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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, strong to save, we know that You desire to save and not to destroy. Save our Senators from the blindness which is not even aware of mistakes. Save them from the pride that ignores the security of many advisers. Save them from the self-will which can see no flaw within itself. Save them also from the callousness that will not care for those in pain.

Lord, save us all when we put the blame on someone or on something else, and from hearts so hardened that we cannot repent. Today, give our lawmakers a sense of destiny and a deep dependence on Your guidance and Your grace.

We pray in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 15, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I move that the Senate proceed to Calendar No. 396, H.R. 2072.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to calendar No. 396, H.R. 2072, a bill to reauthorize the Export-Import Bank of the United States, and for other purposes.

Mr. REID. Mr. President, we are now on the motion to proceed to the Export-Import Bank reauthorization bill. I ask unanimous consent that the hour following my remarks and those of the Republican leader be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans the final half.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, at 11:15 today the motion to proceed to the Export-Import Bank will be adopted, and there will be up to 2 hours of debate on the bill, and there will be up to five amendments. At 12:30 the Senate will recess until 2:15 for our weekly caucus meetings. As early as 2:15 there will be

up to six rollcall votes in order to complete action on the Export-Import Bank. There could possibly be five votes as part of the order—I have been told they may not all be offered—and then we will have final passage on the bill.

### MEASURE PLACED ON CALENDAR

Mr. REID. Mr. President, H.R. 5652 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 5652) to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2013.

Mr. REID. Mr. President, I would object to any further proceedings on this issue at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the item shall be placed on the calendar.

Mr. REID. Mr. President, I am happy to announce that Democrats and Republicans have reached an agreement to move forward with reauthorization of the Ex-Im Bank legislation.

This bank helps American companies sell their products overseas and hire workers here at home. It helped private companies add almost 300,000 jobs last year in more than 2,000 American communities. That is why the labor groups, manufacturers, U.S. Chamber of Commerce, and many other organizations have urged the Senate to move quickly to reauthorize this bank, whose lending limit is just about to expire.

The second ranking officer at the chamber of commerce wrote to all Senators yesterday.

Failure to enact this legislation would put at risk . . . American jobs at 3,600 companies that depend on Ex-Im to compete in global markets. . . . Because other countries are providing their own exporters with an estimated \$1 trillion in export finance—often on terms more generous than Ex-Im can provide—failure to reauthorize Ex-Im would amount to unilateral disarmament and cost

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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tens of thousands of American jobs. China, for instance, has three export credit agencies that last year provided \$300 billion in export finance to its exporters—ten times more than Ex-Im provided. This bill would help level the financial playing field in export markets and ensure transparency in Ex-Im's operations.

This is directly from the chamber of commerce.

This legislation helps American businesses export their products instead of exporting jobs. Reauthorizing this important legislation is the kind of consensus proposal that should not result in any kind of a partisan fight. I spoke to Senator MCCONNELL yesterday, and we made the decision that this is the best way to move forward. I am hopeful that the Senate will pass it overwhelmingly, signaling to American businesses that Congress will do what it takes to help them compete in the global market. But while Republicans say publicly that they support this important measure, they have instead insisted on votes on a number of amendments that would gut or even kill the bill.

The chamber of commerce will consider votes on this measure—and any amendments that would weaken the bank—to be keys to determine whether Senators are business-friendly. The extreme amendments offered by my Republican colleagues would certainly weaken the bank. One amendment just eliminates the bank. These kinds of amendments are unacceptable to the business community.

The National Association of Manufacturers issued a similar warning yesterday, which I read here on the floor. We agree, we can't afford to give an inch to our global competitors. Canada, France, and India already provide seven times the assistance to their exporters that America does. China and Brazil provide 10 times the support.

So Senate Republicans are faced with a choice: They can continue to support these extreme amendments that would effectively kill the Export-Import Bank and risk the wrath of the American business community or they can work with the Democrats to reauthorize this bank without adding amendments that would undermine its ability to help businesses grow. We have been told that the House is going to accept no amendments. It was very hard for them to get done what they did. I admire and appreciate what they did do. I am optimistic that my Republican colleagues will make the right choice and help us defeat these vexatious amendments.

#### RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, there is a lot of talk on the left these days about the Senate being a dysfunctional institution. And they are right. For the past few years, the Senate hasn't functioned as it should. The question is, Why? In my view, the answer is quite clear: a majority party

that believes it should be able to dictate from above the shape of every single piece of legislation we take up.

The common complaint from the other side, as I understand it, is that because Republicans insist on playing a role in the legislative process around here, we are somehow violating some unspoken rule that says Democrats should always get their way, that we are somehow disturbing the legislative harmony by suggesting we do the kinds of things our constituents want. We have been dealing with this strange view of the Senate in some form or fashion for 5 years but particularly over the past 3.

Here is how it works. Following the lead of our very liberal President, Democratic leaders in the Senate propose some piece of legislation without any Republican input at all. Then Republican amendments are blocked from even being considered. The point in most cases is to draw Republican opposition and ensure that the legislation fails. Democrats then cry obstruction as a way of distracting people from the fact that they basically have given up on governing and done nothing to ensure that our most pressing national problems actually get addressed. Rather than working with us on bipartisan solutions that reflect the concerns and input of our constituents and that therefore have a good chance of actually passing, Democrats blame the other side for obstruction—not only avoiding their own responsibilities as the majority party but handing the President a useful election-year theme on which to run.

What my colleagues and I have been saying for 3 years is that it doesn't have to be this way. Give us an opportunity to play a role in the process and we will work together on bipartisan solutions. Just look at the record. When Democrats blocked all debate and amendments on the Export-Import Bank legislation, it went nowhere. When they agreed to our reasonable requests for input on the bill, that changed. They could have accepted this offer, actually, much earlier, but they didn't because it didn't fit the story line. The same thing on the postal bill—when Democrats blocked all amendments and debate, the bill stalled. When they agreed to a reasonable list of amendments, it passed. The same could be said about trade adjustment assistance, patent reform, FAA reauthorization, the highway bill, unemployment insurance, the doc fix, the payroll tax holiday, and others. It is the same story every time: Poisoned pills are removed, Republican input is allowed, and then things happen.

Republicans have been crystal clear that the Export-Import Bank reauthorization needed some work. Remember, Democrats tried to add it as an amendment to the JOBS Act before the House reached the agreement that enabled it to pass on a bipartisan basis over in the House. But, again, they wanted to do it without giving Senate Repub-

licans a chance to debate or amend on the floor, so it didn't go anywhere. Now that we are being allowed to offer further improvements to the bill, there is a path forward. Republicans fought for the right to make this bill more responsive to the concerns of the American people, who, understandably, want proof that we take our fiscal problems seriously. This is how the Senate is supposed to work, and it has been all too rare over the past several years.

The Founders established the Senate as a place where issues would be resolved through consensus and considered bipartisan debate, so that once that consensus is actually reached, our laws would be stable and we could move on, confident that we had done the right thing.

The Social Security Act of 1935 was approved by all but six Members of the Senate. The Medicare and Medicaid acts of 1965 were approved by all but 21. All but eight Senators voted for the Americans With Disabilities Act of 1990. The idea in all these cases—and many others—was that on issues of broad national importance, on issues that affect all of us, one party shouldn't be allowed to force its will on the other half of the Nation. Yet, over the past few years, Democrats have felt quite differently.

So I am pleased today to see a departure from the Democratic standard operating procedure on this particular piece of legislation before us. Because they have agreed to allow a reasonable amendment process on this bill—something they objected to last month and then objected again even as recently as last week—this bill will be considered today after debate and votes on amendments aimed at improving it.

There is a lesson here: When both sides have a chance to debate and amend, legislation tends to move. But when the majority refuses any ideas that they didn't come up with, things slow down. Let's hope this new process will stick.

#### NATIONAL POLICE WEEK

Mr. President, this week we commemorate National Police Week 2012 and pay tribute to the men and women in the law enforcement community for their service and their sacrifice.

In 1962 President Kennedy signed a proclamation which designated May 15 as Peace Officers Memorial Day and the week in which it falls as Police Week.

During National Police Week, the Nation's Capital welcomes tens of thousands of law enforcement officers to honor those who have fallen in the line of duty. Among those visiting Washington are hundreds of police officers from my home State of Kentucky, and I want to personally welcome them and extend a special-thank you for their service and sacrifice that they make to keep Kentucky's communities and families safe. Your hard work and dedication is unmatched and does not go unnoticed.

Today we honor the approximately 900,000 peace officers across the country as well as the more than 19,000 officers who have lost their lives dating back to the first known line-of-duty death in 1791, including 163 officers who died in 2011 and 36 officers who have been killed thus far in 2012. In addition, this year we are paying tribute to 199 officers who died in previous years but whose acts of courage and sacrifice were not discovered until recently.

It is with great sadness that one of those officers we lost last year was from the Commonwealth—Officer James Philip “Stumpy” Stricklen of the Alexandria, KY Police Department.

Officer Stricklen was well respected amongst his peers and a leader within the community. He will be sorely missed.

This week the Nation honors Officer Stricklen, as well as all those police officers that have fallen. I would also like to take a moment to remember the families of the fallen. It is only through supportive families that these men and women were able to dedicate their lives to protecting others. May God continue to look after them and may God continue to protect all those, whose daily work is to protect us.

I hope paying tribute to those who serve and especially those who have paid the ultimate sacrifice reminds all of us of the heroes we have all around us, keeping us safe, each day. I encourage everyone to take a moment this week and going forward to extend a thank you to law enforcement officers who have sworn to protect us and keep our communities safe.

On behalf of myself and my Senate colleagues, thank you to all members of the law enforcement community for your service. You have our deepest admiration and respect.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

Under the previous order, there will now be 1 hour of debate equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

The Senator from Illinois.

Mr. DURBIN. Mr. President, before I say a word about the Export-Import Bank, I wish to speak as in morning business. I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### SENATE PROCEDURE

Mr. DURBIN. Mr. President, the comments made by the Republican Senate leader about the procedures in the Senate are comments I wish to speak to directly.

First, perhaps to his surprise, let me say I agree with him. The Senate is not what it should be. It is an important part of this government, it is an impor-

tant part of this Nation, and it should be an important forum for the deliberation of critical issues that face us. Historically that is the role it has played.

But what we have found over the last several years is that we have lapsed into a new Senate—and not a very good one, from my point of view. It is a Senate that is overrun with filibusters. Filibusters used to be so rare, one or two a year in the early days and then maybe a few more in the last 50 years, but now virtually every single week. The filibuster is basically shutting down the Senate, saying that we will not go forward to vote on a measure. It has been abused, overused and, frankly, has denigrated the reputation of this important institution.

What are the points of view? The point of view of the minority was well stated by the Republican leader. The minority wants an opportunity to offer amendments. I know the feeling. I have been in the minority in the Senate. It is your only opportunity to have a voice on the floor of the Senate and to express a point of view that may not be reflected by the President or the Senate majority. That is an understandable impulse. The majority in the Senate is usually trying to move an agenda—many times, in this case, the President's agenda—and, frankly, does not want to see this slowed down by an onslaught of amendments. There has to be a happy medium, and that is what we need to see.

The suggestion of the Senate Republican leader that the problem we have with filibusters has to do with the fact, as he said it, that the Republicans insist on playing a role in offering amendments is correct to a point. But I might remind the minority leader, what happened last week? We brought up the college student loan bill. The object was to make sure the interest rate on college student loans did not double July 1, from 3.4 percent to 6.8 percent—widely accepted, widely endorsed by President Obama and by Governor Romney. How about that? Both leading contenders for the Presidency said don't let this interest rate double. You would think that would be an easy thing to accomplish.

What we offered on the floor to the Republicans was an opportunity to bring up the measure and they could bring up their amendments to the measure. That, I think, is what the Senate Republican leader just asked for. How many Republican Senators voted with us to bring up the student loan measure, subject to amendment? None. Not one. So this suggestion that we are in filibuster because we do not offer an opportunity for amendment overlooks what happened last week. The college student loan bill offered ample opportunity to the Republicans to offer an amendment, but they still refused to allow us to proceed to that measure.

Here is what I suggest—perhaps a cooling-off period; perhaps that both sides do sit down and try to work out something that is reasonable.

Some can argue—and perhaps at times I have argued—that the Senate should be an open forum, open debate of many different issues. But in the interest of achieving things here in a reasonable period of time, I suggest what Senator REID, the Democratic leader, did on postal reform was a good-faith effort to come to some kind of compromise with the minority. If you will remember, Senator REID came to the floor and said we will accept relevant amendments to postal reform. We had quite a few of them, if you remember. I think it was a healthy time. It was a rare occasion, unfortunately, on the Senate floor, but it was a good-faith offer by the Democratic leader. It gave the Republicans opportunity to debate amendments. We debated them, we voted on them, and we passed postal reform.

I think we need to find some commonality here, where we can offer to the minority, whichever party is in the minority, the opportunity to offer relevant amendments to a bill. That means, of course, it is an amendment that relates to the subject matter of the bill. Two recent examples show how far afield you can reach. Senator BLUNT of Missouri offered an amendment to the transportation bill on the subject of birth control. Maybe there is some way you can link up transportation and birth control but I will not go there. I will just say that was a stretch to bring that issue to that bill, but he was given the chance. The junior Senator from Kentucky tried on bill after bill, totally unrelated to foreign policy, to offer an amendment on foreign aid to Egypt. That shows how far you can stretch the opportunity to offer a floor amendment.

As I said, there can be moments where we want to do that but as a matter of course around here I hope we will try to find some common ground. Wouldn't it be refreshing if the Senate floor was actually a floor where amendments were offered, debate ensued, and a matter moved to final passage instead of watching us lurch from one mind-numbing filibuster to another? I have said it on the floor before, but a lot of people with cable TV are complaining to the cable TV providers that there must be something wrong with C-SPAN, nothing is happening on C-SPAN. It is the Senate. And many times nothing happens because we are lurching through filibusters.

Today we are going to move to the Export-Import bill.

President Obama challenged us back in 2010 to create jobs by doubling exports of American-made products by 2015. It is a challenge to create and develop new technology, to tap into new markets and create new relationships, to more efficiently ship overseas our agricultural products and manufactured goods. In 2010, exports supported more than 9.2 million American jobs. Every \$1 billion in new exports sales supports 6,000 additional jobs. By doubling exports, we have the opportunity

to create millions of new jobs right here at home, jobs that could put the millions of Americans still unemployed or underemployed back to work.

Last year, Congress passed free trade agreements that will increase exports and provide access to markets in South Korea and Panama for US exporters. The South Korea Free Trade Agreement alone is estimated to support 70,000 additional jobs by opening up Korea's \$560 billion market to U.S. companies.

Earlier this year, I introduced a bill with Senators BOOZMAN and COONS in the Senate and Congressmen CHRIS SMITH and BOBBY RUSH in the House that would boost U.S. jobs by increasing American exports to Africa by 200 percent in real dollars over the next ten years. This broadly bipartisan legislation takes common sense steps. The bill would coordinate the various U.S. Government export efforts aimed at Africa, make sure our Foreign Service Officers have appropriate training on helping U.S. companies understand new markets, and ensure that our Department of Commerce keeps a focus on Africa. And the bill makes a change at the Export Import Bank—a bank which actually makes hundreds of millions of dollars in profits for the American taxpayer.

Our bill empowers the Export Import Bank to be more aggressive in countering concessional—or below market—loans being offered by China and others to help their businesses crack into African markets.

You see this is a global economy and the competition from other nations and industry is fierce. Our government should be helping our businesses—and our workers—crack through to new markets where American quality and standards are in high demand. This isn't corporate welfare, it is smart business. It doesn't cost the American taxpayer anything—in fact it generates jobs and funding. These are all steps that will get us closer to meeting President Obama's challenge.

We have another opportunity to help U.S. businesses export more by reauthorizing the Export-Import Bank that is set to expire at the end of this month. The Export-Import Bank makes loans to firms exporting American-made products. These loans allow businesses—including a large number of small businesses—across the U.S. sell their goods to businesses all over the world. The Bank makes money off of these loans, money that is returned to the U.S. Treasury year after year. The bank has a loan loss rate of less than 2 percent—a figure most banks would envy.

It is estimated that the Export-Import Bank will return \$359 million to the United States Treasury in fiscal year 2013 alone, and according to CBO the bank will return almost \$1 billion over the next 5 years. This money is used directly to reduce the deficit. The Export-Import Bank is responsible for supporting 288,000 jobs at more than

2,700 U.S. companies. Mr. President, 113 of these companies are located in my home State of Illinois, and 80 of those are small businesses.

One of these companies is NOW Health Group in Bloomingdale, IL. This company is a natural food and supplement manufacturer with more than 640 employees, 35 of which are supported by assistance from the Export-Import Bank. According to NOW's Chief Operating Officer Jim Emme, "The flexibility in the payment terms we can offer through our Export Import Bank policy has allowed us to grow our business in existing markets as well as open new ones." NOW has grown its exports from 2 percent of their overall business to more than 10 percent. They could not have done this without the Export Import bank. There are thousands of stories just like this all over the U.S.

The reauthorization increases the Bank's lending cap from \$100 billion to \$140 billion and authorizes the Bank through 2014. Legislation reauthorizing the Export-Import Bank has received overwhelming bipartisan support in the past. Similar legislation reauthorizing the Bank received bipartisan support in the Banking Committee and was reported out of Committee by a voice vote, and a similar Export-Import Bank reauthorization was introduced by a Republican back in 2006 and passed the Senate by unanimous consent.

I hope we can come to an agreement soon to quickly pass a bill to reauthorize the Export Import Bank, a bill the House has already passed with broad bipartisan support. This bill has support from labor organizations such as the AFL-CIO and the Machinists as well as the U.S. Chamber of Commerce and the National Association of Manufacturers.

Mr. President, this is a bill that gives American corporations, large and small, a fighting chance to build the products here in America and sell them overseas, creating jobs right here at home. We live in a world where China—most important China, but many other nations, have government support for their businesses' exporting. This is our government's support for our businesses to export. Boeing has its national headquarters in Chicago and most of their manufacturing operations in the State of Washington. Boeing is competing with Airbus. Airbus is a product, a plane that is created by a conglomerate of European nations which do their best to make sure that Airbus wins a contract. I think it is not unfair that Boeing have the same opportunity, nor Caterpillar in my State, nor many businesses much smaller.

So the Export-Import Bank reauthorization is a good idea. It will create jobs. The amendments being offered on the Republican side, by and large, limit the opportunities to help American businesses. I will be resisting those amendments. I hope we can move to passage of this measure in a timely fashion.

I yield for Senator LAUTENBERG.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

CONFIRMING JUDICIAL NOMINEES

Mr. LAUTENBERG. Mr. President, I rise to join with my colleagues on this side to urge our colleagues on the other side of the aisle to move quickly to confirm highly qualified judicial nominees. They passed review by the Judiciary Committee. They passed all kinds of scrutiny.

We are on the verge of serious economic improvements. As that takes place, we have a lot of parts to keep moving. We must do everything we can to fill the positions that can help, directly and indirectly, to resolve disputes or problems, to help Americans across the country to find work, stay in their homes, provide their children with health care and education. We have to cooperate on all fronts to accelerate the pace of the recovery we see ahead of us.

One of the places both sides benefit is to keep our justice system moving efficiently. People need to know they can get disputes resolved, hopefully quickly, but heard and decided. One of the things that looms large is the trial of those who are charged with felonious deeds, criminal acts. Let's get those who are convicted finally punished if it is called for. But let's make sure that part of our judiciary functioning is moving as rapidly as it can be.

Property rights are at risk. Businesses need certainty about rights and responsibilities. Unfortunately, delays in confirming qualified judicial nominees who have passed the scrutiny of the Judiciary Committee are threatening to grind the wheels of justice to a halt when there are vacancies around. Nearly 1 in 11 judgeships across the country is awaiting the position to be filled. If these positions were physicians, firemen, cops, and 1 out of 11, almost 10 percent of these jobs, were not filled, we would do something as rapidly as we could to get them resolved. At this point in President George Bush's Presidency, the Senate had confirmed 25 more judges than have been confirmed since President Obama took office. These are seriously needed nominees who have been forced to wait nearly four times as long as the Bush nominees to be confirmed after being favorably reported, as I mentioned, by the Judiciary Committee.

As a result, the vacancy rate is nearly twice what it was at this point in President Bush's first term. These vacancies are not some remote problems that only lawyers and academics care about. Judicial vacancies affect the ability of everyday Americans and businesses to see justice served, and countless of them have had their cases delayed.

I am encouraged that we have been able to confirm a number of nominees lately, including two last evening. It is my hope that for the good of the country we will pick up the pace in confirming nominees—particularly as I see

it from our State's point of view. In our State of New Jersey we have three distinguished nominees who have been approved by the Judiciary Committee and are awaiting votes by the full Senate so they can get to work fulfilling their obligation to dispense justice.

One of these people is magistrate judge Patty Shwartz, who has been nominated to serve on the Third Circuit Court of Appeals. She passed with flying colors with an examination of her background. She would be the only woman from New Jersey serving as an active Third Circuit judge and only the second woman ever to represent New Jersey on that court. Her presence would tell women something important about our understanding of where women are in our society. Since 2003 Patty Shwartz has served as a U.S. magistrate judge in the District of New Jersey, where she has handled 4,000 criminal and civil cases. She spent almost 14 years as an assistant U.S. attorney, supervising hundreds of criminal cases, including civil rights, violent crime, drug trafficking, and fraud cases.

I review her qualifications only to make the case that this is a person eminently qualified to sit on the bench. We need her presence there to move the volume of cases that are awaiting review, and she is bottled up here by reluctance on the other side. She passed the test. Let's let her go to work.

John Lacey, past president of the Association of the New Jersey Federal Bar, said that Judge Shwartz is "thoughtful, intelligent, and has an extraordinarily high level of common sense."

Thomas Curtin, chairman of the Lawyers Advisory Committee for the U.S. District Court of New Jersey, said:

Every lawyer in the world will tell you that she's extraordinarily qualified, a decent person, and an excellent judge.

The American Bar Association clearly agrees. They gave her the highest rating of unanimously "well qualified."

Judge Shwartz graduated from Rutgers University with the highest honors. She received her law degree from the University of Pennsylvania Law School, where she was editor of the Law Review and was named her class's Outstanding Woman Law Graduate.

The two nominees for New Jersey's district court are similarly well qualified.

Kevin McNulty currently leads an appellate practice group in New Jersey. He spent more than a decade in the U.S. Attorney's Office in New Jersey, rising to the Deputy Chief of the Criminal Division and Chief of the Appeals Division.

Mr. McNulty clerked for U.S. district judge Frederick B. Lacey after receiving his law degree from New York University, where he was a member of the Law Review, and his undergraduate degree came from Yale University. He was named Lawyer of the Year in 2008 by the New Jersey Law Journal, and the ABA rated him unanimously "well

qualified." I am confident that his work as a judge will earn him similar praise.

Judge Michael Shipp, yet another appointee, has equally impressive credentials. As a U.S. magistrate judge in the District of New Jersey since 2007, he has conducted proceedings in both civil and criminal cases, including ruling on motions, issuing recommendations to district court judges, and performing district court judge duties in cases with magistrate jurisdiction.

Judge Shipp previously worked in the New Jersey Attorney General's Office as assistant attorney general in charge of consumer protection and then as counsel to the attorney general, where he ran a department of 10,000 employees.

He has also worked as a litigator at a distinguished law firm, Skadden Arps, and as a law clerk to New Jersey Supreme Court Justice James Coleman, Jr.

Judge Shipp is a graduate of Rutgers University and Seton Hall University Law School, where he continues to teach as an adjunct law professor—a position he has held for more than a decade.

I review the qualifications of these judges to remove any doubt about whether they could do a good job. They can do a great job. Their backgrounds say they are ready to go to work, and here we are, frankly, seeing them held up, in my view, unnecessarily. Let's get this behind us. There are things on which we can cross the aisle without invading the province of the other Members, and I think we just ought to cooperate on judges. I think I can speak for the Democrats here that we will cooperate. We will consider the judges who are presented from their side, but we want to just get going with judges altogether.

I thank Chairman LEAHY and Ranking Member GRASSLEY for moving these nominees through the Judiciary Committee, but now it is time to bring them to the floor and confirm them. Judge Shwartz, Mr. McNulty, and Judge Shipp have brought honor to New Jersey and to our country, and they deserve to be confirmed. More importantly, the American people deserve to see these vacancies filled so the promise of justice for all can truly be fulfilled.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I wish to continue to emphasize the remarks Senator LAUTENBERG made. I have not been here that long, but what I have seen happen in the last 2 or 3 years where judges appointed by the President of the United States are slow-walked or just ignored or blocked in this body is just outrageous.

In 2007, during my first month in office, I was presented with a Republican judge, coming from a Republican President, approved by my predecessor, Senator DeWine, and my colleague, Sen-

ator Voinovich. I met with her, talked with her, and I sent my approval to the Judiciary Committee. She was confirmed in the second or third month I was here, because I believe the President of the United States should have the right to choose judges as long as they are qualified. That is why I ask that we move forward on these judicial nominations.

In June 2010 U.S. district judge James Carr took senior status, creating a vacancy in the Northern District Court in Toledo, OH. That means that Ohioans seeking criminal or civil justice have to wait, which creates a backlog of too many cases. That is what we have seen happen.

In 2007 Senator Voinovich, a Republican, and I assembled a commission of distinguished Ohio lawyers to find the best candidate for the job. It wasn't in 2007; it was later than that. In 2009 there was a President from a different party, so we updated the commission. This commission, appointed by Senator Voinovich and myself, consisted of legal professionals from the Southern District of the State to suggest nominations for the vacant judgeships for the Northern District of the State. We did the reverse, with lawyers from the north choosing for the Southern District, to make sure there was not a conflict of interest. This commission was very bipartisan. One of them had a Republican majority, one of them had a Democratic majority.

Following Judge Carr's retirement, the commission made a selection. I interviewed three nominees, sent those names to the President, and then the President nominated Jeffery Helmick. Jeffery Helmick is a Toledo native, a brilliant and distinguished lawyer who has earned the respect of his colleagues for doing his job well. Yet for nearly 2 years his nomination has languished. For nearly 2 years he has had to place his defense practice and life on hold, awaiting Senate confirmation. This is no way to treat a public servant.

According to the U.S. Constitution, it is our job to confirm qualified nominees to serve on our Nation's highest court. But as of April of 2012—Senator LAUTENBERG mentioned this, and Senator NELSON from Florida will in a moment—there are 81 judicial vacancies throughout the United States. In my State of Ohio, the court is saying there is a judicial emergency. The nonpartisan Administrative Office of the Courts, the nonpartisan agency charged with running our Federal courts, recently declared a judicial emergency for the Northern District of Ohio.

Mr. Helmick has the enthusiastic support of all of the Federal judges in Toledo, including those appointed by Republican Presidents, was recommended by a bipartisan process created by Senator Voinovich and me, and yet his nomination is still stuck even though there is a judicial emergency and even though he was approved in a bipartisan manner by the Judiciary

Committee. The result is that litigants in the Northern District are experiencing delays in having their cases resolved. In too many cases, justice conferred—as the saying goes—can be just denied.

Our Nation's courts have been a beacon of hope—sometimes, not always—for the vulnerable and the powerless, but this confirmation delay clogs our courts, obstructs justice, and damages our democracy. Maybe some people are playing political games by slow-walking these judges. In the end, they might think it is cute, funny, and they might think they gain politically from it, but it does obstruct justice, it does clog our courts, and it does damage our democracy. So it is not cute, it is not funny, and it is not worthy of any political gains in this Chamber.

Jeffrey Helmick will make an outstanding judge on the U.S. District Court for the Northern District of Ohio. We need to confirm him, and we need to confirm him this month before Congress breaks.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the time on the Democratic side be equally controlled by myself and Senator LEVIN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. That would mean how many minutes?

The ACTING PRESIDENT pro tempore. There is 6½ minutes remaining for the majority.

Mr. NELSON of Florida. For the total?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. NELSON of Florida. Then I will speed up my remarks until I see Senator LEVIN come in.

Mr. President, I, too, wish to talk about the vacancies. There is no sense for all of this slow-walking. Fortunately in Florida we have a process that takes the politics out of the selection of judges. The two Senators appoint a judicial nominating commission of prominent people all over the State, and they do the interviews and they do the selections of at least three for each vacancy. Because they do this in a nonpartisan way—notice what I said. I didn't say "bipartisan," I said "nonpartisan way," which is the way the selection of the judiciary ought to be done. Because they do that in a nonpartisan way, all three of the nominees who come to the two Senators—any one of them can be a Federal judge because they are all so qualified.

Fortunately, with the agreement we have with the White House, the President can name whomever he wants. He agrees to accept the nominee and make his pick from among the three we send him if we approve all three after the two Senators have, in fact, gone through and interviewed them. So we

have a process. Why should there be a delay on judges like that? There absolutely shouldn't.

For example, take one of our Federal judges. Judge Jordan was elevated by the President to the Eleventh Circuit Court of Appeals unanimously out of the Judiciary Committee. At the end of the day, he won on this Senate floor 94 to 5, but he was held up for 4 months. Why? There is too much gamesmanship and partisanship in the process, and particularly coming out of a State such as Florida where it is nonpartisan in the selection of judges.

We have two vacancies in the Southern District and two vacancies in the Middle District of Florida right now. One of the judges is up on the docket. Two others have just come through and had their hearing in committee. The fourth is being vetted by the White House. Let's go on and get approved these judges where there is no controversy.

I see my colleague from Michigan is here. I will turn the remainder of my time to him.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, Members of the Senate have a duty and obligation to carefully consider the votes we take on nominations to the Federal courts. Our Constitution has established a judicial branch with vitally important responsibilities and with considerable independence from the other branches of government. The Founders were right to do so. They were also right to give this body a say on nominations to that independent branch. It is the one chance that the people, through their elected representatives, have to influence the makeup of the Federal courts.

I do not begrudge any Senator the right to carefully question judicial nominees, to carefully weigh their qualifications, and to exercise their best judgment as they exercise their responsibilities that the Founders assigned to the Senate.

The question we must all answer is this: When do careful consideration and the exercise of good judgment become damaging delay? For just as we can fail to serve our constituents by failing to properly scrutinize judicial nominees, we can fail to serve them by failing to act on these nominations after there has been sufficient time for the Judiciary Committee and the Senate to scrutinize them.

Today nearly 1 in 10 Federal judgeships is vacant. Roughly half of all Americans live in judicial districts or circuits in which the Federal courts have declared a judicial emergency, meaning according to the standards established by the Supreme Court, residents face the prospect of unacceptable delays in having cases heard because vacancies have led to a troubling backlog of cases.

It is a precept of Western judicial thought that justice delayed is justice

denied; that even a correct verdict can be without justice if it comes too late to matter to the parties involved, especially if that delay is not justified by the circumstances or the complexity of the case.

