United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, MONDAY, MAY 14, 2012 No. 68

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, May 15, 2012, at 12 noon.

Senate

MONDAY, MAY 14, 2012

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.

O God, our Father, strengthen our Senators for today's challenges. Empower them with the courage of obedience so that in doing Your will they will find peace. Give them such trust in You that they may experience setbacks without ever doubting Your providential leading. In all of their strivings, energize them with perseverance to bring each task to its appointed end. Lord, as they try to make good decisions, give them the light to see what they ought to do and the resolve to do it. May they ride out the storms of difficulties and discouragement with the knowledge that You will sustain them.

We pray in Your great 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. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 14, 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. INOUYE,
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 Ex-Im Bank bill. We are working on an agreement to begin consideration of the bill. I don't know if we can reach that, but we are trying.

At 4:30 today the Senate will proceed to executive session to consider two U.S. district judges from Maryland and Illinois. At 5:30 there will be up to three rollcall votes. The first two will be on confirmation of George Levi Russell and John J. Tharp, and the third will be on cloture on the motion to proceed to the Ex-Im Bank bill.

There was a time when legislation that would reduce the deficit and support hundreds of thousands of jobs would fly through the Senate with bipartisan support but not so anymore. Instead, a worthy measure that would support 300,000 American jobs—the Export-Import Bank—may stall in the Senate this evening. The holdup is more Republican obstructionism.

Tonight the Senate will vote on whether to end the filibuster of reauthorization of this most important legislation. The bank helps American companies grow and sell their products overseas. Last year this bank financed 3,600 private companies and added almost 300,000 jobs in more than 2,000 American communities.

The last time the Senate considered this in legislation, it was offered by a Republican Senator and it passed by unanimous consent. What that means is it comes to the floor, sponsored by a Republican, and everybody agrees and we don't even have a vote here. It is done by unanimous consent. So it is unfortunate that I had to file cloture again. I have filed cloture, cloture, cloture on so many different things. We

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

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shouldn't have to argue over bipartisan proposals such as this one. It should just pass as it has in the past. But I remain hopeful that we can find a way to work together on it.

The Export-Import Bank has the support of two groups that rarely see eye to eye—the chamber of commerce and labor unions. Today I got a letter from the National Association of Manufacturers, as did every other Senator. It says: The National Association of Manufacturers—we refer to it as NAM—the largest manufacturing association in the United States, representing manufacturers in every industrial sector in all 50 States, urges us to support the Export-Import Bank Reauthorization Act.

The Export-Import Bank of the United States—referred to as the Ex-Im Bank—is one of the only tools manufacturers in the United States have to counter hundreds of billions of dollars of export financing foreign governments offer to their exporters. In 2010 Canada, France, and India provided 7 times and China and Brazil 10 times more export assistance as a share of GDP than did the United States. The Ex-Im Bank levels the playing field for U.S. exporters by matching credit support other nations provide, ensuring that our Nation's manufacturers can compete based upon the price and performance of their products. It also enables small and medium-sized manufacturers to capture new markets in emerging economies abroad. In 2010 the bank supported more than $41 billion in export sales from more than 3,600 companies, supporting approximately 290,000 jobs here—rather than the 300,000 I said—export-related American jobs.

Denying Ex-Im reauthorization will hurt manufacturers of every size and threaten thousands of U.S. manufacturing jobs. Small and medium-sized companies are particularly vulnerable and those that receive direct Ex-Im Bank support as well as those who supply larger companies. So manufacturers urge your support of H.R. 2072, which authorizes the bank through September 2014 and provides a modest increase in its lending authority and enhances congressional oversight over the bank.

That letter was signed by one of the officers of the bank.

This legislation has Republican cosponsors. Why do we have to go through this endless procedural process? Why can't we just pass it, as we have done in so many years past? They are saying: We want amendments. Amendments to kill the bill after saying they support the bill?

The House passed this bill without amendment—I repeat, without amendment—on a 330-to-93 vote last week. But that 93 kind of says it all. Ninety-three is the mainstay of the tea party caucus in the House. They are opposed to everything, just as almost 50 percent of the Senate Republicans are against everything. That is what we have here. Even though there is outward support for this legislation, they want to kill this bill. They don't want the government to have anything to do with our lives—period, nothing—which is unrealistic in this modern world and, in fact, in any world.

This legislation is exactly the kind of smart investment Congress must make to keep the economy on the road to recovery, and it is the kind of consensus proposal that shouldn't require Democrats to have to try to break a filibuster.

When Senate Democrats brought this reauthorization to the floor previously—in fact, in March—we assumed it would pass by a strong bipartisan vote. Surprise was here—the Republicans voted against it. Nearly unanimously they voted against it in March despite their public confessions of support for it. Then a day or two after they voted no, they sent me a letter saying: We have to get this done. So they voted against it in March, and now they are threatening to do it, for different reasons this time: They don't have enough amendments. They want amendments. So they are once again forcing us to run out the clock on this measure, which expires at the end of this month.

Frankly, the behavior of my Republican colleagues over the last week has been a little baffling. They say they support our efforts to keep interest rates on Federal loans from doubling for 7 million college students. They voted the proposal down. Now, a few days later, they say they support the Ex-Im Bank, but they voted it down once and they are threatening to do it again.

With Republicans willing to use every obstructionist tactic in the book—even some that are not in the book, even on bills they support—it is a wonder the Senate gets anything done at all.

Further delay would allow the bank's lending authority to lapse, putting jobs at risk. But there is still time for my colleagues on the other side to reverse course. There is still time to work together to pass this measure.

I understand my Republican colleagues want to offer amendments to the bill. I have already said so. Their amendments generally would just eliminate the bank—not make it stronger, not lessen it a little bit, just gut the Export-Import Bank, and some just eliminate it altogether. Even if those amendments weren't egregious, changing this legislation now would only waste more time. And we have been told the House isn't going to accept any amendments. But why would we accept any amendment that gets rid of the bank?

The process of reauthorizing this bank has taken months already. There is really no reason to waste more time. American exporters are counting on us to get something done this week. So I hope my Republican colleagues will consider the consequences of yet another filibuster and join Democrats to reauthorize this Export-Import Bank without delay.

Would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At 4:30 p.m., under the previous order, the Senate will proceed to executive session.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I ask I be permitted to speak as in morning business.

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

ARREST AND DETENTION OF NAMBARYN ENKHBAYAR

Mrs. FEINSTEIN. Mr. President, for about the past week I have been very concerned and involved in a situation involving Mongolia. It is a small country. It has been a democratic country for the past 20 years. At one time it was part of the Soviet bloc but no longer.

I have talked to many people at the State Department, the Vice President's office, the chairman of Brookings, the former Ambassador to Mongolia. I come to the floor to address the situation of Mr. Nambaryn Enkhbayar, the former President of Mongolia from 2005 to 2009.

I was in Mongolia when he was President and had the opportunity to get to know him as a distinguished international statesman who, sadly, is facing so-called allegations of corruption in the country he led so well and so long. Mr. Enkhbayar, in addition to being President of the country, was previously Prime Minister and has held many other leadership positions in government over the years. As President, he designed and effectively executed Mongolia's ''third neighbor'' policy of diversifying its diplomatic and economic relations beyond the strong ties with its immediate neighbors, China and Russia.

Specifically, Mr. Enkhbayar personally emphasized relations with the United States; with our Asian allies such as Japan, Korea and Australia; and with Europe.

At the request of the Bush Administration, he dispatched Mongolian troops to fight alongside Americans in Iraq and Afghanistan, held two summits with President Bush and concluded Mongolia's Millennium Challenge pact in 2007.

Under his leadership, the Mongolian Government strengthened its international peace-keeping role with the United Nations, joined and then took a leading role in the Community of Democracies, provided humanitarian transit for North Korean refugees through Mongolia, and developed important intelligence exchanges with American counterparts.

Domestically, Mr. Enkhbayar contributed to Mongolia's political maturation with his graceful concession and cooperation after he lost his re-election bid in the 2009 presidential election to Mr. Elbegdorj, the current President of Mongolia. This smooth transition of the presidency from one party to another at that time did much to solidify the foundations of democratic politics in the country.

Sadly, the atmosphere in Mongolia has become less conducive to such fair play this year, as Mongolia approaches an important parliamentary election in June.

After retiring from politics with the end of his presidential term in 2009, Mr. Enkhbayar re-entered the public arena again this year with the formation of a third major party and the fielding of a slate of candidates, including for himself, for the parliament.

Just as the campaigning for this election was starting in earnest a month ago, Mr. Enkhbayar was arrested under charges brought by the Anti-Corruption Agency of Mongolia, an organization established while he was president.

It is important to say that building practices of good governance and challenging corrupt practices form an important benchmark of achievement for any developing democracy. We should applaud vigorous efforts to combat corrupt practices in the country. That is needed.

But it is equally important that those fighting corruption avoid a sense of involvement in such practices themselves. Certainly, to say the least, the bringing of charges against a political leader in the midst of an important election campaign is unusual.

As extraordinary as the timing of the charges, the process of Mr. Enkhbayar's subsequent arrest and incarceration was of even more concern.

