

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

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

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

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

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

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

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

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

#### RESERVATION OF LEADER TIME

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

#### CONCLUSION OF MORNING BUSINESS

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

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

#### NOMINATIONS STALLING

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

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

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

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

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

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

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

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

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

the world to try to reduce the advance of nuclear arms and the threat of nuclear war. Her nomination is based on the fact that she is an experienced diplomat with talent and skills that are desperately needed in this very involved, difficult, and important negotiation. She has already served with distinction in several high-profile positions with the Foreign Service. She was the Ambassador to Turkmenistan, the Deputy Chief of Mission to the United Nations, and the Deputy Commandant at the National War College.

She was reported out of the Senate Foreign Relations Committee 2 months ago. What is holding her up? Yesterday, the majority leader asked that Laura Kennedy, the nominee to be the Representative to the Conference on Disarmament, be approved by the Senate, and the Senator from Alabama, Mr. SHELBY, said: I object. Well, I think Senator SHELBY owes it to all of us to come and tell us why. What is it he objects to about Laura Kennedy? Does he feel she is not qualified? If he does, let's hear why, and then let's bring it to a vote of the Senate. Is that not fair?

Then there is Caryn Wagner, the nominee for Under Secretary for Intelligence and Analysis of the Department of Homeland Security. Do we need someone to deal with intelligence in this time of the threat of terrorism? Do we need someone like that at the Department of Homeland Security? We need them yesterday; we do not need them tomorrow. The Under Secretary for Intelligence and Analysis is considered the chief intelligence officer of the Department of Homeland Security. The Under Secretary has to bring together all of these different agencies and branches of government to make sure they coordinate their efforts.

We know what happened last Christmas. There was not enough done. It was not done in a timely way to deal with this man who threatened the lives of those who were on that airline destined for Detroit.

Caryn Wagner is highly qualified to meet the demands of this position. She was the senior Defense Intelligence Agency representative to the U.S. European Command and to NATO. She is an instructor at the Intelligence and Security Academy. She retired from the House Permanent Select Committee on Intelligence in October of 2008, where she served as budget director and cyber-security coordinator. Before that, she served as Assistant Deputy Director of National Intelligence. Her experience also includes serving as a signals intelligence and electronic warfare officer in the U.S. Army. That is a pretty strong resume, isn't it. She is a person you would want in this job immediately. Why in the world would we risk an attack on the United States by withholding critical personnel and critical leadership when it comes to gathering intelligence in the Department of Homeland Security?

Yesterday, the majority leader asked for consent to have the Senate move

her nomination forward. The Senator from Alabama, Mr. SHELBY, objected. I would like to ask the Senator, what does he know about Caryn Wagner that would lead him to object to her serving the United States of America and trying to keep us safe? If he knows something, the next half hour on the floor of the Senate is available to the Republican side. I invite him or the leadership to come forward and tell us what is wrong with this nominee. Why are you holding up this nominee?

Then, of course, there is Phillip Goldberg, the nominee for Assistant Secretary of State for Intelligence and Research. This man has served as our Ambassador to Bolivia, Chief of Mission in Kosovo, and Deputy Chief of Mission in Chile, under Republican and Democratic Presidents as well. He is the coordinator of the U.N. Security Council resolution monitoring the implementation of resolutions on North Korea.

He would be head of the Bureau of Intelligence Research at the Department of State. A big part of their responsibility is to make sure our foreign policy is based on good intelligence gathering around the world to keep America safe and secure. For over 60 years, this branch of our government has led the State Department review of sensitive counterintelligence and law enforcement activities. In 2004, the Senate Select Committee on Intelligence revealed that this agency was one of the few dissenting votes 2 years earlier when the CIA and other intelligence shops overstated the threat of Saddam Hussein in Iraq. This agency got it right. Although its primary customer is the State Department, this agency serves many other branches of government. The confirmation of Philip Goldberg would provide essential leadership.

Yesterday, the majority leader came to the floor and asked unanimous consent for Phillip Goldberg to serve in the Department of State to gather intelligence to keep America safe. He asked consent that we move to his nomination, a nomination with no controversy. The Senator from Alabama, Mr. SHELBY, objected. Please, I ask my colleagues on the Republican side of the aisle, come to the floor and explain to us what is wrong with Philip Goldberg. What disqualifies him for this position in this administration? Make your best case, if you have one, against him or any one of these nominees, and then, out of a sense of fairness and at least a sense of giving this country and this President the people he needs on a team he needs to keep us safe, let's come to a vote immediately on these four nominees.

I do not hold out a lot of hope that any Republican will come to the floor with objections against any one of those people because, you see, these objections are sometimes based on some grudge, some project, something else. I do not assign that to the Senator from Alabama. I have no idea why he objected. But if he has a substantive ob-

jection to any or all of these four people, he should come forward and tell us. He owes it to the Senate. He owes it to the American people. In fairness, he owes it to these four people who have served our country well and want to continue to do so. They should not be left in this uncertainty.

#### FAIR ELECTIONS NOW ACT

Mr. DURBIN. Mr. President, when I leave the Chamber, I will be headed to the Senate Rules Committee on which I serve for a hearing to discuss the Supreme Court case that was decided a few days back that is going to make a dramatic difference in the way political campaigns are waged.

For 100 years, since the days of Teddy Roosevelt, we have agreed to keep major businesses, big corporations out of our American political scene. They get involved, make no mistake. We saw that on health care reform. The major forces for and against it in the private sector bought ads. But when it comes to candidates, actual people running for Federal office, we have said: No corporate contributions to these candidates; individuals, yes, who work for the corporations, but not the corporations themselves that have millions of dollars they can funnel into campaigns. That was the law for 100 years.

Then the Supreme Court took up this case and, as a result, it is all going to change. When I saw the final decision, I noticed that Chief Justice Roberts and Justice Alito had joined with Justice Kennedy and Justice Thomas and Justice Scalia for the five-vote majority on the Court. I couldn't help but remember not that long ago when Chief Justice Roberts appeared before the Judiciary Committee. I was there. He was asked: What is your role on the Supreme Court going to be as Chief Justice? He said: I am just there to call the balls and strikes. That is it. I am not there to make up the rules of the game. That is for somebody else.

For 100 years, it was pretty clear that when major corporations wanted to participate in supporting directly the candidacies of Federal candidates, the ball went right down the middle, and it was clearly a strike. We said: You are out. But not this Supreme Court, not under this Chief Justice. This is clear judicial activism.

I challenge any of Chief Justice Roberts' supporters on the other side of the aisle who preach to us over and over again about their loathing for judicial activism to explain what happened in this case, when this Supreme Court overturned that prohibition against corporations being directly involved in candidates' campaigns.

Most people who haven't been in this world are probably scratching their heads and asking: What difference does it make? You folks spend millions of dollars anyway. What is a couple million more going to do?

What it basically means is that when corporation X comes to the office of a