

Those are his words. CMS is exempted? Health care is exempted? That is unreal.

I believe otherwise, and this belief is being verified by personal stories from Kansans. In my letter to the President today, I strongly encouraged him to review all of the regulations that have been issued, past, present, and future, while considering their impact on the economy and jobs. Sure, it would be a tough job. It is time, with the "Katrina" of regulations pouring out of the various agencies in Washington.

Understanding this, last month, I, along with Senators BARRASSO and COATS, and with the support of 38 Senate colleagues—have introduced the Regulatory Responsibility for Our Economy Act, S. 358. I urge my colleagues on the other side, who I am going to engage in the next week. We will go face to face and I will try to convince you.

My bill moves to codify and strengthen President Obama's January 18 Executive order that directs agencies within the administration to review, modify, streamline, expand, or repeal those significant regulatory actions that are, in the President's words, duplicative, unnecessary, overly burdensome, or would have significant economic impacts on Americans. I have given President Obama credit for saying that, but I don't give him credit for including the loopholes.

While I agree in principle with the President that we need to take a serious look at both current and proposed Federal regulations, I don't think his Executive order actually does what it purports to do. I have some loopholes listed. In Dodge City, where I come from, coming close to the truth is coming pretty close, but it still ain't the truth. I think this is where this fits.

The Executive order states—and I want everybody in the Senate, if you are listening, or if your staff is listening, provide this to your member. Figure this out:

In applying these principles, each agency is directed to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.

That is a good thing.

Where appropriate and permitted by law, each agency may consider (and discuss qualitatively)—

and this is the part where I had the most concern, and I hope somebody can explain it.

values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.

What is that? "But," as the Wall Street Journal captured so eloquently in their response to President Obama's editorial, "these amorphous concepts are not measurable at all." They are not.

On the surface, I feel this language has the potential to be a very large loophole—probably is already. I believe this is the loophole being used to exempt the PPACA regulations from this review. That is unfortunate. In fact,

upon reading and rereading it, it could be better described as gobbledygook.

As a matter of fact, it got my gobbledygook award of the month this past month. My legislation would close the loopholes in President Obama's Executive order and would close other existing loopholes, including those the administration has been using—or the Secretaries for the various agencies have been using—to bypass valuable stakeholder input on regulations. In fact, I hear often that patients and providers believe they do not have a voice in the regulatory process.

More specifically, I hear that a number of regulations are currently being issued through a shortened process which allows limited or no input from those most affected by the regulations prior to their implementation—that is wrong—and they may result in an even greater confusion and burden which then results in greater costs and economic impact, especially if changes are necessary based on later comments that the administration does receive.

It is my understanding the PPACA rules that have been issued as interim final rules and, therefore, with limited input—and they will probably become final—are the national provider identifier, Web portal requirements, Early Retiree Reinsurance Program, coverage of children to age 26. Underserved rural communities, grandfathered health plans, preexisting condition exclusions, preventive services, internal claims/appeals and external review processes, Pre-existing Condition Insurance Plan Program, amendment to grandfathered health plans rule, and medical lost ratio requirements. That is a bunch of them—all regulations through a shortened process.

While there may have been instances in which a shortened process was necessary or appropriate, this lengthy list is why passage of my legislation is so critically important.

I ask the Presiding Officer if I have exceeded my time. If I have, I would like 2 additional minutes to close.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. ROBERTS. May I have 2 additional minutes, and I will close.

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

Mr. ROBERTS. In my letter to the President today, I have encouraged the administration to limit the use of this shortened regulatory process and take every available opportunity to get feedback from those who would be most affected by these regulations—that just makes sense—and allow for ample time to review and consider that feedback prior to implementing the future regulatory priorities. We are going to have better regulations if, in fact, you ask folks: Is this going to work? Maybe tweak it, maybe repeal it. Who knows. The President himself said that.

In addition, I have encouraged the administration to review any comments received on these regulations

that have already been issued for any concerns that indicate a potential to further our economic problems and crises.

In closing, I invite my friends on both sides of the aisle to sign on as a cosponsor of my legislation, realizing the immense opportunities it creates for meaningful review and possible revocation of regulations counter to our Nation's growth.

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

The PRESIDING OFFICER. Will the Senator withhold his suggestion of the absence of a quorum?