Mr. Enkhbayar was ostensibly wanted for questioning, but on the evening and early morning of April 12–13, he was forcefully removed from his home by several hundred law enforcement officials and without any resistance on his part and then spirited away for confinement in a remote prison where all access was severely limited.

In incarceration, Mr. Enkhbayar suffered further indignities and irregularities of due process.

He had inadequate access to family and counsel. He reportedly received abusive verbal treatment. After initiating a ''dry hunger strike'' without liquids to protest these circumstances—which is his right under international law as a prisoner—he was denied adequate medical treatment and endured attempts to force feed him.

Only after his health was at risk, Mr. Enkhbayar was released on bail this morning so he could receive the medical treatment he so desperately needs.

It is my hope he will be well enough to continue with his campaign for parliament.

Yet I am deeply concerned that he still may be charged with corruption, allegations that have been deemed by one of his attorneys to be ''insubstantial, stale and petty.''

Our concern now should be, in the first instance, Mr. Enkhbayar's health and even his physical survival of this ordeal.

Secondly, we need to press for due process in the adjudication of his case and ensure he is afforded his full rights to a speedy, transparent and fair hearing of the charges, with full legal assistance with his defense.

We cannot be sure at this time that either of these considerations, the minimum that is owed any citizen or any human being under the rule of law in a democracy, can be secured. So I call upon the authorities of Mongolia to announce that the procedures and schedule for adjudication of his case will proceed and that President Enkhbayar will be accorded full due process rights to which he is entitled. To do less would be to reinforce fears the process employed here is politically driven and meant exclusively to remove Mr. Enkhbayar from participation in the parliamentary election now underway.

Finally, this brings me to a larger issue concerning fears for the fate of Mongolian democracy and for the now strong relationship between Mongolia and the United States. Mongolia has been rightly acclaimed for the extraordinary progress it has made in building democratic practices and institutions since the collapse of the Soviet Union 20 years ago. Indeed, Mongolia is the only successful, functioning democracy from the Pacific Ocean to Eastern Europe through the entire expanse of inner Asia. A small country, due to its achievement, has become a country of large significance on the world stage—the best argument that a free and brave people can move their country from authoritarianism to democracy in a relatively short period of time. Having done so, Mongolians have enjoyed an extraordinary degree of support and attention from the outside world, led by our country, the United States.

The Mongolian-American relationship now encompasses Mongolia's impressive economic potential as it develops its rich mineral resources with the help of foreign partners, many of them American companies with a strong interest in investment there. However, all this promise could be negatively impacted by the emergence of the practices we have seen in the case of Mr. Enkhbayar.

The chill of intimidation is felt by every Mongolian citizen, for if such treatment can be applied to a former President and still popular leader, no one is safe. And then such harsh treatment tends to bring reciprocity, and the country is in danger of falling into a vicious cycle of political score settling. For the sake of Mongolia and the future of its people, the country's leaders must step away from this risk immediately.

It is equally true that once having lost one's good reputation, it is almost impossible to restore it. There is still time for Mongolia's authorities to correct a dangerous turn of events probably no one expected or wanted. There are many friends abroad, including this Senator, who pray they will do so. Should the troubling circumstance of Mr. Enkhbayar's case continue, it would thereafter be impossible for Mongolia's friends in America and around the world in other democracies to continue speaking with the hope, promise, and optimism for the country's future with which we have for the last two decades. Much is at stake in Mongolia now. Its political leaders and people have been wise and skillful in choosing the right course in many times of challenges and crises in the past.

I call upon our friends there to help their country, their supporters, and themselves by taking the humane and lawful actions that are needed now to reclaim their reputation at the forefront of the communities of democracies. I hope it has been obvious that I speak as a friend—a concerned friend—but one who wishes Mongolia well.

Thank you very much, Mr. President.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Before I give my remarks, let me compliment the Senator from California not only on what she just said but on the remarks she made on television yesterday concerning the danger to our country when people leak information relating to our effort to defeat terrorists, which makes it all the more difficult for us to accomplish our job, and it undercuts the mission of the many men and women in the military, our intelligence services, and the civilian forces of government and, frankly, in the governments of allies that are working very hard to identify and prevent terrorism from occurring. When leaks such as this occur, it undercuts that effort tremendously. I thought the Senator from California did a very good job of pointing out how that is so and why we have to go after the people who are responsible.

Mrs. FEINSTEIN. I can't thank the Senator enough. I am very worried about this leak. I was reading the London news clips, and as the Senator knows, I chair the Senate Intelligence Committee. I believe I can speak for the leadership of both committees in saying we have not been briefed. This has been very closely held because of the seriousness of the operation. And to see what is now in the papers, which

essentially endangers the asset, puts him in fear of his life, tells our allies we cannot be trusted to carry out a mission without leaking that mission and also thereby alerting al-Qaida in the Arabian Peninsula that they need to increase their security to prevent penetration—it is, I think, the most serious leak certainly in the time I have been chairman of the committee.

I thank the Senator for raising it and for the Senator's solidarity in that belief.

Mr. KYL. I compliment the chair of the committee for her very wise remarks. I know the ranking member, Senator CHAMBLISS, is in full accord. This is a very bipartisan effort. I hope we can succeed in getting to the bottom of it.

UNEMPLOYMENT

Mr. President, I wanted to talk today a little bit about unemployment and the economy. There have been a lot of news stories—some very serious, as the one we just discussed, and some a little bit more frivolous—that I think are distracting from what I believe is the top domestic problem in the United States today, the lagging unemployment. I wish to focus on that today and what we could do about it versus what we are or are not doing about it. There are troubling economic trends, and I think maybe we can make some recommendations to the President about how we can help to get out of the ditch we are in.

Unfortunately, the administration has been claiming that the economy is continuing to heal and touting the latest jobs report, and I think that misleads the American people, and here is why: It is true that by their measure the unemployment rate has declined from 8.2 percent to 8.1 percent, but that doesn't represent progress if you look behind the numbers. If you look behind the numbers and the actual employment data, employers added only 115,000 jobs last month. That is less than the 180,000 Wall Street was expecting and, more importantly, it is less than the 150,000 jobs that have to be created each month to keep up with the new entrants into the workforce, for example, the kids graduating from college and high school who are entering the workforce. In order to keep up with that number, about 150,000 per month, the private sector has to create that many jobs to stay at zero, and if it doesn't, then we are actually getting behind.

The fact that we have had several straight months where there has been an actual increase in the number of jobs created doesn't measure the success properly. We have to measure those months where job creation was above 150,000, and in that case less than half of the months since the President has been in office have met that criteria. So we are actually sliding backward, not moving forward.

Here is another way to look at the unemployment picture: There are so many people who have given up looking for work under the Obama economy now that they don't show up in the unemployment statistics. That is why this number, 8.2 percent, actually goes down to 8.1 percent, not because there are a lot more people finding work but, rather, a whole lot more people have stopped looking for work so they are not counted in the unemployed looking for work.

In March, for example, there were about three people dropping out of the system for every one job created. Think of that. In April the rate was 4.5 dropouts per new job. So each month we are finding more and more people are simply not looking for work. They are dropping out of that group of people who wish to be employed and who are looking for work. They have stopped so they don't show in the unemployment numbers.

In fact, in the month of April, 522,000 people dropped out of the labor force. Remember, last month 115,000 jobs were created and some people thought that was great. Well, it is nice that it was 115,000 and not none, but the reality is if 522,000 people dropped out of the labor force that same month, it shows there is not much to cheer about. What that meant in terms of overall statistics was that a number that the Labor Department calls the labor force participation rate, which is how many of the people who could be working here are actually working, dropped to 63.6 percent, which is the lowest level since 1981 when we were headed into a big recession at that time. In other words, we have fewer people actually working in this country as a percentage of those who could than at any time since 1981.

James Pethokoukis of the American Enterprise Institute said:

> If the size of the labor force as a share of the total population was the same as it was when Barack Obama took office—65.7 then versus 63.6 today—the unemployment rate would be 11.1 percent.

That is why you hear people say the real unemployment rate is not 8.1 percent, it is 11.1 percent. What that means is the more people who give up looking for work, the better the official unemployment number gets, but it doesn't tell the real story. Pethokoukis also noted—and I am quoting:

> If the participation rate just stayed where it was last month, the unemployment rate would have risen to 8.4 percent!

So the unemployment rate is primarily a factor of how many people are still looking for work. And if they have given up, then they don't show in these statistics anymore. This is very troubling because it also shows that Americans do not see their situation bettering; they don't have a sense of optimism that things are getting better. There is a resignation beginning to be created here that things are not going to get better and there is no point in trying to look for work, and of course that has ramifications up and down the economy, a couple of which I will mention here.

Because there is this view that the economy is not continuing to heal, as the President said, we have got very sluggish economic growth. Back at the very same point in the Reagan recovery, the very same point that President Obama is at right now, at that time economic growth was 6.1 percent. Today it is 2.4 percent under the Obama economy.

