off to countries they do not remember with languages they do not speak.

Those who are still here are growing older. And when they graduate from college, they are stuck, unable to work, unable to contribute to the only country they know.

That is why President Obama, using his Presidential authority, did such an important thing to help these immigrant students. The President granted them a form of relief known as “deferred action,” which puts a hold on their deportation and allows them, on a temporary, renewable basis, to live and work legally in America.

That was the right thing to do. These students grew up here pledging allegiance to our flag and singing the only national anthem they know. They are Americans in their heart and in their mind. They did not make the decision to come to this country; their parents did.

As Homeland Security Secretary Janet Napolitano said last Friday, immigrants who were brought here illegally as children “lacked [any] intent to violate the law.” And it is not the American way to punish children for their parents’ actions. We do not do that in any aspect of the law in this country. Why would we do it here?

There will always be critics when the President uses his power, as he did last Friday. In fact, some Members of Congress attacked President Truman when he ordered the desegregation of America’s military. They said Truman’s order would hurt the military. Many even claimed Truman had performed an illegal act as President.

Today, many of the naysayers in this generation claim that halting the deportation of DREAM Act students will hurt the economy and that it too may be illegal. President Truman’s critics were wrong, and so are President Obama’s.

President Obama’s new deportation policy will make America a stronger nation by giving these talented immigrants the chance to contribute more fully to our economy.

Studies show these young people could contribute literally trillions of dollars to the American economy during their working lives. They are the doctors, engineers, teachers, and soldiers who will make us a stronger nation. Why would we waste that talent? They have been educated and trained in the United States. We have invested in these people. Let us at least see the fruits of this investment, the benefits that can come to America.

Let’s be clear. What the Obama administration has done in establishing this new process for prioritizing deportations is perfectly appropriate and legal. Throughout our history, the government has decided whom to prosecute, and whom not to prosecute based on law enforcement priorities and available resources.

The Supreme Court has held this:

An agency’s decision not to prosecute . . . is a decision generally committed to an agency’s absolute discretion.

President Obama granted deferred action—to use the technical term—to

DREAM Act students. Past administrations, both Democratic and Republican, have used deferred action to stop deportation of low-priority cases.

Last month, 90 immigration law professors sent a letter to the President arguing that the executive branch has "clear executive authority" to grant deferred action to DREAM Act students. The letter explains that the executive branch has granted deferred action since at least 1971 and that Federal courts have recognized this authority since at least the mid-1970s. These immigration experts have also noted there are a number of precedents for granting deferred action to groups of individuals such as DREAM Act students.

The President's action is not just legal, it is also a smart and realistic approach to enforcing our immigration laws. Today, there are millions of undocumented immigrants in the United States, and it would literally take billions of dollars to deport them.

The Department of Homeland Security has to set priorities about which people to deport and which not to deport.

The Obama administration has established a deportation policy that makes it a high priority to deport those who have committed serious crimes or are a threat to public safety. I totally support that approach. President Obama has said we will not use our limited resources to deport DREAM Act students.

Some of my Republican colleagues have claimed this is a sort of backdoor amnesty. That isn't even close to being true. This is simply a decision to focus limited government resources on serious criminals and other public safety threats. DREAM Act students will not receive permanent legal status or citizenship under the President's order.

This policy has strong bipartisan support in Congress. I wish to say a special word about a colleague. Two years ago, Indiana Republican Senator RICHARD LUGAR joined me—crossing the aisle—to ask the Department of Homeland Security to grant this deferred action. I called him on Friday and said: Dick, I just want to tell you how much I respect you. It took us 2 years, but we got it done.

He was the only Senator from the other side of the aisle with the courage to step up and join me in that letter. He may have paid a price for it, though he denied it in the phone conversation. I cannot tell you how much I respect that man for his courage in asking for this.

It took 2 years, but those students who are appreciative of the President's action should not forget the singular courage of the Senator from Indiana.

Last year, when Senator LUGAR and I sent a renewed request, 21 Senators joined us, including majority leader HARRY REID, Judiciary Committee chairman PATRICK LEAHY, and, of course, Senator BOB MENENDEZ, who heads up the Hispanic Caucus in the Senate.