Mr. ROBERTS. I will be delighted to.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF MAX OLIVER COGBURN, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Max Oliver Cogburn, Jr., of North Carolina, to be United States District Judge for the Western District of North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I wish to talk about Max Oliver Cogburn, Jr., judicial nominee for the U.S. district court in the Western District of North Carolina.

Judge Cogburn was nominated for the second time by President Obama on January 25, 2011, and was favorably reported out of the Judiciary Committee by voice vote on February 3, 2011.

It is extremely important to me that North Carolina has highly capable representation on our Federal courts. Judge Cogburn is exactly the type of legal mind we need as a judge on North Carolina's Western District Court.

Since coming to the Senate, I have worked to increase the number of North Carolinians on the Federal judiciary. Unfortunately, it has turned out to be a rather slow and arduous process. After months of making the case that North Carolina deserves more representation on the Fourth Circuit last year, Judges Jim Wynn and Al Diaz were confirmed unanimously by the Senate.

North Carolina is better off because Judges Jim Wynn and Al Diaz—highly qualified, experienced, and fairminded judges—are now serving on the Fourth Circuit. It is my hope that very soon North Carolina will have another Federal judge with the confirmation of

Judge Cogburn. All of these judges have received bipartisan support, and I am pleased that Senator BURR has joined with me in recommending these judges.

I recommended Judge Cogburn because of his distinguished record as a jurist and attorney in both the public and private sectors. After earning degrees from Samford University Cumberland School of Law and UNC Chapel Hill, he entered private practice.

Judge Cogburn has worked in private practice off and on since 1976, handling criminal felonies and misdemeanors, civil torts, domestic cases, and corporate work. Judge Cogburn also served as an assistant U.S. attorney from 1980 to 1992 where he prosecuted murder cases, drug trafficking, voter fraud, and a wide variety of Federal crimes.

During his time with the U.S. Attorney's Office, Judge Cogburn served as the lead attorney of the Organized Crime and Drug Task Force, as well as the chief assistant U.S. attorney.

From 1995 to 2004, Judge Cogburn served as a magistrate judge on the U.S. District Court for the Western District of North Carolina. As a magistrate judge, he ruled on cases involving sexual harassment, racial discrimination in employment, fraud, age discrimination, products liability, and medical malpractice.

Judge Cogburn has received the American Bar Association's highest rating of "well-qualified." He has the skills and legal experience this position requires.

I am pleased to speak about Judge Cogburn's outstanding qualifications to serve on the U.S. District Court for the Western District of North Carolina. I am confident that Judge Cogburn will serve on the bench with clarity and distinction. I have worked steadily to see that he is confirmed quickly. I look forward to casting that vote shortly. I ask my Senate colleagues to join me and Senator BURR in support of Judge Cogburn's nomination and vote in favor of his confirmation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I also wish to talk about this historic day. It is historic because we are actually going to confirm Max Cogburn faster than it took for the nomination to come through. Today, in this austere body, that is an accomplishment. But in large measure it says a lot about the President's nominee.

Max Cogburn has been nominated to the Federal bench in North Carolina's Western District. He is an excellent choice and I believe will be a needed but great addition to the court.

The Cogburn family roots are in western North Carolina's mountains, and they run deep. It is an impressive family history, but Max has made a name for himself in his legal career and his public service: Assistant U.S. attorney, chief assistant U.S. attorney,

magistrate judge, and in private practice.

In addition to his legal career, which certainly qualifies him for the bench in his own right, the Cogburn's other business cannot help but be a benefit. You see, he and his family run a dude ranch outside of Asheville, NC.

I thank the Members of the Senate Judiciary Committee, as I said, for acting so quickly on this nomination. Nominees to the Federal bench are bestowed with a high honor but also a high amount of uncertainty and stress as they and their families go through a sometimes never-ending process. I am grateful this process has been relatively short and sweet for Max.

He was nominated in May of 2010, had his hearing during the lameduck session, and was reported out in December, still during the lameduck session. I am sorry this body missed the opportunity at that time to finalize his confirmation. He did not get a vote in the last Congress, but that, of course, is not unusual for a nominee of either party who is reported by the committee late in the process.

He was reported out again in February and is actually getting a vote in less time, as I said, than it took the White House to nominate him, especially following the departure and retirement of Judge Thornburg.