Social Security disability claims are rising, and they are rising dramatically. What it shows is that instead of people continuing to look for work, they are filing for disability, and a lot of them are getting on disability. We have had a tremendous increase in disability claims and determinations of disability in this country. More Americans are using food stamps than at any other point in our history. One out of two recent college graduates cannot find a job or is underemployed for their skill.

I gave a commencement address on Saturday and talked to some of the students about what they were going to be doing. Most of them had something to do, but a lot of kids do not have a job even though they have spent 4, 5, or 6 years and untold thousands of dollars getting a college education.

Senator THUNE recently noted that the poverty rate among women has reached a 17-year high, and that there are nearly 700,000 fewer women working today than when President Obama took office. I don't mean to divide this into gender or any other kind of group, but the reality is that groups in this country suffer when we have poor economic growth and are not creating enough jobs. If you want to get it right down to what kind of people are having a problem, here is a situation: 700,000 fewer women working today than when President Obama took office. There are 22.8 million Americans who remain unemployed or underemployed or who are only marginally attached to the workforce. These are 22.8 million Americans who could be working productively, and if they were, our economy would be doing much better. Guess what would also be happening. People would be earning income and paying income taxes, the government would have more revenue, and we would be better able to afford all of the things the American people expect of the government.

The number of long-term unemployed has increased by 89 percent under the Obama administration. These are the people who have been out of work for a long period of time—at least 6 months and many of them more than a year. And all of this as the cost of living for middle-income Americans soars. For example, worker health insurance has gone up 23 percent, even after ObamaCare. Gas prices are now about $4 a gallon. They have doubled since President Obama took office. Home values nationwide have plunged by 14 percent in my State of Arizona, and in many places it is by 50 percent.

So instead of creating a to-do list for the Senate, as the President has done

just 6 months before the election—asking us to vote on what a lot of people call show votes and dividing the country by pitting one group against another—I urge the President to make some real steps to steady the economy and reassure the job creators.

Let me give four specific examples of what the President could do to lead and what I think Congress would be willing to do to follow.

First of all—and a couple of these things are to stop doing something that is bad. A lot of people say government can usually do best by just getting out of the way because we have a very robust private sector if it is not too tied down with government regulation and taxation. So the first suggestion I have is let's stop the largest tax increase that will automatically occur—it is the largest tax increase in the history of our country—on January 1.

Someone may say: What? I didn't hear about that.

I am speaking about the so-called Bush tax cuts. Ten years ago Congress passed these tax cuts, but they had a limit of 10 years. Actually, it was a shorter period than that. They were extended 2 years ago because the President said it would be bad for the economy if these tax rates were allowed to go up, and he was right. He was right then, and he is right today. It would be bad for the economy. It would be bad for businesses, especially small businesses. It would be bad for the American family. Yet, automatically, if Congress does not act and the President does not act, every one of the marginal income tax rates will go up. Things such as the marriage tax penalty, the child tax credit, the capital gains rate, dividends tax rate, the death tax rate—all of these combined will go up, resulting in the largest increase in the country.

When we consider economic growth, when we talk about a wet blanket or when we talk about something that will kill economic recovery, that kind of a tax increase, which means taking money out of the private sector and giving it to government, is about the worst medicine one could think of. So my hope is that the President will lead and Congress will provide the support necessary to extend our current Tax Code and to ensure we don't have the biggest tax increase in the history of the country.

I mentioned taxation and regulation. Well, regulation is No. 2. Over 28,000 pages of new Federal regulations have been added to the books in just this calendar year. Think about that—28,000 pages. We think of going to the store and buying a book of 200 pages, or 300 pages if it is a really big one. How about 28,000 pages of new Federal regulations just this year.

Bureaucracies such as the National Labor Relations Board and the Environmental Protection Agency continue to churn out rules and regulations that confuse job creators and hamper their ability to expand and hire. One example: Because of a public outcry, it was finally decided that the Department of Labor won't issue regulations basically saying that kids couldn't work on the family farm. Many of us worked on family farms. Maybe we didn't like it at the time, but we all agree it did us a lot of good. The reality is that it is not something the Federal Government ought to be poking its nose into. So there was finally enough political push-back from the FFA and the 4–H Clubs and the Farm Bureau and really everybody who was sensible about looking at it that they pulled it back. But unless the American people apply pressure and push back against this stuff, bureaucrats and the Federal Government are going to continue to figure that they can run our lives better than we can do it ourselves.

One of the biggest burdens in terms of regulations is ObamaCare. It has made the regulatory state much bigger and much more expansive. It has resulted in an estimated 58.5 million annual paperwork hours, according to the American Action Forum—58.5 million annual paperwork hours. I have talked to businessmen and I have talked to medical offices and so on, and they are going nuts trying to figure out how to deal with all of these new regulations.

The House of Representatives has passed numerous bills that would reduce the regulatory burden Washington imposes on the economy, but the President and the Senate Democratic leadership have refused to bring those to the Senate floor. So that is the second thing we could do.

It all boils down to this: We should rely more on the power of freedom than on the power of government. If we do, the American people will do the rest. So let's stop this biggest tax increase in the history of the country. Let's stop issuing these burdensome regulations.

How about the third thing: American energy. We could be one the most energy-wealthy countries in the world—if not the most—just taking advantage of our own resources. We would no longer have to be dependent on the Middle East for our sources of energy. But unfortunately, here, too, the President and Senate Democrats have repeatedly pursued tax increases on the oil and gas industries, raised the cost of gasoline, and increased our dependence on foreign oil, according to the Congressional Research Service—the nonpartisan entity that looks into these things when we ask them.

Instead of basing an energy strategy on punitive tax hikes, we think it would be better if the President would just work with us and work with the House of Representatives to expand the development of domestic resources offshore, on our Federal lands, in Alaska. We have plenty of oil and gas and we have plenty of other kinds of reserves of energy that could make this country not just no longer dependent on the Middle East but much wealthier than we are today. Part of that is just simply approving the Keystone Pipeline. This isn't even American resources; it is in Canada. They meet all of their environmental requirements. It doesn't damage the environment here in the United States. They have already done the environmental reviews for the pipeline. There are thousands of pipelines crisscrossing our country. This pipeline is not going to create an environmental problem. The President has said that the part that goes from Oklahoma down to Texas is fine with him but not the part that requires EPA's go-ahead.

So that is the third thing. Let's have an energy policy that takes advantage of what we have, including approving the Keystone Pipeline.

Finally, what the President and our Democratic friends here in the Senate could do is to join the House of Representatives and clear the deck of all of the legislation that has been piling up here on the Senate floor that isn't getting done that we all know has to get done before the end of the year. These are not optional. This is our homework. This is stuff we have to do, and it is all being put aside for the lameduck session.

The lameduck session is the time in between the election when new Members of Congress have been elected and the time they are sworn in—essentially at the end of the first week in November to the first week in January. I will be a lame duck; I am not running for reelection. I would rather the new Senator from my State make the decisions about the future of the country, but because all of these things are piling up, I will be one of the people here making these decisions for the future of our country. I don't mind being here, but it will be very bad for the country to pile up all of these things and expect to get them done smartly in the 5 or 6 weeks that surround Thanksgiving and Christmas.

What are some of these things? First of all, just funding the government—the appropriations bills. Nobody expects we are going to complete work on all of the appropriations bills to run the government, as a result of which we will have to, at the end of the year, pile a whole bunch of bills into what have been called Omnibus appropriations bills—''omnibus'' meaning we throw everything into the same pot. The problem with that, coupled with the fact that the Senate hasn't approved a budget in 3 years and won't approve a budget this year, presumably, is that nothing is prioritized; it is just basically a continuation of the spending from years past. So we are not making the critical decisions about dropping this and adding this that would provide more sensible funding of our Federal Government. So that is the first thing we ought to be doing, and that leads me to the second thing.

We have been borrowing so much money that it is very clear we are going to once again run up against the

debt ceiling. We have borrowed so much that we have to increase the debt ceiling in order to pay the money we have borrowed. Nobody likes to do it. Nobody likes to say they voted to increase the debt ceiling. Well, then, why vote to incur the debt in the first place? Oh, we have no trouble doing that—at least some Members in this body and in the House don't—but the reality is that when those people have incurred that much spending, we have to pay the debt, and that means the debt ceiling has to be raised. When will this come to pass? Right after the election. We wouldn't want to take it up before the election. It might remind the American people about how much—too much—we are spending. Forty cents on every dollar we spend in this country we had to borrow. So the debt ceiling is something we are going to have to deal with.

Here is one of the biggest of all: sequestration. We agreed in the Budget Control Act last year that we would save about $1 trillion over 10 years on discretionary spending and we would try to save another $1.5 trillion in mandatory spending—the so-called entitlement programs that are really costing us big bucks, including Medicare, Medicaid, and Social Security, and there is a whole variety of other programs that are included in entitlement spending. Nobody is talking about ending these programs as we know them. What politician is going to call for an end to Social Security or Medicare? That is not what we are talking about. We are talking about effectuating savings. There is a huge amount of waste and fraud and abuse that everybody acknowledges. We could save billions of dollars in all of these programs, and we need to do that.