The dangers for our Nation in these judicial emergencies are great: First, that Americans may be robbed of justice by unjustified delay; second, that Americans may come to doubt that the courts are capable of dispensing justice because they cannot function effectively; and, third, that in seeking to clear the growing backlog of cases the courts may rush to judgment and may fail to apply the rigor that Americans expect and deserve.

Mr. President, I ask unanimous consent I be allowed to proceed for an additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. The Judiciary Committee has favorably reported 17 judicial nominations that are now awaiting votes on the floor of the Senate. There is no question that the wait for many of the judicial nominees of President Obama has been unacceptable. Under the previous President, at this point in his term the average district court nominee waited 22 days from favorable report by the Judiciary Committee to Senate confirmation. The average circuit court nominee waited 28 days.

By contrast, the average district court nominee under President Obama has faced a wait of 97 days, and the average for circuit court nominees is 138 days. Yet the vast majority of these nominees are not controversial. They enjoy bipartisan support. We should move quickly to confirm these nominees who have been receiving bipartisan backing, particularly, and to review, debate, and act as expeditiously as we can on the small number of nominations about which there is some debate.

There is a great deal of discussion about which party is to blame about the ever-slower pace of judicial nominations. I have my own strong beliefs on that question. Our constituents are best served not by arguing over blame, but by our exercise of the responsibility the Constitution bestows upon us. I simply ask all of my colleagues to consider on each of these nominations the damage done by delay and inaction, and to carefully consider the threat to justice from the growing crisis of delay in our courts. We can and should act promptly on the 17 nominees on the calendar.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, I ask unanimous consent to enter into a colloquy with my Republican colleagues: Senators KYL, COBURN, ISAKSON, and HELLER for up to 30 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

## THE BUDGET

Mr. JOHANNIS. Mr. President, I rise today with my colleagues to talk about something I think is an issue that without a solution will affect every single aspect of life in our country. I am speaking about our debt crisis, the impending fiscal cliff, and the lack of a budget to address those issues. As I said, I am very pleased to be joined by my colleagues to talk about this issue.

Unfortunately, for whatever reason, the Senate has lacked the will and the leadership to fulfill what I consider its most basic legislative function: writing and adopting a budget resolution. That has gone on for more than 3 years.

While I understand we are rapidly approaching the time where Presidential politics will consume the entire agenda, the U.S. national debt is also rapidly approaching a significant milestone: \$16 trillion worth of debt. We should look no further than Greece or Spain to see what this level of debt would do to an economy if it goes unchecked.

There are so many frightening statistics, but here is one: America's per capita national debt already significantly outpaces that of Greece or Spain. So as we watch them spiral further into crisis, we should be jolted into action by the very suggestion that our debt is equally as alarming. Yet we are unable to pass a basic budget resolution to get our spending in check. That constitutes a lack of leadership.

As I said, I have many colleagues here today who can talk about a better approach. I would like to start today with Senator JOHNNY ISAKSON.

Senator ISAKSON has spent his career working on budget issues.

I say to Senator ISAKSON, what is the impact of no budget resolution for 3 years? Is there a better way? Is there a better way to approach the budgeting process than what we are dealing with now?

Mr. ISAKSON. I thank the Senator from Nebraska for the question and for his service. As a former Governor of the State of Nebraska, he knows full well the responsibility we have in terms of budgets. But I will tell you what the impact of no budget for 3 years is, no discipline for 3 years. The result of no discipline for 3 years is we spend \$10.4 trillion without a budget.

I do not know how good you are with your memory, I do not know how good I am with mine, but if I do not have a budget or a guidepost to go by, and I am spending \$10.4 trillion, I am making big mistakes. I am making big mistakes not with my money but with the money of the people of the United States of America.

Last night I did a telephone townhall back to Georgia. At one time we had a little over 3,200 callers on the line. Question after question, with a very simple question: How can you guys operate without a budget? Why can't you get a budget? Why can't you bring a budget to the floor.

The fact is it is because our budget requirements cast out 10 years of plan-

ning for taxes, 10 years of planning for expenditures, 10 years of planning for the government. A lot of people just do not want us to know what their plans are for the next 10 years.

But every American family in this county has had to sit around their kitchen table, reprioritize their expenditures, and budget what income they have because of difficult economic times. The government should ask of itself only what it forces upon all of its people.

I have a suggestion to consider, a suggestion that 20 of our 50 States practice. Forty percent of our State governments now have a biennial budget. It is a proposal that has been before this body for years. I am proud to be the cosponsor with Senator JEANNE SHAHEEN from New Hampshire. It is a budget process and a discipline that ends this no budget and also memorializes the most important thing we need to do and the least thing we do in this body; that is, oversight.

The biennial budget proposes we would do our budgeting in odd-numbered years and our appropriating in odd-numbered years and do it for a 2-year period rather than a 1-year period. Then, in the even-numbered year—an election year—we would do oversight of spending. We do not ever do any oversight.

The best oversight person in the Senate sits to my right. His name is TOM COBURN. He is going to be the closing act in this colloquy. He is going to show some pictures that cast a lot more than 1,000 words about the duplication of expenditures in this government, primarily because we have no oversight and we have no discipline. We go back at appropriations year after year after year but never look at justifying what we spent in the year before.

So to the Senator from Nebraska, I say to the people of Georgia and the people of the United States, I want to expect of myself and our government at least what is mandated upon you. I want us to begin to be accountable for our spending and hold accountable those who spend that money. I want us to do our appropriations in a balanced way, in a disciplined way, and never again go 1,000 days without a budget, never again have \$10.4 trillion of spending without a budget, never again look the American people in the eye and say: I, as your government, am not willing to do what you must do.

It is absolutely time we stop the redundancy, start prioritizing, and start conducting oversight. When we do that, America will be better off, our fiscal policy will be better off, our debt and deficit will come down, and we will return to those days all of us yearn for, with better prosperity and absolute accountability.

I thank the Senator from Nebraska for giving me the opportunity to expound on the biennial budget.

Mr. JOHANNIS. Mr. President, I thank Senator ISAKSON.

Senator ISAKSON referenced my time as Governor of Nebraska. But I speak

on behalf of all Governors. The Governor has to deliver a budget. In Nebraska, we used a 2-year budget, and that is what makes me proud to cosponsor the Senator's idea. It is the right approach. It simply says we are going to do our very best to get a budget passed and do the oversight necessary to make sure that budget is working.

So I compliment the Senator on his idea. It is definitely a better way forward.

Let me, if I might, now turn to Senator KYL.

I say to Senator KYL, when I was Governor I always had the first shot at delivering a budget. I would deliver it. I would do the State of the State Address. It was not that much different from the way it is done in Washington, with the President's February budget proposal. The State of the Union Address coincides with that.

With my budget—and I think most Governors would say this—even when there was real arm wrestling with the legislative process, I always believed I would get about 90 to 95 percent of my budget proposals across the finish line. It was a serious proposal. There were no gimmicks. It was a balanced budget. It did not borrow money to balance the budget.

I say to the Senator, how do you regard the President's budget submission these last years, and why isn't it getting more support in a bipartisan sort of way?

Mr. KYL. Mr. President, I say to my colleague, first of all, I will repeat what Senator ISAKSON said. As a Governor, you had to balance the budget. You know how to do it. You understand the importance of it. I appreciate the Senator's work on this colloquy today in that regard.

I would note that my own State of Arizona just concluded its work on a budget. It was hard. The Governor had her proposals. The State legislature did its work. It was hard slogging because they had to make tough decisions, but they did. Just last week, they finished the budget in the legislative session.

Families have to do it, States have to do it, but here in the Congress now, under the Democratic control of the Senate, for 3 straight years there has not been a budget.

As the Senator knows, however, the President submits a budget each year. Last year, his budget was, frankly, met with derision from pundits, from experts, and from economists who said it was not a serious proposal. I looked up the number. Last year his budget was rejected 97 to 0 in the Senate.

So what about this year? Well, the same thing. It was not a serious effort. It was a political document. Everybody could see it. So they put it to a vote in the House of Representatives. It was defeated 414 to 0. Not a single Democrat voted for the President's budget. They understood it was not serious.

Well, we will have an opportunity to vote on the President's budget again



this afternoon, and I expect the same fate. Why? Well, three quick points.

First of all, it accelerates our path to national bankruptcy. It fails to address entitlement spending. It has a slew of job-killing tax hikes. And it does nothing to effectuate even the President's own deficit reduction committee plan for reducing the deficit.

Just a couple of numbers: It contains a whopping \$1.8 trillion tax hike on individuals, small businesses, investment, and family-owned farms. Think about the job-killing nature, the wet blanket that puts over our economy—a \$1.8 trillion tax hike. This comes on top of the tax hikes that are already embedded in ObamaCare, which will extract an additional \$4 trillion from the private sector by 2035 according to the Joint Economic Committee. Even with this tax hike, the President's budget would increase deficits by nearly \$6.4 trillion over the next decade.

Now, you stop and think: Wait. Aren't the tax hikes supposed to be there in order to balance the budget? Well, you would think so. But under the President's budget, notwithstanding all of the new revenue from taxes, it increases the deficit by nearly \$6.4 trillion, and it would spend a staggering \$45.4 trillion during the period of the budget, which is \$1.2 trillion higher than the Congressional Budget Office baseline from last March.

I know these statistics are mind boggling, and I hate to cite them. But you do need to back up what you are saying with the actual data. That is the point. The President's budget is a job killer, it increases taxes, and it still never balances.

I would point out that under his budget, while spending would reach 23.5 percent of the economy this year, and never get below 22 percent of GDP over the next decade, the historical average is much lower: 20.8 percent of GDP.

So bottom line, the President's budget would lock in the fourth straight year of deficits above \$1 trillion, and even though the President—and here is what the President said—he promised to “cut the deficit in half by the end of my first term. . . .”

Well, the President's budget would never balance notwithstanding the huge tax increases. That is what is wrong with the President's budget. It is why it is not going to pass today. It is why it did not pass last year.

Mr. JOHANNES. Very clearly this body is saying, the Senate and the House of Representatives, when they vote on the President's budget, they are saying very clearly: The President's budget spends too much, it taxes too much, and it borrows too much. It does not solve any problems.

I think actually that is the very clear unanimous message at this point from these bodies. This is not a serious budget proposal.

Mr. KYL. If I could add one other item to what my colleague said, we all know the big problem is spending on entitlements, the so-called mandatory

spending. Well, the only thing mandatory about it is that it has to be spent unless we say something different. But we do not have the courage around here to reform our entitlement programs to the point that they are going to be available for at least our kids by the time they retire, and in some cases they may not even be available for some of us.

The other thing I would want to say about the President's budget is it continues this glidepath to insolvency for Medicare, which the recent Trustees Report says has an unfunded liability of \$26.4 trillion. So in addition to spending too much, taxing too much, and borrowing too much, it does not do anything about the biggest problem we have, which is the broken entitlement programs that are not going to work for the people who are currently anticipating they will be there for them when they retire.

Mr. JOHANNES. Senator KYL makes an excellent point. If I could call on my colleague, Senator COBURN, who, as much as any Member of the Senate, has been the watchdog when it comes to spending and programs that duplicate each other, he has been the person who oftentimes has stood on the Senate floor alone and pointed out to everybody how much waste there is in the Federal Government.

Senator COBURN has been a great leader. He was on the fiscal commission, a member of the original Gang of 6. I would like to hear his views on the budgetary mess we find ourselves in now.

Mr. COBURN. Well, let me, first of all, I thank my colleague. I have a couple of charts that are oversized. The reason they are oversized is because we cannot get it all on one chart. I would ask unanimous consent to display those charts.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. What most people do not realize is the Federal Government is now twice the size it was in 2001. Think about that. We are spending twice as much money as we did in 2001. As a matter of fact, if we go back 15 years, our deficit this year is bigger than what our entire budget was. That is how out of control the Federal Government is.

There is a political reason we are not having a budget. Everybody understands that. Nobody is going to say that. The political reason no budget was proposed and run through the Senate to create a conference committee with the House is because we do not want to make the hard choices in an election year.

Budgets for families are about making hard choices, and yet here we are supposed to represent leadership in our country. We refuse to make hard choices about the direction.

I had the great opportunity to speak with some members in the War College class not long ago. We got into talking

about budgets. They said: Do you realize how difficult it is for us to try to spend money when you send us a continuing resolution, and we do not know about it until 10 days before it is going to take effect, how difficult it is for us to try to manage in a prudent way the money that the Federal Government spends when we have no budgetary guidelines? There is waste out the kazoo when you ask us to do that.

So regardless of the fact that there is a law that says we will pass a budget, which has been totally ignored by the majority leader, the consequences of that are tremendous. What most people talk about is how do we get out of the problem. What I would put forward in terms of our budget, there is not a problem in front of our country we cannot solve.

What we lack is leadership to pull us together as Americans to say: Here is the problem. Here are the solutions. Let's find a compromise in the middle for the solution, and let's solve our problem. We have refused to do that. But, most importantly, we refuse to look at ourselves.

I have a couple of examples. The GAO put out its second annual report—the first one was last year, the second annual report this year—in terms of duplicative programs. We have had amendments on this floor fail routinely that said we ought to know what we are doing before we pass another bill. We ought to know what is already out there. That has been rejected by my colleagues.

But I am going to show charts that show how ridiculous we are in terms of how we are well meaning but absolutely stupid in terms of how we address problems that we perceive is the Federal Government's role.

The GAO put out a list of duplications. I am just going to read a few of them. I have given speeches on the floor on others, but there are 209 different programs—209 different programs in the Federal Government for science, technology, engineering, and math initiatives for our educational system. We spend \$3 billion a year on that.

The overlap is unbelievable. Here is the chart that shows all of the different programs with all of the different agencies involved, all of them overlapping, most of the money wasted in terms of how we spend it because there is no concentration, there is no coordination, and what we have is a ridiculous array—not that it is wrong to want to have more science, more technology, more engineering, and more math students. But we are spending all the money on the bureaucracy when we could have five programs: one for upper level, one for lower level, one for minorities, one for disadvantaged, and one for others. Here is the complex. It is mind boggling how many programs we have, and there is not a metric to measure whether any one of these is effective. That is \$3 billion a year.

We could have one-tenth as many programs and spend one-half as much



money and have more students come out with science, technology, engineering, and math backgrounds. But we have decided to do it piecemeal and never do the oversight and never consolidate. If we wanted to get out of a \$1 trillion deficit, we do it \$1 billion at a time, not do it with \$1 trillion at a time.

The other program, which is even more difficult to ascertain, is in the Department of Justice grants. Let me go through those just for a second. There are 253 duplicative programs in the Department of Justice. We spend a total of \$3.9 billion a year, and here is what the GAO tells us. People who apply for one grant in DOJ—for one thing—turn around and apply for it somewhere else for exactly the same thing. The Department of Justice does not know they just gave them two grants for exactly the same thing because there are so many different grant programs and nobody is watching the store.

So the point is nobody would run their household this way. No business would operate this way. States that are successful do not operate this way. The reason we do this is because we do not have a budget and we do not have any oversight and we are not minding the store. The way to change what is coming for our country is to start doing everything that is necessary to address the problem.

And the problem is this: We are spending money we do not have on things we do not need, and nobody in Congress wants to do the hard work of ferreting out what works and what does not and making the hard choices because every one of these programs has a constituency.

So the parochialism and the constituency and short-term thinking we are now bound up in keeps us from saving ourselves. Last quote, and I will finish with this: John Adams said, "There has yet to be a democracy that did not murder itself." We are on that way if we do not change direction. It is not a Democrat-Republican problem. It is all our problem. It will not matter what our political persuasion is when we face the very difficult coming times if we do not respond with a cogent budget for this country.

Mr. JOHANNES. I thank the Senator. We look at those charts and reach the conclusion, inescapably, if we do not start doing oversight and start figuring this out, we are not going to solve this problem. My colleague's reputation as a watchdog of the Federal Government is well earned.

Let me now turn to my colleague, Senator HELLER. Senator HELLER brings great experience. He might be the newest Member of the Senate—I think he is—but he has great experience on the House side. He has seen how the budget process works there. He now has some experience on the Senate side. The Senator sees the lack of a budget process.

I would like him to offer some thoughts on what is broken and what we might do to fix this.

Mr. HELLER. I thank the Senator from Nebraska for yielding time and also those from Oklahoma and Arizona for this colloquy that we are having today and the ability to talk about issues that, frankly, the other side will not talk about—in fact, their conspicuous absence today on the other side is clear of the depth of their budget.

As we have heard, we have not had a budget for the last 3 years. So I rise today in support of a serious debate concerning the direction of our Nation. Three years have passed since Congress adopted a binding budget resolution. In this light, I respectfully submit that the American people do not believe that today's debate is serious. They know the Senate is not going to adopt a budget; once again it will ignore one of the most basic and important jobs of Congress.

What the Senate is doing this week could be considered political comedy if the stakes were not so high. In fact, the fact is this is not a serious discussion.

In May of last year, the majority leader stated: There is no need to have a Democratic budget, in my opinion. It would be foolish for us to do a budget at this stage. As early as February of this year, it was stated by the majority leader that there is no need to bring a budget to the Senate floor this year.

If that is the case, this week's debate is nothing more than a political sideshow, and the American people are tired of it. Ever wonder why the approval rating of Congress is so low? They hate Washington because it spends its time on stunts like this instead of working together for the good of the country; pushing votes for campaign press releases instead of solving problems.

The bottom line is if Congress does not do its job, then its Members should not get paid. That is exactly what I have proposed with the No Budget, No Pay Act. The American people know in an election year too many of their representatives in Washington are afraid of the tough choices that would help get our Nation on a path of fiscal sanity.

Most of the people watching the so-called budget debate will witness exactly what they have come to expect from Washington: the Republicans blaming Democrats, Democrats blaming Republicans. At the end of the day, all we will have accomplished is filling another page in the CONGRESSIONAL RECORD.

Unfortunately, Americans will face the same fiscal disasters they did before this debate. Unless we change course, Federal spending per household is projected to rise to \$34,602 by the year 2022, a 15-percent increase in one decade.

The government's own actuaries tell us Medicare is going bankrupt in 10

years, Social Security one decade later. Both sides should be willing to come together to strengthen and preserve these programs for future generations instead of simply ignoring the problems because it is inconvenient in an election year.

Our national debt will reach \$16 trillion before the end of the year. The Federal Government's unfunded obligations will total some \$100 trillion. Yet there will be no budget this year, just like there has been no budget for the past 3 years. We cannot look beyond the beltway and say this failure of leadership has not had tremendous impact on the people we represent.

National unemployment has registered above 8 percent for the last 38 months. Nevada has led the Nation in unemployment for more than 2 years. Almost everyone I speak to in Nevada—businesses, job creators, elected officials, and families—speaks of the uncertainty that has characterized their lives in this economy.

We are not moving forward as a Nation, and it is no surprise to these nonsensical folks. They know from everyday life in their businesses and in their households that you cannot move forward without a plan. When Americans look to Washington, they see no meaningful proposal, no viable plan, and no progress.

There are those who claim the Budget Control Act is a budget, and I strongly disagree. This bill does not establish priorities or a path forward for our Nation as a real budget should. It does not provide certainty, nor does it address many of the pressing fiscal problems we have today. If the Budget Control Act were truly a budget, there would be no need for this discussion today. It is past time for Congress to hold itself accountable.

That is why I have advocated my No Budget, No Pay Act for nearly a year. My legislation calls on the House and Senate to pass a concurrent budget resolution and the regular appropriations bills before the beginning of each fiscal year. Failure to do so would result in the loss of pay until we take our jobs seriously and make these bills our legislative priority.

The Congressional Budget Act of 1974 already requires Congress to pass a budget by April 15. My bill creates an enforcement mechanism to further encourage Members of Congress to do their constitutional duty.

I have spoken on this floor previously about No Budget, No Pay, but I believe now is the time to consider whether we are willing to make this promise to our constituents. I believe it is more important now than ever because the American people are increasingly losing confidence in Congress and its ability to deliver solutions.

No Budget, No Pay is not a silver-bullet solution to our Nation's fiscal challenges, but it would indicate that we are hearing the concerns of the American people and are willing to participate in the dialog necessary to get our country moving again.

I am pleased that 10 of my Senate colleagues have cosponsored this important effort, and others have expressed support for No Budget, No Pay on the Senate floor. I am especially grateful to Senators LIEBERMAN and COLLINS for holding a hearing to discuss No Budget, No Pay as a meaningful proposal that would help hold Congress accountable to the American people. This bipartisan bicameral proposal is worthy of the Senate's time if we are serious about regaining the trust of the American people whom we are supposed to be representing.

My colleagues, our Nation can literally no longer afford to survive on sound bites and press releases about the importance of budgeting. We need to engage in the serious business of budgeting for our Nation's future. That work should start today. Sadly, I simply don't believe we will make the tough choices necessary until Members of Congress have more skin in the game. I will continue calling for the adoption of the No Budget, No Pay Act.

The PRESIDING OFFICER (Mr. MANCHIN). The Republican time has expired.

The PRESIDING OFFICER. Under the previous order, the Senate agrees to the motion to proceed to H.R. 2072, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2072) to reauthorize the Export-Import Bank of the United States, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours of debate equally divided between the two leaders or their designees.

The Senator from Utah is recognized.

AMENDMENT NO. 2100

Mr. LEE. Mr. President, I ask unanimous consent that we move to amendment No. 2100 to H.R. 2072.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 2100.

Mr. LEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To phase out the authority of the Export-Import Bank of the United States and to require the President to initiate negotiations with other major exporting countries to end subsidized export financing programs)

At the appropriate place, insert the following:

SEC. \_\_\_\_ . **TERMINATION OF EXPORT-IMPORT BANK OF THE UNITED STATES.**

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Notwithstanding any other provision of this Act or any other provision of law, the authority of the Export-Import Bank of the United States under section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) terminates on May 31, 2013.

(b) TERMINATION OF AUTHORITY.—Notwithstanding any other provision of this Act or any other provision of law, on and after June 1, 2013—

(1) the Export-Import Bank of the United States may not enter into any new agreement for the provision of a loan, a loan guarantee, or insurance, the extension of credit, or any other form of financing;

(2) the Bank shall continue to operate only to the extent necessary to fulfill the obligations of the Bank pursuant to agreements described in paragraph (1) entered into before June 1, 2013; and

(3) the President of the Bank shall take such measures as are necessary to wind up the affairs of the Bank, including by reducing the operations of the Bank and the number of employees of the Bank as the number of remaining agreements described in paragraph (1) decreases.

(c) REPEAL OF EXPORT-IMPORT BANK ACT OF 1945.—Notwithstanding any other provision of this Act or any other provision of law, effective on the date on which the Export-Import Bank of the United States has fulfilled all outstanding obligations of the Bank pursuant to agreements described in subsection (b)(1) entered into before June 1, 2013, the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is repealed.

SEC. \_\_\_\_ . **NEGOTIATIONS TO END EXPORT CREDIT FINANCING.**

(a) IN GENERAL.—The President shall initiate and pursue negotiations with other major exporting countries, including members of the Organisation for Economic Co-operation and Development and countries that are not members of that Organisation, to end subsidized export financing programs and other forms of export subsidies.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the progress of the negotiations described in subsection (a) until the President certifies in writing to those committees that all countries that support subsidized export financing programs have agreed to end the support.

Mr. LEE. Mr. President, it is time that we wind down the Export-Import Bank. My amendment, No. 2100, would do precisely that. The American people cannot be the world's financial backstop. The government should not be picking winners and losers. Businesses in Utah and across the country are not receiving government help and are shutting their doors after decades of serving their communities. We should not, through this government, be adding insult to injury by using the tax money they contributed to prop up companies overseas.

We need to end the corporate welfare that distorts the market and feeds crony capitalism. The corporations that largely benefit from the Ex-Im Bank should have no trouble marshaling their resources to compete in today's economy. If they are struggling, then they are most likely not deserving of taxpayer help; and if they are turning billions in profit, then they clearly do not need taxpayer-subsidized loans.

Further, government subsidies breed undue favoritism from government bureaucrats who control where the money goes. Unless we want more

Solyndras, we should end the practice immediately.

Some have suggested that the Ex-Im Bank is good for businesses. What is best for American businesses is getting the Federal Government out of their way, letting them operate without burdensome government regulations and without a complex tax system.

Having the government pick winners and losers does not make industries stronger, it makes them more dependent on subsidies. When government is picking who wins, the loser is always the taxpayer.

We have an opportunity today to reverse the status quo and defend the American taxpayer. My amendment winds down the Ex-Im Bank. I urge my colleagues to support amendment No. 2100.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. 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. CANTWELL. Mr. President, I rise today to urge my colleagues in the Senate to pass the Export-Import Bank legislation now before us. This debate this morning is about jobs, it is about manufacturing jobs, and it is about U.S. manufacturing jobs. That is because this bank is one of the most powerful tools we have for manufacturing jobs in America.

This is a debate about whether the Members in this Chamber believe access to financing is a key tool for U.S. companies to compete on an international basis when they are trying to get U.S. manufactured products sold overseas. In fiscal year 2011 alone, the bank supported nearly 290,000 export-created jobs in America. Those are the jobs that are going to be threatened if the Senate does not act.

This authority expires on May 31. That is right, 16 days from now. And between now and then, the House is in session for only 5 days, so we can't afford to take this to the brink one more time with amendments passed by the Senate that are gutting amendments. These five amendments that will be considered would basically lapse the bank's authority and this would put into the debate more uncertainty about our economy.

We need to act now to renew the bank's charter, and businesses can't wait. They need the planning and certainty to hire more people. Failing to act will stifle U.S. economic opportunity. That is why nearly two dozen Governors, Democrats and Republicans alike, have urged the bank's extension, and so has the Chamber of Commerce, the National Association of Manufacturers, and the Small Business Association.

Mr. President, I ask unanimous consent to have printed in the RECORD a

chart reflecting the jobs supported in each State by Ex-Im financing so that Members, if they wish to, can come and look at both the revenue that was generated and the jobs that were supported.

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

JOBS SUPPORTED THROUGH EX-IM FINANCING BY STATE,  
FY2011

State	Export Value <sup>1</sup>	Jobs Supported <sup>2</sup>
Alabama	\$72,192,614	523
Alaska	\$3,793,545	28
Arizona	\$170,943,313	1,239
Arkansas	\$108,584,180	787
California	\$3,468,983,437	25,150
Colorado	\$150,993,779	1,095
Connecticut	\$345,097,326	2,502
Delaware	\$33,517,187	243
District of Columbia	\$222,874,472	1,616
Florida	\$1,054,197,361	7,643
Georgia	\$487,633,648	3,535
Hawaii	\$201,600	1
Idaho	\$12,843,584	93
Illinois	\$2,322,581,920	16,839
Indiana	\$248,668,941	1,803
Iowa	\$42,914,160	311
Kansas	\$779,197,432	5,649
Kentucky	\$38,186,699	277
Louisiana	\$209,979,110	1,522
Maine	\$20,673,669	150
Maryland	\$220,489,400	1,599
Massachusetts	\$565,960,139	4,103
Michigan	\$320,510,673	2,324
Minnesota	\$299,186,062	2,169
Mississippi	\$25,040,065	182
Missouri	\$414,499,691	3,005
Montana	\$2,304,000	17
Nebraska	\$57,942,908	420
Nevada	\$31,910,400	231
New Hampshire	\$39,842,746	289
New Jersey	\$360,580,503	2,614
New Mexico	\$5,055,359	37
New York	\$804,093,389	5,830
North Carolina	\$456,429,400	3,309
North Dakota	\$18,708,353	136
Ohio	\$398,413,384	2,888
Oklahoma	\$235,300,682	1,706
Oregon	\$213,921,302	1,551
Pennsylvania	\$1,353,113,343	9,810
Puerto Rico	\$10,555,200	77
Rhode Island	\$11,877,600	86
South Carolina	\$158,092,961	1,146
South Dakota	\$13,468,905	98
Tennessee	\$126,161,932	915
Texas	\$4,865,359,960	35,274
Utah	\$50,424,234	366
Vermont	\$14,406,062	104
Virginia	\$349,933,601	2,537
Washington	\$11,469,897,102	83,157
West Virginia	\$5,712,000	41
Wisconsin	\$645,545,956	4,680
Wyoming	\$1,512,000	11
Subtotal by State	\$33,340,307,290	241,717
Not Allocated by State <sup>3</sup>	\$6,307,692,710	45,731
TOTAL	\$39,648,000,000	287,448

<sup>1</sup> Export value has been adjusted for inflation.

<sup>2</sup> Figure based on analysis completed for FY2011 Annual Report, which used formula of 7,250 jobs supported by \$1 billion in export value.

<sup>3</sup> Programs such as short-term multi-buyer insurance in which exporter not identified at time of authorization.

Ms. CANTWELL. Mr. President, the default rate on the bank is consistently less than 2 percent lower than most commercial lending. I am sure we will hear a lot about that during the debate today. But since 2005, the Export-Import Bank has returned \$3.7 billion to the U.S. Treasury, above and beyond the cost of operation. So, yes, my colleagues, this is actually something that is making money for the Federal Government. Not only is it helping U.S. manufacturers sell their products overseas—financing in a way I think is equivalent to what the Small Business Administration does; helping to provide a certain level of financing that makes deals come through—I think it is why we find banks are supportive.

The money comes back into U.S. taxpayers' pockets and it supports our

winning in a global situation by getting our products sold. It has been incredibly helpful to our economy, with zero cost to the taxpayers, and, in fact, the nonpartisan Congressional Budget Office concluded a 4-year reauthorization of the bank would reduce the deficit by up to \$900 million over 5 years. So the bank works for businesses and it works for U.S. taxpayers.

There is a compromise that is before us. I know it may not be the compromise that I or the Senator from South Carolina—who I see is on the floor—would have written into the legislation, but nonetheless it is a compromise and it is time to act. The reason I say that is because so many States also are counting on the Export-Import Bank, just as Washington State is.

Pennsylvania, for example, has over \$1.4 billion in exports and 9,800 jobs related to the Export-Import Bank; Massachusetts, with \$566 million. This is from the annual report of the Ex-Im Bank in 2011. So they had \$566 million of economic revenue generated in Massachusetts and over 4,000 jobs. Why? Because we helped Massachusetts exporters get access to capital so they could sell their products overseas and win in the international marketplace. Texas, another example, with \$4.9 billion in exports, and 35,274 jobs.

These are jobs America needs. This is a global economy in which America needs to be able to compete, and getting access to capital so that products can be sold is a critically important issue.

Florida, another great example of the support of the Ex-Im Bank, had \$1.1 billion in exports and over 7,643 jobs. So that State has been another big winner; the State of North Carolina, \$456 million in exports and 3,309 jobs; and Ohio, another example of manufacturers and businesses, with \$398 million in exports and 2,888 jobs.

While there are many people who would like to say this program should be discontinued—and I am sure some of my colleagues are not in favor of it because there are many programs they wish to get rid of—I would say this is a program that is good for the U.S. taxpayers. The Ex-Im Bank has generated \$3.7 billion for U.S. taxpayers since 2005.

