

and wisdom” as “valuable national assets.”

After years of public service, Mr. Kris joined Time Warner and even found time to write a legal treatise on national security investigations and prosecutions. He is considered an expert on the Foreign Intelligence Surveillance Act and leading authority on national security law.

I urge my colleagues to support his nomination.

I yield the floor.

EXHIBIT 1

DAVID S. KRIS, ASSISTANT ATTORNEY GENERAL, NATIONAL SECURITY DIVISION

Birth: 1966, Boston, Massachusetts.

Legal Residence: Bethesda, Maryland.

Education: B.A., Haverford College, 1988; J.D., Harvard Law School, 1991.

Employment: Clerk, Judge Stephen S. Trott, U.S. Court of Appeals for the Ninth Circuit, 1991–1992. Attorney, Criminal Division, U.S. Department of Justice, 1992–2000. Associate Deputy Attorney General, U.S. Department of Justice, 2000–2003. Vice President, Time Warner, Inc., 2003–2005. Chief Compliance Officer, Time Warner, Inc., 2005–Present. Senior Vice President and Deputy General Counsel, Time Warner, Inc., 2006–Present. Nonresident Senior Fellow, Brookings Institution, 2008–Present. Adjunct Professor of Law, Georgetown University Law Center, 2008–Present. National Security Adviser, Hillary Clinton for President and Obama for America, 2008. DOJ Agency Review Team Member, President-Elect Transition Team, 2008–2009.

Selected Activities: Award, Attorney General’s Award for Exceptional Service, 1999, 2002. Award, Assistant Attorney General’s Award for Special Initiative, 1998. Awards for Special Achievement (various dates prior to 2000). Member, Edward Bennett Williams Inn of Court, 1995–2007; Massachusetts Bar, 1991–Present; New York State Bar, 2003–Present; Maryland State Bar, 2008–Present.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I join with my colleague from Pennsylvania in urging my colleagues to give an overwhelming vote to David Kris. I have had the pleasure of working with him on national security matters in my position as vice chairman of the Intelligence Committee. I believe our national security will be well served by Mr. Kris. I wholeheartedly endorse his nomination.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I also wholeheartedly endorse his nomination. He is an extremely talented, experienced intellectual in the law. I expect him to be one of the best we have ever had. I am very proud he is willing to serve in this administration and go through the processes many people are trying to avoid at this particular point.

Let me just say, as the longest serving person on the Senate Intelligence Committee, we need people such as Mr. Kris in Government. I commend the administration in cooperating and appointing him.

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.

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

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

EXECUTIVE SESSION

NOMINATION OF DAVID S. KRIS TO BE ASSISTANT ATTORNEY GENERAL

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 David S. Kris, of Maryland, to be Assistant Attorney General.

Mr. LEAHY. Mr. President, the Senate has confirmed four nominees to fill top leadership positions at the Justice Department officials, and today we take another step forward to put in place Attorney General Holder’s leadership team. Today, the Senate turns to the nomination of David Kris to lead the National Security Division.

I thank the Democratic and Republican members of the Judiciary Committee for working with me to expedite this nomination when it was in committee. Senator FEINSTEIN chaired our Judiciary Committee hearing on his nomination on February 25. We were able to report his nomination out of the committee by a voice vote on March 5. The Senate Select Committee on Intelligence worked quickly to consider and report his nomination as well. Finally, the Senate today considers his nomination to this critical national security post.

The Judiciary Committee’s renewed oversight efforts in the last 2 years brought into sharper focus what for years had been clear—that during the last 8 years, the Bush administration repeatedly ignored the checks and balances wisely placed on executive power by the Founders. The Bush administration chose to enhance the power of the President and to turn the Office of Legal Counsel at the Department of Justice into an apologist for White House orders—from the warrantless wiretapping of Americans to torture.

Attorney General Holder has already taken steps toward restoring the rule of law. With the confirmation of David Kris to lead the National Security Division, we fill another key national security position in the Department.