I appreciate the Judiciary Committee's commitment to move quickly. I join my colleague, Senator HAGAN, in encouraging all of our colleagues to unanimously support this appointment to the Federal bench.

I might say, in conclusion, the underlying reason Max Cogburn should get the overwhelming support of all the Members of the Senate and should be the newest member of our court in the Western District is because Max Cogburn is a good man. He comes from good stock, but on his own he is a good man and a great American. Today he deserves this House to unanimously support this nomination.

Mr. LEAHY. Mr. President, I congratulate Senator HAGAN on the Senate's consideration of the nomination of Max O. Cogburn.

Max O. Cogburn is nominated to sit on the U.S. District Court for the Western District of North Carolina, the very district where he has served for 9 years as a magistrate judge and for 12 years as an assistant U.S. attorney. Mr. Cogburn is currently a partner in the Asheville, NC, law firm of Cogburn and Brazil, and also serves as an appointed member of the North Carolina Education Lottery Commission.

This nomination could—and in my view should—have been considered and confirmed last year. Instead, it was unnecessarily returned to the President without final Senate action, despite the nominee's qualifications and the needs of the American people to have judges available to hear cases in the Federal courts. The President has had to renominate him, the Senate Judiciary Committee has had to reconsider

him and now, finally, the Senate is being allowed to consider him.

I suspect the Senate will now confirm him unanimously or nearly so. He has the support of both his home state Senators, one a Democrat and the other a Republican. The nomination of Max Cogburn to fill a vacancy in the Western District of North Carolina is one that was reported without opposition by the Judiciary Committee both last year and, again, earlier this year.

Besides this nomination, there are two nominees ready to fill vacancies in the District of Columbia. Recently, Seth Stern reported in Congressional Quarterly criticism from Chief Judge Lamberth of the U.S. District Court for the District of Columbia, who warned that the breakdown in the judicial confirmation process is "injuring the country." The two judicial nominees to fill longstanding vacancies for his court are still waiting for final consideration by the Senate. They, too, were reported unanimously by the Judiciary Committee last year and again this year. They, too, are being needlessly delayed. The Senate should consider and confirm them without further delay. I will ask that a copy of the article be printed in the RECORD.

Also reported from the Judiciary Committee and before the Senate are nominees to fill a judicial emergency vacancy in New York, a judicial emergency vacancy on the Second Circuit and a judicial vacancy in Oregon. They should be debated and confirmed without delay, as well. Earlier today, the Judiciary Committee moved forward to vote on two additional Federal circuit nominees and four additional district court nominees. They are now available to the Senate for its consideration, as well.

After the confirmation of Mr. Cogburn, there will be 11 judicial nominees left waiting for Senate consideration having been reviewed by the Judiciary Committee. We are holding hearings every two weeks and hope finally to begin to bend the curve and start to lower judicial vacancies across the country. We can do that if the Senate continues to consider judicial nominations in regular order as they are reported by the Judiciary Committee.

Federal judicial vacancies around the country still number too many and they have persisted for too long. That is why Chief Justice Roberts, Attorney General Holder, White House Counsel Bob Bauer and many others—including the President of the United States—have spoken out and urged the Senate to act.

Nearly one out of every eight Federal judgeships remains vacant. This puts at serious risk the ability of all Americans to have a fair hearing in court. The real price being paid for these unnecessary delays is that the judges that remain are overburdened and the American people who depend on them are being denied hearings and justice in a timely fashion.

Regrettably, the progress we made during the first 2 years of the Bush administration has not been duplicated, and the progress we made over the 8 years from 2001 to 2009 to reduce judicial vacancies from 110 to a low of 34 was reversed. The vacancy rate we reduced from 10 percent at the end of President Clinton's term to less than 4 percent in 2008 has now risen back to over 10 percent. In contrast to the sharp reduction in vacancies we made during President Bush's first 2 years when the Democratically controlled Senate confirmed 100 of his judicial nominations, only 60 of President Obama's judicial nominations were allowed to be considered and confirmed during his first 2 years. We have not kept up with the rate of attrition, let alone brought the vacancies down. By now they should have been cut in half. Instead, they continue to hover around 100.

The Senate must do better. The Nation cannot afford further delays by the Senate in taking action on the nominations pending before it. Judicial vacancies on courts throughout the country hinder the Federal judiciary's ability to fulfill its constitutional role. They create a backlog of cases that prevents people from having their day in court. This is unacceptable.