It is easy to criticize the President's new deportation policy when it is an abstract debate and we are talking about constitutional legal authority and deferred action and so forth.

I think what has brought this debate to where it stands today are the real stories, the stories of these young people. I have tried almost every week to come to the floor to tell a DREAM Act story. Today, I wish to tell one more.

This is a photo of Manny Bartsch, who was born in Germany. He was abused and neglected by his parents, so his grandmother became his guardian. After Manny's grandfather passed away, his grandmother married an American soldier. When Manny was 7 years old, sadly, his grandmother was tragically killed by a drunk driver. His step-grandfather decided to return to America, and he brought Manny with him. They moved to Gilboa, a small town in northwestern Ohio.

Unfortunately, Manny's step-grandfather, wanting to protect him, failed to file any papers for Manny to become a U.S. citizen. But Manny grew up in Ohio, where he went to elementary school and high school. When Manny was preparing to apply for college, he learned he didn't have any legal status in America.

Manny wanted to do the right thing, so he made an appointment with Immigration Services to clear up things. When he showed up for his appointment, Manny was arrested and detained. He was 17 years old.

Here is what Manny said about the prospect of being deported to Germany, a country he left as a little boy:

I don't know anybody over there. This is my home. This is where everybody I know lives, and to have to think about leaving, I just wouldn't be able to imagine it.

Manny's friends and family rallied behind him, asking for his deportation to be at least temporarily suspended. Thanks to the community support, he was ultimately allowed to stay. He went on to college at Heidelberg University in Tiffin, OH.

Last month, Manny graduated with a major in political science and a minor in history. He was president of his fraternity and has been active in community service. For instance, for the last 4 years, he has organized a fundraiser to purchase Christmas presents for children with cancer at the Cleveland Clinic.

Here is what Manny says about his future:

I would go through any channel I have to to correct this situation. I'm not asking for citizenship [but] I would love to earn it if that possibility would arise. . . . I would love to contribute to this country, give back to it. I just don't understand why they would educate people in my situation and deport them back and let countries reap the benefits of the education system here.

David Hogan is the chairman of the History Department at Heidelberg University. He says this about Manny:

We want good people in this country. We want honest, hard-working people, and that's

Manny pure and simple. [He is] in the top two percent [of students] in terms of brilliance, work ethic, personal qualities.

Thanks to President Obama's executive order last Friday, Manny Bartsch and other DREAM Act students will continue to be able to live and work legally in America.

I ask the critics of that policy this: Would we be better off if we deported Manny back to Germany, a country he left when he was a little boy? Of course not.

Manny grew up in America. He doesn't have any criminal background. He is no threat to our country. He will make America stronger if we just give him a chance.

Manny isn't just one example. There are a lot more—literally hundreds, if not thousands, of others just like him.

When the history of civil rights in this century—the 21st century—is written, President Obama's decision to grant deferred action to DREAM Act students will be a key chapter.

But it is also clear this is only a temporary solution. It doesn't absolve Congress—the Senate and the House—from tackling this difficult but critically important issue. It is a matter of justice as well as for the future of our economy. This is still our burden and responsibility. It was 2 years ago when I sent this letter with Senator LUGAR. I am grateful there was a President who read it and listened and had the courage to act. His courage in standing for these young people will make us a better nation, and, equally important, it will bend that arc toward justice again.

At the end of the day, these young people will make the case for why this was the right thing to do. I have no doubt in my mind that when the balance sheet comes in on these DREAM Act students, we are going to say thank goodness we did this. I personally salute the President for his leadership. This was a historic and humanitarian moment. It has changed the debate in America about immigration and has given these young people a chance.

I called one of those students on Friday, Gabby Pacheco. She is the best. She walked from Florida to Washington to dramatize the DREAM Act. She came out publicly and said: I am undocumented, and I will stand for those in a similar situation. She was crying on the phone. She just heard about it. She said: I am afraid these students will come forward and admit they are undocumented and someday some Congress and some President will use it against them and deport them. I said: Gabby, I don't think so. Once they stand and say we are going to follow the law and do what we are told to do and put our names down and tell you who we are, anybody who tries to use that against them is going to cause a terrific backlash across America. People in America will respect these young people and realize we will be a better nation because of it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—S. 3240

Mr. REID. Mr. President, this is a day I did not think would ever arrive. But we are here, I think. I so admire, having managed a few bills in my day, the work done by Senator STABENOW and Senator ROBERTS. I will say more about that later. This is not a great agreement, but it is a good agreement, and they worked so hard to get where we are. I so appreciate what they have done. As I said before, I did not think we would be here.

Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 3240, the pending motion to recommit be withdrawn; that amendment No. 2390 be withdrawn; that the Stabenow-Roberts amendment No. 2389 be agreed to, the bill, as amended, be considered original text for the purposes of further amendment; that the following amendments and motions be the only first-degree amendments and motions in order to the bill: Akaka No. 2440, Akaka No. 2396, Baucus No. 2429, Bingaman No. 2364, Brown of Ohio No. 2445, Cantwell No. 2370, Casey No. 2238, Coons No. 2426, Feinstein No. 2422, Feinstein No. 2309, Gillibrand No. 2156, Hagan No. 2366, Kerry No. 2187, Landrieu No. 2321, Manchin No. 2345, Merkley No. 2382, Schumer No. 2427, Stabenow No. 2453, Udall of Colorado No. 2295, Warner No. 2457, Wyden No. 2442, Wyden No. 2388, Leahy No. 2204, Nelson of Nebraska No. 2242, Klobuchar No. 2299, Carper No. 2287, Sanders No. 2254, Thune No. 2437, Durbin-Coburn No. 2439, Snowe No. 2190, Ayotte No. 2192, Collins No. 2444, Grassley No. 2167, Sessions No. 2174, Nelson of Nebraska No. 2243, Sessions No. 2172, Paul No. 2181, Alexander No. 2191, McCain No. 2199, Toomey No. 2217, DeMint No. 2263, DeMint No. 2262, DeMint No. 2268, DeMint No. 2276, DeMint No. 2273, Coburn No. 2289, Coburn No. 2293, Kerry No. 2454, Kyl No. 2354, Lee No. 2313, Lee No. 2314, Boozman No. 2355, Boozman No. 2360, Toomey No. 2226, Toomey No. 2433, Lee motion to recommit, Johnson of Wisconsin motion to recommit, Chambliss No. 2438, Chambliss No. 2340, Chambliss No. 2432, Ayotte No. 2195, Blunt No. 2246, Moran No. 2403, Moran No. 2443, Vitter No. 2363, Toomey No. 2247, Sanders No. 2310, Coburn No. 2214, Boxer No. 2456, Johanns No. 2372, Murray No. 2455, McCain No. 2162, Rubio No. 2166; that at 2:15 p.m., Tuesday, June 19, the Senate proceed to votes in relation to the amendments in the order listed, alternating between Republican- and Democratic-sponsored amendments; that

there be no amendments or motions in order to the amendments prior to the votes other than motions to waive points of order and motions to table; that there be 2 minutes of debate equally divided in the usual form between the votes, and all after the first vote be 10-minute votes; that the Toomey No. 2247, Sanders No. 2310, Coburn No. 2214, Boxer No. 2456, Johanns No. 2372, Murray No. 2455, McCain No. 2162, and Rubio No. 2166 be subject to a 60-affirmative-vote threshold; that the clerks be authorized to modify the instruction lines on amendments so the page and line numbers match up correctly; that upon disposition of the amendments, the bill, as amended, be read a third time; that there be up to 10 minutes equally divided in the usual form prior to a vote on passage of the bill, as amended, if amended; finally, that the vote on passage of the bill be subject to a 60-affirmative-vote threshold.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. STABENOW. Mr. President, as we are waiting for wrap-up this evening, I wish to take a moment to thank all our colleagues for the extraordinary effort to get to this point where we are going to be able to come together, debate a number of different issues related to the farm bill and other issues as well, and be able to come to a final vote and passage of the farm bill.

I wish to thank, first of all, Senator REID for his extraordinary patience and talent in working with Senator ROBERTS and me and all the staff, all the leadership staff, who have worked with us on this.

I also wish to thank Senator ROBERTS for being a tremendous partner with me, and both our staffs who are doing yeoman's work.