David Kris is a highly regarded veteran of the Department of Justice. He is former Federal prosecutor who spent 8 years as a career attorney in the criminal division at the Department, handling complex cases in Federal trial and appellate courts, including the Supreme Court. Mr. Kris was then a political appointee under both President Clinton and President Bush, serving as Associate Deputy Attorney General

from 2000–2003, supervising the government’s use of the Foreign Intelligence Surveillance Act, FISA, representing the Justice Department at the National Security Council and in other interagency settings, briefing and testifying before Congress, and assisting the Attorney General in conducting oversight of the U.S. intelligence community.

Mr. Kris understands the role the Bush administration’s excesses have played in undermining the Department of Justice and the rule of law. In 2006, Mr. Kris released a 23-page legal memorandum critical of the legal rationale offered by the Bush administration, and in support of the legality of the National Security Agency’s warrantless wiretapping program. Mr. Kris was an early advocate for the creation of the National Security Division he has now been confirmed to lead, leaving a lucrative practice as an in-house counsel for a major corporation to return to government service.

Mr. Kris’ nomination has also earned support from both sides of the aisle. Former Bush administration Solicitor General Ted Olson, who worked with Mr. Kris at the Department, describes Mr. Kris as “a very sound lawyer,” who “is committed to the defense of the United States and its citizens, and respects the rule of law and civil rights.” Former Deputy Attorney General Larry Thompson, who asked Mr. Kris to remain in his post during the Bush administration, writes that he asked Mr. Kris to stay after finding that “he had a passion for national security issues but also a deep respect and appreciation for the related civil liberties concerns.” Former Bush administration Homeland Security Secretary Michael Chertoff and former Attorneys General Janet Reno and John Ashcroft have all written in support of Mr. Kris’ nomination.

President Obama has reminded Americans and the world that, “to overcome extremism, we must also be vigilant in upholding the values our troops defend—because there is no force in the world more powerful than the example of America.” The President reminded us that “living our values doesn’t make us weaker, it makes us safer and it makes us stronger.”

David Kris understands the moral and legal obligations we have to protect the fundamental rights of all Americans and to respect the human rights of all. He knows, as do the President and the Attorney General, that we must ensure that the rule of law is restored as the guiding light for the work of the Department of Justice.

I congratulate Mr. Kris and his family on his confirmation today.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the nomination of David S. Kris to be Assistant Attorney General for National Security.

Mr. Kris was nominated by President Obama on February 11, 2009, to fill this important position. Since then, his

nomination has been considered by the Judiciary Committee and then sequentially by the Intelligence Committee. I had the honor of chairing both of these hearings, so am as familiar with any Member with his record.

Both the Judiciary Committee and Intelligence Committee favorably reported the nomination without dissent.

The position of the Assistant Attorney General for National Security was created in the USA PATRIOT Improvement and Reauthorization Act of 2005 out of recognition that there should be a single official in the Department of Justice who is responsible for national security.

The Assistant Attorney General is the bridge between our Nation's intelligence community and the Department of Justice. He or she represents the Government before the FISA Court and is also the Government's chief counterterrorism and counterespionage prosecutor.

David Kris is highly qualified for this critically important national security position.

He has both figuratively and literally "written the book" on national security.

Mr. Kris spent 11 years as a prosecutor in the Justice Department, and he knows its national security functions well.

During the Bush administration, he was the Associate Deputy Attorney General for national security, where he litigated national security cases and oversaw intelligence activities. When Congress considered merging the Department's national security functions under a single office, Kris was one of the experts consulted.

After leaving Federal Government service, Mr. Kris remained very active in the field of national security law. He coauthored of the most widely used legal treatise in this area. His book, titled "National Security Investigations and Prosecutions", provides a step-by-step analysis of all of the law that governs Government activity in response to terrorist threats.

During the debate last year over rewriting the Foreign Intelligence Surveillance Act, Mr. Kris spent significant amounts of his personal time meeting with personnel from both the Judiciary and Intelligence Committees to offer his expertise and judgment.

In addition to his expertise, Kris has received high marks for his commitment to the rule of law. Both committees to consider his nomination received numerous letters of support from distinguished legal and privacy rights officials and experts. Those letters are in the hearing records at both committees.

It is important for the Senate to consider this nomination and confirm Mr. Kris. Simply put, the Department of Justice needs him to get to work.