We can consider and confirm this President's nominations to the Federal bench in a timely manner. President Obama has worked with Democratic and Republican home state Senators to identify superbly qualified, consensus nominations. None of the nominations on the Executive Calendar are controversial. They all have the support of their home State Senators, Republicans and Democrats. All have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution.

During President Bush's first term, his first 4 tumultuous years in office, we proceeded to confirm 205 of his judicial nominations. We confirmed 100 of those during the 17 months I was Chairman during President Bush's first 2 years in office. So far in President Obama's third year in office, the Senate has only been allowed to consider 71 of his Federal circuit and district court nominees. We remain well short of the benchmark we set during the Bush administration. When we approach it we can reduce vacancies from the historically high levels at which they have remained throughout these first three years of the Obama administration to the historically low level we reached toward the end of the Bush administration.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From CQ Today Online News—Legal Affairs, Feb. 28, 2011]

JUDGES: 'TOTALLY BROKEN' CONFIRMATION PROCESS CAUSING 'DIRE' CASE BACKLOGS
(By Seth Stern)

Two federal judges criticized the slow pace of judicial confirmations Monday, saying cases are backlogged and judges overwhelmed at the trial court level.

Speaking at a Brookings Institution event on judicial nominations, Royce Lamberth, the chief judge of the U.S. District Court for the District of Columbia, said the confirmation process is "totally broken" and that the pattern of "paybacks and the bickering have been thoroughly bipartisan."

Lamberth, who was appointed by President Ronald Reagan in 1987, raised similar concerns in a speech in March 2009, just after the start of the Obama administration. But he said he was increasingly concerned by the delays in the confirmation of federal trial judges, which has only worsened in the two years since.

"I say to both Democrats and Republicans, you are injuring the country," Lamberth said.

Lamberth was joined on the panel by William Furgeson Jr., a Texas district court judge who said judges' growing caseloads resulting from the vacancies in his district in western Texas are a "desperate problem" that results in "assembly-line justice."

Furgeson called the situation on the border "dire," adding it was a "giant mystery" why senators now fight over trial court judges.

Chief Justice John G. Roberts Jr. had also emphasized the "persistent problem" of vacancies on the federal bench in his annual report on the state of the judiciary released in December.

"Each political party has found it easy to turn on a dime from decrying to defending the blocking of judicial nominations, depending on their changing political fortunes," Roberts wrote in the report.

Only 67 percent of Obama's district court nominees were confirmed during his first two years in office, compared to 92 percent for George W. Bush and 87 percent for Bill Clinton, according to statistics compiled by Russell Wheeler, a visiting fellow at the liberal-leaning Brookings Institution, and 83 of 677 district court seats were vacant as of Feb. 25.

The Senate has confirmed six district court judges so far this year, including two more Monday: Amy Totenberg and Steve C. Jones to the Northern District of Georgia.

On Wednesday, the Senate Judiciary Committee will hold a second confirmation hearing for President Obama's most controversial judicial nominee: Goodwin Liu, who was first nominated for a seat on the U.S. Court of Appeals for the 9th Circuit in 2009.

The University of California law professor has faced intense criticism from Republicans for his liberal views and for repeatedly amending the materials he has provided to the Judiciary Committee.

Mr. LEAHY. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to speak as in morning business, with the understanding that I will yield the floor if anyone comes to the floor to speak on the Cogburn nomination.

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

BELARUS RESOLUTION

Mr. LIEBERMAN. Mr. President, I rise to speak in support of a bipartisan resolution that has been submitted by

our colleague, Senator DURBIN, and of which I am proud to be a cosponsor, which concerns the situation in the country of Belarus.

As the winds of democratic change have been sweeping now across North Africa and the Middle East ousting autocratic rulers who have been long entrenched there, it is important for us to remember there is still one remaining dictatorship in Europe, and that is in the country of Belarus.

In the 20 years since the fall of the Soviet Union, Belarus's neighbors to the north and west have become successful, prosperous democracies. But, tragically, while Poland, Lithuania, and Latvia have broken the chains of tyranny and joined the flagship institutions of the Euro-Atlantic world, NATO, and the European Union, Belarus and its people have been left behind—held back by its despot ruler Alexander Lukashenko, who has ruled his country through repression and rigged elections for nearly two decades.