We need to save $1.2 trillion, which is the actual amount required by law, over 10 years. When we subtract interest, that comes out to about $908 billion or $918 billion—I have forgotten which—each year. So some of us have introduced legislation to pay for this $900-plus billion for next year, to offset with spending reductions the cost of this sequestration. ''Sequestration'' is a fancy word for across-the-board spending cuts. Half of them go directly to the Department of Defense, and the other half are spread all across the other programs in our budget, from education, housing, you name it. Well, does it make sense to just take a meat ax and lop off the top 10 percent or top 12 percent or whatever it might be of the spending in all of these different programs? Would we want to buy four-fifths of an airplane in the military? Does that make sense or does it make more sense to save $10 here so we can spend $10 over here? Obviously, it makes more sense to do that.

Everybody assumes that somehow we are going to avoid sequestration in the lameduck session of Congress. Who is doing anything about it? Well, some of us have introduced legislation. Also, we hope that this week in the House of Representatives they will be able to amend the Defense authorization bill by adding a provision that says the numbers in that bill assume we have resolved this sequestration problem as a way to begin negotiations so we can find a solution that both Houses will agree to and both political parties will agree to. This shouldn't be partisan. Everybody loses if sequestration occurs. So let's solve that problem, and let's solve it before we get to the lameduck session. That is the third thing we can do.

Everybody familiar with our Tax Code knows there is a fourth thing. We have something that happens each year. There are 60 provisions in the Tax Code that expire every year. We have to renew them, and we do, so let's get about it. They have already expired. These are the so-called tax extenders—extending certain provisions of the Tax Code that everybody wants to see extended. They have already expired. We need to do it retroactively the first of the year. Everybody knows we are going to extend most of them; maybe we won't do all of them. We need to do that, so why not? Let's get that done.

We know there are other things that are occurring. There is something called the doc fix. Each year we have to figure out how to pay the doctors who take care of Medicare patients. It costs a lot of money. If we don't pay them, we are not going to have any doctors who will take care of Medicare patients. So it is always a dance: Well, we have to figure out how to pay the doctors. The reality is that if we don't pay them, then we only have ourselves to blame when our senior citizens can't find a doctor to take care of them when they need that care.

There are others as well. The payroll tax holiday expires, and there are many others we need to do as part of our business as Representatives and Senators. This isn't optional. These have to be done to keep the government running, the things we promised our constituents in legislation that we would do.

So another suggestion is let's start working on these big problems. Many of us who will be in a lameduck position are putting a letter together to our leadership asking them to please tackle these big problems. We should not be voting on a lot of these things. We should be done as of the end of the year. But if we have to, we will. It is not that we are not ready for the work. It is that these things should be done before the election.

This is my last point. You ask, why, if these are things we are supposed to do—the appropriations; dealing with the Tax Code, because it will automatically have a big tax increase if we do not; the sequestration; the debt ceiling; paying the doctors—if we have to do all of these things, why are we putting them off?

Well, here is the dirty little secret. Because if we actually tackled them, we would have to make some tough decisions. If we made tough decisions, we would have to take votes. If we take votes, those votes are going to be on the record. And if those votes are on the record before the election, our constituents will know what we think and how we act, and some of them may not like it.

So we do not want to be on the record, some of my colleagues say. Again, it does not bother me; I am not running for reelection. We do not want to be on the record before the election. It is a little bit like when the President leaned over to then-President of Russia Dmitry Medvedev and he said: Look, after my last election, I will have a lot more flexibility to deal with these issues. You tell Vladimir.

Well, after the election it is too late. The people have cast their ballots. Shouldn't the politicians be willing to say before the election what they stand for? And instead of making campaign promises, how about taking votes on real issues so the American people know where they stand? Then they can make an informed judgment: I like this person over that person because I like the way this person voted or I do not like the way that person voted.

That is what democracy is supposed to be all about. You make the tough decisions. You stand for election. The people either say yes or no. Then, by the way, they hold you in account. After you are elected, they continue to watch how you vote to decide whether they want to vote for you again. But in this day and age, we are playing hide the ball from the American people: Let's do not bring anything up until after the election. That way the American people will not see how we feel about these things.

Some of these are tough votes, I acknowledge. It is hard to figure out how to effectuate savings. If you have to come up with $100 billion in savings over 10 years, something has to go. So you cannot promise everything to everybody. You actually have to find $100 billion in savings somewhere.

Senator MCCAIN and I and Senators CORNYN and AYOTTE and RUBIO and GRAHAM and some others have introduced legislation to say: Here is how we would do it. If somebody has a different way of looking at it, tell us.

I will tell you the way we would do it. You can save $100 billion by doing two things. When people leave government employment, instead of hiring somebody to replace them, we would hire two people for every three who leave. The Bowles-Simpson Commission says only hire one for every three who leave. So we are being a lot more liberal than Bowles-Simpson. We say, every time three people leave the government, let's only hire two back. I bet we could get by as a country doing that. The other thing is, the President froze increases in Federal salaries, and we would simply extend that freeze through the middle of 2014.

There are other ways to do it. There are hundreds of billions of dollars to be

saved. If you have a better idea, we are all for it, but at least come up with something and do not be afraid to vote. The American people are pretty smart. They get this stuff, and they know there is no free lunch. They know that government costs money, and they know you cannot save money by continuing to promise everything to everybody.

I urge my colleagues on both sides of the aisle, the leadership in both the House and the Senate, let's get serious about this. First of all, let's not raise taxes. Let's reduce regulations. Let's have a real energy policy. Let's get our work done—the work we know has to be done. And let's get it done as soon as we can. That would give families and businesses the knowledge of how to plan for the future. That would help them understand what they have to deal with and not have to incur this huge uncertainty, which is so much of a drag on our economy today.

These are four constructive suggestions. There is a lot more we could do. But when our economy is in as bad a shape as it is right now—and it is not getting much better; we have this many people not even looking for work anymore—we need to do something more than be out on the campaign hustings talking small ball and trying to blame it on the other side.

Let's get to work, follow these four ideas, and I think we could make tremendous progress to get our country moving again. Frankly, if we did, I think the American people would reward us. They would say: Thank you. Thanks for finally doing something. That is what we sent you there for, and we will reward you for it. So ironically, good policy turns out to be good politics. I think we need a little bit more good policy.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. JOHNSON of Wisconsin. Mr. President, I ask unanimous consent to enter into a colloquy with my colleagues for up to 30 minutes.

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

THE BUDGET

Mr. JOHNSON of Wisconsin. Mr. President, by now, it should come as no surprise that the Senate has not passed a budget in over 3 years. I believe it has been 1,111 days. When I go to back to Wisconsin—and I think it is probably true of my colleagues—the people of Wisconsin, and I think the people all over America, want us to work together and solve our debt and deficit issue. Since I have been here, the Republicans have fulfilled the responsibility to show what the plan is for stabilizing our debt and deficit. The House passed a budget in the last 2 years, but the Democrats in the Senate have not. It is because they simply refuse to be held accountable. That is a real shame.

I realize the American public wants us to work with each other, but my suggestion is that the first individuals who need to work with each other, the first compromise that needs to be done is with our Democratic colleagues in this Chamber. They have 53 percent, and they only need 51 to pass a budget. They need to get together and work together, and they need to hammer out a compromise and pass a budget. The way that we get together and compromise in the entire process is the House budget would be presented with the Senate budget, we would do a conference, and we would have a process for being able to compromise. That is the basic minimum of what I think needs to be done in the Senate.

One point I want to make is that President Obama has made a number of promises during his administration, and one I will talk about now is on February 23, 2009. In his opening remarks to the fiscal responsibility summit, the President stated:

> Today I am pledging to cut the deficit we inherited in half by the end of my first term in office. This will not be easy. It will require us to make difficult decisions and face challenges we have long neglected. But I refuse to leave our children with a debt that they cannot repay, and that means taking responsibility right now in this administration for getting our spending under control.

I point out that when he made those remarks, the most recent estimate for what the deficit would be in fiscal year 2009 was put forward by CBO on January 7, 2009. They were estimating that the deficit for that year would be $1.186 trillion or 1.2 rounded up. Half of that amount would be $593 billion. That is the promise President Obama made to this Nation in terms of the work he would put in and what he would deliver to our Nation in terms of deficit control.

The facts are far different. In 2009, largely because of the very partisan stimulus package the President passed, the deficit wasn't $1.2 trillion, it was $1.4 trillion. That was followed in 2010 by $1.29 trillion. Then in fiscal 2011, it was $1.3 trillion. The latest CBO estimate for deficit for this year will be $1.253 trillion, almost $1.3 trillion. That is double what the President promised he would be delivering to the American people in terms of deficit control.

Moving forward, this President in his budget is projecting increasing our debt from $15 trillion to over $25 trillion. I am not sure that is believable. The other quote of his was on September 26, 2011, in remarks at a DNC fundraiser in San Diego when he was trying to sell his Americans Job Act. He said the following:

> What I have said is that this is a very simple principle that everybody should understand. Warren Buffett's secretary should not pay a lower tax rate than Warren Buffett. A teacher making $50,000 a year, or a firefighter making $50,000 a year, or $60,000, should not be paying a higher tax rate than somebody making $50 million a year. And that basic principle of fairness, if applied to our Tax Code, could raise enough money that not only do we pay for our jobs bill—

And here is the key quote:

> —we would also stabilize our debt and deficits for the next decade.