Again, what is this debate about? The underlying amendments my colleagues are offering are trying to gut the Ex-Im Bank. They simply don't like it, and they want to get rid of it or say it is not a viable tool. I guess because one in four jobs in Washington State is based on trade, I know how critically important it is. Whether we are talking about agricultural products or selling airplanes or selling music stands, as one company we saw, or selling grain silos, companies need to be able to compete in the international marketplace and they need to be able to get sales for their products. This has been a very viable and important tool for them.

Some of my colleagues have previously raised concerns about the bank's transparency and oversight, and these concerns have been heard and addressed in this legislation. I wish to talk about the five ways this new compromise bill addresses those concerns.

There is more oversight. Under the amended bill, we would have a quarterly report on its default rate, and the first of these reports would be due September of this year. The bank has historically maintained a low default rate of less than 2 percent, but under this provision, if the default rate reaches 2 percent or higher, the bank will have to develop a plan to fix the problem and report to Congress within 1 month. If the default rate stays above 2 percent for more than 6 months, they will be subject to a review of an independent auditor.

These are very viable and important additions to the legislation. Not only would the auditor be there to help fix what was going on, he would have the oversight for anything that was involved with the bank they needed to report on. So there is less risk.

The second change to the underlying bill is the Government Accountability Office must study and report back to the bank safeguards that prevent it from taking loans that are too risky. Again, since the bank has had a historically low default rate, we are happy to add this language, but it is another layer of protection on something that is performing and performing well. But as I say, we are happy to add that to the legislation.

More public input. The bank will have to open a public comment period for transactions greater than \$100 million and it will have to notify Congress about these transactions so there is more transparency on what some consider the bigger financial loans in which the bank is involved.

Fourth, we have added more accountability. There is an annual report where the bank has to justify the need of every transaction—every transaction. That way the public will know if the bank has acted because a private lender would not have or if it acted in response to foreign export credit agencies.

And then fifth, the Treasury must engage nations in discussions about the need for export financing worldwide. I know some of my colleagues on the other side of the aisle would hope the President would end all export financing and leave that discussion at the World Trade Organization. But I would ask my colleagues, what is the difference between this and the Small Business Administration that provides an opportunity, a bridging of capital between small businesses and the opportunities to join with private financing to make deals happen.

As I said earlier, I live in a State where we know how beneficial export markets are to our products—whether we are speaking of cherries or apples or

airplanes or a variety of new technologies—and these products are winning the day in the international marketplace. They are also creating jobs. So for my colleagues on the other side of the aisle who wish to end this program or say it ought to be ended on an international basis, we are happy to hear what the world community wants to debate and discuss on this basis, but I would ask why, in the moment of crisis in our financial institutions, when one of the supposedly most risk-averse institutions can't figure out why it lost \$2 billion, would we want small businesses across America to pay the price for the fact they can't get financing of their products sold in an international marketplace? We have to wake up and understand this is about helping small businesses and helping them win the day for products that are created in the United States—created in the United States and sold abroad.

This compromise legislation that is offered today is the best path forward. These amendments are an attempt to gut the underlying bill and to stop the authorization of the bank and have it curtailed. As I said, we only have about 5 legislative days, given the House's schedule, to get this done. Some of my colleagues want to tell all those businesses I mentioned in all those States—Ohio, Pennsylvania, Florida, and others—that we don't know anymore whether this program exists and so let's actually stop the funding and lose jobs.

I know there are people in my State—such as Lawrence Stone from SCAFCO or Bill Perdue from Sonico—who gave me the message the American people want us to focus on creating jobs and supporting businesses. They want a program like this to continue and they want the jobs it creates for their communities.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I will gladly yield and let Senator CORKER go ahead of me—I understand the Senator has an amendment to offer—with the understanding I be allowed to speak for 5 minutes after he is done.

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

The Senator from Tennessee.

AMENDMENT NO. 2102

Mr. CORKER. I thank the Senator from South Carolina and certainly the Senator from Washington State. I want to say I put my credentials for supporting exports up against anybody here, and I think the purpose of our being in this body is to try to create good policies.

I have an amendment I wish to call up. It is amendment No. 2102, which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. CORKER] proposes an amendment numbered 2102.

Mr. CORKER. I ask unanimous consent to dispense with the reading of the amendment.

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

The amendment is as follows:

(Purpose: To require the Export-Import Bank of the United States to provide financing only for transactions subsidized by export credit agencies of other countries or for which private sector financing is unavailable or prohibitively expensive and to require the Bank to maintain a ratio of capital to the outstanding principal balance of loans and loan guarantees of not less than 10 percent)

Strike section 25 and insert the following:

**SEC. 25. LIMITATION ON FINANCING BY THE EXPORT-IMPORT BANK OF THE UNITED STATES TO TRANSACTIONS SUBSIDIZED BY OTHER COUNTRIES OR FOR WHICH PRIVATE SECTOR FINANCING IS UNAVAILABLE OR PROHIBITIVELY EXPENSIVE.**

(a) IN GENERAL.—Notwithstanding any provision of the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) or any other provision of law, the Export-Import Bank of the United States may not provide any financing (including any guarantee, insurance, or extension of credit, or participation in any extension of credit) for the exportation of any article unless the Bank certifies to Congress in writing that—

(1) an export credit agency of a foreign country is providing financing for the exportation of a substantially similar article from that country; or

(2) private sector financing for the exportation of the article is not available or is prohibitively expensive.

(b) ADDITIONAL INFORMATION REQUIRED.—If the Export-Import Bank of the United States certifies under subsection (a)(2) that private sector financing for the exportation of an article is not available or is prohibitively expensive, the Bank shall also include in the certification the following:

(1) An explanation of why private sector financing is not available or is prohibitively expensive.

(2) An explanation of how financing by the Bank for the exportation of the article does not put the United States at a substantial risk of loss.

(3) If private sector financing is available but prohibitively expensive, an assessment of the difference between the cost of private sector financing and the cost of financing provided by the Bank.

(c) REPORT ON REGULATORY BARRIERS.—For any transaction relating to the exportation of an article financed by the Export-Import Bank of the United States after certifying under subsection (a)(2) that private sector financing is unavailable, the Secretary of the Treasury shall submit to Congress a report that—

(1) assesses the extent to which private sector financing is unavailable as a result of excessive regulation of domestic financial institutions by the Federal Government or the obligations of the United States under international agreements relating to risk management by financial institutions; and

(2) makes recommendations for eliminating the barriers to private sector financing identified under paragraph (1).

**SEC. 26. CAPITAL RATIO REQUIREMENT FOR THE EXPORT-IMPORT BANK OF THE UNITED STATES.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Export-Import Bank of the United States shall maintain a capital ratio of not less than 10 percent.

(b) CAPITAL RATIO DEFINED.—In this section, the term “capital ratio” means the

ratio of the capital of the Export-Import Bank of the United States to the total outstanding principal balance of all loans made or guaranteed by the Bank.

**SEC. 27. EFFECTIVE DATE.**

Except as provided in section 9(b), this Act and the amendments made by this Act shall take effect on the earlier of June 1, 2012, or the date of the enactment of this Act.

Mr. CORKER. Mr. President, I will be very brief. Again, this amendment is very simple and it does two things I would think the Senator from Washington especially would support, after all we have gone through, and especially after her alluding to some of the most recent developments in the financial system. I hope this amendment will receive broad support in this body.

The Ex-Im Bank is set up to finance transactions that cannot be financed in the private sector. That is the purpose for its existence. So, No. 1, what this amendment will do is to cause the Ex-Im Bank to certify there is no private sector financing—or at least no private sector financing at a reasonable cost—before any loan goes through the Ex-Im Bank.

The second piece I think is very important. The way the Ex-Im Bank is set up right now, there are no capital requirements. The Senator from Washington was just talking about something that happened at JPMorgan. Fortunately, we have put in place since the financial crisis very strong capital requirements at our financial institutions, and what that has done is to make them healthy and to cause them to be able to withstand things that may happen as relates to default rates or other failures.

The Ex-Im Bank, believe it or not, is set up to finance things that no other bank will finance, and yet it has no capital requirements other than having to maintain \$1 billion. So they are able to loan, per this new legislation, \$140 billion but they only have to have \$1 billion in capital reserves, which means you are creating with this mechanism 140-to-1 leverage ratios.

What we have gone through with our entire financial system is a process to make sure we have adequate capital. What our amendment does is to require that the Ex-Im Bank adhere to the normal sound financial practices we want our financial institutions across our country to adhere to by establishing a 10-percent capital base.

Again, I think this is a very good government amendment. We don't want to see the same happen with Ex-Im Bank that we have seen happen with Fannie, with Freddie, with so many of our institutions in this country that did not have proper capital reserves.

I urge strong support for this amendment which will make the Ex-Im Bank something that ensures—or hopefully helps ensure—that our U.S. taxpayers are never in a situation where we have to come to the aid of this institution because it hasn't reserved properly, it doesn't have the proper capital standards in place, that I think people in

this body on both sides of the aisle have overwhelmingly supported for the private sector.

I would hate to see us be in a situation where we want to create something in government that risks taxpayers' money, when we have just gone through a process of understanding that it is very important for the financial institutions of our country to have appropriate capital standards. Here we are getting ready to pass legislation on this floor which, I am sorry, has almost no capital standards in place because you only have to have \$1 billion—that is all—at the Ex-Im Bank, \$1 billion against a \$140 billion loan base. I think anybody here thinking about this understands those standards are not nearly appropriate, and I hope this amendment will receive overwhelming support.

It is my sense that if we pass this, the House would easily pass this. Contrary to what the Senator from Washington was saying, I think this would make the legislation better and, my sense is, receive overwhelming support in the House if added to it.

I yield the floor, and I thank the Senator from South Carolina for his tremendous courtesy.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I rise in support of the compromise that was outlined by Senator CANTWELL.

Basically, 6 years ago the Congress of the United States by voice vote reauthorized the Export-Import Bank. If you are in business, like Boeing and GE, and thousands of other companies out there that are making products in the United States and selling them overseas, the idea that the Congress would, by voice vote, reauthorize the bank had to make you believe that this model of doing business would be made available to you. Here we are, later down the road, a lot of concern about the bank, and some people actually want to do away with it.

I understand free markets pretty well, and I would love to live in a world where no country interfered in the marketplace at all and the best products would win based on a level playing field. But why do we have the Export-Import Bank? It is about 70 years old. There is a long record here. Products made in America and sold overseas—sometimes because of the volatile nature of the region in question traditional banks won't lend money. What happened is about 70 years ago we created a bank to help us export products, and that bank, the Export-Import Bank, as Senator CANTWELL said, makes money, doesn't lose money, and it has been a sound way to get American-made products into the international marketplace.

Here is the reality: Canada, France, Germany, Italy, Japan, Britain, Brazil, China, and India all have export banks of their own. The G-7 countries we competed against between 2006 and 2010 doubled the amount of ex-im financing

available in their countries. This is what American businesses are competing against.

Our good friend up North, Canada, is one-tenth our size. The Canadian Ex-Im Bank did \$100 billion worth of financing for Canadian-made products last year, compared to \$32 billion in support of American manufacturers.

The only area of our economy that has been strong lately is exports. So imagine this: America does away with the Export-Import Bank. All of the countries I just described have their banks available to their manufacturers. Boeing makes planes in Washington and in South Carolina. Eight out of ten planes being manufactured in Charleston, SC, by Boeing, the 787s, are sold based on export-import financing, 8 out of 10. That is why they needed a second line of production. They are competing against Airbus. France has three Export-Import Banks. China's Export-Import Bank is larger than those of the United States, Germany, Canada, and Britain combined.

It is one thing to do reform; it is another to unilaterally surrender. It is one thing to lead the world; it is another to put the people who make products in America at risk unnecessarily. The legislation in the House did compel the President, the Department of Commerce, and Treasury to try to get these Export-Import Banks wound down over time. If we could do that, great, because I think the American workers and the American companies can compete anywhere in the world on a level playing field. At the end of the day, this is about whether we are going to unilaterally surrender. We are weeks away.

Senator CORKER has a good amendment, a decent amendment, but it doesn't quite get us to where we need to be at this late hour. One part of this amendment is that you can't make a loan under the Export-Import Bank until the company proves that the other countries in question are not offering loans in that area. That is pretty hard to do when countries such as China are not very transparent.

This amendment is billed as good government, and I know his motivations are sound. He is not ideologically against the bank. But at this late hour, it will bring the legislation down. And, quite frankly, the second prong of what he is proposing I think is a real burden to put on American businesses at a time when it is hard enough already to create jobs in America.

To those who want to end the bank without other countries doing so, I think you would be doing a great disservice to people in this country who are selling products overseas. In my State alone, you would be destroying the ability of Boeing Company to grow in South Carolina. GE makes gas turbines in Greenville, SC. One-third of those turbines made in Greenville are sold through ex-im financing. If you can get the other parts of the world to do this, count me in. Until we do it to-

gether, I am going to allow this bank to stay in business because it makes money, it doesn't lose money. There is a difference between leading the world and putting your companies at risk in a world based on reality, and the reality is that export-import financing by our competitive nations is growing, it is not being reduced.

This bill that passed the House was 330 votes. We live in a time in Congress where you can hardly declare Sunday as a holiday, but 330 Members of the House voted to extend this bank for 3 years with reforms. Count me in the reform camp.

Some people say this bank has kind of gotten out of its lane and is making loans that are not traditionally export-import loans. I agree with that. Some say the bank is not transparent enough. I agree with that. The bottom line is it has been reformed; not as much as some would wish, but it definitely has been reformed.

Sixty-two percent of the Republican Conference in the House voted to reauthorize this, so I want to acknowledge Representative CANTOR, Representative HOYER, TIM SCOTT, and my delegation, who have tried to bring about reform. At the end of the day, the Senate now is receiving a product that went through the House, a lot of giving and taking. They produced a compromise, as Senator CANTWELL said, that would be different than I would have written, but it truly is reform. It allows a 3-year extension of the bank at \$140 billion with reforms that are, quite frankly, I think common sense, and 62 percent of the House Republicans supported this. The tea party was split.

At the end of the day we have a decision to make as a Senate: Are we going to allow this bank to fail, or are we going to allow the bank to stay in business under a new way of doing business? I think it would be a travesty and a detrimental event to the economy of this country if this bank were to go out of business and the banks of everybody we compete with are doubling in size. If you want to grow the footprint in America of selling products made in America overseas, this bank has a niche. Where you cannot find traditional financing, this bank allows American products to be sold, and I think it is a very sound business practice. The bank is making money.

The bank has been around for 70 years and there are no subprime mortgages here. This is about selling American products to a willing buyer overseas where you can't find traditional financing. Our friends in China—sometimes they are not our friends; they manipulate their currency, they steal intellectual property—their bank is going like gangbusters. The last thing I am going to do with my vote is take American companies that are struggling to make it, creating jobs in America through selling products overseas, and put them at a disadvantage against the Chinese or any other country that is doing business. We will wind

down these things together or we will stay in business to allow those in America to make products and sell them overseas.

From a South Carolina perspective, this is a very big deal. It was a big deal to get Boeing to come to South Carolina. This is a request by Boeing, and many other small businesses such as Mount Vernon Mills, to keep the program around.

I will end where I started. Six years ago, those people in the manufacturing community had the bank reauthorized by voice vote. They set up a business model assuming the bank was going to be around, because nobody even objected to it enough to get a rollcall. Six years later, we can't make wild, radical changes. We have made reforms. But the worst thing we can do is to have told the community 6 years ago by voice vote this bank will be in place and 6 years later do away with it when no one else is doing away with their banks. That makes no sense to me. That is not good government. That, to me, is unilateral surrender. I didn't want to unilaterally disarm when we were competing against the Soviets in the Cold War, and I sure as heck don't want to unilaterally disarm in a world economy very much interconnected.

These amendments, most of them, are designed to wind down the bank. They are ideologically driven. Senator CORKER is trying to make it better, but there is a component of his amendment that I think would make it very difficult for our companies to get a loan. At the end of the day, we need to vote these amendments down and pass the House product.

To the Members of the House, Republicans and Democrats, you worked this out among yourselves in a way that I think the Senate should embrace and endorse.

And to Senator REID and Senator MCCONNELL, we are allowing votes on an important piece of legislation. The Senate is operating in the best traditions of the Senate; people have their say, people get to vote.

Here is my say: Bring your amendments to the floor. I respect your ideological position. I respect the idea of the free markets and where we want to go. But I am asking my colleagues not to put American businesses at risk at a time when our economy is on its knees. Do not destroy this bank at a time when competitor nations are doubling the size of theirs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I appreciate my colleague from South Carolina coming down to talk about his important tool for U.S. manufacturers and why it is important in his State and why we need to get on to the business of passing this House legislation that was a compromise that involved many people and, as my colleague from South Carolina stated, a very robust vote out of the House of Representatives.

I also wish to say a few words about my colleague's amendment, Senator CORKER. I will trust what my colleague from South Carolina says, that the amendment may be seen as a reform of the system, well intended, but I can tell you, it will have very adverse effects.

The Corker amendment basically is calling for a 10-percent capital ratio requirement. It is not based on any fact or reason. The bank has had a default rate of less than 2 percent—1.5 percent. So raising the reserve ratio would have a very adverse effect on the bank itself, and it would quadruple the reserves and basically cause problems with the bank and how it is leveraged.

If this is an issue about reform, there are many reforms in the underlying bill. To the provision that would say you would have to verify, if you are an individual business, that you can't get financing, I have read the Senator's amendment. I am not sure how you would prove that. It is not clear from the legislation. Does that mean you would have to survey every time the ex-im program was implemented for a business?

Let's say SCAFCO in Spokane, WA, which is a grain silo producer that is selling silos in many different parts of the world—every time they wanted to get financing for one of those silos, what would they do? Would they petition five banks in a region? Would they petition 100 banks in a region? I want people to understand what that competition is like.

Let's pretend that SCAFCO, as I said, which makes large grain elevators and is selling products all over the world and is one of the world leaders, and we have an Ex-Im Bank requirement that says they have to prove there is no financing available, and they are selling a lot of product in South America, in Africa, in Asia. Now somebody else says, You know what. I can get financing for the product out of Russia or I can get financing for the product out of China and I don't have that same requirement, so I am not going to buy from you, I am going to buy from them.

That is what you are doing. You are basically hamstringing American competitors in an international marketplace by not allowing them the financing tools. Of course the bank has to show they can't get financing, but this new provision puts an undue burden on these individuals—because of the language and how vague it is, how are they ever going to prove that there isn't someone there?

Instead of hamstringing American businesses, why not allow those American businesses to continue under this legislation that, as my colleague from South Carolina said, has been around for decades and been very effective? And we are including more transparency.

I urge my colleagues to defeat the Corker amendment because of its requirements on capital ratio that they

do not need and, second, on an ability to prohibit the financing based on a clause that I don't even know how it can be met. My colleagues from States that are using this program will understand that it will be very hard for our businesses to continue to compete with such a requirement.

I know my colleague Senator LEE was here earlier. The Lee amendment basically would out-and-out defund the Export-Import financing program. I get that some of my colleagues on the other side of the aisle believe we should not have this program. I think it has been a very important tool for U.S. companies to win in their sales of U.S. products overseas and, as I said, creates thousands of jobs. I do not think the amendment of Senator LEE, which would basically abolish the bank as of September 30, 2013, is a good way to go.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Louisiana.

AMENDMENT NO. 2103

Mr. VITTER. Mr. President, I now call up Vitter amendment No. 2103, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 2103.

Mr. VITTER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify the requirement that the Export-Import Bank of the United States not make or guarantee loans that are subordinate to other loans, to restrict financing of certain fossil fuel projects in foreign countries, and to prohibit financing of renewable energy products manufactured in foreign countries)

Strike section 8 and insert the following:

#### **SEC. 8. NONSUBORDINATION REQUIREMENT.**

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635), as amended by section 7 of this Act, is further amended by adding at the end the following:

“(j) NONSUBORDINATION REQUIREMENT.—Notwithstanding any other provision of law, the Bank shall not make or guarantee a loan that is subordinate to any other loan.”.

#### **SEC. 8A. PROHIBITION ON FINANCING OF FOSSIL FUEL PROJECTS IN FOREIGN COUNTRIES THAT ARE SUBSTANTIALLY SIMILAR TO CERTAIN FOSSIL FUEL PROJECTS IN THE UNITED STATES.**

(a) IDENTIFICATION OF CERTAIN DOMESTIC FOSSIL FUEL PROJECTS.—Not later than 90 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall identify projects involving the production, refining, or transportation of fossil fuels in the United States that could benefit from the provision of a loan, loan guarantee, or other form of financing by a Federal agency.

(b) PROHIBITION ON FINANCING OF CERTAIN FOSSIL FUEL PROJECTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, on and after the date that is 90 days after the date of the enactment of this Act, the Bank shall not provide any guarantee, insurance, or extension of credit (or participate in the extension of

credit) with respect to any project in a foreign country that the Bank determines is substantially similar to a project identified under subsection (a).

(2) **CERTIFICATION REQUIRED.**—If, on and after the date that is 90 days after the date of the enactment of this Act, the Export-Import Bank of the United States provides financing with respect to a project involving the production, refining, or transportation of fossil fuels in a foreign country, the Bank shall certify to Congress that to the knowledge of the Bank there are no projects in the United States that are substantially similar to the project in the foreign country that could benefit from the provision of a loan, loan guarantee, or other form of financing by a Federal agency.

(c) **DEFINITION OF FOSSIL FUEL.**—In this section, the term “fossil fuel” means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from natural gas, petroleum, or coal.

**SEC. 8B. PROHIBITION ON, AND REPEAL OF MINIMUM INVESTMENT GOALS FOR, FINANCING OF RENEWABLE ENERGY PROJECTS.**

(a) **PROHIBITION ON FINANCING OF CERTAIN RENEWABLE ENERGY PROJECTS.**—Notwithstanding any other provision of law, the Export-Import Bank of the United States shall not provide any guarantee, insurance, or extension of credit (or participate in the extension of credit) with respect to any project that involves the manufacture of renewable energy products in a foreign country.

(b) **REPEAL OF MINIMUM INVESTMENT GOAL FOR FINANCING OF RENEWABLE ENERGY PROJECTS.**—Section 534(d) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (12 U.S.C. 635g note) is repealed.

Mr. VITTER. Mr. President, this amendment is borne of real frustration that a lot of folks have faced over the last few years, particularly in my State of Louisiana. As you know, we have had a rough time, particularly following the BP disaster.

First there was that real environmental disaster, which was a shock to our system and our ecology. But second, and of perhaps even more lasting impact, there was the economic hit that was magnified enormously when the Obama administration, in my opinion, overreacted and instituted a full-blown moratorium on production drilling—drilling in the Gulf of Mexico. That formal moratorium was ended in late 2010, but a de facto moratorium continued for many months. Even now there is a permanent logjam that has permitting at a much lower pace than before the BP disaster.

This is a broader problem because, at least off the coast of Louisiana, we are producing some energy. In many other places of the country where we have an abundance of energy, we are not allowed to get it because this Federal Government, particularly under this Obama administration, puts well over 90 percent of our domestic resources off limits.

In the midst of everything that was going on in the gulf, in the midst of that moratorium shutting down jobs in the Gulf of Mexico, President Obama traveled to Brazil and he said that the United States wanted to be a tremendous partner and cheerleader of the development of Brazil's offshore industry.

I have to tell you, that was like rubbing salt in the wounds of tens of thousands of oilfield workers and others who were suffering because of the Obama administration policy here in this country really discouraging energy development. The way President Obama proposed to be a strong supporter and partner and cheerleader of Brazilian offshore development was through an Export-Import Bank loan.

There are many of these sorts of loans. In August 2009—talking about Brazil, the case I mentioned—the Wall Street Journal reported in an editorial that “the U.S. is going to lend billions of dollars to Brazil's State owned oil company, Petrobras, to finance exploration of the huge offshore discovery in Brazil's Tupi oil field in the Santos Basin near Rio de Janeiro.” Again, the Export-Import Bank approved a \$2 billion loan to aid Brazilian oil production. That is what President Obama was cheering and encouraging and making happen. It has happened other places as well. Again, the Ex-Im Bank specifically approved a \$2.84 billion loan and loan guarantee to a subsidiary of Colombia's national oil company. This money was intended to expand and upgrade an oil refinery in Cartagena, Colombia. In 2011 the Ex-Im Bank again authorized \$1 billion for Pemex, Mexico's national oil and gas company.

Here we have this Federal Government, through the Ex-Im Bank, financing energy production overseas at the same time as this Federal Government tries to shut down and make difficult a lot of that activity here at home. That is the frustration that produced this amendment, No. 2103. This amendment is simple. It simply says that Ex-Im Bank is not going to provide those loans or loan guarantees related to fossil fuel development in foreign countries if there are similar projects in this country that are not getting comparable help. It is not suggesting that the Ex-Im Bank is going to participate directly in projects in this country. It simply says first things first—American jobs, American energy, American production. So we are not going to finance the world to produce energy when we create obstacles right here at home to do the same.

The last several years have proved the need for this sort of commonsense provision, in my opinion. President Obama traveling to Brazil, ballyhooing the development of their industry while his moratorium and other policies substantially shut down our own here in the United States, proves the need for this commonsense amendment.

I urge all my colleagues, Republicans and Democrats, to support this Vitter amendment No. 2103. Again, it is very simple, very logical, and pure common sense. Before the Ex-Im Bank uses U.S. taxpayer money to fund, to finance the guarantee of oil and gas and other energy development overseas in foreign countries, we are going to look here at

home to see if similar projects exist and are they getting any similar help or inducement from the Federal Government.

I urge support of this amendment as a way to move forward in a commonsense way on this reauthorization.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. CANTWELL. 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. CANTWELL. Mr. President, I rise to address the Vitter amendment, No. 2103. In speaking in opposition to that amendment, as I said, like all these amendments that are up for us to vote on today, I believe they are detrimental not only to the Export-Import financing program but to the compromise that has been worked out by Republicans and Democrats in the House of Representatives in the legislation that is being supported by the chamber of commerce, U.S. manufacturers, a bipartisan list of Governors, and many businesses across America.

The reason the Vitter amendment is a horrible idea, actually, is that the amendment would basically cut off or curtail American companies in their ability to compete on energy projects on a worldwide basis; that is, it would eliminate the bank's current 10 percent goal for renewable energy projects. This is a longstanding requirement that has been incorporated into the Senate Foreign Operations bill. Why someone would oppose it here I am not sure.

As somebody who knows a lot about energy and works on energy all the time, I can tell you that one of the goals we have as a country should be for the United States to win in the energy debate. Look at what a tremendous market opportunity new energy solutions are for our economy, for the worldwide economy. It is somewhere from \$4 trillion to \$6 trillion. A lot of people like to talk about the Internet and the great things on the Internet. By comparison, it was somewhere between \$2 and \$4 trillion. This is an economic opportunity way beyond that.

When you look at what China is doing, they need to invest \$3.7 trillion by 2030 in order to build 1,300 gigawatts of new electricity-generating capacity. The Chinese Government alone needs to spend \$3.7 trillion on energy. My colleague from Louisiana wants to say: Let's hamstring U.S. companies—those that might have a solution to some of China's energy needs—from getting the appropriate financing so they can be successful in this program. To me, it is wrongheaded in the fact that we want to be selling to China, as I said, just because in the Northwest we already know what China is as a market. We sell them software, we sell them airplanes, we sell them coffee—we sell



them lots of things. We understand they are a market. To curtail the solutions U.S. companies are working on, whether it is battery technology or smart grid technology or solutions for a whole range of products—you could even say nuclear power solutions or other clean energy source solutions—all of these things would be curtailed under the Vitter amendment.

We do not want to go backward. Not only does the United States want to be a leader in energy solutions in the United States, the United States should have the goal of being an energy winner in the international marketplace, growing jobs through selling solutions that we think can be quite successful in and around the developing world and in China.

I ask my colleagues to defeat this amendment and to make sure we get this bank. As I said regarding the Export-Import financing program, we have about 5 legislative days to give the predictability and certainty American businesses would like to see in making sure U.S. manufacturers win in a global marketplace.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON of South Dakota. I rise today in support of H.R. 2072, the Export-Import Bank Reauthorization Act of 2012. After too much delay, it is time for the Senate to pass this bill.

The Export-Import Bank supports nearly 290,000 jobs a year, assists thousands of American businesses, and helps reduce the Federal budget deficit. It shouldn't be surprising, then, to hear that the bank has the approval of labor unions, the chamber of commerce, the Business Roundtable, and the National Association of Manufacturers.

Indeed, the bank is supported by a wide majority in both Houses of Congress. The bill before us today passed with an overwhelming vote of 330 to 93 in the House of Representatives last week as Republicans and Democrats came together in support of truly bipartisan legislation. When we passed a similar bill out of the Senate Banking Committee last year, it had unanimous bipartisan support.

Despite the urgent need for passage of the bill, there are several Republican amendments. I urge all of my colleagues to vote against those amendments and pass this bill without delay. We are at the finish line today with a bill that has already been approved in the House and has bipartisan support in the Senate. Unless we pass this bill, the Ex-Im Bank's authorization will lapse on May 31 and nearly 300,000 American jobs will be at risk. Unless we pass this bill, American exporters will be put at a disadvantage with their foreign competitors, who, in many cases, receive far greater assistance from their own nations' export credit agencies.

Let's come together and pass this bipartisan bill and score a victory for the hundreds of thousands of American

workers whose jobs are supported by the Ex-Im Bank.

I urge my colleagues to oppose the amendments and support reauthorization of the Export-Import Bank today so we can send this bill to the President and have it signed into law without delay.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

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

#### AMENDMENT NO. 2104

Mr. TOOMEY. Mr. President, I call up my amendment No. 2104, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania, Mr. TOOMEY, for himself, Mr. DEMINT and Mr. LEE, proposes an amendment numbered 2104.