There is a lot more work to do. We have a lot of amendments we will begin tomorrow, I believe tomorrow afternoon, and then we will work on through the week to get this done.

But this really is an example of the Senate coming together to agree to get things done—people of different backgrounds, ideas, and different regions of the country. This is an opportunity for us to show that the Senate can work together—which is what we are doing right now, on a bipartisan basis—and be able to move forward on a very important piece of legislation.

This bill is a jobs bill. This bill represents 16 million people in the country who work because of agriculture in

some way. We have had a lot of jobs bills in front of us. I am not sure there has been one that has directly affected 16 million jobs like this does.

We also have an opportunity in this bill to come together and clearly state that we are serious about deficit reduction. We are the only authorizing committee that has come forward in a bipartisan way with a bill that cuts the spending within our jurisdiction—\$23 billion in deficit reduction. We have gone through every part of this bill, and we have literally analyzed every page and determined that there were some programs that were duplications or not effective or didn't make any sense anymore, and we ended up with about 100 different programs and authorizations that we eliminated from those items under USDA's jurisdiction. So this really is a reform bill.

I know the Presiding Officer is a real champion of reform and of agriculture. We have worked together, certainly, on fruits and vegetables and organic farming and local food systems and a whole range of things that we have improved upon in this bill. I thank the Chair for his continued leadership on those issues.

This really is an opportunity to come together around deficit reduction, around reform, to focus on jobs and give our farmers and ranchers predictability in terms of knowing what will happen going forward as they make business decisions for themselves.

It is a huge opportunity around conservation. I think most people wouldn't realize at first blush that the farm bill is actually the largest investment we as Americans make in land and water conservation, air quality, related to working lands. Seventy percent of our lands are privately held lands in some way—farmers and others, landholders—and the conservation title affects how we work with them to be able to conserve our land and water and address the air quality issues. We have had two successes there. So this is a real opportunity to build on that certainly for many regions in the country, such as my own Great Lakes region. It is critical in working with our farmers who have a number of different environmental issues to address. On behalf of all of us, this gives us an opportunity to partner with them and deal with soil erosion and water quality issues and runoff into our lakes and streams and Great Lakes and deal with open spaces, protecting wildlife habitat and wetlands, and creating a new easement program that will address urban sprawl so that we are protecting our lands.

I am very proud of what we have done in conservation. We have taken it from 23 programs down to 13 and divided it into 4 topics—a lot of flexibility, locally led, with farmers and ranchers working with local communities. We have saved money, but at the same time we are actually strengthening conservation, which is why we have I think 643 different conservation and environmental groups

supporting what we are doing in terms of our approach on conservation. I am pleased with that.

The rural development provisions of this bill affect every community outside of our urban areas. The majority of Michigan—we see support through financing for water and sewer projects, small businesses, housing, working with local law enforcement, police and firefighters, local mayors and city council people, counties all across Michigan and the country, certainly in Oregon, where rural development funding and support for quality of life and jobs and rural communities is very much a part of the bill.

We think of the bill in terms of production agriculture. Obviously, it is critical. I don't know any business that has more risk than a farmer or rancher—nobody. So we all have a stake. We have the safest, most affordable, dependable food supply in the world. We wanted to make sure no farmer loses a farm because of a few days of bad weather. What we do in production agriculture is very important.

We also have a broad role, together with rural communities, with ranchers and farmers, to support our land and our water and our habitat and our air. We do that through conservation. We have rural development. We have an energy title that allows us to take what we do—the byproducts from agriculture, whether that be food or animal waste or biomass from forests or corn or wheat or soybean oil—whatever it is—to be able to create jobs through bio-based manufacturing, advanced biofuels, going beyond corn to other kinds of advanced cellulosic biofuels, which is very much a part of the bill, all of which creates jobs.

We are creating jobs in a multitude of ways in the bill. We are also supporting families who, because of no fault of their own in this recession, have been hit so hard and need temporary food help. That is also a very big and important part of the bill. For the people in my State who have been hit very hard in the last number of years, it is important that we be there. They have paid taxes all their lives and supported their neighbors. They have been there for other people. Now, if they need some temporary help, we need to make sure it is there for them as well. That is a very important part of the bill also.