Mr. President, I don't know what you call that last statement, but I think it could be called a doozy. I think the President has a very serious responsibility not to mislead the American public. I think that statement was a gross violation of that duty.

I have one chart here, a simple one. It shows the 4-year deficit figures for the last 3 administrations. Here's Bush's first 4-year administration, which is a $.8 trillion total deficit in 4 years. In the second 4 years, it is $1.2 trillion in deficit spending. This President will accumulate $5.3 trillion in deficit spending in his 4 years. Four years of the Buffett rule—that tax President Obama said would stabilize the debt and deficit—would be $20 billion. I realize the people in the gallery probably cannot see that line on the chart, but it is obviously not enough to stabilize the debt and deficit.

I think the President has the obligation and duty not to mislead the American public. That is what he did in this case.

Senator CORKER has been a real leader on this issue in terms of being a real hawk in trying to get our Nation's fiscal house in order. I wonder if he has any comments.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Mr. President, I appreciate the Senator's comments, and I see the Senator from Texas and the Senator from Wyoming here also.

Look, I think the No. 1 responsibility we have in the U.S. Senate is to pass a budget and to lay out for the American people how we are going to spend the resources that come in. The last time we passed a budget was 1,111 days ago, and we spent over $10 trillion of the U.S. taxpayer money during that time.

To be honest, I have quit voting for any spending bills—any spending bills—until we come to a point in time where we at least lay out for the American people how much of their money we are going to spend and what we are going to spend it on.

Again, each year we have $3.5 trillion to $3.6 trillion being spent by the Federal Government with no plan. I am embarrassed for this body, candidly, that we have not even tried to take up a budget. I know that the committee itself began to take one up a few weeks ago, and the chairman was asked not to do it because it made no sense to do a budget at this time. Thankfully, the Parliamentarian ruled in this body that it was appropriate for us to take up a budget. Again, I cannot imagine a greater shirking of our responsibility than to not lay out to the American

people exactly where their dollars are going.

What worries me most is that this is the greatest transference of wealth from these pages—from their generation to my generation—that has existed in modern history in this country. There is a tremendous transference of wealth as we do not deal with the issues of Medicare, Medicaid, and Social Security. What we are doing is actually piling up tremendous amounts of indebtedness so that the people of America will like us more as politicians, as we don't make difficult decisions and don't have to wrestle with the fiscal issues that we have as a Nation.

This is the thing that is ailing Western democracies around the world. We are seeing this play out, obviously, in Europe right now, as citizens are rising up in protest over having to deal with the tough issues of the day. There has been this grand bargain in Western democracies—ours being one—where politicians have given citizens what they wish without asking them to pay for it.

I think we all understand that this is up now. We have a dilemma in this Nation. We have a dilemma around the world right now because of our inability to deal with this issue. So in the process, what we are doing is basically transferring wealth from that generation to my generation. It is absolute generational theft. I think it speaks to the greatest vulnerability we have as a Nation.

If you speak to all of our national security analysts or you speak to anybody in this body, we know our greatest threat is not what is happening in China, it is not what is happening in Iran, it is not what is happening in Syria, but the greatest threat to this Nation is us, ourselves. For some reason, this body has chosen to totally shirk our responsibilities as they relate to dealing with this issue.

I know over the next couple of weeks we are going to have the opportunity to vote on some budget resolutions. I agree with the Senator from Wisconsin. I hope there will be at least some way this body can come together and present a budget for debate. If not, I know there will be alternatives put forward. Again, this is the greatest threat to our Nation; that is, our inability to show the kind of discipline we need to show as a Nation. Our country's greatness is dissipating as we continue to shovel this under the rug and not deal with it. I do hope the Senate at some point soon will rise and deal with the major responsibilities we have in this Nation, and that is putting our country on sound footing.

I will close with this. I don't think there is anything we can do that would cause our economy to lift off more quickly than for people in this Nation and around the world to know that we actually have dealt with progrowth tax reform and entitlement reform, and passing longer term budgets and discretionary caps that would put this Nation on sound footing. I believe the economy would take off. I hope that is what we rise to do before the end of this year.

I yield the floor for my colleague and great friend from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Tennessee. It is interesting, because there are four of us on the floor right now—the Senator from Wisconsin, the Senator from Tennessee, the Senator from Wyoming, and myself. We have one thing in common. Every one of us has run a business. Every one of us was in business before we came to the Senate. So we know when we are talking about new taxes—which is all we hear from the administration—that is not going to help this economy grow, because our small businesses are scared to death out there.

I know because I have heard the Senator from Tennessee and the Senator from Wisconsin, who came straight out of a business and who ran for the Senate because he was so frustrated in business—we know that small business people out there today are looking at the increased taxes that are already in place with the Obamacare added taxes and surtaxes that have already been passed by the Democrats in Congress, without one single Republican vote. Those taxes are already on board to increase, plus you have the fines they are facing if they don't have the government-prescribed plan for the Obama health care plan. They are going to have to pay fines on top of the surtaxes to pay for the bill they are not going to be able to use. Then they are looking at the regulations that are coming out of this administration and saying: And Congress wants to spend another trillion dollars this year?

Every one of us knows we are looking at hitting the debt ceiling again—over $16 trillion—this fall, because this administration will not even consider lower taxes and lower spending levels. So I look at all of us on the Senate floor right now who have been in business, who have run a business, who have met that payroll, who have met the regulatory environment, and I think: Why on Earth don't we listen to the small businesspeople of this country and in this body and do what they do every year—pass a budget?

The Senator from Wyoming is here, and I would just ask if he has an idea of when was the last time the Senate passed a budget resolution.

Mr. BARRASSO. Well, I would tell my colleague from Texas, who has been a leader in this fight asking for a budget, demanding a budget, as of today it has been 1,111 days since the Senate passed a budget, in spite of the law that says they must do so by April 15 of each year. So April 15 came and went this year, as it did last year and the year before, and yet there is no budget.

So I look to the leadership of the Senator from Texas, who knows how the hard-working families in her State and the hard-working families of my State resent the fact that Washington refuses to be accountable. The Democrats in this body refuse to be accountable to the American people.

All the American people are asking for, in my view, is value for their money. They want to make sure the money they send to Washington is being spent effectively and efficiently, and they are actually getting value for their money.

I assume that is what my colleague is hearing from Texas as well.

Mrs. HUTCHISON. Well, of course. And the spending issue is very interesting. I look to my colleague from Tennessee, who is really one of the deficit hawks in the Senate, and when I look at the statistics that are being put out about the entitlement spending, the entitlement spending today is over 50 percent of our spending every year—mandatory spending. In 10 years it is going to be 75 percent of the spending in this country.

So I would ask my friend from Tennessee—because he has been pure on this issue, being the deficit hawk he is—how would we be able to solve the spending problem of this country without addressing Social Security, Medicare and Medicaid—mandatory spending—which will be at 75 percent of the budget in 10 years if we continue at this rate?

Mr. CORKER. I know the Senator from Texas spends a tremendous amount of time on appropriations issues and knows a great deal about this, and she knows more than me if we wiped out all discretionary spending—which this year will be capped at $1.47 trillion—we still wouldn't wipe out the budget deficit.

So the Senator is absolutely correct. We could do away with all defense spending, all educational spending, all research and development, and we could still not cause our budget not to have a deficit. Let me give a stat—and I talk about this a lot back home, and I am so glad the Senator has given me this opportunity.

The average American worker earns $43,500 today. So in a two-wage-earner family, that is $87,000. Over their lifetime, in today's dollars, that family will pay into the Medicare Program $119,000, and that includes the part the employer pays on their behalf. So between what they pay in and the employer—and the Senator from Texas has been an employer before and knows about paying the Medicare taxes into the system—that combined amount of money for the average American family is $119,000 in today's dollars. That same family, if they retired, would take out of the system, over their lifetime, $357,000. Now think about that. That is in today's dollars. Again, $119,000 going into Medicare on their behalf and $357,000 coming out of Medicare.

I think most people in this body—even people who haven't been in business—realize we cannot make that up

with volume. Yet volume is on the way. There are 20 million more Americans over this next decade who are going to be part of that same formula—$119,000 in and $357,000 out.

I have been quoting these stats every year, and the numbers get further and further apart every quarter.

Mrs. HUTCHISON. I want to ask the Senator from Tennessee, because he brought this up, not only is it so clear there is more going out than coming back in, what would he say to the fact we also—not we, because he, along with myself and the Senator from Wyoming—voted against the Obama health care bill, but interestingly, with those numbers the Senator just quoted, that bill cuts $500 billion more out of Medicare to pay for that overdraft the Senator is talking about. He was talking about a generational change as well. Oh, my goodness.

Mr. CORKER. Mr. President, $529 billion, to be exact. The Senator from Wyoming has brought out over and over the unsustainable growth problem we have, meaning every year we come to this cliff with physicians—and he is a physician and used to practice on a daily basis—and instead of dealing with that issue over a decade, which would have cost about $300 billion, instead, we swept that issue under the rug and took the full $529 billion to help create this entitlement.