Mr. TOOMEY. Mr. President, I ask that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit an increase in the lending authority of the Export-Import Bank of the United States to more than \$100,000,000,000 until the Secretary of the Treasury certifies that the Secretary has initiated international negotiations to eliminate export financing programs and to prohibit an increase in that lending authority to more than \$120,000,000,000 until a multilateral agreement to eliminate export financing programs has been completed)

Strike section 3 and insert the following:

#### SEC. 3. LIMITATIONS ON OUTSTANDING LOANS, GUARANTEES, AND INSURANCE.

Section 6(a)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(2)) is amended—

- (1) in subparagraph (D), by striking “and”;
- (2) in subparagraph (E), by striking the comma at the end and inserting “; and”;
- (3) by adding at the end the following:

“(F) during fiscal year 2012 and each succeeding fiscal year, \$100,000,000,000, except that—

“(i) the applicable amount for each of fiscal years 2013 and 2014 shall be \$120,000,000,000 if—

“(I) the Bank has submitted a report as required by section 4(a) of the Export-Import Bank Reauthorization Act of 2012;

“(II) the rate calculated under section 8(g)(1) of this Act is less than 2 percent for the quarter ending with the beginning of the fiscal year, or for any quarter in the fiscal year; and

“(III) the Secretary of the Treasury has certified in writing to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that the Secretary has initiated the negotiations required by section 11(a) of the Export-Import Bank Reauthorization Act of 2012; and

“(ii) notwithstanding clause (i), the applicable amount for fiscal year 2014 shall be \$140,000,000,000 if—

“(I) the rate calculated under section 8(g)(1) of this Act is less than 2 percent for the quarter ending with the beginning of the fiscal year, or for any quarter in the fiscal year;

“(II) the Bank has submitted a report as required by subsection (b) of section 5 of the Export-Import Bank Reauthorization Act of 2012, except that the preceding provisions of this subclause shall not apply if the Comptroller General has not submitted the report required by subsection (a) of such section 5 on or before July 1, 2013; and

“(III) the Secretary of the Treasury has submitted to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives the text of a multilateral agreement to eliminate subsidized export financing programs (including aircraft export credit financing) agreed to by—

“(aa) each country that is a member of the Organisation for Economic Co-operation and Development; and

“(bb) each country that is not a member of that Organisation that, during fiscal year 2012 or any fiscal year thereafter, provided export financing in excess of \$50,000,000,000.”.

Mr. TOOMEY. Mr. President, this is an amendment that deals with the reauthorization of the Ex-Im Bank. I urge my colleagues to support this amendment. I think it is a very important measure to begin the process of phasing out a very unfortunate practice that we participate in, as do many of our trading partners, which is the active taxpayer subsidization of exports.

I want to be very clear. There is a very real risk that is carried by American taxpayers, and that risk is systematically underpriced. The fact is the Ex-Im Bank extends loans and provides guarantees to countries and companies buying American exports. It provides those loans and those loan guarantees under terms that are not available in the private sector.

There is a reason those terms are not available in the private sector. It is because the private sector necessarily requires full compensation for whatever risks they take, and there is a risk in any loan. The Ex-Im Bank underprices these loans systematically, and that is why it is important, that is why it exists, and that is why it does business that the private sector cannot win away from the Ex-Im Bank. The Ex-Im Bank necessarily and systematically underprices the risks that taxpayers are on the hook for. This is what many of us object to, the risk that the taxpayers are forced to bear.

In addition to enforcing taxpayers to incur this risk, it is quite unfair to American companies that have to compete with the foreign companies that get the subsidized financing. This isn't just theoretical. This happens all the time. Some years ago I was involved in a dispute because the Ex-Im Bank was going to finance the acquisition of equipment by a foreign—I think it was a Chinese steelmaker—which would enable them to make steel at lower prices than American steelmakers could make because the American companies wouldn't be able to obtain this equipment with the subsidy that the Chinese

companies could obtain through the Ex-Im Bank.

More recently is the case of Delta Airlines, which has observed that the price they have to pay for jets is higher than the price paid by other countries that are operating competing routes but buying their aircraft through the subsidies of the Ex-Im Bank.

In 2008 President Obama, referring to Ex-Im Bank, said this is “little more than a fund for corporate welfare.” I think that is a little bit harsh. I understand how this has come to be, I understand why it has been extended, and I understand why people believe we have to subsidize our exports. It is because other countries around the world subsidize theirs. In other words, if our German and French and Chinese and Russian taxpayers are made to take a risk in subsidizing the sales of their manufacturers, then our taxpayers ought to take a similar risk.

I think there is a logical solution. Let’s require the administration to sit down with our trading competitors and negotiate a mutual phaseout of all of these export subsidies. Frankly, it is in everybody’s interest. We could have a level playing field on which no taxpayers are subject to this risk, no taxpayers are asked to subsidize the sales of private companies, and I think that is what we ought to do. This is what my amendment would accomplish.

My amendment says we will go ahead with the reauthorization of the Ex-Im Bank, but the first increase in the lending limit we are currently at—the bump-up of \$20 billion that is contemplated in this bill that has passed the House—would be contingent upon the administration informing Congress that they have begun the process of negotiating a phaseout of all export subsidies.

I recognize this phaseout would not occur immediately but would be a gradual process that would happen over time. So under my amendment the second increase would only occur when the administration came back and informed Congress that they had, in fact, reached an agreement with our leading trading partners on a framework that would phase out subsidization of exports.

I think this is a very sensible way to deal with the only compelling argument I have heard in favor of forcing taxpayers to continue to take this risk; that is, well, everyone does it, so we must. Since that is the only reason, then let’s start the process of persuading everyone else not to do it. We have tremendous leverage in both bilateral and multinational trade negotiations of all sorts. There are ways that the administration—if it makes this issue a priority—can persuade our trading partners that this is the right direction to go.

Each of our trading partners has their own constituency of taxpayers who would probably rather not be forced to subsidize this process just as we do. I think this amendment does it

in a careful fashion that allows businesses to continue for now provided we start in a different direction, a direction that will avoid continuing to put taxpayers at risk.

I urge my colleagues to support my amendment numbered 2104.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I would like to speak in support of Senator TOOMEY’s amendment and to point out some of the things about the Ex-Im Bank that are important for the taxpayers to know.

As a businessman I know if I can get a guaranteed loan, I would take it in a second. I don’t blame companies that are interested in lower rate financing. But as Congressmen and Senators and as the President of the United States, our job is to protect taxpayers. We are forgetting in this debate that when we guarantee a loan, we are signing the taxpayers’ names to a loan guarantee. In the real world if an individual or a business guarantees a loan, that is a very real liability to them, and we are not just talking about the Ex-Im Bank.

The taxpayers of this country are now liable for about \$1 trillion for student loans, trillions of dollars for mortgages and other loan guarantees and insurance.

We cannot continue to pass these bills without realizing someday these bills are going to come due and the folks across the country are going to have to pay them.

We were promised, when Fannie Mae and Freddie Mac were making all these loans, that it was good for the taxpayer, that we were making money, we could not lose. But the taxpayers have lost billions of dollars. And now as we continue to guarantee loans around the world, some of the countries these loans are going to be on the watch list by Moody’s and other ratings services because of the financial situation in Europe and all across the world, which is more and more strained. We cannot assume this money is coming back to the taxpayer.

We probably heard already from some of the speakers that the Export-Import Bank was started many decades ago during Franklin Roosevelt’s administration, and there was a limit on how much could be lent. It was \$3.5 billion. But we know how government works and how government grows. The bill we are considering this week is not in the millions; it is in the billions; and it is not \$3 billion or \$4 billion, it is \$140 billion of loan guarantees to American companies that are selling overseas.

Unfortunately, that does not help American companies that want to sell here in America, which means much of the domestic market for our products is financed at a higher rate. It is only the rest of the world. And we are the biggest consuming market in the world. This is not an idea we should continue in America. We are in a bidding war with China and Europe to see

who can subsidize the most loans at a time when all of us are broke.

We need to bring this to a close. Senator TOOMEY’s amendment is a logical way to proceed. The World Trade Organization is set up to make sure there is a level playing field and that we are not subsidizing imports and exports. But this is a very real subsidy and a very real risk to the American people.

Let’s begin the process of taking away this excuse of why we need to subsidize them. The excuse is always: We have to do it because they are doing it. But as a world trading organization, we need to take down these subsidies and phase them out. We can do that and decrease the amount of money the American taxpayer is liable for. It is common sense. Hopefully, my colleagues will support it today.

Mr. LEVIN. Mr. President, I am pleased the Senate is voting on H.R. 2072, the Export-Import Bank Reauthorization Act of 2012. This bill will reauthorize the Export-Import Bank, which has been operating under temporary extensions. We are overdue to reauthorize and expand this important agency.

The Export-Import Bank is an important tool U.S. companies can use to promote the export of American-made manufactured goods, particularly exports of small- and medium-sized manufacturers which make up the largest portion of the Export-Import Bank’s transactions. The Export-Import Bank provides financing to foreign purchasers of U.S. goods when private financing is not available. That financing allows U.S. businesses to sell more U.S. goods abroad, which means we create more jobs here at home. And the reality is that many of our trading partners that compete against us in the global marketplace use aggressive export financing to advantage their companies. We need to offer the same type of support to American manufacturers so that they can compete in overseas markets on a level playing field.

Over the last 5 years the Export-Import Bank helped 148 Michigan companies export \$2.7 billion worth of goods overseas, supporting and creating jobs in Michigan. Over 100 of these Michigan companies were small businesses selling a broad range of products manufactured in Michigan, including fabricated metal products, machinery, auto parts, chemicals, wood products, paper, and food. The three top export destinations for these Michigan exports were Mexico, Turkey, and Canada.

The Export-Import Bank is self-financing and in fact contributes money to the U.S. Treasury every year. This is a win-win situation to reauthorize the Export-Import Bank and increase its authorization level at no cost to the government so that we can export more American-made goods and create and support U.S. jobs here at home.

Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak for the next 10 minutes.

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

Ms. CANTWELL. I have enjoyed listening to my colleagues on the other side of the aisle talk about Senator TOOMEY's amendment and all about subsidies. Well, it is hard to argue about subsidies when we are talking about the Ex-Im Bank generating \$3.7 billion for U.S. taxpayers since 2005.

So if this is a subsidy, we need a lot more of it because you are winning in producing jobs and you are actually producing money for the Treasury. This is a very important tool for us to win in a global economy. I think my colleague from South Carolina who spoke earlier said it best when he talked about the manufacturing jobs that are now in that State and what an important tool it is.

I am not one of those who basically says: Oh, we should do it because other countries do it. I am saying, you should recognize that is going on, but that the United States needs to understand there is a global marketplace for its products. If you believe in U.S. manufacturers, as I do—and I have seen them in my State—they are winning the day in producing products and services that can beat the competition in international marketplaces. They can.

I have seen grain silos, I have seen music stands, and, yes, I have seen airplanes. So the question is, are we going to let U.S. products that can beat the competition in an international marketplace lose because the purchaser of those products is looking for financing mechanisms that will help them secure financing and purchase of those products? That is the question.

Does the United States want to do those kinds of activities? I say we should be even more aggressive. Why? Because the global development of many countries that are now buying U.S. products is going to continue to grow. In my State, in southwest Washington, in Vancouver, I saw the second largest grain elevator in the entire world—the second largest grain elevator. I said: Why do we have the second largest grain elevator in the entire world right here at the Port of Vancouver? They said to me: Because as the Asian middle class rises, they want to eat beef. And if they want to eat beef, they have to have grain.

What is wrong with the United States selling grain to Asian markets because they want our product—or all these other products we have been talking about today? These are examples of products in the United States where we are actually building a product that many countries and many end customers want. We should celebrate that, and we should realize, as the growing middle class around the globe increases, there is even more opportunity for the United States to sell products and win the day in the marketplace. So I do not know what they are talking

about when they say “subsidies,” because this has been good for the U.S. taxpayers, and it has been good for our economy.

Specifically to the Toomey amendment, this amendment would require unnecessary conditions for helping the bank in the future. Basically, it would put a hold on the financing of the Export-Import Bank until we negotiated on an international basis to terminate this kind of financing.

As I said, for many States, they have had great benefits. In Pennsylvania, they have had the economic benefit—this is in just 2011—of \$1.4 billion in exports and over 9,000 jobs. So here is something that has actually created jobs, created money for the U.S. economy—basically money back to U.S. taxpayers that we have used to help pay down the deficit. So how is it that is bad for us? In the meantime, that manufacturer in Pennsylvania is winning and getting his product out on an international basis and, hopefully, expanding his business to many different countries.

We had numbers on some of the other examples of companies that have been helped in various States. These are products and services like many in my State. We have visited a grain silo producer in Spokane, WA, that is winning in selling its product. We visited a music stands company, Manhasset Music Stands. You would think somebody might be able to compete with them and beat them in the international marketplace, but, in fact, they are winning the day in the international marketplace, and the Export-Import Bank helps them in doing so.

There are many examples of how this particular program is a win for taxpayers, is a win for manufacturers, and is a win for the U.S. economy. These amendments that are all trying to gut the Export-Import Bank would send this back to the House, when we need to be sending it to the President's desk, giving certainty and predictability to our economy, giving certainty and predictability to a program that has existed for decades, for which often there has been a voice vote—instead of holding it up, actually making sure manufacturers have the opportunity and know where the financing is.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. 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—MOTIONS TO PROCEED

Mr. CONRAD. Mr. President, I ask unanimous consent that following leader remarks on Wednesday, May 16, the Senate proceed to the consideration of motions to proceed to the following budget resolutions listed, en bloc: Calendar No. 357, S. Con. Res. 41; Calendar No. 354, H. Con. Res. 112; Calendar No. 356, S. Con. Res. 37; Calendar No. 384, S. Con. Res. 42; and Calendar No. 395, S. Con. Res. 44; that there be 6 hours of debate on the motions to proceed equally divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the five motions to proceed in the order listed above; that there be 2 minutes equally divided between the votes and that all after the first vote be 10-minute votes; that the motions to reconsider be considered made and laid upon the table; that notwithstanding the adoption of any motion to proceed, the Senate proceed to the remaining votes on motions to proceed; further, that at the conclusion of those votes, the Senate resume consideration of the budget resolution if a motion to proceed is adopted; and that if no motion to proceed has been adopted, the majority leader be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. HELLER. Mr. President, reserving the right to object, there has not been a budget passed in the Senate and the House in over 3 years. I would argue that the exercise we have ending tomorrow will have no substantial difference. I do not think there is anyone in America who believes we will have a budget at the end of tomorrow. The Congressional Budget Act of 1974 requires Congress to pass a budget by April 15. So with that, I ask unanimous consent that the request of the leader be modified so that S. 1981, the No Budget, No Pay Act, be automatically discharged from the Homeland Security and Government Affairs Committee, the bill be immediately placed on the calendar, and that when the Senate proceeds to the budget votes mentioned in the Senator's request, the Senate also vote on the motion to proceed to S. 1981 under the same terms and conditions of the other budget votes.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. CONRAD. Objection has been heard on our side.

The PRESIDING OFFICER. There is objection to the modification. Is there objection to the original request? Without objection, it is so ordered.

Mr. CONRAD. Mr. President, just on the note that the Senator raised, I want to make clear that I have heard over and over: No budget resolution has passed in 1,000 days. What is not being said is that instead of a budget

resolution last year, the Senate and the House passed the Budget Control Act. The Budget Control Act is not a resolution, it is a law. A resolution, as all Members know, is purely a congressional document. It never goes to the President for his signature.

Last year, instead of a budget resolution, this body and the other body passed legislation called the Budget Control Act that set a budget, budget limits, and spending limits for this year and next. Actually, it went even further: It set 10 years of spending caps. A budget resolution usually only sets 1 year of spending caps.

So I wanted to make clear that instead of a budget resolution being passed last year, the House and the Senate passed the Budget Control Act to set spending limits for this year and next and for the 8 years beyond.

In addition, the Budget Control Act established a supercommittee and gave it special authority to reform the tax system and the entitlement system and said that if they could come to an agreement, they would not face a filibuster. With a simple majority, we could reform the tax system and the entitlement system here in the Senate. The Budget Control Act further said that if the special committee does not agree to reform the tax system, to reform the entitlement system, there will be an additional \$1.2 trillion of spending cuts put in place over and above the \$900 billion of cuts put in place by the Budget Control Act through spending caps for 10 years. That is a total—because the special committee did not agree—of over \$2 trillion of spending cuts that are now in law as a result of the Budget Control Act. That is the largest spending cut package in the history of the United States, and it is law. It is law because of the Budget Control Act passed last year.

Now, my colleagues can go and shout it through the rooftops, as they have done, that the Congress has not passed a budget resolution in 1,000 days, but they are not telling the whole story. They are not telling people that instead of a resolution, the House and the Senate passed a law. A law is stronger than any resolution. A resolution is purely a congressional document. A law has to be signed by the President of the United States.

The Budget Control Act was passed by the Senate on an overwhelming bipartisan vote, passed by the House, and signed by the President of the United States. It sets the budget limits for this year and next, and it goes beyond that. It sets 10 years of spending caps, saving \$900 billion. And because the special committee could not agree to reforming the tax system and the entitlement system, it put in place another \$1.2 trillion of spending cuts that are now in law. That is a total of over \$2 trillion of spending cuts.

What we do not have is the longer term plan the Budget Control Act hoped would come about as a result of

the work of the special committee. So that is work we still need to do, but nobody should be under any misimpression or misunderstanding that we do not have spending limits in place for this year and next and, in fact, for all discretionary spending, spending limits in place for the whole of the next 10 years. That is a fact.

Tomorrow we are going to have a chance to debate fundamental issues of where the resources of the United States go. But we are in a different situation than we normally would be because the Budget Control Act is in law. We know what the appropriators can spend for this year and next. That is locked in. And tomorrow we will have a chance to debate longer term plans.

I will be interested to see what some of our colleagues say about some of the truly extraordinary and extreme budget plans that are being offered by my colleagues on the other side—plans to eliminate Medicare in 2 years, plans to cut Social Security benefits by 39 percent, plans to have trillions of dollars of additional tax cuts for the wealthiest among us, and at the same time cut education 25 percent, cut funding to reduce our dependence on foreign energy by 60 percent, plans to cut spending beyond the Budget Control Act limitations by another \$2 trillion.

We are going to see, from some of my colleagues on the other side, truly extreme plans. I hope they will be voted down tomorrow. I hope we will be able to make clear to the American people with the Budget Control Act law that passed last year, instead of a budget resolution, there are spending caps in place this year and next and the 8 years beyond.

Tomorrow will be an interesting day to discuss different Members' views of the fiscal future of this country. Make no mistake, we need to come together on a long-term plan to get us back on track.

I was part of the Bowles-Simpson Commission. In fact, it was the idea of Senator Gregg and myself to have such a commission. I voted for the findings of that commission to save more than \$4 trillion. I was part of the Group of 6 who spent an entire year trying to find a way to implement Bowles-Simpson. So I am fully prepared to have this debate and this discussion.

I am eager for us to come together around a plan to get us back on track, but it is going to require all sides to get out of their fixed positions. That is probably unlikely right before an election, but it needs to happen before the end of this year. I am very hopeful that Bowles-Simpson—that fiscal commission plan—serves as a good example of where we might find common ground. Both sides, all sides, need to get out of their fixed positions to reach an agreement to get our country back on track.

I yield the floor.

## EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2012—Continued

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, we yield back all time.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the question is on agreeing to amendment No. 2100.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 12, nays 86, as follows:

[Rollcall Vote No. 91 Leg.]

### YEAS—12

Cornyn	Hatch	Paul
Crapo	Kyl	Risch
DeMint	Lee	Rubio
Grassley	McCain	Vitter

### NAYS—86

Akaka	Feinstein	Mikulski
Alexander	Franken	Moran
Ayotte	Gillibrand	Murkowski
Barrasso	Graham	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Heller	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Roberts
Boxer	Isakson	Sanders
Brown (MA)	Johanns	Schumer
Brown (OH)	Johnson (SD)	Sessions
Burr	Johnson (WI)	Shaheen
Cantwell	Kerry	Shelby
Cardin	Klobuchar	Snowe
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Chambliss	Lautenberg	Thune
Coats	Leahy	Toomey
Coburn	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Lugar	Warner
Conrad	Manchin	Webb
Coons	McCaskill	Whitehouse
Corker	McConnell	Wicker
Durbin	Menendez	Wyden
Enzi	Merkley	

### NOT VOTING—2

Kirk Rockefeller

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

### AMENDMENT NO. 2101

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 2101 to be offered by the Senator from Kentucky, Mr. PAUL.

Mr. PAUL. Mr. President, I call up amendment No. 2101.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 2101.

Mr. PAUL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the Export-Import Bank of the United States from providing financing to a person or for a project in a country the government or central bank of which holds debt instruments of the United States)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON FINANCING BY THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR PERSONS OR PROJECTS IN COUNTRIES THAT HOLD DEBT INSTRUMENTS OF THE UNITED STATES.**

(a) IN GENERAL.—Notwithstanding any provision of the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.), the Export-Import Bank of the United States may not provide any guarantee, insurance, or extension of credit (or participate in the extension of credit) to a person or with respect to a project in a country the government or central bank of which holds debt instruments of the United States.

(b) DEBT INSTRUMENTS OF THE UNITED STATES DEFINED.—In this section, the term “debt instruments of the United States” means bills, notes, and bonds issued or guaranteed by the United States or by an entity of the United States Government.

Mr. PAUL. Mr. President, first, we borrow billions of dollars from China, India, and Saudi Arabia. Then we loan it back to them again.

Republicans rightly complain that we are sending taxpayer money to the President's major donors at Solyndra and BrightSource. Now Republicans need to be consistent and say we are not going to send Ex-Im loans to even bigger companies that are even more profitable. If it is wrong for the government to choose winners and send our money to corporations, we should say it is wrong and we should vote against this.

Does anybody remember the President threatening to increase taxes on corporate jets? Ex-Im Banks are now going to increase the loans for corporate jets tenfold.

My amendment will stop this charade. My amendment will stop sending taxpayer dollars overseas to countries from whom we already are borrowing money. It makes no sense, and the time is now to stop it.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Washington.

Ms. CANTWELL. Mr. President, this amendment is simply another attempt to gut the Export-Import Bank financing that U.S. manufacturers use to increase the sales of their products around the globe.

The amendment would prohibit U.S. exporters from using the financing for any country that owns U.S. debt. So basically we are saying we are going to prohibit U.S. manufacturers, who make good products, from hoping to sell

those to places such as China and others just because of the amount of U.S. debt.

This is about job creation in America for a program that actually generates money to our Treasury and helps us pay down the deficit. We should be helping all U.S. manufacturers sell all around the globe and create jobs at home.

I urge my colleagues to oppose the Paul amendment.

Mr. PAUL. 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 question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 9, nays 89, as follows:

[Rollcall Vote No. 92 Leg.]

**YEAS—9**

Coburn	Lee	Risch
DeMint	Moran	Rubio
Hatch	Paul	Vitter

**NAYS—89**

Akaka	Feinstein	Menendez
Alexander	Franken	Merkley
Ayotte	Gillibrand	Mikulski
Barrasso	Graham	Murkowski
Baucus	Grassley	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Heller	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Roberts
Brown (MA)	Isakson	Sanders
Brown (OH)	Johanns	Schumer
Burr	Johnson (SD)	Sessions
Cantwell	Johnson (WI)	Shaheen
Cardin	Kerry	Shelby
Carper	Klobuchar	Snowe
Casey	Kohl	Stabenow
Chambliss	Kyl	Tester
Coats	Landrieu	Thune
Cochran	Lautenberg	Toomey
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	Lieberman	Warner
Corker	Lugar	Webb
Cornyn	Manchin	Whitehouse
Crapo	McCain	Wicker
Durbin	McCaskill	Wyden
Enzi	McConnell	

**NOT VOTING—2**

Kirk	Rockefeller
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

**AMENDMENT NO. 2102**

Under the previous order, there will be 2 minutes of debate equally divided prior to the vote in relation to amendment No. 2102 offered by the Senator from Tennessee, Mr. CORKER.

Mr. CORKER. Mr. President, the most important thing this amendment

does is establish capital in the Ex-Im Bank. Right now the way the Ex-Im Bank is set up, there is over \$1 billion worth of capital against \$140 billion in loans. That is a leverage ratio of 140 to 1.

This body spent a tremendous amount of time in a bipartisan way to make sure the financial institutions of our country had proper capital ratios. This amendment establishes a 10-percent capital reserve for the Ex-Im Bank. By their definition these loans are more risky than the private sector would make, and that is why the sponsors are trying to extend the Ex-Im Bank.

As a responsible body, the very least we can do is to cause them to have the appropriate capital reserved against the loans they are making which are more risky by definition than the private sector loans.

I hope this will receive a strong bipartisan vote. My guess is the House will take this almost in unanimous consent.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, this amendment would force the Ex-Im Bank financing to increase its reserves by nearly 400 percent to maintain that 10-percent ratio. Basically we already have a board that audits third-party accountants, OMB, and a bank inspector general reviewing this. This amendment basically would take away from money that actually goes to the Treasury.

This Ex-Im Bank has generated \$3.7 billion for taxpayers since 2005. My colleague would rather have that put aside as opposed to helping us pay down the deficit. It has a reserve ratio that has worked for decades, worked successfully, and I like the fact that it helps us pay down the deficit.

I urge my colleagues to vote no on the Corker amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2102.

Mr. CORKER. 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 called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 36, nays 62, as follows:

[Rollcall Vote No. 93 Leg.]

**YEAS—36**

Alexander	Barrasso	Burr
Ayotte	Boozman	Chambliss

Coats	Hutchison	Paul
Coburn	Inhofe	Risch
Cochran	Isakson	Rubio
Collins	Johnson (WI)	Sessions
Corker	Kyl	Shelby
Cornyn	Lee	Snowe
Crapo	McCain	Thune
DeMint	McConnell	Toomey
Enzi	Moran	Vitter
Grassley	Murkowski	Wicker

## NAYS—62

Akaka	Hagan	Mikulski
Baucus	Harkin	Murray
Begich	Hatch	Nelson (NE)
Bennet	Heller	Nelson (FL)
Bingaman	Hoeven	Portman
Blumenthal	Inouye	Pryor
Blunt	Johanns	Reed
Boxer	Johnson (SD)	Reid
Brown (MA)	Kerry	Roberts
Brown (OH)	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Durbin	Lugar	Warner
Feinstein	Manchin	Webb
Franken	McCaskill	Whitehouse
Gillibrand	Menendez	Wyden
Graham	Merkley	

## NOT VOTING—2

Kirk	Rockefeller
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

## AMENDMENT NO. 2103

Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2103, offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Louisiana.

Mr. VITTER. Mr. President, this amendment is very simple. It simply says that if we are going to have the U.S. taxpayer, through the Ex-Im Bank, finance and guarantee and loan money to traditional energy projects around the world, maybe we should have the same policy and the same help for U.S. projects producing U.S. energy here at home. That is, pure and simple, what it is all about. This is not a theoretical concern. A year ago President Obama traveled to Brazil to praise the development of their offshore industry, to give them U.S. taxpayer help through the Ex-Im Bank. But policies in this country were doing exactly the opposite—hurting U.S. activity to produce U.S. energy, to produce U.S. jobs.

If you want to create that reasonable, fair playing field to promote U.S. jobs here at home too, please support this amendment.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, the Senator from Louisiana has the right intentions, but this amendment would truly be a vote against U.S. jobs and manufacturing. It would wrongly target renewable energy manufacturing, and it would threaten millions of dollars in the export of U.S.-made products at a time when we should be seeking to expand these markets overseas.

If you look particularly at the wind industry, it is already suffering be-

cause we have not had the courage, frankly, to extend the production tax credit for wind, and it has bipartisan support; that is, the extension of the wind production tax credit. So we have to pass that production tax credit immediately. But in the meantime, let's not create a double whammy and pass the Vitter amendment because that would damage our opportunity to export renewable energy projects and services. Without question, that sector is expanding dramatically. It is the source of a lot of jobs in my State and I think in every State in the Nation.

Let's expand our markets. Let's export. Let's not limit that possibility. The Vitter amendment would do just that, so I urge all of you to vote against the Vitter amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to amendment No. 2103.

Mr. THUNE. 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 94 Leg.]

## YEAS—37

Alexander	Enzi	Murkowski
Ayotte	Grassley	Paul
Barrasso	Hatch	Risch
Boozman	Hoeven	Rubio
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coats	Isakson	Snowe
Coburn	Johanns	Thune
Cochran	Johnson (WI)	Toomey
Corker	Kyl	Vitter
Cornyn	Lee	Wicker
Crapo	McCain	
DeMint	McConnell	

## NAYS—61

Akaka	Graham	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Heller	Portman
Bingaman	Inouye	Pryor
Blumenthal	Johnson (SD)	Reed
Blunt	Kerry	Reid
Boxer	Klobuchar	Roberts
Brown (MA)	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Lugar	Udall (NM)
Conrad	Manchin	Warner
Coons	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Moran	

## NOT VOTING—2

Kirk	Rockefeller
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The PRESIDING OFFICER. Under the previous order requiring 60 votes

for the adoption of this amendment, the amendment is rejected.

## AMENDMENT NO. 2104

Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2104, offered by the Senator from Pennsylvania, Mr. TOOMEY.

Mr. TOOMEY. Madam President, there are two things we know about reauthorizing the Ex-Im Bank. We know our taxpayers are subject to a risk for which they are not fairly compensated in the sense that Ex-Im necessarily systematically underprices the risk. That is precisely why a borrower goes to them.

We also know it is unfair to a domestic competitor that cannot obtain the financing at the same rate that a foreign company can. We are told we should do this anyway because everyone else does it, because all of our competitors around the world subsidize their exports.

So I would suggest the logical conclusion is we should work to phase out export subsidies all around the world. That is what this amendment does. It reauthorizes Ex-Im. It lifts the limit of the borrowing cap. But it makes it contingent on the administration beginning a process of negotiating a phase-out of export subsidies. It makes the second increase in the lending cap contingent on an actual agreement that will, over time, get us all out of the business of risking taxpayer dollars in export subsidies.

I think this is a sensible way. It will allow an adjustment to take place for those who are dependent on this bank, but it will get taxpayers off the hook in time.

So I urge support.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I think this is a nonsensical provision. It says the bank can only make loans—can make more loans if there is an international agreement to terminate the bank.

I know in Pennsylvania, Wallquest finished 2010 with export sales over \$17 million, a 61-percent increase because it obtained Ex-Im financing. During the first 2 years, its workforce grew from 80 to 150. Now I know that may not be a big story, but it is the story of the Ex-Im Bank.

So capping it and saying we are not going to give any more money for more loans until we negotiate an end to the bank, I think, is the wrong way to go. I urge my colleagues to defeat the Toomey amendment.

The PRESIDING OFFICER. The question is on agreeing to the Toomey amendment.

Mr. TOOMEY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 35, nays 63, as follows:

[Rollcall Vote No. 95 Leg.]

#### YEAS—35

Alexander	Enzi	Paul
Ayotte	Grassley	Portman
Barrasso	Hatch	Risch
Boozman	Hutchison	Rubio
Burr	Inhofe	Sessions
Chambliss	Isakson	Shelby
Coats	Johnson (WI)	Snowe
Coburn	Kyl	Thune
Corker	Lee	Toomey
Cornyn	McCain	Vitter
Crapo	McConnell	Wicker
DeMint	Moran	

#### NAYS—63

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

#### NOT VOTING—2

Kirk Rockefeller

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on passage of the bill before us.

The Senator from South Dakota.

Mr. JOHNSON of South Dakota. Madam President, I urge all Senators to support final passage of the Export-Import Bank Reauthorization Act. Passing this bill today will make sure American exporters will not be put at a disadvantage to their foreign competitors, that nearly 300,000 American jobs will not be put at risk, and that the Ex-Im Bank will continue to return hundreds of millions of dollars to the Treasury.