In addition, we see a whole range of efforts around local food systems that also create jobs—farmers markets, children's schools being able to get fresh fruits and vegetables, schools being able to purchase locally, things that we can do to support families to put healthy food on the table for their children or make sure it is available in school—very important efforts going on there. We make sure that all of agriculture is included in our local food systems. That is a very important part of the bill.

This is a large effort. We do it every 5 years. It takes a tremendous amount

of work. Every region of the country has a different view and different crops that they grow and different perspectives, so it is a lot of hard work to bring it all together.

This evening we have been able to come together on a path to final passage, agreeing to the list of amendments. This is a democracy. I don't agree or support all of those amendments. I know other colleagues don't as well. We will talk about them and debate, and we will vote. That is the Senate at its best. That is what we are doing here by agreeing to a process or list of amendments from every part of the country.

Members on both sides have very strongly held beliefs. We respect that. We respect their right to be able to debate those amendments, and I also thank those for the amendments that will not be brought up, which were not in the unanimous consent agreement. I think we had about 300 amendments when we started. We knew it was not possible to be able to vote on every one of those. So colleagues' willingness to work with us was important, and I am grateful to the people who worked with us on both sides of the aisle and those whom we will continue to work with.

This is another step in the process, as we have put together a bill that we reported out of committee with a strong bipartisan vote. Now we have brought it to the floor with a large majority. Ninety out of 100 colleagues came together to say: Yes, we should debate and discuss and work on this Agriculture Reform, Food, and Jobs Act.

Now, with the agreement we have, Members are saying: Yes, we should go forward and work on these amendments and have a final vote. In the democratic process, people of good will are willing to come together and have the opportunity to debate and vote. That is what it is about. I am grateful that colleagues were willing to work with us to be able to do that.

We are waiting for the final wrap-up comments. At this moment, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 37

Ms. STABENOW. Mr. President, I ask unanimous consent that on Tuesday, June 19, at a time to be determined by the majority leader, after consultation with the Republican leader, the Republican leader or his designee be recognized to move to proceed to the consideration of S.J. Res. 37, a joint resolution disapproving a rule promulgated by the Administrator of the Environmental Protection Agency relating to emission standards for certain steam generating units; that there be up to 4

hours of debate on the motion to proceed, with the time equally divided and controlled between the two leaders or their designees; further, that 2 hours of debate equally divided occur on Tuesday, June 19, and the Senate resume consideration of the motion to proceed at 10:30 a.m., Wednesday, June 20, for the remaining 2 hours of debate; that at 12:30 p.m. on Wednesday, the Senate proceed to vote on the adoption of the motion to proceed; that if the motion is successful, then the time for debate with respect to the joint resolution be equally divided between the two leaders or their designees; that upon the use or yielding back of time, the joint resolution be read a third time and the Senate proceed to vote on passage of the joint resolution; finally, all other provisions of the statute governing consideration of the joint resolution remain in effect.

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

MORNING BUSINESS

Ms. STABENOW. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

ADDITIONAL STATEMENTS

TRIBUTE TO CHRIS BERN

• Mr. HARKIN. Mr. President, Chris Bern retires on July 14 as president of the Iowa State Education Association after completing his second two-year term in that position. Chris is a longtime advocate for quality education within ISEA and is an important voice for teachers at the local, State, and national levels. I have valued Chris's views on a variety of education issues.

I am especially grateful to Chris for his leadership on anti-harassment and anti-bullying issues within the Iowa State Education Association and the National Education Association. Chris understood the importance of anti-bullying efforts before recent events drew national attention to the topic. Chris is a certified trainer for the NEA's program on school safety and anti-harassment issues. One of his leadership priorities at ISEA has been to promote anti-bullying awareness in our schools, traveling to locals around the State to talk about how to protect students from mistreatment by their peers.

After graduation from Buena Vista College, Chris started his teaching career as a junior high school math teacher in Woodbine, IA and then moved to Knoxville, IA, where he taught high school math. He soon became involved in the Iowa State Education Association, serving in a variety of local, State and national roles. Chris spent 11 years on various committees, including the ISEA Resolutions and