I think most people in this body know there is no way this bill is going to work the way it is laid out; that the costs are going to be substantially more because in a free enterprise system, people act on their own behalf, in their own self-interest. The subsidies are so high for families up to $88,000 a year, the penalty is so low, what is going to happen is we are going to have millions and millions of people out on this program far beyond the projections that have been laid out.

So anyway, because we are talking about Social Security and Medicare, all of us want it to be solvent. That is what we want to see. We want to make sure Medicare and Social Security are here for generations down the road. But we all know—the Medicare trustee has said so—it is going to be insolvent by the year 2024.

One way to do deal with it is to put our heads in the sand and just let it happen in the years after we are gone, let it happen to the good citizens of this country. Another solution is to recognize: Hey, this is a big ship, and we need to turn it a little in another direction so these young people sitting in front of us don't have to carry the tab.

Mrs. HUTCHISON. I am so pleased the Senator from Tennessee brought that up because there is a way for us to at least fix one of the entitlements in a relatively painless way, and that is Social Security. It is going to have a few changes that some people will not like, but it could be so gradual if we do it now. We could simply raise the age 3 months a year.

In the bill I have proposed—and there are others that are equally as good, although none of them have been taken up—it would say: If you are 59 years old, you wouldn't have any change at all. If you are 58, you would retire 3 months later. So it would be very gradual. If we do that, and adjust the cost-of-living increase, we would not have to raise any social security taxes, we would not cut the core benefits at all, and we could gradually ease into a system that would be solvent for 75 years. Then our elderly, who need Social Security, will have it there.

That is a proposal on the table now. But what is happening in Congress? And where is the leadership from the White House? Nothing. Nothing.

I am going to turn to the Senator from Wyoming because he is one of the two actual physicians in the Senate, and he knows more about the Obama health care system. When we look at what the Obama health care system is doing to Medicare—cutting it $½ trillion—and then this Social Security issue we have discussed, the overall Medicare issue the Senator from Tennessee addressed, and what the Senator from Wisconsin has brought out in his charts—and he has been the real hands-on, most recently experienced small businessperson—I would ask the real doctor in this body: What is going to happen if the Supreme Court doesn't save America by throwing out the individual mandate on constitutional grounds and we actually have the implementation of ObamaCare, with the taxes and fines that are going to come in on January 1 of next year if we don't act? Where are we going to be in health care in this country?

Mr. BARRASSO. I would tell my colleague and friend from Texas, who is a wonderful student of this as well, this health care law is bad for patients, it is bad for providers—the doctors and nurses who take care of those patients—and it is terrible for taxpayers, who are going do get stuck footing the bill. So it is not a surprise this administration doesn't want to come to the Senate, is embarrassed to come to the Senate with a budget, because they know the American people would be so offended by the irresponsibility and the nature of such a budget.

That is the situation we find ourselves in now. As both my colleagues have said, they took $500 billion from Medicare—and not to save Medicare, not to strengthen Medicare—to start a whole new government program for someone else. That is why when I travel the State of Wyoming and I talk to seniors, they say they don't like this health care law. It is why the health care law is even more unpopular today than it was the day it was passed.

But I do notice our colleague from Wisconsin has a new chart I am trying to read from here, and so I will ask if he could share with us what is on that chart so that everyone gets a chance to see it and hear the explanation.

Mr. JOHNSON of Wisconsin. I thank the Senator from Wyoming. I came prepared with charts, and a number of things that have already been mentioned by my colleagues I am ready for.

We are talking about the true cost of the health care law. When this was passed—and I actually grossed up these figures because they actually netted out—the savings of Medicare with new spending in Medicare, the way ObamaCare was originally going to be paid for was about $1.3 trillion to cover about $1.1 trillion in outlays. That was split up in basically two ways: about $590 billion in taxes, fees, and penalties, and then $665 billion in reductions in Medicare, Medicaid, and Medicare Advantage.

Now, we have not imposed the $208 billion of the doc fix, the sustainable growth rate formulas, because even Washington realized if we reduce payments to providers, there will be less access for seniors. So I guess I don't have any reason to believe those cuts in Medicare will actually occur.

If we move the budgetary window forward to the timeframe when ObamaCare truly kicks in—because, initially, by the way, we had 10 years of revenue and only 6 years of outlays. But really we only had 4 years of full outlays. If we move the budget window forward, the true cost of ObamaCare over a 10-year window is $2.4 trillion, and that is a very minimal estimate. That is very conservative. If we don't impose Medicare cuts, and we only grow the taxes, fees, and penalties—about $816 billion—that leaves a $1.6 trillion deficit risk over 10 years.

We are talking about these deficits now that for 4 years have been $1.4 trillion, $1.3 trillion, and $1.3 trillion, $1.3 trillion. We are trying to close a $1.3 trillion deficit with about $1 trillion worth of discretionary spending. The other graph I had—and this plays into what the earlier part of the conversation was—reflects the 1960s, when 68 percent of our expenditures were appropriated. They were under some control in Congress. And 32 percent were the mandatory programs and interest. Currently, about 36 percent of government expenditures are appropriated and 64 percent are basically off-budget, on automatic pilot.

As the Senator from Texas pointed out, 10 years forward, only about 25 percent of our Federal budget will be appropriated—will be discretionary spending. Everything else is on automatic pilot. That is simply not sustainable.

The last graph I want to put up—and we haven't talked about this yet—reflects what I really fear. If we take a look at the average borrowing costs for the United States from 1970 through 1999, when we were a far more creditworthy nation, our debt's GDP ratio ranged from about 40 percent to 67 percent. Our average borrowing cost as a nation was 5.3 percent. Over the last 3 years, from 2010 to 2012, our average borrowing cost has been 1.5 percent because we have held rates artificially low.

If we just revert to that mean, that would actually be a 3.8-percent differential. Applied to our debt, that would be $600 billion to $700 billion per year in additional interest expense. Compare that to $1 trillion worth of discretionary spending, and that would totally wipe out the defense budget, for example, or if we maintain the defense budget, it would wipe out all discretionary spending.

That is what we need to be concerned about. That is the day of reckoning I am concerned about: when creditors from around the world take a look at the United States and say: You know what. I am not going to loan you any more money. What is more likely to occur is they will say: I will loan you more money but at a far higher interest rate.

I know the Senator from Tennessee is fully aware of these types of figures.

Mr. CORKER. I would say to the Senator from Wisconsin and everyone, that is an outstanding chart, and I like the one before it even better. But the fact is that it is so easily known, the illumination is so bright that we have a major fiscal issue in this country, and we are watching how that can play out and be so destructive to people's lives right now in Europe as they try to deal with these issues.

Our Nation is so large and the economy is so big that there will not be anyone to come to our rescue such as we are seeing play out in some of these other countries. And for us to see what is happening and to know we are participating in this—we are participating in this because spending here in America is on auto pilot. We are going to spend $45 to $47 trillion of the American people's money over the next decade. We have not a single document in place to lay out how that is going to take place. I think it is incredibly irresponsible.

It would be an embarrassment to me if I had some ability to run this place and to know that we had no budget and yet we know the calamity that is going to occur if we do not deal with this issue. We understand it full well, and we are doing nothing about it. Instead, we are dealing with all kinds of issues that are all about elections and whether one side can make the other side look bad and is this going to make a tough vote for somebody else, instead of dealing with our No. 1 responsibility.

I am hoping that somehow at least 60 folks in this body will be willing to pass a budget to then create a conference between the House and Senate so we can take a major step toward living up to our financial obligations as a country.

I thank the Senator so much for organizing this today.

I yield the floor.

Mr. JOHNSON of Wisconsin. The Senator from Wyoming looks as though he might have another concluding comment.

Mr. BARRASSO. I just want to thank my colleagues who are here today sharing their time and their insight. They have a lot of insight because they have run businesses, they have worked to actually meet a budget and live within a budget, have dealt with government regulations. And the Senator from Texas was talking about these regulations. They are burdensome, they are expensive, and they are time-consuming. It is hard to budget when you don't know what to expect. That is what the American people who create jobs and who work jobs need—some predictability and some certainty so they can make wise decisions. And when you have a Congress led by the Democrats in the Senate who do not pass a budget, the predictability isn't there, the certainty isn't there. There is so much confusion and uncertainty that people have a hard time making the longer term decisions.

To my colleague from Wisconsin, I know that is what I saw in my medical office, and as I talk to my colleague, I know they have the same situation in Wisconsin.

I thank my colleague from Wisconsin as well as my colleagues from Texas and Tennessee for their leadership and their continued efforts to try to get the Democrats in this body and this administration to pass a budget, which by law they are mandated to do. Yet, even today, now we are at 1,111 days without a budget. To me, that is inexcusable.

Mr. JOHNSON of Wisconsin. I appreciate those comments.

I will conclude.