I want to thank many of my colleagues for their leadership on this issue, including Ranking Member SHELBY, Senator WARNER, Senator CANTWELL, and Majority Leader REID.

I would also like to take this opportunity to recognize my staff for their hard work and important contributions to building bipartisan support for the reauthorization of the Ex-Im Bank.

In particular, I want to say a special thanks to Patrick Grant, Colin McGinnis, Adam Healy, Lev

Bagramian, and Charles Yi, who did exceptional work in the Banking Committee to help us get to this point today.

I am also pleased this bill, which passed out of the Banking Committee with unanimous bipartisan support, served as the framework for the House bill before us today. Once again, I strongly urge a "yes" vote on this important jobs legislation.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 78, nays 20, as follows:

[Rollcall Vote No. 96 Leg.]

#### YEAS—78

Akaka	Feinstein	Mikulski
Alexander	Franken	Moran
Ayotte	Gillibrand	Murkowski
Baucus	Graham	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Heller	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Schumer
Brown (OH)	Johnson (SD)	Sessions
Burr	Kerry	Shaheen
Cantwell	Klobuchar	Shelby
Cardin	Kohl	Snowe
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Chambliss	Leahy	Thune
Coats	Levin	Udall (CO)
Coburn	Lieberman	Udall (NM)
Cochran	Lugar	Warner
Collins	Manchin	Webb
Conrad	McCaskill	Whitehouse
Coons	Menendez	Wicker
Durbin	Merkley	Wyden

#### NAYS—20

Barrasso	Hatch	Paul
Corker	Inhofe	Risch
Cornyn	Johnson (WI)	Rubio
Crapo	Kyl	Sanders
DeMint	Lee	Toomey
Enzi	McCain	Vitter
Grassley	McConnell	

#### NOT VOTING—2

Kirk Rockefeller

The PRESIDING OFFICER. The 60-vote threshold having been achieved, the bill is passed.

The majority leader is recognized.

STOP THE STUDENT LOAN INTEREST RATE HIKE ACT OF 2012—MOTION TO PROCEED

Mr. REID. Madam President, I move now to proceed to Calendar No. 365.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

A bill (S. 2343) to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans, and for other purposes.

#### EXECUTIVE SESSION

NOMINATION OF JEREMY C. STEIN TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM—MOTION TO PROCEED

Mr. REID. Madam President, I move to proceed to executive session to consider Calendar No. 646, Jeremy C. Stein, of Massachusetts, to be a member of the Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. Without objection, the clerk will report the nomination.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] moves to proceed to calendar No. 646, Jeremy C. Stein, of Massachusetts, to be a member of the Board of Governors of the Federal Reserve System.

#### CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk with respect to the Stein nomination.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Jeremy C. Stein, of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System.

Harry Reid, Patrick J. Leahy, Jeff Bingaman, Christopher A. Coons, Carl Levin, Ron Wyden, Ben Nelson, Joseph I. Lieberman, Jeanne Shaheen, Richard Blumenthal, John F. Kerry, Kirsten E. Gillibrand, Barbara Boxer, Dianne Feinstein, Sheldon Whitehouse, Jeff Merkley, John D. Rockefeller IV, Tim Johnson.

NOMINATION OF JEROME H. POWELL TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Mr. REID. Mr. President, I now move to proceed to executive session to consider Calendar No. 647, Jerome H. Powell, of Maryland, to be a member of the Board of Governors of the Federal Reserve System.

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

The clerk will report the nomination.

The bill clerk read the nomination of Jerome H. Powell, of Maryland, to be a



member of the Board of Governors of the Federal Reserve System.

#### CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk with respect to that nomination.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Jerome H. Powell, of Maryland, to be a Member of the Board of Governors of the Federal Reserve System.

Harry Reid, Patrick J. Leahy, Jeff Bingaman, Christopher A. Coons, Carl Levin, Ron Wyden, Ben Nelson, Joseph I. Lieberman, Jeanne Shaheen, Richard Blumenthal, John F. Kerry, Kirsten E. Gillibrand, Barbara Boxer, Dianne Feinstein, Sheldon Whitehouse, Jeff Merkley, John D. Rockefeller IV, Tim Johnson.

Mr. REID. Mr. President, I ask unanimous consent to waive the mandatory quorum under rule XXII for both cloture motions.

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

#### LEGISLATIVE SESSION

Mr. REID. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER (Mr. BENNET). Without objection, the Senate resumes legislative session.

#### PASSAGE OF THE EXPORT-IMPORT BANK REAUTHORIZATION ACT

Mr. REID. Mr. President, I want to express my appreciation for the good work done on this most important measure that just passed the Senate on the Export-Import Bank. It was reported out of the Banking Committee. Senator JOHNSON did a great job with his committee.

In addition to that, the work of Senator CANTWELL was exemplary. She is a terrific legislator. When she gets her teeth in something, she won't let go and she would not let us take our eye off the prize; that is, passing this important legislation. I have such admiration for her legislative skills, and at this time I spread across the RECORD my admiration and congratulations on this legislation, which means so much to her and the entire country.

#### UNANIMOUS CONSENT REQUEST— S. 2344

Mr. REID. Mr. President, the national flood insurance program is to expire the end of May, this month. The insurance program provides coverage for almost 6 million people who work in flood zones. It is self-sustaining. For more than 40 years it has guarded American homeowners against flood-

related disasters. If the program expires, new housing construction will stall, new housing construction will come to a halt, and taxpayers will be on the hook for future disasters.

We have not been able to bring flood insurance to the floor because we have had a lot of problems with Senate procedure that some believe is abusive. It has left us with so little time. As you see, I have filed cloture on two nominations to the Federal Reserve. I will file later on a judge who has been waiting for almost a year.

No one believes there is enough time to pass, conference, and enact a long-term flood insurance bill before the end of this month, so under the situation we will have to do another short-term extension simply to keep the bill from expiring. Thus I will seek to pass an extension of this important program now.

Therefore, I ask unanimous consent the Senate proceed to consideration of Calendar No. 366, S. 2344, which is an extension of the National Flood Insurance Program, that that bill be read a third time, passed, the motion to reconsider be laid on the table, and there be no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I object. I will hold my comments until after the majority leader finishes his talk, so I can explain my position.

Mr. REID. The Senator can go ahead if he wishes.

Mr. COBURN. The majority leader wants me to go ahead?

Mr. REID. Seriously, I am anxious to hear it.

Mr. COBURN. We have had 14 short-term extensions to the National Flood Insurance Program. That is over the past 4½, 5 years. There is a bill set to be brought to the floor. Yet we are going to have a short-term extension again.

This program is not financially sound and it is not self-sustaining. It runs a \$900 million deficit every year. What is the National Flood Insurance Program? Do we need it? Yes. Am I objecting that we do need it? No. But the vast majority of the moneys that are expended by hard-working Americans go to subsidize the insurance for homeowners of second and vacation homes. Multiple times in the Senate and in the House, both sides have concurred that this should be taken away, this subsidy for those in terms of second homes and vacation properties.

What I would expect, if we are going to do an extension, is that then we ought to do an extension with something that both bodies have already passed, which includes making those people who have properties eight times the average value of the rest of the homes in the flood insurance program carry their fair share of their insurance. So I am not inclined, no matter what happens to the flood insurance program, to allow us to continue to extend.

I would make one other point. We will not have time in December to fix this, with everything else that is coming up. So the time to fix this is now. I will not object to the 5-year reauthorization coming to the floor. I don't think anybody on our side will as well. We should address this and be done with it. But another short-term extension is not what this country needs. We cannot afford losing another \$900 million, plus the American taxpayer is on the hook for \$1.34 trillion with this program right now. The average subsidy to the average home—not the vacation home—is over \$1,000 a year.

I have no objection to supporting those who actually need our help, who are in flood-prone areas. But for those who have the tremendous benefit and the opportunity to have second and third homes, I think it is objectionable we continue to subsidize their purchase of flood insurance.

With that, I object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, before my friend leaves the floor, I hope we can do a short-term bill. As my colleague knows, the impediment to the regular function of the Senate this year has been the offering of irrelevant amendments. I am wondering if I could say through the Chair to my friend, the junior Senator from Oklahoma, what kind of agreement does he think we can get on the number of amendments on something like this?

Mr. COBURN. Mr. President, I would respond to the majority leader through the Chair and say I will help him in any way I could with my side of the aisle to make sure we have cogent amendments to this bill and also agree to a limited number of them, since it is important that we reauthorize this program.

Mr. REID. I say again through the Chair to my friend, how many amendments does he think he would need?

Mr. COBURN. One or two.

Mr. REID. I thank my friend from Oklahoma. It is something I wish to be able to do. We have so much to do—we have the farm bill, we have cyber security, we have the FDA bill, I am filing cloture on nominations—people who have been waiting to change their lives. So I am sorry we cannot legislate more.

I have sympathy with my friend from Oklahoma. I don't agree with everything he said, but this is a program that needs to be changed and I recognize that. I will continue working with my friend. Maybe there is some way we can work together and figure out a way to move this forward. It is hard.

What I would suggest is I would be happy to work on my side, because Senator JOHNSON has talked to me twice today on this legislation, to figure out what amendments my folks want to offer, because they want to offer amendments. If my friend from Oklahoma would also make a decision on his side of, as he indicated, cogent

amendments, relevant amendments, we could put this in a little package and move to it without having to file cloture and do these amendments. I wish to do that.

I will work on my side to find out what amendments there are. If my friend will do that, on Monday or Tuesday we will talk about this and see if we can get a very concise agreement to do it. This is important legislation. My friend is not denying that. But I think we do have to make some changes in it. I am happy to move forward on it. I think the House is going to take something up real soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. If the Senator from New Jersey will give me a courtesy of 5 minutes to speak as in morning business and I will be through.

I appreciate what the majority leader has said. I will work my side of the aisle, to see if the possibility of moving this is there and I will give it my 100-percent effort between now and next Monday when I see the majority leader to see if we cannot do it.

I will make a couple of points. Our Nation is in big trouble and we are not acting as if it is in big trouble. It seems that the way we are operating is from crisis to crisis. That is not good for the country, it is not good for the agencies, it is certainly not good for the individuals, and it makes it where we actually cannot do effective legislating.

The idea behind the flood insurance program is almost 50 years old. There is nothing wrong with its intent. But we cannot afford \$900 million a year in subsidies to the very wealthy in this country for their second or vacation homes. If we are talking about fairness, as the President talks, then it is time to reform this program—whether it is with an extension or not—this component of it where there is a fair premium, where we are not subsidizing those who can in fact take care of themselves in this country.

Whether it is this bill or the farm bill where we are subsidizing 4 percent of the farmers with 60 percent of the crop insurance premium, it is the same issue.

I look forward to working with the majority leader and I will do my part to try to gather up the amendments that might be there and work with our leadership to try to bring this bill to the floor.

I thank the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

#### VIOLENCE AGAINST WOMEN ACT

Mr. MENENDEZ. Mr. President, I rise to speak about the Violence Against Women Act that the Senate passed, but we seem to have a challenge with our colleagues in the House of Representatives. In my view, violence against any woman is still vio-

lence. Apparently, my Republican colleagues in the House do not share that view. Republicans in the House have introduced a bill that would not protect all women. Their bill would roll back protections for certain vulnerable populations. It would strip provisions in the Senate bill that protect women from discrimination and abuse, specifically Native American women, the LGBT community, and for undocumented immigrants it actually rolls back protections they have under current law.

We have seen that violence against women is an epidemic and it plagues all of us, not just some of us. We have fought against it, we have tried to end it, we have established programs and policies at the national and State levels to mitigate it. We have stood with the victims of domestic violence. Now we must stand and reaffirm our outrage.

It is in my mind a no-brainer. I am, frankly, hard-pressed to understand why anyone would stand in the way of denouncing violence against any woman, no matter who they are, no matter what their sexual orientation or citizenship. I am hard-pressed to understand why anyone would choose to exclude violence against certain women, turn back the clock to a time when such violence was not recognized, was not a national disgrace, and make a distinction when and against whom such violence meets our threshold of outrage. There can be no such threshold and no such distinction. Violence against any woman is an outrage, plain and simple.

Is the message to be that we are willing for some reason that in my mind defies logic to accept violence against certain women? Because that seems to be the message the other body is sending us. I cannot believe anyone would take such a position, but that is exactly what we would do if we listened to our Republican House colleagues, and that is completely unacceptable to this Senator and should be unacceptable to every Member of Congress and every American. If our friends on the other side deny they are waging a political and cultural war against women, then why are they willing to accept an actual war against certain women by excluding them from protection under the Violence Against Women Act?

The reauthorization of the Violence Against Women Act doesn't just affect those who are or might become victims of sexual violence or domestic violence; it affects all of us. Nearly one in five women reports being the victim of rape or attempted rape. One in six reports being stalked. One in four reports having been beaten by their partner. Of those who report being raped, 80 percent report being raped before the age of 25. The short-term physical and emotional trauma of such an event cannot be overstated. Domestic and sexual violence is an issue that affects us all, and we must all be part of a solution.

Since 1994, the Violence Against Women Act has been the centerpiece in

our comprehensive approach to protect and empower women, and it must remain so. Since the passage of VAWA in 1994, there has been enormous positive change.

From 1993 to 2010, the rate of intimate partner violence declined 67 percent. More victims are reporting violence to police, and those reports are resulting in more arrests and prosecutions. VAWA is working, but there are still women who need protection.

For example, in 1 day in New Jersey, a survey found that domestic violence programs assisted 1,292 victims. On that same day, New Jersey domestic violence hotlines answered 444 phone calls. So our work on this issue is not yet done.

Looking to the merits of the reauthorization, let me highlight, for the record, several critical changes in the legislation—changes that did not simply extend successful programs but built upon them. Every reauthorization of the Violence Against Women Act has incorporated new understanding and updated knowledge, and this reauthorization was and should be no different.

First and foremost, the Senate reauthorization includes additional training for law enforcement, victim services, and courts that increase the focus on high-risk offenders and victims, including connecting high-risk victims with crisis intervention services. I am sure no one can argue against that.

Second, the Senate bill strengthens our response to sexual assault while increasing the connection to nonprofit groups. Sexual assault coalitions in every State have been indispensable allies. I met with a large roundtable before our debate and discussions in the Senate, and this bill supports their efforts. It included a 20-percent setaside for assistance to States for sexual assault programs and also included reforms to reduce the unprecedented backlog of rape kits.

I have been proud to support funding to reduce this backlog. Just recently I supported Senator LEAHY's effort to fund the Debbie Smith DNA Backlog Grant Program at the current level of \$125 million with at least \$90 million directly spent on reducing the DNA backlogs. I am happy to say the Violence Against Women Act will make important strides to reduce the backlog.

Most importantly, given the debate on this legislation, this reauthorization recognizes that domestic and sexual violence affects all groups regardless of their sexual orientation. We included commonsense protections against discrimination on race, religion, national origin, sex, and disability because it is, quite simply, the right thing to do because all violence against women is an outrage to all of us.

For the first time the Senate bill established the fundamental notion that victims cannot be denied services based on gender identity or sexual orientation. We included provisions to protect

immigrant victims of violence and Native American victims.

In the Senate the bill passed 68 to 31 with a dozen Republicans voting in support of the final legislation despite Republican attempts to weaken the bill during the Senate's consideration of the legislation. Unfortunately, Republicans in the House are attempting to weaken the bill and do what a minority in the Senate could not. For the first time in the nearly 20-year history of the Violence Against Women Act, the House reauthorization doesn't expand protections but instead eliminates a series of them.

In its version, the House sent an undeniable message: If you are Native American, LGBT, or undocumented, you do not deserve protection. That is the House message.

To start, LGBT victims do not receive the protection they need in the House bill. Professionals in the field specifically requested nondiscrimination provisions based upon their direct experiences. Studies on the issue only confirm this need: 45 percent of LGBT victims were turned away from domestic violence shelters, and 55 percent were denied protective orders. The Senate version ensures all victims, gay or straight, share in the protections of VAWA. But the House version denies these critical protections to LGBT victims.

Under the House legislation, immigrant victims of violence would fare far worse than under current law—far worse than under current law. Domestic violence advocates tell us that often abusers threaten their significant others that they will take them to the authorities with the possibility of deportation unless they continue to submit themselves to dangerous and inhumane treatment.

The Violence Against Women Act provides a way out, but the House version of that law does away with confidentiality protections for immigrant victims. Studies have shown that victims are most vulnerable immediately before or after they leave the abuser. VAWA protects these victims with confidentiality when they come forward to seek help. The House version instead creates a cruel possibility that in seeking help, the victim will be exposed and face more abuse. How perverse is that?

House Republicans would put burdensome new requirements on immigrant victims and give them less help than they receive under the current law. The abuser often possesses the relevant evidence while the abused faces language barriers, isolation, and limited access to legal representation.

In past Violence Against Women Act debates, we have had wide bipartisan consensus around protections for these victims because a victim is a victim is a victim. But the House reauthorization ignores this consensus and places an unimaginable burden on self-petitioners.

Under the House proposal, the program to protect immigrant victims,

called the U Visa Program, would be a hollow shell of its former self. The permanent visa would now be temporary, reducing the incentive for immigrants to take the risk and assist law enforcement in identifying the person who may have committed a sexual rape.

Of course proponents claim these reforms are needed to combat "fraud" in the system. But I have to ask: What fraud? To obtain a U visa in the first place, law enforcement personnel must personally sign off. Is there a suggestion that somehow the law enforcement personnel are engaged in a fraud? There is no evidence of fraud in this program. The simple enforcement technique has proven profoundly effective. Yet the House insists on adding additional burdens on a vulnerable population only to fight a nonexistent problem.

Moreover, allowing these abusers to go free puts more criminals in our community who can then victimize more women in the future. Our whole goal is to end the abuse and to get the abuser to ultimately face up to their punishment. Instead we would say: Oh, no. Let the abuser go ahead and continue their abuse, and we will subject the victim ultimately to a set of circumstances in which not only will they not come forth and talk about the abuse, we will subject the victim ultimately to facing even greater challenges in their lives.

Knowing what is at stake and what it would mean to the many victims of domestic violence and sexual violence, there is no question we must pass final legislation as soon as possible. The debate should be about one thing and one thing only: protecting victims, all victims. Each and every one of these women in these categories is, in fact, a victim. There should be no differentiation and there should be protection for all.

I yield the floor

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

#### HONORING FALLEN KANSAS POLICE OFFICERS

Mr. MORAN. Mr. President, earlier today I attended a memorial service to honor our Nation's law enforcement officers who laid down their lives to protect their fellow citizens. Since 1962, May 15 has stood as a day of remembrance for the many fallen police officers who faithfully served our communities and our Nation. They must never be forgotten.

This year 362 names were added to the National Law Enforcement Officers Memorial, and among those names were three brave officers from Kansas. Two of these men died in the line of duty many years ago, but we paused today to remember their sacrifice.

In 1892 Andrew Balfour of Kiowa County was filling his duties as a local sheriff and pursuing a man who was wanted for theft when he was mortally wounded. Andrew passed away at the young age of 41, leaving behind a wife and six children.

In 1992, William Bloomfield, a deputy sheriff, was serving in Bourbon County and arresting a well-known killer when he was killed during a fierce gun battle.

These two men were killed while carrying out their duties. Rather than shirk from danger, police officers face danger with courage, and that is exactly what these two men did.

Just 5 months ago, Kansans were grieved by the loss of another officer, SGT David Enzbrenner of Atchison, KS. On December 9, 2001, David joined a fellow officer on a routine call to see a local resident. As they were turning to leave the front steps of the home, a person suddenly appeared and opened fire on David without warning. This act of violence was unprovoked and forever robbed the Enzbrenner family of their father, husband, and the Atchison community of a loyal public servant.

When we lose someone in a community in Kansas, it is not just a name to us. It is somebody we go to church with, it is somebody we see at our kids' activities at school, it is somebody we know and care for. That is how Atchison felt about David.

In remembering David, Atchison Mayor Allen Reavis said:

He was No. 1 father, No. 1 husband, No. 1 partner to his fellow officers, No. 1 son.

Inscribed on the National Law Enforcement Memorial in Washington are these words:

It is not how these officers died that made them heroes, it is how they lived.

Police Chief Mike Wilson served alongside David for 24 years and referred to the words inscribed on the National Law Enforcement Memorial when he said this about his former colleague and friend:

Those words speak directly to David. How true about our brother.

David was dedicated to his family, his fellow law enforcement officers, and his community. He was well known in Atchison and well loved. David attended high school there and served in the Atchison Police Department for 24 years. David was also on the board of trustees at his local church and found great joy in teaching and coaching his daughters on their softball teams.

Last December I witnessed the impact that David had on the local community when I attended his memorial service and more than 2,000 people gathered to pay their respects to him. During the service, many moving tributes were read about David and how he lived his life. One that stood out from among the others was a statement from David's wife Kerri. She said this about her husband:

David was a man of few words. He always tried to keep a simple life. And when I questioned things, he would remind me that it's okay sometimes not to understand.

We don't fully understand. We don't understand at all why David's life was taken or why the lives of more than 19,000 officers we remembered today ended so soon. But we express our gratitude for their service and dedication to their communities and to our country.

During National Police Week, we also remember their families and the loved ones they left behind. May God comfort them in their time of grief and be a source of strength for them. May he also protect all those who continue to serve today.

I want to especially mention David Enzbrenner's wife Kerri and his three teenage daughters Avery, Abbi, and Celia. I want them to know we honor the way David lived his life and tell them we love and care for them today and always.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### VIOLENCE AGAINST WOMEN ACT

Mrs. SHAHEEN. Mr. President, I come to the floor today to join my colleague, Senator MENENDEZ, and I think some of our other colleagues who will be here soon, to reaffirm our commitment to the reauthorization of the Violence Against Women Act. That act recently passed out of the Senate with a strong bipartisan vote that recognizes our bipartisan commitment to end domestic and sexual abuse, stalking, and dating violence. The House of Representatives will soon be taking a vote on their proposed counterpart to the Violence Against Women Act, and I want to address some of the concerns I have with the bill that is on the floor in the House.

What we have seen in this country is that domestic violence has a significant impact on families, on victims. It comprises the very stability of our towns and communities. The Violence Against Women Act provides essential resources for victims and for law enforcement. I was pleased to see so many of us in the Senate put politics aside and support this important reauthorization.

Unfortunately, the House version of the reauthorization of the Violence Against Women Act does not provide the same level of protection for victims, and it does not include some resources that have specifically been requested by law enforcement.

In the House bill protections are diminished for college students, for lesbian, gay, and transgender victims, for immigrants, and for Native Americans.

The Senate bill strengthens the Violence Against Women Act to provide more protections to more women and their families. The House bill weakens

the law by failing to state that same-sex couples will have equal access to services, by decreasing protections for immigrant victims, and by declining to expand the jurisdiction of tribal courts.

One example of some of the changes in the House bill, where I think it fails, is around protections the Senate bill provides to women students on college campuses.

The Senate bill provides strong protections that have been omitted in the House bill. The Senate bill includes a provision requiring a university to implement prevention programs, teaching all students, male and female, how to help prevent sexual violence and dating violence, including bystander education.

The Senate bill also requires a university to make reasonable accommodations for students who need to change their living, working, or academic situation as a result of being victimized. For example, if a young woman is the victim of an assault and her attacker lives in her dorm, what the Senate bill would do is require the university to help that young woman find another place to live. Unfortunately, these kinds of protections are not included in the House bill.

The Department of Justice recently estimated that 25 percent of college women will be victims of rape or attempted rape before they graduate within a 4-year college period, and women between the ages of 16 to 24 will experience rape at a rate that is four times higher than the assault rate for all women.

There is no doubt this is a serious problem. The safeguards we implemented in the Senate bill must be preserved if we are to provide the protections that young women and men in college deserve.

When we were working on our reauthorization in the Senate, I had a chance to meet with case workers at crisis centers and with some of the victims of domestic violence in New Hampshire.

I heard from one woman who said if it had not been for that 24-hour hotline and her caseworker at the Bridges Crisis Center in Nashua, she would never have been able to leave her abuser. She was finally able to stand up for herself and end the terrible cycle of abuse because of the Violence Against Women Act.

All victims should have equal access to these important resources, and it is imperative this bill provide that.

So I urge my colleagues in the House to insist on these essential components so we can move forward on this reauthorization and we can protect all of the victims of domestic violence.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

#### REMEMBERING CHUCK COLSON

Mr. COATS. Mr. President, I rise this evening to honor a longtime friend,

confidant, and mentor, Chuck Colson, whose life we will celebrate tomorrow at a memorial service at the National Cathedral.

It has been said that a man's character can be tested by the way he responds to adversity. If that is the case, Chuck Colson's character was one of remarkable strength, tenacity, faith, and humility.

Chuck was a brilliant man with a resume of impressive accomplishments at a very young age: A scholarship to an Ivy League school and a law degree from George Washington University; a veteran and, at one time, the youngest captain in the Marine Corps; a former chief of staff to a U.S. Senator from Massachusetts; and then top assistant and legal counsel to the President of the United States.

Now, this does not sound like the type of man who would find himself sitting alone in a Federal prison cell, but that is exactly what happened to Chuck Colson, and what happened there changed his life forever.

Known as President Nixon's "hatchet man," Colson pleaded guilty to obstruction of justice in the Daniel Ellsberg case during the Watergate scandal and went from White House Special Counsel to incarcerated felon.

In 1974, Chuck Colson entered Maxwell Federal Prison Camp in Alabama. This fall from perhaps the closest confidant of the President of the United States to a Federal prison cell is about as far and as deep as anyone can fall. That is what we call hitting rock bottom. But rock bottom for Chuck Colson became a time of repentance, a time of grace, and a time of transformation.

Far from the Rose Garden, it was behind those prison bars where Chuck Colson made one of the most important decisions of his life—one that would impact the lives of thousands. He decided to dedicate the rest of his life serving the God he loved.

Scripture in Proverbs reads:

Trust in the Lord with all your heart and lean not on your own understanding; in all your ways submit to him, and he will make your paths straight.

With a redemption that can only come through the grace of God, and with a renewed sense of vision, Chuck did just that. He put his trust in the Lord and submitted to Him. He decided to let God write the story of his life rather than trying to control his own destiny.

That transformation is the story we will celebrate tomorrow at the National Cathedral—a story of redemption and a testament to the power of God's forgiveness and love.

Chuck Colson's experience in prison and his renewed sense of vision opened his eyes to a sector of our society that is often forgotten. Once a prisoner himself—and having experienced the depth of his own need for repentance and transformation; even those at the very bottom of society—Chuck believed that God could change them and any willing heart.

As described in the first two of his many published books—the first one, “Born Again,” and the second one, “Life Sentence”—Chuck dedicated his now transformed life to serving prison inmates and the families of prisoners.

In 1976, he practiced what he preached and founded Prison Fellowship, a Christian ministry to give prisoners the opportunity to experience the radically transforming power of Christ that he had experienced himself.

Chuck Colson’s ministry took him to visit 600 prisons in the United States and in 40 other countries. He worked relentlessly to improve prison conditions, increase access to religious programs, and provide resources and support to the families of prisoners.

Prison ministry was not his only passion. In his later years, Chuck focused his efforts on developing other Christian leaders who could influence their communities through their faith. This became the cornerstone of the Chuck Colson Center for Christian Worldview, a research and training center established to promote Christian worldview teaching.

Chuck has touched the lives of many people through his ministry, books, lectures, and charity work. I am one of those who is personally grateful for the positive influence he has had on my life.

It was in April 1976 that I attended an annual Fort Wayne, IN, mayor’s prayer breakfast. I was intrigued with the speaker who was announced as Chuck Colson—recently released from prison, formerly a Watergate figure and legal counsel to the President.

As I sat through his presentation, I was touched in a way and reached in a way that transformed my life, and I am ever grateful to Chuck Colson for using himself as, I think, a conduit for a message I also needed to receive.

It resulted in a radical change of course for me: from a predictable, settled, purposeful, I thought, life as an attorney in a mid-sized firm in Fort Wayne, IN, to becoming engaged in politics, something I never thought I would engage in. It was Chuck Colson who made me ask that same question and make that same decision he made; that is, to no longer try to control the direction of my life, but subject myself to the control of someone who had a plan for me. And that plan was not a specific one of serving in the Senate or Congress. It was simply to be open to the possibility of a path that perhaps I had not ever thought would be taken.

As a consequence of that, and as a consequence of a string of events that is impossible for me to claim any credit for, I find myself standing here in the Senate delivering this tribute to Chuck Colson.

Marsha and I will miss him greatly. We will continue to be motivated and inspired by the example of how life should be lived.

When I first came to the Senate, I was here just 2 days when I received a call from Chuck Colson. He said: I have

a gift for you. It is a precious gift, and one I do not want to give, but I think this gift can be more useful to someone who can speak as a U.S. Senator than to someone like me who can speak as head of Prison Fellowship.

That gift was a young man by the name of Michael Gerson, who had, after leaving college, worked for Prison Fellowship and, both through policy decisions and through the written word, helped Chuck with his ministry.

This young man worked for me for a number of years, and I was the voice of his thinking and the voice of his written messages. He went on to become a speech writer for a Presidential candidate and then the chief speech writer for President George W. Bush.

Michael Gerson wrote a piece that was published in the Washington Post on April 22 titled “Charles Colson found freedom in prison.” I think that piece certainly is worth reading. I ask unanimous consent that the article be printed in the RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. COATS. Mike Gerson said in his column:

Chuck led a movement of volunteers attempting to love some of their least lovable neighbors. This inversion of social priorities—putting the last first—is the best evidence of a faith that is more than a crutch, opiate, or self-help program. It is the hallmark of authentic religion—and it is the vast, humane contribution of Chuck Colson. Chuck Colson’s remarkable life story can serve as a guiding light and provide all of us the courage and the strength to overcome whatever adversity we may face in our own lives.

May we remember the example of Chuck Colson and the words prayed so often by my very good friend:

Please show me how You want me to live and give me the power to live that way.

EXHIBIT 1

[From the Washington Post, Apr. 22, 2012]

CHARLES COLSON FOUND FREEDOM IN PRISON

(By Michael Gerson)

Charles W. Colson—who spent seven months in prison for Watergate-era offenses and became one of the most influential social reformers of the 20th century—was the most thoroughly converted person I’ve ever known.

Following Chuck’s recent death, the news media—with short attention spans but long memories—have focused on the Watergate portion of his career. They preserve the image of a public figure at the moment when the public glare was harshest—a picture taken when the flash bulbs popped in 1974.