Some in the United States and Europe had hoped in recent years that Lukashenko might be prepared to open up Belarus and change his ways. These hopes, however, came to an abrupt end on December 19 of last year when Belarus held Presidential elections. As it quickly became clear that the votes in those elections were neither free nor fair, thousands of Belarusian people took to the streets of Minsk in protest, and the Lukashenko regime responded with violence and brutality.

This resolution would put the Senate on record in response to the crackdown launched in Belarus on December 19—a crackdown, I add, that continues in significant ways to this day.

More than 600 people were swept up by Belarusian security forces on election day and its immediate aftermath—among them journalists, civil society representatives, political activists, and several opposition Presidential candidates. It is hard to believe this kind of behavior still exists in this world today. The detained continue to be denied access to family, lawyers, medical treatment, and open legal proceedings, while their relatives and attorneys endure harassment by Lukashenko's security forces.

This resolution will do several significant things. First, it will send a strong and clear message to Lukashenko that his actions are unacceptable and will carry significant costs. It tells him we do not consider the December 19 election to be legitimate and that he is, therefore, not the legitimately elected leader of Belarus, and that there should be new elections that are free, fair, and meet international standards. I would add that the European Parliament passed a resolution not long ago that says precisely the same thing that I have just said here in the Senate.

Perhaps even more important, this resolution will send a message to the people of Belarus who were struggling to secure their fundamental freedoms.

It tells the dissidents there that we have not and will not forget them or their cause; that we remember their names, in fact, and we will stand in solidarity with them until they achieve their goal, which is a free and democratic Belarus.

Last month, Senator McCAIN and I and others traveled to Vilnius, Lithuania, where we met with Belarusian students and opposition military leaders. This was an extremely powerful experience for all of us. We heard directly from them about the repression taking place in their home country. The substance of the resolution Senator DURBIN has written and submitted, with co-sponsorship by several of us, reflects what the Belarusians we met with in Vilnius told us, as well as what we heard here in Washington from other dissidents from that country.

The resolution specifically calls for the immediate and unconditional release of all political prisoners in Belarus. It also urges a tightening of the sanctions against Lukashenko, and we are urging the Obama administration to offer the strongest possible material and technical support for Belarusian civil society, and that includes, of course, the political opposition.

This resolution is broadly bipartisan in its sponsorship and reflects what I think is a wide consensus in the Senate about the situation in Belarus today. I know there are some who may look at the resolution and say it is merely symbolic, who say there is nothing we can do to help the people who are living such repressed and unfree lives in Belarus, and that we should simply accept the reality of Lukashenko's dictatorship after all these years. But if the historic events in Tunisia and Egypt have taught us anything about our foreign policies, it is that the United States does best when we stand with our values and with the people who share them—and that what appear to be even the most impregnable regimes can fall with remarkable speed.

Obviously, I cannot say exactly when Belarus will be free, but I have no doubt that someday it will be free. I am confident the future of Belarus belongs not to Lukashenko and his cronies but to the people of that great country—to the dissidents who are in jail, to the students we met in Vilnius last month, to the civil society activists who are being harassed by the KGB as we speak. It belongs to the people in Belarus who want a future of democracy and economic opportunity, not Soviet-style repression.

This resolution—put together, again I say with thanks, by Senator DURBIN—puts the Senate on the side of the people of Belarus and against the Lukashenko regime that is oppressing them. I hope we can come together and swiftly pass this bipartisan measure.

I thank the Chair, and I yield the floor to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, soon we will be voting on another nominee for district court. We continue our rapid pace in which the Senate has been confirming President Obama's judicial nominees. This vote will mark the 11th judicial nominee to be confirmed this Congress. That is more than double the number confirmed in the 108th Congress, which only saw five confirmations at this point. Obviously, actions speak louder than words. So far, our actions have had concrete results.

The Judiciary Committee met this morning and reported six more judicial nominees. That puts the total at 22 nominees reported favorably so far. We continue to hold hearings every 2 weeks and have heard from 31 nominees currently pending before the Senate. As I have said in the past, we will continue to move consensus nominees through the confirmation process. However, we will continue to do our due diligence in evaluating the nominees. What we will not do is put quantity confirmed over quality confirmed. These lifetime appointments are too important to the Federal Judiciary and the American people to allow rubberstamping.