There really are two plans on the table right now. One is from the House Republicans. It actually passed the Chamber. Republicans were willing to put their votes to a budget. Republicans are willing to be held accountable. Of course, the other plan would be the President's budget, which last year lost in this body 0 to 97, and his current budget lost in the House 0 to 414. So I guess you can say that is a plan that doesn't sound like a particularly serious plan.

So I join my colleagues, and I thank the Senators from Texas and Wyoming and Tennessee for joining me. I would join them in asking this body to please exercise your responsibility, own up to your duty, and let's pass a budget.

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

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

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Arkansas.

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

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

CONGRATULATING JOHN PAUL HAMMERSCHMIDT

Mr. PRYOR. Mr. President, my colleague and I would like to extend a special birthday greetings to former Congressman John Paul Hammerschmidt. So with the President's approval, I will turn it over to Senator BOOZMAN and let him lead off.

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

Mr. BOOZMAN. Mr. President, it is a pleasure to be with the senior Senator from Arkansas discussing somebody for whom we both have a great deal of affection; that is, the former Congressman of the Third District of Arkansas, the district I used to represent. Congressman Hammerschmidt represented the district for 26 years, and he just recently celebrated his 90th birthday on May 4.

John Paul has led a life dedicated to public service. In fact, that is truly an understatement. Along with that, he served as a combat pilot during World War II and is part of the ''greatest generation.''

Once he returned home to Harrison, AR, he ran the family lumber business while spearheading efforts to create a two-party political system in the State of Arkansas. John Paul helped mold the political landscape of the State of Arkansas, and he never lost sight of the reason why he was doing that and why he worked so hard to provide a two-party system, that being the people of Arkansas.

By the time he was elected to Congress in 1966 as the first member of his party to represent Arkansas in Congress since Reconstruction, John Paul had a reputation of working to help others. He did that for 26 years as a Member of Congress. By the time he retired, he was the ranking member of the House Transportation and Infrastructure Committee. He served in Congress with the same enthusiasm that propelled him into office and was well respected by his colleagues on both sides of the aisle for his strong work ethic, approach to getting work done, and his responsiveness to constituent service.

Eleven years ago, when I was a newly-elected Member of Congress who also represented the district John Paul used to represent, he gave me advice that I continue to follow; that is, the key to good governing and the key to good public service is that, once elected, there aren't any more Republicans, there aren't any more Democrats—there are just the people of Arkansas and the people of America, and we need to take care of them.

His words ring as true today as they did 11 years ago. His efforts to work with his colleagues in both political parties benefitted Arkansas and America and show what it truly means to be bipartisan. Despite being in the House minority, he was able to achieve much success in Congress because he recognized that the key to good governing and good public service is that you treat everyone fairly and set aside political differences. This ideology allowed him to be influential in a variety of different areas. He is credited with securing improvements for roads and infrastructure projects, including Interstate 540 and the Northwest Arkansas Regional Airport, protecting the Buffalo River under the designation as a national river, and setting the

example of exemplary constituent service that we strive to continue today.

He is showing no signs of letting his age slow him down by any means. He continues his service on numerous boards and for organizations with the same vigor he demonstrated throughout his career. John Paul played an important role in our State's history, and he is still continuing to play an important role in our State's history. He also was an important influence on me, as he was to so many others in Arkansas. I consider him a friend and a mentor.

I recall the first time that I was in Washington being sworn in, in 2001. He took my brother and me to the Members' dining room. It was a very special time, and just his hospitality to all of us throughout the years was so gracious. I appreciate very much his advice and friendship.

John Paul is able to leave his fingerprints on projects important to Arkansas through his hard work, dedication, and commitment. He never forgot about the people he was sent to Washington to represent, and we are truly grateful for his tireless efforts to represent the people of Arkansas.

Mr. PRYOR. Mr. President, John Paul Hammerschmidt is 90. There are many colleagues here in this Chamber, who serve in this body today, who worked alongside him either during their service in the House or when they were in the Senate. He is one of the Arkansas greats. He served northwest Arkansas, which is the Third Congressional District, 26 years in the Congress. Looking back at his career, John Paul once said, ''The only reason people should be in public office is to purely serve other people.'' Indeed, he set the bar for constituent service—from delivering a Social Security check to a senior bogged down in bureaucracy or fighting for disability benefits for a veteran. Today, each of us in Arkansas congressional delegation tries to emulate his legendary casework management.

One of John Paul's most significant contributions was preserving the Buffalo River as a free-flowing stream. According to the Pryor Center for Arkansas Oral and Visual History, John Paul first floated the Buffalo at age 12 after taking wood from his father's lumberyard to build himself a boat. Nearly 40 years later, he established the Buffalo as the first National River. This was not an easy achievement, but one that was built with persistence and through relationships within the community. Today, tens of thousands of Arkansas families, including mine, enjoy floating the Buffalo National River.

John Paul also used his time in Congress to help northwest Arkansas expand its infrastructure to keep up with the region's fast growth. It is one of the fastest growing sections of the country. As a member of the Public Works Committee, John Paul was credited with securing bipartisan support on key infrastructure legislation. We could use a little of his magic today. You can't go far in northwest Arkansas without seeing his impact. We have the John Paul Hammerschmidt Highway, an access road to Carter Field near Rogers, an industrial park at Diamond City, JPH Plaza, the John Paul Hammerschmidt Business and Conference Center at North Arkansas College in Harrison, John Paul Hammerschmidt Lake at Fort Smith and the JPH Federal Building in Fayetteville.

Upon John Paul's retirement, former Congressman, Commerce and Transportation Secretary Norman Mineta spoke on the floor of the House of Representatives, saying:

> There is no individual in the House who is more loved and respected than John Paul Hammerschmidt. His honesty, gentleness, decency, and integrity are second to none. Don't be swayed by his quiet manner, because underneath is a man with strong convictions, a sense of purpose, and a keen desire to get things done.

It is fair to say that John Paul never actually retired. He remains involved in many civic organizations, including the Northwest Arkansas Council and March of Dimes. Higher education continues to be a priority. John Paul serves on not one but two boards of trustees—the Board of Trustees at the University of the Ozarks and he is a Trustee of Arkansas State University.

John Paul Hammerschmidt has spent decades serving others and giving back to his community. I am pleased to have this opportunity to pay tribute to all he has achieved so far and to wish him a happy 90th birthday and many more years of health and happiness.

Mr. President, I yield the floor. I suggest 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 Vermont.

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

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

NOMINATION OF GEORGE LEVI RUSSELL III, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND

NOMINATION OF JOHN J. THARP, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

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

The legislative clerk read the nominations of George Levi Russell, III, of Maryland, to be United States District Judge for the District of Maryland, and John J. Tharp, Jr., of Illinois, to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes of debate equally divided in the usual form.

Mr. LEAHY. Mr. President, I ask unanimous consent that the time run until 5:30 p.m. on the nominees, which would be approximately 50 minutes, but that time be divided in the usual form.

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

Mr. President, last week, 5 months into the year, the Senate finally was allowed to finish clearing the backlog of 19 judicial nominees who were needlessly stalled since last year by Senate Republicans. Today the Senate is being allowed to consider two of the 19 judicial nominees now awaiting final Senate action. George Levi Russell is nominated to fill a judicial emergency vacancy in the U.S. District Court for the District of Maryland and John Tharp to fill a judicial emergency vacancy in the Northern District of Illinois. These nominees have the support of their home State Senators and were reported 3 months ago with the bipartisan majority of the Judiciary Committee.

I hope the fact that the majority leader was able to obtain consent to move these nominations signals that the Senate is being allowed to return to regular order, and that the majority leader will be able to schedule a vote without further delay on the nomination of Paul Watford of California to fill a judicial emergency vacancy on the Ninth Circuit. His nomination was reported before those being considered today and has been skipped in the order. He is a fine nominee with outstanding qualifications and bipartisan support.

Last week, we were finally able to confirm Judge Jacqueline Nguyen of California to fill a judicial emergency vacancy on the Ninth Circuit after a needless 5-month delay. Her nomination had been reported unanimously by the Judiciary Committee and was confirmed by a vote of 91–3. It took the filing of 17 cloture petitions in March to get Senate Republicans to agree to consider her nomination.

The Ninth Circuit is still in dire need of judges. With nearly three times the number of cases pending as the next busiest circuit, we cannot afford to further delay Senate votes on the other two nominations to the Ninth Circuit. Paul Watford of California passed the Committee more than 3 months ago. Andrew Hurwitz of Arizona passed the Committee more than 2 months ago. There is no good reason for Senate Republicans to further delay votes on these Ninth Circuit nominees. The 61 million people served by the Ninth Circuit are not served by this delay. The circuit is being forced to handle more than double the caseload of any other without its full complement of judges. The Senate should be expediting consideration of Paul Watford and Justice Andrew Hurwitz, not delaying them.