But I first met Chuck more than a decade after he left the gates of Alabama’s Maxwell prison. I was a job-seeking college senior, in whom Chuck detected some well-hidden potential as a research assistant. In him, I found my greatest example of the transforming power of grace. I had read many of the Watergate books, in which Chuck appears as a character with few virtues apart from loyalty. I knew a different man. The surface was recognizable—the Marine’s intensity, the lawyer’s restless intellect. The essence, however, had changed. He was a patient and generous mentor. And he was con-

sumed—utterly consumed—by his calling to serve prisoners, ex-prisoners and their families.

Many wondered at Chuck’s sudden conversion to Christianity. He seemed to wonder at it himself. He spent each day that followed, for nearly 40 years, dazzled by his own implausible redemption. It is the reason he never hedged or hesitated in describing his relationship with Jesus Christ. Chuck was possessed, not by some cause, but by someone.

He stood in a long line of celebrated converts, beginning with the Apostle Paul on the Damascus road, and including figures such as John Newton, G.K. Chesterton and Malcolm Muggeridge. They were often received with skepticism, even contempt. Conversion is a form of confession—a public admission of sin, failure and weakness. It brings out the scoffers. This means little to the converted, who have experienced something more powerful than derision. In his poem, “The Convert,” Chesterton concludes: “And all these things are less than dust to me/ Because my name is Lazarus and I live.”

Prison often figures large in conversion stories. Pride is the enemy of grace, and prison is the enemy of pride. “How else but through a broken heart,” wrote Oscar Wilde after leaving Reading Gaol, “may Lord Christ enter in?” It is the central paradox of Christianity that fulfillment starts in emptiness, that streams emerge in the desert, that freedom can be found in a prison cell. Chuck’s swift journey from the White House to a penitentiary ended a life of accomplishment—only to begin a life of significance. The two are not always the same. The destruction of Chuck’s career freed up his skills for a calling he would not have chosen, providing fulfillment beyond his ambitions. I often heard him quote Alexander Solzhenitsyn, and mean it: “Bless you, prison, for having been in my life.”

Chuck was a powerful preacher, an influential cultural critic and a pioneer of the dialogue between evangelicals and Catholics. But he was always drawn back to the scene of his disgrace and his deliverance. The ministry he founded, Prison Fellowship, is the largest compassionate outreach to prisoners and their families in the world, with activities in more than 100 countries. It also plays a morally clarifying role. It is easier to serve the sympathetic. Prisoners call the bluff of our belief in human dignity. If everyone matters and counts, then criminals do as well. Chuck led a movement of volunteers attempting to love some of their least lovable neighbors. This inversion of social priorities—putting the last first—is the best evidence of a faith that is more than crutch, opiate or self-help program. It is the hallmark of authentic religion—and it is the vast, humane contribution of Chuck Colson.

It is a strange feeling to lose a mentor—a sensation of being old and small and exposed outside his shade. Chuck’s irrational confidence in my 21-year-old self felt a little like grace itself. The scale of his life—a broad arc from politics to prison to humanitarian achievement—is also the scale of his absence. But no one was better prepared for death. No one more confident in the resurrection—having experienced it once already. So my grief at Chuck’s passing comes tempered—because he was Lazarus, and he lives.

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

The PRESIDING OFFICER (Mr. CASEY.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

#### VIOLENCE AGAINST WOMEN ACT

Mrs. MURRAY. Mr. President, it is very hard to believe that today marks exactly 2 months since I first came to the floor to advocate passage of the Senate's version of the Violence Against Women Act. I was very encouraged to see our body finally come together and eventually support this important legislation. The Violence Against Women Act has helped provide lifesaving assistance to hundreds of thousands of women and their families, and it certainly was a no-brainer to make sure all women had access to that assistance.

However, I was very disappointed to learn that, a day after we passed it, House Republicans pulled an immediate U-turn and introduced their version of the bill that would undo the commonsense progress we made. The House Republican version of VAWA is a giant step backward for victims of domestic violence. It is dangerous and irresponsible and leaves women across the country more vulnerable to domestic abuse. Not only do they remove important protections that would be created by the Senate version of the bill, they actually strip existing protections already provided by this important law. In fact, it removes critical protections for LGBT victims, does little to address the epidemic of domestic and sexual violence in tribal communities, removes critical protections already in place for students on college campuses, and it rolls back protections for immigrant victims.

We have made a lot of progress since VAWA was first passed back in 1994. I hope no one will insist on putting partisan politics ahead of protecting victims of domestic violence. Where a person lives, whom they love or what their citizenship status may be should not determine whether their perpetrators are brought to justice.

The Senate bill that we passed last month builds on what works in the current law, it improves what doesn't, and it continues on the path of reducing violence toward women. It certainly should not be controversial.

Mr. President, it is time for the House Republicans to come to their senses and support our bipartisan bill so that women and families in this country can get the resources and support they need.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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. Without objection, it is so ordered.

#### MORNING BUSINESS

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

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

#### 150TH ANNIVERSARY OF USDA

Mr. DURBIN. Mr. President, today, I would like to recognize what Abraham Lincoln referred to as "the people's department"—the U.S. Department of Agriculture.

On this day 150 years ago, President Lincoln signed legislation to create the U.S. Department of Agriculture. At the beginning, USDA's focus was on agriculture research, farming techniques, and keeping statistics. Today, more than ever, the USDA is "the people's department." The USDA covers a broad range of issues that touch people's lives, from soil and water conservation to the school lunch program and from agriculture trade to expanding rural broadband services.

Through the efforts of USDA over the past 150 years, agriculture has become one of the most successful sectors in the U.S. economy. Agriculture accounts for 1 in 12 American jobs and provides our country with 86 percent of the food we consume. In 2011, agriculture trade set records by exporting nearly \$140 billion in U.S. farm exports.

The USDA has worked to develop rural communities, conserve the environment, and ensure that people across the country have access to safe and healthy food choices. In rural communities, USDA has given money to improve health care facilities, grants to assist families purchase or refinance homes, and investments to secure broadband services. USDA has worked to protect critical wetlands habitats, National Forests, and water and soil. And USDA ensures the health and safety of Americans by providing nutrition assistance through SNAP payments, reforming the school lunch program, and adopting tougher standards for E. coli and Salmonella in animal production.

Illinois has played a large part in the evolution of agriculture policy. President Lincoln gained his respect for agriculture from his time spent on farms and in rural communities around the state of Illinois as well as in Kentucky and Indiana. The same year President Lincoln began USDA, he also signed into law the Homestead Act and the Morrill Land Grant College Act. Illinois has also had two Secretaries of USDA—John Block, who served from 1981 until 1986, and Edward Madigan, who served from 1991 through 1993.

Over the past 150 years, the U.S. Department of Agriculture has lived up to Lincoln's vision as a department for

the people. I hope USDA continues its commitment to improve agriculture, nutrition, and rural communities around the country and across the globe in the Department's next 150 years.

Ms. STABENOW. Mr. President, today I wish to congratulate the U.S. Department of Agriculture on 150 years of service to the people of America.

On this day in 1862, President Abraham Lincoln created the Bureau of Agriculture and with it, America's commitment to an abundant supply of food and fiber. Lincoln grew up on a farm, and he understood the long hours of hard work that men and women like his parents spent working the land. Farming in those days was a very different proposition—much of the work was done by hand or animal labor. He rightly called it the People's Department because 90 percent of Americans at the time worked, like his folks, on farms.

Lincoln created the USDA at a time of great change in agriculture. Machinery was being introduced that lessened the workload and made farming more efficient. Families were heading westward and expanding the frontier. It was only 5 days later that Lincoln signed another important law that would have a dramatic effect on the future of agriculture in this country: the Homestead Act. That same year, Lincoln would also sign the law creating the Transcontinental Railroad, as well as the Land Grant Colleges Act, which has special meaning for me as a Michigan State University graduate.

But here is the most amazing thing: he did all of this during some of the worst fighting of the Civil War.

When he put pen to paper to create the Bureau of Agriculture, there had already been more than 100,000 casualties in the Civil War. He created all of these institutions that would have a lasting impact on this great Nation at a time when many people wondered how long this Nation could survive.

Mr. President, 150 years ago, in his address to Congress, Lincoln said, "Fellow citizens, we cannot escape history. The fiery trial through which we pass will light us in honor or dishonor to the last generation."

President Lincoln rose to the challenge. He saved the Union, and he created lasting institutions that are still with us and making a difference today.

If he could do all that in the middle of the Civil War, with enemy troops camped just across the river, what challenge can't we face today?

In the Agriculture Committee, we came together last month to pass, with an overwhelming bipartisan vote, the Agriculture Reform, Food and Jobs Act, or the farm bill. This is a bill we pass every 5 years to renew America's agriculture policy and to continue the important work of the Department of Agriculture.

It is critical that we pass the farm bill before the current bill expires in September. We passed a very strong

bill out of committee, with real reforms that cut the deficit by \$23 billion, and we did it in a bipartisan way.

We evaluated every program, eliminated duplication, and streamlined programs to save taxpayers money while getting better results on the ground, and we did it in a bipartisan way.

Change is never easy, but we came together because the farm bill is so important to the 16 million men and women whose jobs rely on American agriculture. They work hard every day producing the most affordable, healthy, and abundant supply of food, fiber, and energy in the world.

President Lincoln understood how important our food supply is—it feeds the Nation and can be the difference in times of war. The leadership and innovation of those 16 million Americans have made our Nation the world's leader in agriculture. With an ever-growing global population, our farmers are truly feeding the world. It is critical for our national security that we pass this farm bill to continue our leadership.

It has been 150 years since President Lincoln created America's commitment to agriculture, and we have come a long way since then. We have been through floods and famines, dust bowls and depressions. But we have also seen great advances as we have learned to overcome these challenges with better risk management, conservation practices, and a commitment to fighting hunger.

Passing the farm bill will continue this great American success story.

The 150th anniversary of USDA's creation is a great time to celebrate farmers and rural communities. It is also a strong reminder that we here in Congress need to do our jobs too and pass the farm bill soon. Our country's future depends on it.

Mr. LEAHY. Today marks the 150th anniversary of the United States Department of Agriculture, and I would like to take a moment to pay tribute to USDA's mission and day-to-day work and to all those involved in the agriculture industry—from farmers and ranchers and foresters, to producers and manufacturers and researchers.

The Department of Agriculture is pillar and post in American agriculture, fostering durability while enabling innovation; bridging old and new, rural and urban. Agriculture has long been a centerpiece of Vermont's economy and way of life. The impact of agricultural industry is felt in every State, and in every household. In fact, one in every 12 Americans is employed in an agriculture-related industry, and in Vermont, the importance of our agricultural working landscape to tourism, to recreation and to the identity of our State is beyond measure.

One hundred and fifty years ago today, on May 15, 1862, with the stroke of President Abraham Lincoln's pen, the Department of Agriculture was established, with the purpose of acquir-

ing information through "scientific experiments" and finding, collecting, and disseminating "new and valuable seeds and plants." It is worth noting that the establishment of the USDA was the first in a series of the foundational acts of Congress that helped to develop our modern agricultural system.

Among these other landmark laws is the Morrill Act, named for Vermont's own Senator Justin Morrill, which established our land grant colleges, and which also is celebrating its 150th anniversary this year. Senator Morrill rightly believed that college education should expand beyond arts and classical studies to include agriculture and life sciences. In the last 150 years, our land grant colleges have provided the foundation for agricultural research and have helped give the United States a competitive advantage in the global market, in addition to becoming inarguably the best public institutions of higher learning in the world.

Thanks to the hard work of our Nation's agricultural producers, to the research done at our land grant colleges, to the dedication of U.S. Department of Agriculture employees across the country, and to the policies and programs overseen by the Department of Agriculture, American consumers enjoy a safe and plentiful food supply. We Americans spend, on average, less than 10 percent of our disposable income on food, the lowest in the world. This would not be possible without the science, policies, and vital programs advanced by the USDA in fostering our modernized agricultural and food systems.

The Department of Agriculture also manages some of the Nation's most significant ongoing conservation and environmental quality efforts.

Farming is hard work. Farming also is an inherently risky venture, subject to the whims of nature, as well as the volatility of the commodity marketplace. The programs USDA manages at the local level have helped make risk manageable for farmers—especially when it comes to small family farms. These programs have been a steadying element—a balance wheel, smoothing out major risks, allowing America's farmers to harness the earth's bounty and giving American consumers access to unrivaled food security and variety.

Despite—and, in some cases, as an unintended result of—the great advances in agriculture in the last 150 years, there is more work to be done. Too many Americans still endure hunger, with almost 50 million Americans living in food insecure households, while at the same time two-thirds of Americans are overweight, and obesity-related disease is fast becoming an epidemic in this country. Globally, 1 billion people—out of a population of 7 billion—are hungry and food insecure. As the world population increases, we must continue our scientific effort in agriculture research and innovation, and we must not simply produce more food; we must also improve access to

and consumption of healthier foods. These goals need to be achieved while we work to restore natural ecosystems that are fundamental to sustaining life on earth.

My home State of Vermont has placed itself at the forefront of developing and implementing the agricultural and food systems that the planet will depend on in the 21st century, and the USDA is a critical partner in this essential venture. The USDA is providing needed technical support to enhance the efficiency of our dairy and diversified farms; the USDA provides the financial and risk management tools that farmers need to diversify and survive in a changing climate and volatile markets; the USDA supports cutting-edge research at the land grant University of Vermont; the USDA is vitally important to rural communities and businesses; USDA conservation programs are the lynchpin of our work to improve water quality; and the USDA Organic program has kept Vermont at the forefront of this fast-growing and promising sector. In fact, in Vermont, and across the Nation, the Department of Agriculture manages some of the Nation's most significant ongoing conservation and environmental quality efforts.

The USDA has deep and longstanding roots throughout rural America and in our communities. Being in and being of the communities that the USDA serves makes a crucial difference, as we saw last year in Vermont through the many ways that USDA's diligent workforce became an integral part of the response to the disastrous damage wrought by Hurricane/Tropical Storm Irene.

We face many challenges today, but with smart, effective and sustainable agricultural policies, the United States is in a prime position to lead the war against global hunger and toward public health while also protecting our water, air and open spaces for generations to come.

As a lifelong Vermonter, I value my State's farming traditions and I am proud of the hard work of Vermont's farmers who have persisted in a difficult economy, embracing innovation and change. Some are transitioning to organic operations, and others focusing on direct marketing opportunities or value-added products. Farming is not an easy way of life, but it has remained a cornerstone of Vermont's economy, and the Nation's, because of the dedication our farmers and producers, the research of our land grant colleges, and the policies and support of the Department of Agriculture. I am proud to see so many young people returning to the farms of Vermont. Some are continuing their family's farming legacy, while others are the first in several generations to turn back to the land. All of them have a deep dedication to the stewardship of Vermont's natural resources and to the working landscape that is helping to strengthen our economy.



I am proud to be a member of the Senate Committee on Agriculture, Nutrition, and Forestry and to have had the opportunity to serve as its chairman. I also consider it a great privilege to be able to offer Vermonters a seat at the table when policy matters affecting our State's farmers and our State's economy, such as our current work on the 2012 Farm Bill, are written and considered.

Agriculture is part of the lifeblood of the American economy then, now, and in the future.

I wish the Department of Agriculture a "Happy 150th Birthday" and continued success in the USDA's vital missions that are so important to each and every American family, and to the world.

Mr. ROBERTS. Mr. President, today I wish to recognize the marking of an historic event. 150 years ago—on May 15, 1862—President Abraham Lincoln signed into law an Act establishing what our Department of Agriculture is today.

Agriculture has come a long way in 150 years. Through science, innovation, ingenuity and plain old hard work, America's farmers have gone from producing enough food for their individual families to producing enough to meet the needs of 150 people per farmer—that's what I call the miracle of modern agriculture.

Some may have a romanticized view of agriculture production 150 years ago and pine for a return to the days of the past. But let me assure you, those were hard days. And if today's farmers and ranchers only produced the same yield and quality of food as the farmers and ranchers of yesteryear, we'd be in a world of hurt.

Today's farmers and ranchers produce the safest, most abundant and affordable food and fiber supply in the world—all while facing increased input costs and tightening regulations.

As if these challenges weren't enough, our producers face a challenge of worldwide significance. As the global population tops 9 billion in the next several decades, agriculture production must more than double to meet the expected demand for food and nutrition.

In addition to the sheer population expansion, global food demand will shift toward higher value proteins and commodities as economies develop and prosper. For example, in 1985 the average person in China consumed roughly 44 pounds of meat. This increased to 90 pounds per person in a short 15 years. That number is expected to double again by 2030.

That's no small task. It will take advancements in technology, efficiency and in some cases simply getting government and regulatory roadblocks out of the way. Doubling agriculture production will only occur through production techniques that combine the use of important conservation practices with the use of improved seed varieties that increase drought and disease resistance while increasing yields.

The importance of agriculture's mission cannot be overstated. It is also a matter of national security. A well fed world is a much safer and stable place than a hungry world. Full bellies lead to stability, economic growth and peace. Hungry bellies lead to discontent, instability, and extremism.

The more nations we can help to feed and bring economic prosperity, the more stable the world as a whole will become.

Now I don't know if 150 years ago President Lincoln knew how important the role of agriculture would become to global stability or what USDA's role would be in answering these challenges. But this anniversary provides us a unique opportunity to thank our producers for their efforts in bringing agriculture this far, and to let them know that we stand beside them in meeting the challenges ahead.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, on this day, May 15, in 1862, President Lincoln signed into law an act establishing our nation's Department of Agriculture. This 150th anniversary is an important opportunity to recognize and celebrate the success and achievement of the many Americans who are involved directly or indirectly in producing, processing, and distributing food, fuel, and fiber for our nation and for export to foreign consumers.

The specific purposes of the new department mentioned in the 1862 act are "to acquire and diffuse among the people of the United States useful information" concerning agriculture, broadly and comprehensively defined, and "to procure, propagate, and distribute among the people new and valuable seeds and plants." The responsibilities and authority entrusted to the Department of Agriculture have of course been enlarged over the course of the past 150 years, but this initial legislation contains the core elements of the Department's mission and role that have continued to this day.

You will notice in the act the emphasis on disseminating among the people of the United States information, knowledge, and technology that would be helpful and useful to them as in their pursuits in agriculture. In doing so, the new Department would help to create, foster, and develop new, broadly-available opportunities among the people of the United States. Individuals and families could then capitalize on these opportunities through applying their own efforts and talents to create and grow farms and ranches, and in the process also to build and strengthen our nation. Some 2½ years later after signing the act, President Lincoln noted in his fourth and last message to Congress the success of the new Department of Agriculture in responding to and serving the needs of the people of our Nation: "It is peculiarly the people's department, in which they feel more directly concerned than in any other."

Two other landmark pieces of legislation in 1862 also reflect this approach

of the Federal government offering a helping hand to the people of our nation in developing American agriculture. On May 20, 1862, President Lincoln signed what is commonly known as the Homestead Act in order to provide people who would otherwise not have the chance an opportunity to own land. And on July 2, 1862, President Lincoln signed into law the first Morrill Act to donate public lands to the states and territories to support education "related to agriculture and mechanic arts". This act was the first Federal assistance to higher education, and its purpose was to make this education widely available to multitudes of people who otherwise never would have obtained it.

Over the ensuing years, our Nation has benefited tremendously from these policies. The productivity of America's farmers and ranchers, along with those working in associated businesses and industries, is a foundation for our national economy and our way of life. We have been blessed in this country with a richness of natural resources to which Americans have applied their hard work, knowledge, and talents. The abundance of America's agricultural output has been instrumental in supporting our people and enabling them to pursue and to excel in many other fields. To be sure, our Nation's history has proven the wisdom of Daniel Webster's observation in 1840, "When tillage begins, other arts follow."

The responsibilities of the Department of Agriculture have of course grown over the years as the circumstances and needs of our Nation and its people have changed. The Department continues to play a critical role in supporting research, education, and extension involving food, agriculture, and related topics. It helps agricultural producers survive unpredictable economic losses from market fluctuations and damaging weather. The Department provides critical assistance to farmers and ranchers in conserving and protecting soil, water, wildlife, and other natural resources for future generations. And USDA nutrition assistance enables American children to eat healthy lunches, breakfasts, and snacks and low-income families to put food on the table. The Department of Agriculture also provides important assistance toward developing new sources of rural renewable energy and biobased products. Rural communities benefit from USDA programs that support vital facilities and foster the creation and growth of businesses and jobs. Of course, consumers rely on USDA to protect and ensure the safety of their meat and poultry. And its trade promoting efforts boost our agricultural exports.

On this anniversary of the Department of Agriculture, it is also important to recognize and commend the dedication, talent, and hard work of all of the people working in the Department of Agriculture wherever they may be—in local, county, State, or regional offices, here in Washington, or

in a foreign country. I am also of course proud that several Iowans have very capably led the Department of Agriculture, including our present secretary, Tom Vilsack.

So, today is a time to reflect upon and recognize the achievements of American agriculture and the contributions to that success from the Department of Agriculture. It is also a time to appraise and consider the huge challenges we face in the years ahead in producing the quantities of food needed to eradicate hunger in a growing global population and to do so in ways that conserve and sustain natural resources. Undoubtedly, our Nation and our Department of Agriculture will be called upon to continue our leadership in responding to and solving these crucial challenges.

Mr. JOHANNES. Mr. President, I come to the floor today to commemorate the 150 year anniversary of the U.S. Department of Agriculture.

I am pleased that my colleagues in the Senate have agreed the occasion is worthy of a resolution honoring this milestone in our nation's history. On May 15, 1862, President Abraham Lincoln signed legislation to establish the USDA. It gave the agency general authority to acquire and spread useful information on agricultural subjects and to assist in the development and use of new and valuable seeds and plants.

For the past 150 years, USDA has lent a helping hand to our farmers and ranchers as they provide the food, feed, fiber, and fuel to Americans, as well as a growing customer base around the world. In the 1850s, there was 1 farmer for every 2 people in the United States. Thanks to ongoing improvements in technology and management practices, today's farmers and ranchers are able to produce even more with efficient use of resources. Currently, the average farmer in the United States feeds more than 150 people.

The history of Nebraska has been closely intertwined with this story. In fact, thousands of homesteaders settled in the Nebraska territory after President Lincoln signed another piece of legislation—the Homestead Act—on May 20, 1862. This influx of population led to Nebraska becoming the Nation's 37th State. Since that time, USDA has served as a resource to the many farmers and ranchers who continue to make agriculture the leading industry in Nebraska's economy—just as the department has done for producers nationwide.

As the 28th Secretary of Agriculture, I was proud to work with men and women who are still committed to USDA's original mission of spreading information and developing new technologies to increase agricultural production.

Today's Department of Agriculture conducts valuable research through the land-grant university system and institutions like the University of Nebraska. USDA also helps to minimize the risks of weather and commodity

price volatility for producers. And, the department helps to protect the health of our plants and animals. But, USDA's mission goes beyond helping producers. For example, those who enjoy a good steak, as well as other meat and poultry products in the U.S., have come to trust USDA's food safety inspection process.

Of growing importance is USDA's role in promoting exports of agriculture products. It is fitting that this anniversary falls in May—which is also world trade month. I think we can all agree that the benefits of trade are great especially to the agriculture sector.

Nebraska is a big agricultural State. And, in Nebraska alone, more than 30,000 jobs and more than \$7.6 billion dollars in revenue were directly tied to exports last year. And, these numbers will only grow as we continue to expand access to customers around the world.

In fact, the Colombia Free Trade Agreement goes into effect today. It offers great opportunity to both the manufacturing and agriculture sectors. The Colombia Agreement eliminates barriers for many Nebraska agricultural products, including beef, corn, soybeans, pork, and wheat. For some time now, goods from Colombia have been entering the U.S. tariff-free, while American producers still paid tariffs on exports to Colombia as high as 40 percent.

It is good news for our agriculture producers and manufacturers that trade agreements are finally being implemented. The South Korea Agreement has already gone into effect, and I hope Panama Agreement won't be far behind. These types of free trade agreements are sorely needed so we can level the playing field for our exporters.

We cannot ignore the fact that the fastest-growing opportunities for American businesses, farms, and ranches are outside our borders. They are overseas in rapidly developing countries. I am confident that Nebraska farmers, businesses and workers, and those across the country, can compete with anyone in the world. And, in doing so, we can create new jobs here at home.

USDA has played a key role in making sure our farmers and ranchers have the tools to take advantage of these export opportunities. Additionally, the department recognizes that American agriculture is intertwined with the health of our rural communities. USDA works to ensure small-town-America is not overlooked by a Federal Government that is often focused on big urban areas.

Over the past 150 years, President Lincoln's vision of "the People's Department" has expanded beyond America's farms and ranches and rural communities. His vision is alive and well in the health of our schoolchildren, in our ability to supply energy from home-grown sources, and in our leadership role in helping feed some of the

hungriest and neediest people around the world.

A key part of USDA's mission—one that consumes the largest portion of USDA's budget—is addressing hunger and meeting the nutritional needs of Americans. Whether through school lunches or assistance for hungry families, USDA plays an important role in supporting those in need.

USDA's mission is one of the most diverse of any department and in every area there are hard-working staff striving to meet the department's goals. On this day, I am happy to recognize the men and women of the "People's Department." Their professionalism, dedication, and work ethic provide a shining example of why President Lincoln called the Department of Agriculture the "People's Department."

Together, we celebrate the growth and success of American agriculture and the health and well-being of the people of the United States. We honor the farmers, ranchers, and others whose ingenuity, adaptability, and skill have created the safest and most abundant food supply in the history of mankind.

Mr. CASEY. Mr. President, I am pleased to help recognize the 150th birthday of the United States Department of Agriculture—USDA. As a member of the Senate Committee on Agriculture, Nutrition and Forestry as well as the Committee on Foreign Relations, I understand the importance of agriculture to feeding our Nation and feeding the world.

One hundred and fifty years ago today President Abraham Lincoln signed the legislation creating the Department of Agriculture. This was followed in short order by the Homestead Act and then the Morrill Act establishing our great land grant college system, including The Pennsylvania State University. I suspect that few Americans at the time would have imagined that President Lincoln's leadership and vision in the area of agriculture would have such a profound impact on our country and the world.

Just recently, Dr. Rajiv Shah, the Administrator of the Agency for International Development said that the single-most effective way to eliminate world poverty was to increase agriculture yields. That is an extraordinary statement. It means that Penn State and the other agriculture research universities have a critical role to play in eliminating hunger, assisting in global food security and political stability.

The world's population just passed seven billion people and is on the way to nine billion people by 2050. This means we must double world food production by 2050 in order to meet the challenge of feeding this increased population.

As noted recently by Bob Stallman, President of the American Farm Bureau Federation:

The importance of science and innovation . . . to agriculture will be significant as we

face several challenges in the years ahead. . . . Further, we must accomplish this hefty goal while realizing that our Earth is fragile. To take care of our environment, we must embrace agriculture research, science, innovation and biotechnology. When it comes to medical care, communication and transportation we accept the importance of innovation. We need to do the same when it comes to the production of food.

Last year, net farm income and farm exports set a record and played a key role in helping to grow the U.S. economy. In order to ensure the food security of our Nation, I believe strongly that Pennsylvania farmers will continue to be productive, competitive and successful and supply food to communities in Pennsylvania, throughout the country and the world. Pennsylvania's proud agriculture tradition helped to build the Nation and agriculture continues to drive our economy.

We live in a nation that is as diverse in agricultural production as it is in the people who consume the products that farmers grow. As we reflect upon agriculture's past, and look toward agriculture's future, I hope we can continue to ensure that we have a safe, stable, secure supply of food. Agriculture is not just a nostalgic reflection of the past; it is critical to the U.S. economy and all Americans as we move forward. Therefore, I am pleased to extend birthday wishes to USDA, the land grant colleges and universities, and all those in the food value chain.

Ms. KLOBUCHAR. Mr. President, I am here today to commemorate the United States Department of Agriculture on its 150th anniversary.

Our country has changed dramatically since 1862, when President Abraham Lincoln signed a bill into law creating the Department of Agriculture.

Despite all the changes we have seen in the last century and a half, the USDA remains true to its original mission as "The People's Department," administering critical programs that touch the lives of all Americans.

So as we celebrate this important milestone for the USDA, I think we should also take a moment to recognize the men and women who are putting its programs to use—the farmers and agriculture leaders who grow our crops, produce our food and power our homegrown energy supply.

Sometimes, people forget that food doesn't just magically appear on grocery store shelves. But the truth is that behind every aisle—whether it's dairy or produce—there is farmer or a rancher who has made it their livelihood to produce nutritious, abundant food.

In Minnesota, our economic strength is anchored in the soil of our land and the sweat of our farmers. Agriculture is our State's leading export, accounting for \$75 billion in economic activity every year and supporting more than 300,000 jobs. And while we are 21st in the country for population, we are the sixth largest agricultural producer.

Minnesota is number one in turkeys, green peas, and oats, number two in

spring wheat, number three in hogs and soybeans, and number four in corn.

I have spent the last year traveling across our State as part of an economic tour that has taken me to dozens of communities and businesses throughout Minnesota. And no matter where I go, I am always reminded of the critical role that farming plays in our State's economy.

For generations, the Department of Agriculture has stood behind our farmers and rural communities and made sure they had the tools and resource to move forward.

The USDA may be best known for administering the farm programs that help agricultural producers manage risk and recover from disasters—everything from floods to market failures. But programs such as crop insurance, which provides a safety net across 254 million acres, are just one component of the USDA's larger portfolio of priorities—everything from clean energy development and conservation to export promotion.

In terms of research, the USDA has helped our farmers and ranchers remain the most productive in the world. It has funded research that not only shields our food supply from pests and dangerous diseases, but also increases the productivity of farmers growing everything from wheat to watermelons.

Anyone who has visited a farm using modern precision agriculture can tell you just how far we have come. And in terms of the economic benefits, studies have shown that for every dollar spent on agricultural research, it returns over \$20 to our economy.

The USDA is also making great headway with conservation programs. By working with hundreds of thousands of farmers and ranchers and implementing conservation practices on tens of millions of acres of private land, the USDA is helping reduce soil erosion and ensure clean drinking water.

And in preserving our natural resources, USDA is also strengthening key industries like fishing and hunting, which are so much more than just hobbies in my State—in Minnesota, sportsmen put \$3.4 billion into our economy each year and support 55,000 jobs.

On the energy front, USDA is moving us closer to oil independence by encouraging the development of homegrown sources—like cellulosic biofuels, methane digesters and other renewable and energy efficient solutions. Altogether, those solutions are expected to save enough energy to power nearly 600,000 homes a year.

At a time of spiking gas prices and volatility in foreign oil markets, I believe we should be investing in the energy innovators of the Midwest—not the oil cartels of the Mideast.

With the right tools, America's farmers can develop the next generation energy sources that will power the world.

We are already feeding the world, and the USDA has helped make that possible through its work to lift export

barriers and open new markets for agricultural goods. In 2011 farm exports reached a record high of \$137 billion, which support 1.5 million jobs here in the U.S.