Just this past Monday, the Senate confirmed three district court judges. In his statement for the record, the chairman of the committee, Senator LEAHY, stated:

Nearly one out of every eight Federal judgeships is vacant. This puts at serious risk the ability of all Americans to have a fair hearing in court.

However, what the chairman neglected to mention is the fact that President Obama has not put forth a nominee for every vacancy the court currently faces. In fact, of the 95 judicial vacancies, the Senate only has 45 nominees. That is 53 percent of vacancies without a nominee from the White House.

Today, we vote on a nominee to sit on the Western District of North Carolina court. While this is an important vacancy, and a vacancy we need to fill, it is not a judicial emergency. However, there is a judicial emergency in the Eastern District of North Carolina. That seat, which has been vacant since 2005, does not have a nominee currently pending. President Bush nominated Thomas Alvin Farr to that seat twice, but he was never afforded a hearing, let alone an up-or-down vote. I am happy this side of the aisle is not repeating the same regrettable treatment Mr. Farr received.

With regard to Mr. Cogburn, the nominee we will be voting on, the American Bar Association has rated him "majority well qualified, minority qualified." He received his B.A. from the University of North Carolina at Chapel Hill and his juris doctorate from Cumberland School of Law. Mr. Cogburn has practiced law in many capacities. Through his work in private practice, he has worked on a wide range of issues, including criminal liti-

gation, personal injury, civil litigation, and a significant amount of mediation.

As an assistant U.S. attorney for over a decade, Mr. Cogburn gained substantial appellate experience. While there, he also served as drug task force attorney and chief assistant U.S. attorney. Mr. Cogburn also holds judicial experience. He was appointed to serve an 8-year term as a U.S. magistrate judge by the U.S. District Court for the Western District of North Carolina.

After careful evaluation, the Judiciary Committee reported this fine nominee by voice vote on February 3, 2011. I congratulate Mr. Cogburn and his family on this important lifetime appointment and his willingness to continue in public service.

I yield the floor, and 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. ENSIGN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. ENSIGN. Madam President, I ask unanimous consent that all time be yielded back in order to start the voting.

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

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Max Oliver Cogburn, Jr., of North Carolina, to be United States District Judge for the Western District of North Carolina?

The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Oklahoma (Mr. INHOFE).

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 38 Ex.]

YEAS—96

Akaka	Cantwell	DeMint
Alexander	Cardin	Durbin
Ayotte	Carper	Ensign
Barrasso	Casey	Enzi
Baucus	Chambliss	Feinstein
Begich	Coats	Franken
Bennet	Coburn	Gillibrand
Bingaman	Cochran	Graham
Blumenthal	Collins	Grassley
Blunt	Conrad	Hagan
Boozman	Coons	Harkin
Brown (MA)	Corker	Hatch
Brown (OH)	Cornyn	Hoey
Burr	Crapo	Inoué

Isakson	McCaskill	Rubio
Johanns	McConnell	Sanders
Johnson (SD)	Menendez	Schumer
Johnson (WI)	Merkley	Sessions
Kerry	Mikulski	Shaheen
Kirk	Moran	Shelby
Klobuchar	Murkowski	Snowe
Kohl	Murray	Stabenow
Kyl	Nelson (NE)	Tester
Landrieu	Nelson (FL)	Thune
Lautenberg	Paul	Toomey
Leahy	Portman	Udall (CO)
Lee	Pryor	Vitter
Levin	Reed	Warner
Lieberman	Reid	Webb
Lugar	Risch	Whitehouse
Manchin	Roberts	Wicker
McCain	Rockefeller	Wyden

NOT VOTING—4

Boxer	Inhofe
Hutchison	Udall (NM)

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 shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate shall resume legislative session.

The majority leader.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

ORDER OF BUSINESS

Mr. REID. There will be no further rollcall votes this week. We will have some votes Monday night. Everyone should be aware of that.

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

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

IN MEMORY OF KATE PUZEY

Mr. ISAKSON. Madam President, I rise to acknowledge the second anniversary of a tragic event that happened on March 11, 2009, in the nation of Benin in Africa. On that tragic day, a young lady by the name of Kate Puzey was tragically murdered in her sleep in her house at night.