The Assistant Attorney General position, currently vacant, is the primary official overseeing the Foreign Intelligence Surveillance Act implementa-

tion and signs applications going to the FISA Court.

Because of the legislation passed last year, Mr. Kris will need to start immediately to prepare new certifications and supporting materials that the executive branch will have to submit to the FISA Court. As such, he would be the official at the Department of Justice most directly involved in questions of setting minimization and targeting procedures, reviewing the Attorney General's guidelines under the act, and making sure that the intelligence collection is carried out faithfully under the law.

Separately, an Assistant Attorney General should be playing a key role in the executive branch review of how to handle individuals currently held at Guantanamo Bay. Mr. Kris has answered numerous questions on this topic during his confirmation hearings and shares my view that there must be an appropriate legal process upholding any decisions to detain individuals. However, he also believes, correctly in my view, that great care must be taken to ensure that anyone at Guantanamo who is transferred to other nations must not be allowed to pose a continuing threat to our national security.

I am pleased that this nomination has finally reached the floor, and I urge the confirmation of David Kris.

The PRESIDING OFFICER. The Senator from Maryland.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of David S. Kris, of Maryland, to be Assistant Attorney General?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 109 Ex.]

YEAS—97

Akaka	Casey	Hagan
Alexander	Chambliss	Harkin
Barrasso	Coburn	Hatch
Baucus	Cochran	Hutchinson
Bayh	Collins	Inhofe
Begich	Conrad	Inouye
Bennet	Corker	Isakson
Bennett	Cornyn	Johanns
Bingaman	Crapo	Johnson
Bond	DeMint	Kaufman
Boxer	Dodd	Kerry
Brown	Dorgan	Klobuchar
Brownback	Durbin	Kohl
Bunning	Ensign	Kyl
Burr	Feingold	Landrieu
Burr	Feinstein	Lautenberg
Byrd	Gillibrand	Leahy
Cantwell	Graham	Levin
Cardin	Grassley	Lieberman
Carper	Gregg	Lincoln

Lugar	Reed	Tester
Martinez	Reid	Thune
McCain	Risch	Udall (CO)
McCaskill	Roberts	Udall (NM)
McConnell	Rockefeller	Vitter
Menendez	Sanders	Voinovich
Merkley	Schumer	Warner
Mikulski	Sessions	Webb
Murkowski	Shaheen	Whitehouse
Murray	Shelby	Wicker
Nelson (FL)	Snowe	Wyden
Nelson (NE)	Specter	
Pryor	Stabenow	

NOT VOTING—2

Enzi Kennedy

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table. The President will be immediately notified of the Senate's action, and the Senate will resume legislative session.

LEGISLATIVE SESSION

NATIONAL SERVICE

REAUTHORIZATION ACT—Continued

The PRESIDING OFFICER. The Senator from Ohio is recognized.

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

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

AMERICAN AND CHINESE ECONOMIES

Mr. BROWN. Mr. President, the current financial crisis paints our economic relationship with China in broad relief. Our economies are not healthy, China's economy, the economy of the United States. And worse, these two countries' economies, ours and China's, are codependent.

The U.S. official unemployment rate is 8.1 percent. In my State of Ohio, it is 9.4 percent, the highest rate inflicted on our State in 25 years. Meanwhile, tens of thousands of factories in China have closed over the past 6 months.

China is one enormous export platform, and the United States is its biggest customer. We, for all intents and purposes, have stopped buying. Morgan Stanley economists report that exports account for 47 percent of the economies of China and other East Asian nations. Literally 47 percent of their economy, almost half of their economy, is devoted to export in China and other Eastern Asian countries, while in our country, the United States, consumption accounts for 70 percent of our GDP. This economic codependency has bred a dangerously skewed financial relationship. As revenues flow out of the United States and into China, China has become our biggest lender. Imagine what that is going to look like if we continue these policies in the years ahead. What it means for sovereign wealth funds, the collection of United States dollars held by Chinese banks, Chinese Government treasury, Chinese businesses, the number of United States dollars, because of their trade surplus, coming from our trade deficit situation—I do not need to detail the