Finally, so much of the USDA's work boils down to strengthening rural communities. That is why programs to help finance everything from broadband to infrastructure for clean drinking water are so important. They are critical to ensuring a kid who grows up in rural America can stay in rural America and doesn't have to move somewhere else to find a job, raise a family or start a business.

In this sense, the USDA truly is the "People's Department." This only underscores the importance of the work we're doing in the Senate to craft a strong and successful farm bill—one that builds on the success of existing programs while also making key improvements and accounting for challenges created by the current budget environment.

The Agriculture Committee took the first step by passing the farm bill out of committee in April, on a strong bipartisan vote of 16-5, that should pave the way for full Senate action.

The legislation strengthens and continues many vital programs that farmers rely on in States across the country.

It maintains a robust farm safety net which makes several improvements to the crop insurance program, including changes to ensure the program works better for fruit, vegetable and organic producers.

I sponsored an amendment that will give beginning farmers better access to the crop insurance program by making it more affordable for them to purchase coverage.

And because I believe we should do more to invest in the future of American agriculture, I worked to make sure the bill included provisions for the Beginning Farmers and Ranchers Program and for promoting public-private research opportunities.

Importantly, the bill we passed in the Committee also streamlines and strengthens the conservation programs that farmers rely on to keep our soil healthy and our water clean. It preserves the essential nutrition programs that millions of families and children rely on every day. And it includes a strong energy title for encouraging homegrown energy production.

Every single American has a direct stake in the success of our farms and food businesses. Through the food we eat, the water we drink, the fuel we put in our cars and the air we breathe, each and every one of us is personally invested in the success of American agriculture, and that is why the USDA is such a critical resources.

I congratulate all my friends with the USDA on a remarkable 150 years, and I want to thank my colleagues on the floor today for their great work

and dedication to supporting our farmers and rural communities. I look forward to working with all of my colleagues in the Senate to pass a strong Farm Bill that supports vital services at the USDA and gets the job done for our Nation's farmers.

Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize American agricultural producers on the 150th anniversary of President Lincoln signing legislation establishing the U.S. Department of Agriculture on May 15, 1862.

As President Lincoln said in his last annual address to Congress, "[The Department of Agriculture] is precisely the people's Department, in which they feel more directly concerned than in any other." Many don't realize it, but USDA plays a unique role in the daily lives of every single American, ranging from the programs available that assist rural small businesses to providing the support system that makes it possible for our farmers and ranchers to produce the most affordable and abundant food supply of any country in the world.

As the main economic pillar and No. 1 industry in my State of South Dakota, it is important that we acknowledge and celebrate the economic importance of agriculture and the role that the USDA has played in implementing and supporting policies that have assisted our farmers and ranchers in becoming a leader in feeding, fueling, and clothing the world.

USDA's work on food, agriculture, economic development, science, risk management, natural resources conservation, and a whole host of other issues has enabled the agriculture industry to establish itself as a critical component in our economic success while having an influence on the lives of every single American. The Department, in coordination with our Nation's farmers and ranchers, has helped allow families to put nutritious, healthy food on their tables at a lower cost than almost anywhere else in the world. On average, less than 10 percent of American consumers' disposable income is spent on food.

Moreover, agriculture is the economic engine that drives our rural communities. Without viable family farms and ranches our small towns and Main Street businesses throughout South Dakota and our Nation would face significant hardships. According to the South Dakota Department of Agriculture, the agriculture industry has a \$20 billion economic impact each year, accounting for one-third of the State's economic activity. The 46,000 agricultural producers on 31,500 farms combine with associated industries to employ more than 143,000 South Dakotans.

But the value of America's farmers and ranchers goes far beyond economic activity. Our producers are also the most productive in the world, providing the food, fuel, and fiber necessary to sustain us and millions of

others throughout the world. Each year, just one South Dakota producer raises enough food to feed 155 people both here at home and abroad. As the world's population continues to grow to a projected 9 billion people by 2050, the demand for our agricultural products will only increase, and we will have to continue improving our productive capacity to double food production on fewer acres.

The increased yields needed to overcome the challenges ahead cannot be accomplished without the full use of sound science and innovative technology. In providing public land for the establishment of colleges to further agricultural research and education, the Morrill Land Grant College Act, which was also signed into law by President Lincoln in 1862, gave us such institutions as South Dakota State University and will remain a lasting achievement for the ongoing progress of production agriculture.

Therefore, on the 150th anniversary of its establishment, I commend USDA, and the American agricultural producers they assist, for providing the food, fuel, and fiber that we each rely on. I congratulate them and wish a happy birthday to USDA and those throughout the food chain.

Senator KOHL. Mr. President, in the fall of 1859, just two years prior to his election to the presidency, Abraham Lincoln spoke to the Wisconsin State Agricultural Society in my hometown of Milwaukee, WI. Lincoln concluded his speech saying, "Let us hope . . . that by the best cultivation of the physical world, beneath and around us, and the intellectual and moral world within us, we shall secure an individual, social, and political prosperity and happiness." Just 3 years later, President Lincoln created the Department of Agriculture with these words in mind.

May 15, 2012 marks the 150th year of the U.S. Department of Agriculture, USDA. Perhaps more than any other department, USDA connects Americans to the land and to each other in ways seen and unseen. From its formation in 1862 through today, the Department has served millions of Americans in a multitude of innovative ways.

From the earliest years of our Nation, agricultural production has been front and center. Today, roughly 1 out of every 12 Americans is employed in an agriculture related industry. Whether a producer, researcher, conservationist, food safety official, or one of many other agricultural professions, each person, including those who work in USDA, plays an important role in producing and delivering a safe and healthy food supply to the United States and the world.

Colleges and universities around the country have produced research that has improved crop yields, plant and livestock health, and soil quality, among others. Research has also led to the widespread use of conservation practices on farmland. While there are

many different types of conservation efforts supported by USDA, they all share the same goal—to maintain the health and vitality of American farmland for future years and future generations. Once research and conservation efforts have been applied it becomes the job of agricultural producers to efficiently harvest and deliver their product to markets around the corner, or across the country. I believe American agricultural producers are the best in the world at what they do.

To help Americans sort through the incredible variety of their food choices at grocery stores or farmers markets, USDA provides critical guidance for nutrition assistance. Through the My Plate program and other nutrition education initiatives, USDA works to ensure that children, low-income individuals, seniors and the disabled not only understand what makes up a nutritious, healthy meal—but they create access to such meals year round, through programs such as the Special Nutrition Assistance Program for Women, Infants and Children, or the Supplemental Nutrition Assistance Program. These programs and others help feed those who have trouble accessing healthy foods, but they do so in a way that reinvests in agricultural producers and their rural communities.

I believe USDA's most important achievement has been the fulfillment of Lincoln's vision—harmoniously using all the tools, resources and programs at its disposal to contribute to social prosperity and happiness through the cultivation of the American land and its people.

It is with pride and respect that I honor USDA and our Nation's agriculture industry today.

#### HONORING LOST DHS PERSONNEL

Mr. LIEBERMAN. Mr. President, the mission of the Department of Homeland Security, DHS, is broad and diverse. The men and women of DHS protect our borders and modes of transportation; they guard our waterways; they protect U.S. and foreign leaders; they prepare for and respond to disasters; they manage our immigration process; and, they defend us against cyber attack. DHS employees provide selfless service to their nation and they do so with honor and distinction under an ever-present threat. With National Police Week 2012 commencing, I would like to pay tribute to the Department of Homeland Security's agents, officers, and military personnel who lost their lives in the service of our Nation. Fifty-five courageous men and women of DHS have died in the line of duty since the Department's inception in 2003. We owe them more than a tribute on this day, but our gratitude begins with that.

They are:

Lorenzo R. Gomez, Immigration Enforcement Agent, U.S. Immigration and Customs Enforcement, El Paso, Texas, End of Watch: November 8, 2003.

James P. Epling, Border Patrol Agent, U.S. Customs and Border Protection, Yuma, Arizona, End of Watch: December 16, 2003.

Nathan B. Bruckenthal, Damage Controlman Third Class (E-4), U.S. Coast Guard, Iraq, End of Watch: April 24, 2004.

Travis W. Attaway, Senior Patrol Agent, U.S. Customs and Border Protection, Harlingen, Texas, End of Watch: September 19, 2004.

Jeremy M. Wilson, Senior Patrol Agent, U.S. Customs and Border Protection, Harlingen, Texas, End of Watch: September 19, 2004.

Philip C. Lebid, Special Agent, U.S. Secret Service, Tampa, Florida, End of Watch: November 22, 2004.

George B. DeBates, Senior Patrol Agent, U.S. Customs and Border Protection, Casa Grande, Arizona, End of Watch: December 19, 2004.

David G. Wilhelm, Assistant Special Agent in Charge, U.S. Immigration and Customs Enforcement, Atlanta, Georgia, End of Watch: March 11, 2005.

Christopher J. Smith, Assistant to the Special Agent in Charge, U.S. Secret Service, Atlanta, Georgia, End of Watch: March 25, 2005.

Nicholas D. Greenig, Senior Patrol Agent, U.S. Customs and Border Protection, Tucson, Arizona, End of Watch: March 14, 2006.

Jessica E. Hill, Lieutenant (O-3), U.S. Coast Guard, Arctic Ocean, End of Watch: August 17, 2006.

Steven Duque, Boatswain's Mate Second Class (E-5), U.S. Coast Guard, Arctic Ocean, End of Watch: August 17, 2006.

David N. Webb, Senior Patrol Agent, U.S. Customs and Border Protection, Ajo, Arizona, End of Watch: November 3, 2006.

Ramon Nevarez, Jr., Border Patrol Agent, U.S. Customs and Border Protection, Lordsburg, New Mexico, End of Watch: March 15, 2007.

David J. Tourscher, Border Patrol Agent, U.S. Customs and Border Protection, Lordsburg, New Mexico, End of Watch: March 16, 2007.

Ronald A. Gill, Jr., Port Security Specialist Third Class, U.S. Coast Guard Reserve, Puget Sound, Washington, End of Watch: March 25, 2007.

Clinton B. Thrasher, Air Interdiction Agent, U.S. Customs and Border Protection, McAllen, Texas, End of Watch: April 25, 2007.

Richard Goldstein, Border Patrol Agent, U.S. Customs and Border Protection, Indio, California, End of Watch: May 11, 2007.

Robert F. Smith, Air Interdiction Agent, U.S. Customs and Border Protection, El Paso, Texas, End of Watch: May 22, 2007.

Eric N. Cabral, Border Patrol Agent, U.S. Customs and Border Protection, Boulevard, California, End of Watch: July 26, 2007.

Julio E. Baray, Air Interdiction Agent, U.S. Customs and Border Protection, El Paso, Texas, End of Watch: September 24, 2007.

Luis Aguilar, Border Patrol Agent, U.S. Customs and Border Protection, Yuma, Arizona, End of Watch: January 19, 2008.

Jarod C. Dittman, Border Patrol Agent, U.S. Customs and Border Protection, San Diego, California, End of Watch: March 30, 2008.

Thomas G. Nelson, Captain (O-6), U.S. Coast Guard, Oahu, Hawaii, End of Watch: September 4, 2008.

Andrew C. Wischmeier, Lieutenant Commander (O-4), U.S. Coast Guard, Oahu, Hawaii, End of Watch: September 4, 2008.

David L. Skimin, Aviation Survival Technician First Class (E-6), U.S. Coast Guard, Oahu, Hawaii, End of Watch: September 4, 2008.

Joshua W. Nichols, Aviation Maintenance Technician First Class (E-6), U.S. Coast

Guard, Oahu, Hawaii, End of Watch: September 4, 2008.

Nathaniel A. Afolayan, Border Patrol Agent, U.S. Customs and Border Protection, Artesia, New Mexico, End of Watch: May 1, 2009.

Cruz C. McGuire, Border Patrol Agent, U.S. Customs and Border Protection, Del Rio, Texas, End of Watch: May 21, 2009.

Robert W. Rosas, Jr., Border Patrol Agent, U.S. Customs and Border Protection, Campo, California, End of Watch: July 23, 2009.

Che J. Barnes, Lieutenant Commander (O-4), U.S. Coast Guard, San Clement Island, California, End of Watch: October 29, 2009.

Adam W. Bryant, Lieutenant (O-3), U.S. Coast Guard, San Clement Island, California, End of Watch: October 29, 2009.

John F. Seidman, Aviation Maintenance Technician Chief Petty Officer, U.S. Coast Guard, San Clement Island, California, End of Watch: October 29, 2009.

Carl P. Grigonis, Avionics Electrical Technician Second Class (E-5), U.S. Coast Guard, San Clement Island, California, End of Watch: October 29, 2009.

Monica L. Beacham, Avionics Electrical Technician Second Class (E-5), U.S. Coast Guard, San Clement Island, California, End of Watch: October 29, 2009.

Danny R. Kreder, Jr., Aviation Maintenance Technician Third Class (E-4), U.S. Coast Guard, San Clement Island, California, End of Watch: October 29, 2009.

Jason S. Moletzsky, Aviation Maintenance Technician Third Class (E-4), U.S. Coast Guard, San Clement Island, California, End of Watch: October 29, 2009.

Mark F. Van Doren, Border Patrol Agent, U.S. Customs and Border Protection, Falfurrias, Texas, End of Watch: May 24, 2010.

Sean D. Krueger, Lieutenant (O-3), U.S. Coast Guard, La Push, Washington, End of Watch: July 7, 2010.

Adam C. Hoke, Aviation Maintenance Technician First Class (E-6), U.S. Coast Guard, La Push, Washington, End of Watch: July 7, 2010.

Brett M. Banks, Aviation Maintenance Technician Second Class (E-5), U.S. Coast Guard, La Push, Washington, End of Watch: July 7, 2010.

Charles F. Collins II, CBP Officer, U.S. Customs and Border Protection, Anchorage, Alaska, End of Watch: August 15, 2010.

Michael V. Gallagher, Border Patrol Agent, U.S. Customs and Border Protection, Casa Grande, Arizona, End of Watch: September 2, 2010.

John R. Zykas, CBP Officer, U.S. Customs and Border Protection, San Diego, California, End of Watch: September 8, 2010.

Shaun M. Lin, Maritime Enforcement Specialist Third Class (E-4), U.S. Coast Guard, Portsmouth, Virginia, End of Watch: October 13, 2010.

Brian A. Terry, Border Patrol Agent, U.S. Customs and Border Protection, Naco Cochise, Arizona, End of Watch: December 15, 2010.

Jaime J. Zapata, Special Agent, U.S. Immigration and Customs Enforcement, Mexico City, Mexico, End of Watch: February 15, 2011.

Hector R. Clark, Border Patrol Agent, U.S. Customs and Border Protection, Yuma, Arizona, End of Watch: May 12, 2011.

Eduardo Rojas, Jr., Border Patrol Agent, U.S. Customs and Border Protection, Yuma, Arizona, End of Watch: May 12, 2011.

Dale T. Taylor, Lieutenant Commander (O-4), U.S. Coast Guard, Point Clear, Alabama, End of Watch: February 28, 2012.

Thomas J. Cameron, Lieutenant Junior Grade (O-2), U.S. Coast Guard, Point Clear, Alabama, End of Watch: February 28, 2012.

Fernando Jorge, Aviation Survival Technician (E-7), U.S. Coast Guard, Point Clear, Alabama, End of Watch: February 28, 2012.

Andrew W. Knight, Avionics Electrical Technician (E-4), U.S. Coast Guard, Point Clear, Alabama, End of Watch: February 28, 2012.

James A. Hopkins, Electronics Technician (E-6), U.S. Coast Guard, Kodiak, Alaska, End of Watch: April 12, 2012.

Richard W. Belisle, Civilian Employee (WG-8), Chief Boatswain's Mate (E-7), Retired, U.S. Coast Guard, Kodiak, Alaska, End of Watch: April 12, 2012.

#### NATIONAL POLICE WEEK

Mr. HOEVEN. Mr. President, today, people across our country observe Peace Officers Memorial Day. As we remember all of the fallen officers who have made the ultimate sacrifice while upholding justice and protecting our communities, I wish to echo the sentiments of Americans across the country in honoring the lives and exemplary service of all of the men and women who lost their lives this past year, including two North Dakota peace officers, Bismarck police Sgt. Steven Kenner and Burleigh County sheriff's department Deputy Sheriff Bryan Sleeper.

Sgt. Steven Kenner served with the Bismarck police department for more than 32 years when he was killed in the line of duty on July 8, 2011. Sergeant Kenner was a distinguished and well-respected member of the Bismarck police department. He also served as a decorated member of the North Dakota National Guard military police and founded the business C.A.R., Collision Analysis Reconstruction.

Colleagues, friends and family knew Sergeant Kenner to be a loving, hard-working and dedicated man who served his State with great pride. He was devoted to mentoring and training his fellow officers, and his extensive knowledge and professionalism garnered the respect and admiration of his colleagues, who often referred to Sergeant Kenner as a gentle giant because his stature belied his kind nature and selfless service to others.

During Sergeant Kenner's distinguished career, he earned several awards, including the North Dakota Peace Officers Association Lifesaving Award. Sergeant Kenner was also actively involved in his community, serving in a variety of capacities, including as a member of the Missouri Valley Fraternal Order of Police, the National Trustee for North Dakota and the Midwest Association of Traffic Accident Investigators. He is survived by his wife, Debbie, and children James, Stephen, Kailey, and Tayler.

Last year, North Dakota also mourned Deputy Sheriff Bryan Sleeper who died in the line of duty on September 28, 2011. A lifelong North Dakotan, Deputy Sleeper graduated from the University of Mary in 1997, and worked at the North Dakota state penitentiary and the Bismarck rural fire department before beginning his distinguished career with the Burleigh County sheriff's department in 2007.

Deputy Sleeper was an active member of his community, and his involvement—like his job—aimed to improve

the well-being of his fellow citizens. He earned his EMT certification and taught CPR and first aid at St. Alexius Medical Center and the Burleigh County sheriff's department. He was also a volunteer firefighter, member of the West Dakota SWAT team and the vice president of the Fraternal Order of Police Missouri Valley Lodge #3 for Bismarck. At the sheriff's department, he organized enforcement events including a blood drive and Christmas shopping event for children. Recognitions include the North Dakota Peace Officers Association Lifesaving Award.

Deputy Sleeper was a hardworking, ambitious and energetic man whose kind heart and engaging personality quickly endeared him to the people he met. An athlete and outdoors enthusiast, Deputy Sleeper was a natural leader and committed family man and friend. He is survived by his wife Lana, children Branden, Jeremy and Heather; and grandson Hunter.

This past week, North Dakotans added the names of Steven Kenner and Bryan Sleeper to the North Dakota Peace Officer Memorial located on the east side of the North Dakota State capitol. This memorial now bears the names of 61 brave men. These North Dakota peace officers, like the other officers from across our country who have been killed in the line of duty, have earned our unyielding gratitude for their service and heroism. These brave men and women keep our communities safe and secure, and it is fitting and right that we should pay tribute to these heroes who have paid the ultimate sacrifice.

Mikey and I extend our deepest sympathy to the families of all our fallen officers, especially the families of Sergeant Kenner and Deputy Sleeper. Our thoughts and prayers go out to them, and we pray that they will take comfort in knowing that their loved ones served their State and fellow citizens with great honor and pride.

#### TAIWAN'S PRESIDENTIAL INAUGURATION

Mr. HOEVEN. Mr. President, today I wish to recognize Inauguration Day in Taiwan on May 20, 2012. On January 14, Mr. Ma Ying-jeou was elected to his second term as President of the Republic of China. I offer congratulations to Mr. Ma not only for winning the election but for what his election symbolizes: the continued growth and maturation of democracy in the Republic of China. Taiwan is the first place in the ethnic Chinese world where democracy has taken root, and its democratic transformation has laid the foundation for reduced tensions across the Taiwan Strait and strengthened its ties with the United States as well.

Taiwan's democracy brightens the future of East Asia. Taipei poses no threat to Beijing, and its democratic government has fostered the development of strong cross-strait economic and cultural ties. I hope that, instead

of building up its military forces in fear of a democratic Taiwan, Beijing will learn from Taiwan's example and reform its own political system. Democratization on both sides of the Taiwan Strait will lead to further expansion of the economic and cultural ties that have begun to flourish in recent years as well as improve security for the entire region.

The United States understands that our interests are well served by a free and democratic Taiwan. We want to see Taiwan grow and thrive as an important economic and trade partner, and we recognize that the safety and security of Taiwan is very important to the security of the entire Asia-Pacific region. The partnership between the United States and Taiwan, especially under the terms of the Taiwan Relations Act, has deterred aggressive action in the Taiwan Strait and opened the door for Taiwan to reach its full potential as a strong democracy and an important economic hub. I look forward to strengthening the links between Taiwan and the United States in the future, particularly through the removal of remaining trade barriers and a renewed commitment to addressing the security challenges facing Taiwan.

I hope that the United States and the Republic of China, as two fellow democracies, will continue to support each other and commit themselves to even closer ties in the future. And in that spirit, on the occasion of Taiwan's Inauguration Day, I congratulate the people of Taiwan and join them in celebrating the power and potential of democracy.

#### ADDITIONAL STATEMENTS

##### 350TH ANNIVERSARY OF ST. FRANCIS XAVIER CATHOLIC CHURCH

• Mr. CARDIN. Mr. President, today I wish to celebrate the 350th anniversary of St. Francis Xavier Catholic Church in Leonardtown, MD. I hope my colleagues will join me in celebrating the centuries of history in marking this anniversary, including the establishment of Catholicism in English America. It was 350 years ago that Leonardtown, which was then known as Newtowne, was founded as the first settlement in the Maryland province after the establishment of St. Mary's City. Its geographic location places it within view of St. Clement's Island where the English colonists first landed in 1634. Prior to its settlement by the colonists, the Piscataway Indians and their forebears had occupied the site for many centuries.

Lord Baltimore founded the Maryland colony with the intention of providing his co-religionists with the civil liberty to exercise their religion freely, but it was not until the restoration of Charles II to the throne in England that the political climate in Maryland allowed for the building of a public

chapel at Newtowne in 1662. The chapel was built by the local Catholics for the community that continues to the present day as Saint Francis Xavier's Parish, a parish within the Archdiocese of Washington.

In 1967, when the Society of Jesus withdrew from Newtowne to work in other areas, St. Francis Xavier Church, Newtowne Manor, and the 7.5 acres surrounding them were conveyed to the Archdiocese of Washington. The Archbishop of Washington at the time, James Cardinal Hickey, realized the religious, historical and archeological significance of these buildings, both of which are on the national Register of Historic Places, and he determined that they must be restored and preserved to maintain a link with the earliest days of the Roman Catholic Church in America.

While the site of the current church, a.d. 1731, and the Newtowne Manor House, a.d. 1789, the graveyard, and the site of the original chapel have been excavated by archaeologists, more work remains to be done to tell the full story of what is believed to be the second public Catholic chapel built in the colonies. The first is thought to be in neighboring Charles County, MD. I join Father Brian P. Sanderfoot and the Saint Francis Xavier Catholic Church congregation in encouraging further investigation and exploration of their history. Their work will inform all of us about the colonial history of the Catholic community in Maryland and the early colonial life and freedoms evidenced in the records and archeological findings of St. Francis Xavier Catholic Church.●

##### CONGRATULATING ASHLEE SMITH

• Mr. HELLER. Mr. President, today I wish to honor a young Nevadan for being recognized as one of America's top 10 youth volunteers of 2012. Ashlee Smith, a seventh grader from Sparks, NV, was awarded the prestigious national Prudential Spirit of Community Award for her efforts to assist child victims of house fires and natural disasters. I am proud to congratulate one of Nevada's own for her leadership, compassion, and selflessness as she sets a fine example for students all across the United States who want to make a difference.

Ashlee's home burned down in a devastating fire in 2005, destroying all that her family owned—including her childhood toys. Ever since this experience, she has dedicated her free time to helping children who are victims of natural disasters recover their lost belongings. At 8 years old, she founded Ashlee's Toy Closet, a nonprofit organization that helps low-income children as well as those who have been affected by natural disasters. Over the past 5 years, she has collected and distributed more than 175,000 toys to children who have been affected by natural disasters. Ashlee's commitment to children in need is inspiring and reinforces the importance of serving our communities.



Having four children of my own, I understand the importance of creating an environment where our kids can give back to their communities. Encouraging our Nation's next generation of leaders to become engaged in community service will help ensure that they are active and positive contributors to their local community. We must encourage our Nation's youth to excel beyond the academic arena, demonstrate strong leadership skills, and show active initiative to support their communities.

I am proud to stand with the citizens of Sparks to congratulate Ashlee on this exceptional accomplishment. As she continues to grow her organization, I hope that she will serve as an example for Nevada's youth and will continue building upon this experience in her professional and personal future. Today, I ask my colleagues to join me in recognizing an ambitious Nevadan who has helped make a difference in the lives of thousands all over the Nation.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5652. An act to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2013.

#### MEASURES READ FOR THE FIRST TIME

The following bill was read the first time:

S. 3187. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6083. A communication from the Attorney-Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; St. Croix River, Stillwater, MN" ((RIN1625-AA09) (Docket No. USCG-2012-0226)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6084. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Niantic River, Niantic, CT" ((RIN1625-AA09) (Docket No. USCG-2012-0305)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6085. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, WA" ((RIN1625-AA09) (Docket No. USCG-2012-0362)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6086. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY" ((RIN1625-AA09) (Docket No. USCG-2011-1132)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6087. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Anacostia River, Washington, DC" ((RIN1625-AA09) (Docket No. USCG-2011-0591)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6088. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Manchester Harbor, Manchester, MA" ((RIN1625-AA09) (Docket No. USCG-2012-0344)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6089. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Saginaw River, Bay City, MI" ((RIN1625-AA09) (Docket No. USCG-2011-1013)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6090. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Sunken Vessel, Puget Sound, Everett, WA" ((RIN1625-AA00) (Docket No. USCG-2012-0282)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6091. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal,

NY" ((RIN1625-AA09) (Docket No. USCG-2012-0144)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6092. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, WA" ((RIN1625-AA09) (Docket No. USCG-2012-0280)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6093. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; James River, Hopewell, VA" ((RIN1625-AA09) (Docket No. USCG-2012-0292)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6094. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Intracoastal Waterway, Chesapeake, VA" ((RIN1625-AA09) (Docket No. USCG-2012-0330)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6095. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Crowley Barge 750-2; Bayou Casotte; Pascagoula, MS" ((RIN1625-AA00) (Docket No. USCG-2012-0190)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6096. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; 2012 Mavericks Invitational, Half Moon Bay, CA" ((RIN1625-AA00) (Docket No. USCG-2011-1146)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6097. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Patapsco River, Northwest and Inner Harbors, Baltimore, MD" ((RIN1625-AA00) (Docket No. USCG-2012-0101)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6098. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Matlacha Bridge Construction, Matlacha Pass, Matlacha, FL" ((RIN1625-AA00) (Docket No. USCG-2011-1115)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6099. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone for Margate Bridge, Intracoastal Waterway; Margate, NJ" ((RIN1625-AA00) (Docket No. USCG-2012-0069)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.



EC-6100. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Eighth Coast Guard District Annual Marine Events and Safety Zones" ((RIN1625-AA00; 1625-AA08) (Docket No. USCG-2011-0286)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6101. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Coast Guard Exercise, Hood Canal, Washington" ((RIN1625-AA00) (Docket No. USCG-2012-0283)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6102. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Non-Compliant Vessel Pursuit Training Course, Wando River, Charleston, SC" ((RIN1625-AA00) (Docket No. USCG-2012-0138)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6103. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones; Sellwood Bridge Project, Willamette River; Portland, OR" ((RIN1625-AA00) (Docket No. USCG-2011-1174)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6104. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; 2012 Memorial Day Tribute Fireworks, Lake Charlevoix, Boyne City, Michigan" ((RIN1625-AA00) (Docket No. USCG-2012-0337)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6105. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone" ((RIN1625-AA00) (Docket No. USCG-2012-0045)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6106. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; East River, Brooklyn Bridge Scaffolding Repair, Brooklyn, NY" ((RIN1625-AA00) (Docket No. USCG-2012-0263)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6107. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones; TriMet Bridge Project, Willamette River, Portland, OR" ((RIN1625-AA00) (Docket No. USCG-2011-1173)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6108. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled

"Safety Zone; Magothy River, Sillery Bay, MD" ((RIN1625-AA00) (Docket No. USCG-2012-0001)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6109. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Choptank River and Cambridge Channel, Cambridge, MD" ((RIN1625-AA87) (Docket No. USCG-2011-1164)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6110. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones; North Atlantic Treaty Organization (NATO) Summit, Chicago, IL" ((RIN1625-AA87) (Docket No. USCG-2012-0052)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6111. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Safety and Security Zones; Recurring Events in Captain of the Port of Long Island Sound Zone" ((RIN1625-AA00, 1625-AA08, 1625-AA87) (Docket No. USCG-2008-0384)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6112. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Spa Creek and Annapolis Harbor, Annapolis, MD" ((RIN1625-AA08) (Docket No. USCG-2011-1120)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6113. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Emerald Coast Super Boat Grand Prix; Saint Andrew Bay; Panama City, FL" ((RIN1625-AA08) (Docket No. USCG-2012-0085)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6114. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Patriot Challenge Kayak Race, Ashley River, Charleston, SC" ((RIN1625-AA08) (Docket No. USCG-2011-1095)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6115. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Tuscaloosa Dragon Boat Race; Black Warrior River; Tuscaloosa, AL" ((RIN1625-AA08) (Docket No. USCG-2012-0218)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6116. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Lowcountry Splash

Open Water Swim, Wando River and Cooper River, Mount Pleasant, SC" ((RIN1625-AA08) (Docket No. USCG-2012-0252)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6117. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Smokin The Lake; Gulfport Lake; Gulfport, MS" ((RIN1625-AA08) (Docket No. USCG-2012-0168)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6118. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations and Safety Zones; Recurring Events in Northern New England" ((RIN1625-AA00; 1625-AA08; 1625-AA87) (Docket No. USCG-2011-1023)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6119. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Potomac River, Charles County, MD" ((RIN1625-AA08) (Docket No. USCG-2011-1176)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6120. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Hebda Cup Rowing Regatta, Trenton Channel; Detroit River, Wyandotte, MI" ((RIN1625-AA08) (Docket No. USCG-2012-0340)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6121. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Galveston Bay, Kemah, TX" ((RIN1625-AA08) (Docket No. USCG-2012-0170)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6122. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Wy-Hi Rowing Regatta, Trenton Channel; Detroit River, Wyandotte, MI" ((RIN1625-AA08) (Docket No. USCG-2012-0342)) received in the Office of the President of the Senate on May 9, 2012; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 1023. A bill to authorize the President to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes (Rept. No. 112-165).

EXECUTIVE REPORTS OF  
COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

\*Jessica Lynn Wright, of Pennsylvania, to be an Assistant Secretary of Defense.

\*James N. Miller, Jr., of Virginia, to be Under Secretary of Defense for Policy.