Kate Puzey was a Peace Corps volunteer from Georgia, who went to Benin with all the dreams, hopes and aspirations of the program John F. Kennedy created over a half century ago. She had served there for months. She was teaching young African children. She was sharing wisdom. She was sharing knowledge. She was sharing her love of mankind. She was representing the

United States in the way the Peace Corps intended it.

Unfortunately, her life was lost. I did not know Kate Puzey before her death. I only know her after her death. But I know her through her parents, through her schoolmates, and through her fellow Peace Corps volunteers in Africa who told me the story of Kate Puzey, and also, tragically, stories of other Peace Corps volunteers who have lost their lives or have sacrificed in the service of our country.

Tomorrow night, at 6:30, on the steps of the Capitol, there will be a candlelight vigil, acknowledging the second year anniversary of the death of Kate Puzey. Kate's mother will be here, as well as Peace Corps volunteers, as well as people from the Peace Corps organization. It will be a solemn moment, but it will also be a very sacred moment.

As the ranking member of the Africa Subcommittee, I have traveled to Africa on a number of occasions, and I have been in a number of African countries. On each visit, I arrange either a breakfast or a lunch, where I host the Peace Corps volunteers from the United States in that country.

Without exception, and in every case, these are the finest of Americans.

Just 2 years ago, when I was in Tanzania, I met a couple—73 and 72 years old—who in their retirement decided they wanted to give back and help their country and serve their mankind. They volunteered to go to Tanzania and build a library where there was not even a library, a book or a school, and they built it.

In Kenya, I visited with young people who went to Kenya to help carry the message of democracy, to help share, in the terrible slum of Kibera, the promise and hope of education, of good nutrition, of knowledge, of hard work, and of democracy.

We as a country are blessed to have men and women who serve us in many capacities—those who may serve in the House or the Senate, those who serve in the branches of the military overseas in harm's way—but equal to their service is the service of our Peace Corps volunteers. Kate Puzey is an example of what those Peace Corps volunteers do—at its height.

When I attended her funeral, I sat and listened, for over 2 hours, to her fellow volunteers, her former classmates tell about the Kate Puzey they knew: the academic genius, the committed volunteer, the person who loved life and loved people and wanted to share that love wherever she could.

The volunteers in Benin told of her countless sacrifices to help young people and children in their troubled land, in their difficult country, to understand better their life's future and to not look to poverty as a lifetime of shackles but to look to opportunity as a lifetime of hope.

Tomorrow night, when the vigil takes place on the steps of the Capitol, I will not be here, unfortunately, but I will be saying a special prayer for the

life of Kate Puzey, for her family, and for what she and all volunteers who have sacrificed in the Peace Corps have done for the United States of America, and, better than that, for mankind.

We have many great people to be thankful for in this world, but tomorrow, at 6:30 p.m., on the steps of the Capitol, there will be a pause to recognize the life, the legacy, and the sacrifice of Kate Puzey and I will be there in spirit and I will be with her in prayer.

I yield back and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RESTORING DISCIPLINE TO THE BUDGET PROCESS

Mr. INOUE. Madam President, today our Nation faces a very difficult political landscape when it comes to addressing the major challenges to our country, such as unemployment and the deficit. The American public is demanding that the House and Senate work with the President to address these concerns.

I believe the American people's understandable and growing concern over the national debt is shared by every Member of this body. But in order for the Congress to address our fiscal crisis, we must fix our broken budget process.

Today, with fiscal year 2011 nearly halfway over, as a result of the Congress's inability to finish its work, the Federal Government is still operating on stopgap funding designed to avert a government shutdown.

This is no way to govern. Continuing resolutions make it difficult for Federal agencies to perform their duties. As the Secretary of Defense, Mr. Gates, has stated very clearly, operating under a CR places a great burden on the Department of Defense. The same can be said for every Federal agency. Our failure to act responsibly makes the everyday functioning of government more difficult and less responsive to the needs of the American people.

Moreover, continuing resolutions make a mockery of our constitutional responsibility to allocate taxpayer funding wisely. Putting the country on budgetary autopilot is simply unacceptable. It is well past the time to cast aside the blistering campaign rhetoric of the fall and find the means to compromise.

Many new Members of this body were elected on the promise of a return to fiscal responsibility. I would suggest that returning to regular order in our budget process is a necessary component to achieve this goal.

The Appropriations Committee produces 12 individual bipartisan spending