\*Frank Kendall III, of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

\*Erin C. Conaton, of the District of Columbia, to be Under Secretary of Defense for Personnel and Readiness.

\*Heidi Shyu, of California, to be an Assistant Secretary of the Army.

\*Derek H. Chollet, of Nebraska, to be an Assistant Secretary of Defense.

\*Kathleen H. Hicks, of Virginia, to be a Principal Deputy Under Secretary of Defense.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND  
JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELLER:

S. 3177. A bill to amend the Truth in Lending Act to require servicers to provide responses to mortgagors requesting residential mortgage loan refinancing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEE (for himself, Mr. RUBIO, and Mr. PAUL):

S. 3178. A bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes; to the Committee on the Judiciary.

By Mr. REED (for himself, Mr. DURBIN, Mr. WHITEHOUSE, Mr. BROWN of Ohio, and Mr. BEGICH):

S. 3179. A bill to amend the Servicemembers Civil Relief Act to enhance the protections accorded to servicemembers and their spouses with respect to mortgages, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. GILLIBRAND:

S. 3180. A bill to require the Department of Defense to develop a plan to track and respond to incidents of hazing in the Armed Forces; to the Committee on Armed Services.

By Mrs. GILLIBRAND (for herself and Mr. CARDIN):

S. 3181. A bill to amend title 10, United States Code, to require a plan to ensure the military leadership of the Armed Forces reflects the diversity of the population of the United States, and for other purposes; to the Committee on Armed Services.

By Mrs. GILLIBRAND:

S. 3182. A bill to require a report on implementation of a termination on the ground combat exclusion policy for female members of the Armed Forces; to the Committee on Armed Services.

By Mr. SCHUMER (for himself and Mr. BROWN of Ohio):

S. 3183. A bill to amend the Internal Revenue Code of 1986 to require the use of domestic property to be eligible for certain tax

incentives for solar energy; to the Committee on Finance.

By Mrs. MURRAY:

S. 3184. A bill to suspend temporarily the duty on certain fitness equipment; to the Committee on Finance.

By Mr. CORNYN:

S. 3185. A bill to amend the Immigration and Nationality Act to provide certain immigration benefits for aliens with advanced degrees in science, technology, engineering, or mathematics and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 3186. A bill to make it unlawful to alter or remove the identification number of a mobile device; to the Committee on the Judiciary.

By Mr. HARKIN (for himself and Mr. ENZI):

S. 3187. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; read the first time.

By Mr. RUBIO (for himself, Mr. CORNYN, Mrs. HUTCHISON, Mr. NELSON of Florida, Mr. PAUL, Mr. INHOFE, Mr. DEMINT, Mr. BLUNT, and Mr. LEE):

S.J. Res. 40. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rules submitted by the Department of the Treasury and the Internal Revenue Service relating to the reporting requirements for interest that relates to the deposits maintained at United States offices of certain financial institutions and is paid to certain non-resident alien individuals; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND  
SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for herself and Mr. INHOFE):

S. Res. 460. A resolution designating the week of May 20 through May 26, 2012, as "National Public Works Week"; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. MURKOWSKI, Mr. BROWN of Ohio, Mrs. MURRAY, Mr. BEGICH, Mr. WARNER, Ms. LANDRIEU, Mr. SANDERS, Mrs. GILLIBRAND, Ms. STABENOW, Mr. JOHNSON of South Dakota, Mr. COONS, Mrs. FEINSTEIN, and Mr. KOHL):

S. Res. 461. A resolution recognizing the teachers of the United States for their contributions to the development and progress of our Nation; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 534

At the request of Mr. KERRY, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 1173

At the request of Mr. WYDEN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1173, a bill to amend title XVIII of

the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program.

S. 1288

At the request of Mr. ROBERTS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1288, a bill to exempt certain class A CDL drivers from the requirement to obtain a hazardous material endorsement while operating a service vehicle with a fuel tank containing 3,785 liters (1,000 gallons) or less of diesel fuel.

S. 1497

At the request of Ms. KLOBUCHAR, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1497, a bill to amend title XVIII of the Social Security Act to extend for 3 years reasonable cost contracts under Medicare.

S. 1577

At the request of Mr. BAUCUS, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1577, a bill to amend the Internal Revenue Code of 1986 to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1701

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1701, a bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1878

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1878, a bill to assist low-income individuals in obtaining recommended dental care.

S. 1908

At the request of Mr. GRASSLEY, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 1908, a bill to amend the Internal Revenue Code of 1986 to clarify the employment tax treatment and reporting of wages paid by professional employer organization, and for other purposes.

S. 1910

At the request of Mr. LIEBERMAN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1910, a bill to provide benefits to domestic partners of Federal employees.

S. 1935

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 2003

At the request of Mrs. FEINSTEIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2003, a bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

S. 2047

At the request of Mr. SCHUMER, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Maryland (Ms. MIKULSKI) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 2047, a bill to authorize the Secretary of Education to make demonstration grants to eligible local educational agencies for the purpose of reducing the student-to-school nurse ratio in public elementary schools and secondary schools.

S. 2069

At the request of Ms. MIKULSKI, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2069, a bill to amend the Public Health Service Act to speed American innovation in research and drug development for the leading causes of death that are the most costly chronic conditions for our Nation, to save American families and the Federal and State governments money, and to help family caregivers.

S. 2074

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2074, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 2076

At the request of Mr. FRANKEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2076, a bill to improve security at State and local courthouses.

S. 2160

At the request of Mr. MORAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2160, a bill to improve the examination of depository institutions, and for other purposes.

S. 2245

At the request of Mr. BARRASSO, the names of the Senator from Utah (Mr.

HATCH) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 2245, a bill to preserve existing rights and responsibilities with respect to waters of the United States.

S. 2276

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2276, a bill to permit Federal officers to remove cases involving crimes of violence to Federal court.

S. 2277

At the request of Mr. THUNE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2277, a bill to respond to the extreme fire hazard and unsafe conditions resulting from pine beetle infestation, drought, disease, or storm damage by declaring a state of emergency and directing the Secretary of Agriculture to immediately implement hazardous fuels reduction projects in the manner provided in title I of the Healthy Forests Restoration Act of 2003, and for other purposes.

S. 2299

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2299, a bill to amend the Servicemembers Civil Relief Act and title 38, United States Code, to improve the provision of civil relief to members of the uniformed services and to improve the enforcement of employment and reemployment rights of such members, and for other purposes.

S. 2320

At the request of Ms. AYOTTE, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2320, a bill to direct the American Battle Monuments Commission to provide for the ongoing maintenance of Clark Veterans Cemetery in the Republic of the Philippines, and for other purposes.

S. 2325

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2325, a bill to authorize further assistance to Israel for the Iron Dome anti-missile defense system.

S. 2347

At the request of Mr. CARDIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 3048

At the request of Mr. BROWN of Ohio, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3048, a bill to provide for a safe, accountable, fair, and efficient banking system, and for other purposes.

S. 3083

At the request of Mr. RUBIO, the name of the Senator from South Da-

kota (Mr. THUNE) was added as a cosponsor of S. 3083, a bill to amend the Internal Revenue Code of 1986 to require certain nonresident aliens to provide valid immigration documents to claim the refundable portion of the child tax credit.

S. RES. 399

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 399, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, crimes against humanity, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

S. RES. 401

At the request of Mr. WHITEHOUSE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 401, a resolution expressing appreciation for Foreign Service and Civil Service professionals who represent the United States around the globe.

S. RES. 435

At the request of Mr. CASEY, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. Res. 435, a resolution calling for democratic change in Syria, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself, Mr. DURBIN, Mr. WHITEHOUSE, Mr. BROWN of Ohio, and Mr. BEGICH):

S. 3179. A bill to amend the Servicemembers Civil Relief Act to enhance the protections accorded to servicemembers and their spouses with respect to mortgages, and for other purposes; to the Committee on Veterans' Affairs.

Mr. REED. Mr. President, today I introduce the Servicemember Housing Protection Act, and I thank Senators DURBIN, SHERROD BROWN, WHITEHOUSE, and BEGICH for joining me as original cosponsors of this bill.

In 1940, as World War II escalated across the globe, Congress enacted the Soldiers' and Sailors' Civil Relief Act "to protect those who have been obliged to drop their own affairs to take up the burdens of the nation." In 2003, Congress passed a new version of this law to reflect the new challenges of post-9/11 service and renamed it the Servicemembers Civil Relief Act, SCRA. In 2010, in order to address the country's high foreclosure rates and their impact on servicemembers, Congress further amended this law to enhance foreclosure protections.

Also in 2010, when it became evident that military families needed an entity

to serve as a watchdog, provide education, and help monitor and respond to concerns, questions, and complaints about consumer financial products and services, I led the bipartisan effort during the Dodd-Frank act debate to create a new Office of Servicemember Affairs within the Consumer Financial Protection Bureau, CFPB.

Our country has a strong tradition of ensuring that the laws that protect our servicemembers keep pace with the challenges that they face. The Servicemember Housing Protection Act seeks to address one such continuing challenge helping servicemembers with their housing needs so they can maintain a focus on the difficult task of protecting our country.

First, our bill would make it easier for servicemembers to submit their military orders to creditors and get their affairs in order prior to deployment. Currently, creditors require a copy of military orders in order to trigger SCRA protections. However, these orders are often not cut until just before deployment or once the servicemember is already deployed. Redefining military orders as either official orders or a letter from the servicemember's commanding officer would further ensure that a servicemember has more time to prepare for deployment and promptly receives SCRA protections, including the interest rate limitation of six percent on qualifying mortgages.

Second, this bill would extend foreclosure protections to surviving spouses. Currently, servicemembers have a 9-month window of foreclosure protection following service, to provide time to reacclimate to civilian life and get affairs back in order. Our bill extends this nine-month window of foreclosure protection to a surviving spouse. After suffering such an unspeakable loss, a military spouse should not have the additional burden of dealing with immediate foreclosure.

Lastly, this bill would help facilitate the transition from off-base to on-base housing. Due to the shortage of on-base military housing, many servicemembers temporarily find off-base housing until on-base housing becomes available. When a servicemember on a waiting list is given the chance to move into on-base housing, he or she is sometimes unable to terminate his or her off-base housing lease. Including an order to move from off-base to on-base housing as additional grounds for lease termination would allow servicemembers and their families the opportunity to move into the military housing community. We should extend this opportunity, which already is law in several states, such as Florida, Georgia, and Virginia, to servicemembers serving at any of our military bases.

While the men and women of our Armed Forces are protecting our nation overseas, we should do everything possible to protect their families and homes. I urge my colleagues to join Senators DURBIN, SHERROD BROWN, WHITEHOUSE, BEGICH, and me, as well as

the Military Officers Association of America, in supporting this bill and taking these next steps to add protections for our military families.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 460—DESIGNATING THE WEEK OF MAY 20 THROUGH MAY 26, 2012, AS "NATIONAL PUBLIC WORKS WEEK"

Mrs. BOXER (for herself and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 460

Whereas public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the people of the United States;

Whereas the public works infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, including engineers and administrators, who represent State and local governments throughout the United States;

Whereas public works professionals design, build, operate, and maintain the transportation systems, water infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the people and communities of the United States; and

Whereas understanding the role that public infrastructure plays in protecting the environment, improving public health and safety, contributing to economic vitality, and enhancing the quality of life of every community of the United States is in the interest of the people of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of May 20 through May 26, 2012, as "National Public Works Week";

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve—

(A) the public infrastructure of the United States; and

(B) the communities that public works professionals serve; and

(3) urges individuals and communities throughout the United States to join with representatives of the Federal Government and the American Public Works Association in activities and ceremonies that are designed—

(A) to pay tribute to the public works professionals of the United States; and

(B) to recognize the substantial contributions that public works professionals make to the United States.

### SENATE RESOLUTION 461—RECOGNIZING THE TEACHERS OF THE UNITED STATES FOR THEIR CONTRIBUTIONS TO THE DEVELOPMENT AND PROGRESS OF OUR NATION

Mr. LAUTENBERG (for himself, Ms. MURKOWSKI, Mr. BROWN of Ohio, Mrs. MURRAY, Mr. BEGICH, Mr. WARNER, Ms. LANDRIEU, Mr. SANDERS, Mrs. GILLIBRAND, Ms. STABENOW, Mr. JOHNSON of South Dakota, Mr. COONS, Mrs. FEINSTEIN, and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 461

Whereas education is the foundation of the current and future strength of the United States;

Whereas teachers and other education staff have earned and deserve the respect of students and communities for selfless dedication to our Nation's children;

Whereas the purpose of "National Teacher Appreciation Week", is to raise public awareness of the important contributions of teachers and to promote greater respect and understanding for the teaching profession;

Whereas the teachers of the United States play an important role in preparing children to be positive and contributing members of society; and

Whereas students, schools, communities, and a number of organizations host teacher appreciation events in recognition of "National Teacher Appreciation Week": Now, therefore, be it

*Resolved*, That the Senate—

(1) thanks teachers for their service;

(2) promotes the profession of teaching; and

(3) recognizes students, parents, school administrators, and public officials who participate in teacher appreciation events during "National Teacher Appreciation Week".

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2105. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2072, to reauthorize the Export-Import Bank of the United States, and for other purposes; which was ordered to lie on the table.

SA 2106. Mr. ISAKSON (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 2072, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 2105.** Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2072, to reauthorize the Export-Import Bank of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 25 and insert the following:

### SEC. 25. RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGIES.

(a) IN GENERAL.—The Export-Import Bank of the United States should work to increase the export of renewable energy technologies and end-use energy efficiency technologies with a goal of significantly expanding, year-after-year, the Bank's annual aggregate loan, guarantee, and insurance authorizations supporting those technologies.

(b) INCREASED REPORTING REQUIREMENTS.—The Export-Import Bank of the United States shall include in its annual report to Congress an analysis of any barriers to realizing the Bank's congressional directive to increase the Bank's financing for renewable energy technology and end-use energy efficiency technology and any tools the Bank needs to assist the Bank in overcoming those barriers. The analysis shall include barriers such as—

(1) inadequate staffing;

(2) inadequate financial products;

(3) lack of capital authority; and

(4) limitations imposed by domestic markets.

### SEC. 26. EFFECTIVE DATE.

Except as provided in section 9(b), this Act and the amendments made by this Act shall

take effect on the earlier of June 1, 2012, or the date of the enactment of this Act.

**SA 2106.** Mr. ISAKSON (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 2072, to reauthorize the Export-Import Bank of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 26. EXTENSION OF THIRD-COUNTRY FABRIC RULE UNDER THE AFRICAN GROWTH AND OPPORTUNITY ACT; ELIGIBILITY OF SOUTH SUDAN FOR DESIGNATION FOR PREFERENTIAL TREATMENT.**

(a) **EXTENSION OF AGOA THIRD-COUNTRY FABRIC RULE.**—Section 112(c)(1) of the African Growth Opportunity Act (19 U.S.C. 3721(c)(1)) is amended by striking “September 30, 2012” each place it appears in the text and in the heading and inserting “September 30, 2015”.

(b) **DESIGNATION OF SOUTH SUDAN.**—Section 107 of the African Growth Opportunity Act (19 U.S.C. 3706) is amended by inserting “Republic of South Sudan (South Sudan).” after “Republic of South Africa (South Africa).”.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON FINANCE

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 15, 2012, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Tax Reform: What It Could Mean for Tribes and Territories.”

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

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “The High Cost of High Prices for HIV/AIDS Drugs and the Prize Fund Alternative” on May 15, 2012, at 10 a.m., in room SD-430 of the Dirksen Senate Office Building.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 15, 2012, at 2:30 p.m.

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

##### SPECIAL COMMITTEE ON AGING

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on May 15, 2012, at 2:15 p.m. in room SD-562 of the Dirksen Senate Office Building to conduct a hearing entitled: “Missed by the Recovery: Solving the Long-Term Unemployment Crisis for Older Workers.”

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

#### PRIVILEGES OF THE FLOOR

Mr. JOHANNIS. Mr. President, I ask unanimous consent that Maureen McLaughlin, a detailee to the Senate Finance Committee, be granted the privileges of the floor for the duration of the consideration of H.R. 2072.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### NATIONAL PUBLIC WORKS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 460.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 460) designating the week of May 20 through May 26, 2012, as National Public Works Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 460) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

##### S. RES. 460

Whereas public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the people of the United States;

Whereas the public works infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, including engineers and administrators, who represent State and local governments throughout the United States;

Whereas public works professionals design, build, operate, and maintain the transportation systems, water infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the people and communities of the United States; and

Whereas understanding the role that public infrastructure plays in protecting the environment, improving public health and safety, contributing to economic vitality, and enhancing the quality of life of every community of the United States is in the interest of the people of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of May 20 through May 26, 2012, as “National Public Works Week”;

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve—

(A) the public infrastructure of the United States; and

(B) the communities that public works professionals serve; and

(3) urges individuals and communities throughout the United States to join with representatives of the Federal Government and the American Public Works Association in activities and ceremonies that are designed—

(A) to pay tribute to the public works professionals of the United States; and

(B) to recognize the substantial contributions that public works professionals make to the United States.

Mr. REID. Before we leave this, Mr. President, I might say that Senator BOXER and Senator INHOFE, the chair and the ranking member of that most important committee—the Environment and Public Works Committee—are doing their utmost on a bipartisan basis to complete the conference with the House to get the highway bill passed, which means 2.8 million jobs. As this legislation concerns National Public Works Week, it would certainly be a big celebration if we could get that bill done. I appreciate very much Senators BOXER and INHOFE working so closely together on that committee.

#### RECOGNIZING TEACHERS OF THE UNITED STATES

Mr. REID. Mr. President, I ask unanimous consent that we proceed to the immediate consideration of S. Res. 461.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 461) recognizing the teachers of the United States for their contributions to the development and progress of our Nation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 461) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

##### S. RES. 461

Whereas education is the foundation of the current and future strength of the United States;

Whereas teachers and other education staff have earned and deserve the respect of students and communities for selfless dedication to our Nation's children;

Whereas the purpose of “National Teacher Appreciation Week”, is to raise public awareness of the important contributions of teachers and to promote greater respect and understanding for the teaching profession;

Whereas the teachers of the United States play an important role in preparing children to be positive and contributing members of society; and

Whereas students, schools, communities, and a number of organizations host teacher appreciation events in recognition of “National Teacher Appreciation Week”: Now, therefore, be it

*Resolved*, That the Senate—

(1) thanks teachers for their service;

(2) promotes the profession of teaching; and

(3) recognizes students, parents, school administrators, and public officials who participate in teacher appreciation events during "National Teacher Appreciation Week".

#### MEASURE READ THE 1ST TIME— S. 3187

Mr. REID. Mr. President, I understand that S. 3187 was introduced earlier today by Senators HARKIN and ENZI, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3187) to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

Mr. REID. I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

Mr. REID. Mr. President, this is a very important piece of legislation done in the right way. Senators HARKIN and ENZI have done something in the way we always used to do things: They moved a bill out of committee to the Senate floor, truly a bipartisan bill, so important to our country, the FDA bill—Food and Drug Administration.

Senator ENZI has always been very focused on when we bring something to the floor, it must have the committee mark on it—and this bill does.

The reason I move to the bill today the way I have is to line this up for filing cloture on Thursday. I hope we don't have to file cloture, we move to proceed to it. Why don't we get on the bill? If we can get on the bill, we can start on it Monday, we can start offering amendments, and get this moving along.

I have talked to Senator ENZI, I have talked to Senator HARKIN. We had good luck on the highway bill. We had good luck also on the postal bill with relevant amendments. This is a very important piece of legislation. I hope we can move to this without having to file cloture. If I have to file cloture, I will have to file cloture, but I sure hope not. I admire the cooperation and the working together of Senators HARKIN and ENZI.

#### ORDERS FOR WEDNESDAY, MAY 16, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 on Wednesday, May 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for use later in the day.

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

#### PROGRAM

Mr. REID. Mr. President, following any leader remarks tomorrow morning, the Senate will begin debate on several motions to proceed to resolutions introduced by Republican Senators. This is an agreed-upon method of proceeding on these resolutions.

#### ORDER OF PROCEDURE

It is my intention to equally divide the first hour, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes. I ask unanimous consent that be the case.

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

Mr. REID. So there is 6 hours of debate time allowed under the consent agreement that was approved earlier today. I certainly hope we can get this done expeditiously. Senator CONRAD will be leading efforts on our side opposed to this; and once we get this out of the way, we should move forward.

Tomorrow morning, after we understand the morning hour will be deemed expired and the time for the two leaders be reserved for their use later in the day, I ask unanimous consent that I be recognized at that time.

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

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:36 p.m., adjourned until Wednesday, May 16, 2012, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

LT. GEN. MICHAEL R. MOELLER

##### DEPARTMENT OF STATE

THOMAS HART ARMSTRUSTER, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS.

DAVID BRUCE WHARTON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

##### FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF STATE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

ALBOINO LUNGOBARDI DEULUS, OF VIRGINIA  
MARY LOUISE JOHNSON-PIZARRO, OF VIRGINIA  
MARTINA CHRISTINA POLT, OF TENNESSEE

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

RUSSELL M. COMEAU, OF THE DISTRICT OF COLUMBIA

VICTOR LERUN MARSH II, OF MICHIGAN  
JENNIFER M. NOISSETTE, OF FLORIDA  
MICHAEL OWEN WARREN, OF UTAH

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

BOOYEON LEE ALLEN, OF CALIFORNIA  
CLAY C. ALLEN, OF IDAHO  
LA JUNE L. BARNES, OF NEW YORK  
ZANE LEE BARNES, OF CALIFORNIA  
NICHOLAS G. BARNETT, OF NEW YORK  
BRIAN P. BAUER, OF ILLINOIS  
ROBBIE LANEICE BROOKER, OF TEXAS  
PETER H. BROWN, OF NEW YORK  
JOSHUA MORGAN BUXTON, OF CALIFORNIA  
DANIEL JAMES CARL, OF FLORIDA  
ALBERT RAY CEA HENRIQUEZ, OF TEXAS  
BROOKE HEILNER DEAN, OF WASHINGTON  
ANTHONY JAMES DIAZ, OF KENTUCKY  
EDMUND FLEETWOOD DUNSTAN III, OF MARYLAND  
MARISA A. FERGUSON, OF VIRGINIA  
DAVID KIP FRANCIS, OF TEXAS  
NOAH J. GEESAMAN, OF FLORIDA  
PALOMA H. GONZALEZ, OF CALIFORNIA  
JACOB DANIEL GRANNELL, OF THE DISTRICT OF COLUMBIA

RYAN NICHOLAS GUIRLINGER, OF VIRGINIA  
GARTH HALL, OF CALIFORNIA  
SEAN MICHAEL HANIFEN, OF WASHINGTON  
APRIL MCCONNELL HAYNE, OF FLORIDA  
CHERYL A. HIPPI, OF CALIFORNIA  
ELIZABETH HOWARD, OF FLORIDA  
HEERA KAU KAMBOJ, OF NEW YORK  
ALLA PAVEL KAMINS, OF VIRGINIA  
SONIA JUNG KIM, OF GEORGIA  
STEPHAN G. LANGLEY, OF WASHINGTON  
THOMAS J. LEIBY, OF PENNSYLVANIA  
BRIDGET MARY LINES, OF TEXAS  
JOSEPH S. LIVINGSTON, OF NEW JERSEY  
RYAN JASON LONG, OF WASHINGTON  
JAMES MICHAEL LOWELL, OF TENNESSEE  
MUNIR DAWAN MADYUN, OF GEORGIA  
ANNA ARAMBULO MARTZ, OF TEXAS  
WESLEY SIM MATHEWS, OF TEXAS  
CHRISTOPHER H. MCHONE, OF TEXAS  
ROLAND DAVID MCKAY, OF MICHIGAN  
MORGAN D. MILES, OF WASHINGTON  
JONATHAN ANDREW MITCHELL, OF PENNSYLVANIA  
DOUG MORROW, OF FLORIDA  
KATHRINE MARLENE MORTENSEN, OF FLORIDA  
ELIZABETH FAWN NEDEFF, OF WASHINGTON  
PHILLIP NELSON DE ASSIS, OF TEXAS  
THU HUYNH NGUYEN, OF WASHINGTON  
NATALYA A. NIKIFOROVA-SMITH, OF FLORIDA  
CAROLINE CASEY NOHR, OF CALIFORNIA  
KIMBERLY GIUSTI OLSON, OF OREGON  
JEFFREY MICHAEL OSWEILER, OF IOWA  
CHRIS F. PIERSON, OF CONNECTICUT  
JOANNA HOPE PRITCHETT, OF NEW YORK  
ABBEY H. RATHWEG-WEITZ, OF VIRGINIA  
ERIN ALEXIS RATTAZZI, OF CALIFORNIA  
SUNIL KUMAR RAVI, OF ARIZONA  
STEPHANIE L. REED, OF TENNESSEE  
CHUNNONG SAEGER, OF MARYLAND  
MARYUM FATIMA SAIFEE, OF TEXAS  
FELIX J. SALAZAR, OF MARYLAND  
PHILIP SCOT SCHWADA, OF VIRGINIA  
DAVID RYAN SEQUEIRA, OF FLORIDA  
ARATI SHROFF, OF TEXAS  
CLAIRE ELIZABETH SMOLIK, OF CALIFORNIA  
NITZA SOLA—ROTTGER, OF THE DISTRICT OF COLUMBIA  
MASAMI TANAKA, OF ILLINOIS  
MEGAN JO TETRICK, OF INDIANA  
TOD M. THEDY, OF FLORIDA  
SYGA THOMAS, OF CALIFORNIA  
KEISHA N. TOMS, OF GEORGIA  
WILLIAM RANDALL TORRANCE, OF TEXAS  
CYNDIE—NGA TRINH, OF TEXAS  
CATHERINE TRUONG, OF NEVADA  
JUSTIN W. TULL, OF VIRGINIA  
THOMAS M. VENNEN, OF ILLINOIS  
RACHEL Y. WASHINGTON, OF TENNESSEE  
BRIANNE ALICIA WATTS, OF ARIZONA  
OTTO H. WESTHASSEL, OF VIRGINIA  
C. LOGAN WHEELER, OF TENNESSEE  
DAVID GARDINER WISNER, OF NEW YORK  
HEATHER NICOLE WRIGHT, OF MARYLAND  
CHANSOINETTE REBECCA YUN, OF CALIFORNIA

THE FOLLOWING—NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE JANUARY 1, 2012: CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

BRADLEY ALAN FREDEN, OF ARIZONA

##### PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

##### To be surgeon

MARY J. CHOI  
LAURA A. COOLEY  
PATRICIA H. DAVID  
DUKE J. RUKTANONCHAI

##### To be senior assistant surgeon

FRANCISCA ABANYIE  
NINA AHMAD  
ANDREW I. GELLER

LEAH K. GILBERT  
AARON M. HARRIS  
FIONA HAVERS  
RACHEL T. IDOWU  
PREETHA J. IYENGAR  
STEPHEN C. KO  
GAYATHRI S. KUMAR  
KEREN Z. LANDMAN  
PHILIP A. LEDERER  
ANNA—BINNEY MCCAGUE  
ERIN MCNELLEY  
JOLENE H. NAKAO  
VUONG D. NGUYEN  
MONICA PATTON  
CELIA L. QUINN  
KENNETH B. QUINTO  
ALISON D. RIDPATH  
MIRIAM L. SHIFERAW  
NEIL M. VORA  
JOSEPH V. WOODRING  
BRIAN R. YABLON

*To be junior assistant nurse officer*

KIMBERLY A. BRINKER

*To be assistant scientist officer*

SHALON M. IRVING  
JONETTA L. JOHNSON  
MICHAEL T. LOWE  
MATTHEW LOZIER  
LEIGH A. MILLER  
ELIZABETH RUSSELL  
AMEE M. SCHWITTERS  
ALICE M. SHUMATE  
ANGELA M. THOMPSON-PAUL  
TATIANA Y. WARREN  
JASON A. WILKEN

*To be assistant veterinary officer*

LAURA ADAMS  
TARA C. ANDERSON  
ABBEY CANON  
LIZETTE O. DURAND  
LAURA S. EDISON  
ILANA J. SCHAFER

RYAN M. WALLACE

*To be assistant pharmacy officer*

FRANK A. ACHEAMPONG  
IRENE ADU-GYAMFI  
MACKENZIE P. BROWN  
JACQUELINE R. CAMPBELL  
KALEB CHAMBERLAIN  
LINDSEY N. CHILDRESS  
WHITNEY A. CONROY  
ALEJANDRA G. CUEVAS  
LAUREN DAVIS  
ALLAN DEMUTH  
ANDREA R. DYER  
ALLA Y. FABRIKANT  
ASHLEY A. FITCH  
JESSE FOSTER  
DEWEY FOUTZ  
CHRISTOPHER M. FRAZER  
RAEANNE G. FULLER  
AMY N. GOODPASTER  
MEGAN E. GROSHNER  
JASON D. HARRIS  
KELLEE T. JAMES  
KENDRA N. JENKINS  
ANNA B. JEWULA  
RUSSELL B. KERN  
ANNA U. KIT  
RANDI J. KUNS  
BRYAN P. LELAND  
HEATHER S. LIM  
JENNIFER N. LIND  
ALICIA LOH  
JAMES O. LOTT  
SARA H. LOW  
MICHAEL J. MACMILLAN  
MADALENE MANDAP  
JULIA E. MARIE  
CULLEN M. MCCHRISTIAN  
KAMILAH M. MCKINNON  
CHRISTOPHER R. MCKNIGHT  
BROCK E. O'KEEFE  
JONATHAN H. OWEN  
KELLY S. PAK  
SARAH S. PAK

HEENA V. PATEL  
RONNIE L. RAE  
SALVADOR RIVAS, JR.  
MATTHEW K. SASAKI  
MARJANNE V. SCHNARR  
ALISON M. SMITH  
KRISTINA M. SNYDER  
THANH D. TA  
PATRICK R. TULLY  
ANN P. UPSHAW  
JENNIFER M. UTIGARD  
KEITH R. WARSHANY  
MARY K. WEN  
RILEY J. WILLIAMS II  
VALERIE S. WILSON  
REBECCA WONG

*To be junior assistant health services officer*

AMELIA M. BREYRE  
DANIEL V. DIGIACOMA  
TIPHANY D. JACKSON  
SARAH R. KASLOW  
VINITA PURI  
CHRISTOPHER J. SALMON  
LEAH M. SITLER  
COLIN M. SMITH  
MEGHAN M. ZOMORODI

WITHDRAWAL

Executive Message transmitted by the President to the Senate on May 15, 2012 withdrawing from further Senate consideration the following nomination:

ARUNAVA MAJUMDAR, OF CALIFORNIA, TO BE UNDER SECRETARY OF ENERGY, VICE KRISTINA M. JOHNSON, RESIGNED, WHICH WAS SENT TO THE SENATE ON NOVEMBER 30, 2011.