The Chief Judge of the Ninth Circuit, Judge Alex Kozinski, a Reagan appointee, along with the members of the Judicial Council of the Ninth Circuit, wrote to the Senate months ago emphasizing the Ninth Circuit's ''desperate need for judges,'' urging the Senate to ''act on judicial nominees without delay,'' and concluding ''we fear that the public will suffer unless our vacancies are filled very promptly.'' The judicial emergency vacancies on the Ninth Circuit are harming litigants by creating unnecessary and costly delays. The Administrative Office of U.S. Courts reports that it takes nearly 5 months longer for the Ninth Circuit to issue an opinion after an appeal is filed, compared to all other circuits. The Ninth Circuit's backlog of pending cases far exceeds other Federal courts. As of the end of 2011, the Ninth Circuit had 14,041 cases pending before it, far more than any other circuit.

If caseloads were really a concern of Republican Senators, as they contended last year when they filibustered the nomination of Caitlin Halligan to the D.C. Circuit, they would not be delaying the nominations to fill judicial emergency vacancies in the Ninth Circuit. If caseloads were really a concern, Senate Republicans would consent to move forward with votes on Paul Watford and Andrew Hurwitz without these months of unnecessary delays.

Paul Watford was rated unanimously well qualified by the ABA's Standing Committee on the Federal Judiciary, the highest rating possible. He clerked at the United States Supreme Court for Justice Ruth Bader Ginsburg and on the Ninth Circuit for now Chief Judge Alex Kozinski. He was a Federal prosecutor in Los Angeles. He has the support of his home State Senators and bipartisan support from noted conservatives such as Daniel Collins, who served as associate deputy attorney general in the Bush administration; professors Eugene Volokh and Orin Kerr; and Jeremy Rosen, the former president of the Los Angeles chapter of the Federalist Society.

Justice Hurwitz is a respected and experienced jurist on the Arizona Supreme Court. His nomination has the strong support of both his Republican home state Senators, Senator JOHN MCCAIN and Senator JON KYL, who introduced him to the Judiciary Committee at his hearing in January. Senator KYL said of Justice Hurwitz:

> It is very easy to see and it is obvious to those of us who have been in Arizona a long time why Justice Hurwitz was awarded the ABA's highest rating, unanimous well qualified. So it will be my privilege to support his nomination, and I am honored to be able to introduce him to the panel today.

Given that both nominees are superbly qualified mainstream nominees with bipartisan support, the long delays that have plagued these nominations are hard to understand.

While discussing the Ninth Circuit, I should also clear up the history of President Bush's Ninth Circuit nominees. Senate Democrats did not oppose Randy Smith joining the Ninth Circuit. Judge Smith was confirmed unanimously by a vote of 94–0. His nomination was unnecessarily complicated and delayed by President Bush who initially insisted on nominating Judge Smith to a California seat on the Ninth Circuit. He is not a Californian and was not supported by the California Senators. When President Bush took my advice and renominated Judge Smith to fill an Idaho vacancy on the Ninth Circuit at the beginning of 2007, he was confirmed quickly.

Carolyn Kuhl was another nominee President Bush tried to ram through the Senate in spite of the opposition of her home State Senators. It was Senate Republicans and the Republican chairman who blatantly disregarded Senate Judiciary procedure by proceeding with that nomination despite the objection of both home State Senators. At the time I noted that this was a provocative step that ratcheted up partisanship and the use of judicial nominees for partisan political purposes. By contrast, I have respected objections of Republican home State Senators, even when they change their position from support to opposition, as happened recently with a Kansas nominee to the Tenth Circuit.

Senate Democrats opposed William Gerry Myers because he was an ideologue who spent over 20 years of his career as a lobbyist and as an outspoken antagonist against long-established environmental protections. Mr. Myers' advocacy often took positions that were legally unsupportable. Mr. Myers' record as a partisan ideologue was not offset by other qualifications to be a court of appeals nominee; he received a partial not qualified rating from the American Bar Association, had never tried a jury case, nor had he served as counsel in any criminal litigation.

The fact is, even after the Senate was forced to invoke cloture to overcome Republican filibusters of President Clinton's nominations of Richard Paez and Marsha Berzon to the Ninth Circuit, the Senate proceeded to confirm seven of the nine Ninth Circuit nominees of President Bush. We reduced vacancies on the Ninth Circuit during President Bush's two terms to only a single vacancy. Four of President Bush's Ninth Circuit nominees were confirmed during his first 4-year term: Judge Richard Clifton, Judge Jay Bybee, Judge Consuelo Callahan, and Judge Carlos Bea. By contrast, Senate Republicans are opposing our moving forward to consider and confirm Paul Watford and Andrew Hurwitz, who are both strongly supported by their home State Senators, to fill judicial emergency vacancies, and they filibustered the nomination of Goodwin Liu, who also had the strong support of his home State Senators.

The American people deserve better. Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hard-working Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait 3 years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

We have much more work to do to help resolve the judicial vacancy crisis that has persisted for more than 3 years. When the Majority Leader and the Republican leader came to their interim understanding in March, it resulted in votes on 14 of the 22 judicial nominations then awaiting final consideration. Because the arrangement took months to implement what the Senate could have done in hours, the backlog of judicial vacancies and judicial nominees continues. Today we are almost back to where we started with 19 judicial nominees awaiting action.

We are still lagging far behind what we accomplished during the first term of President George W. Bush. During President Bush's first term we reduced the number of judicial vacancies by almost 75 percent. When I became Chairman in the summer of 2001, there were 110 vacancies. As Chairman, I worked with the administration and Senators from both sides of the aisle to confirm 100 judicial nominees of a conservative Republican President in 17 months.

We continued when in the minority to work with Senate Republicans to confirm President Bush's consensus judicial nominations well into 2004, a Presidential election year. At the end of that Presidential term, the Senate had acted to confirm 205 circuit and district court nominees. In May 2004, we reduced judicial vacancies to below 50 on the way to 28 that August. Despite 2004 being an election year, we were able to reduce vacancies to the lowest level in the last 20 years. At a time of great turmoil and political confrontation, despite the attack on 9/11, the anthrax letters shutting down Senate offices, and the ideologically driven judicial selections of President Bush, we worked together to promptly confirm consensus nominees and significantly reduce judicial vacancies.

In October 2008, another Presidential election year, we again worked to reduce judicial vacancies and were able to get back down to 34 vacancies. I accommodated Senate Republicans and continued holding expedited hearings and votes on judicial nominations into September 2008. We lowered vacancy rates more than twice as quickly as Senate Republicans have allowed during President Obama's first term.

By comparison, the vacancy rate remains nearly twice what it was at this point in the first term of President Bush, and has remained near or above 80 for nearly three years. Again, if we could move forward to Senate votes on the 19 judicial nominees ready for final

action, the Senate could reduce vacancies below 60 and make progress.

The Senate needs to consider these judicial nominees if we are to make real progress in reducing the burden of judicial vacancies. That is what we did in the most recent Presidential election years of 2004 and 2008 and what we should be doing this year. We have a long way to go. We need to work to reduce the vacancies that are burdening the Federal judiciary and the millions of Americans who rely on our Federal courts to seek justice. Let us work in a bipartisan fashion to confirm these qualified judicial nominees so that we can address the judicial vacancy crisis and so they can serve the American people.

Today, we can finally fill two judicial emergency vacancies with excellent nominees. George Levi Russell III is nominated to fill a judicial emergency vacancy on the District of Maryland, where he has been an active member of the legal community for over 20 years. Currently an Associate Judge in the Circuit Court of Maryland for Baltimore City, he previously spent 10 years as an Assistant U.S. Attorney in the District of Maryland, serving in both the criminal and civil divisions. Judge Russell's nomination has the strong support of the Maryland Senators, Senators MIKULSKI and CARDIN.

John ''Jay'' Tharp is nominated to fill a judicial emergency vacancy on the Northern District of Illinois. This is the second time Mr. Tharp has been nominated to that position, having also been nominated by President George W. Bush in July 2008. A former Captain in the Marine Corps, Mr. Tharp is currently a partner in the Chicago office of Mayer Brown LLP. He began his legal career as a Federal prosecutor in the Northern District of Illinois and clerked for Judge Joel Flaum on the U.S. Court of Appeals for the Seventh Circuit. The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Tharp well qualified, its highest rating. Mr. Tharp's nomination has the bipartisan support of Illinois' Democratic Senator DICK DURBIN and Republican Senator MARK KIRK.

Both Judge Russell and Mr. Tharp were favorably reported by the Judiciary Committee on February 16th of this year. I look forward to their confirmations today.

Mr. President, using the time allocated to the majority, I ask unanimous consent to speak as in morning business.

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

(The remarks of Senator LEAHY are printed in today's RECORD under ''Morning Business.'')

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the remaining time between now and 5:30 be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

At the request of Mr. DURBIN, the following statement was ordered to be printed in the RECORD.

• Mr. KIRK. Mr. President, I wish to offer my strong endorsement for the nomination of John ''Jay'' Tharp to the U.S. District Court for the Northern District of Illinois.

Jay Tharp will be an outstanding addition to the Federal bench. He made a name for himself as an assistant U.S. attorney whose cases included political corruption and money laundering. His impressive tenure in that office includes service in the General Crimes Division and the Organized Crime Drug Enforcement Task Force. Since leaving the U.S. Attorney's office in 1997, Tharp has worked at Mayer Brown LLP, where he was made partner in 1999. He is currently coleader of Mayer Brown's securities litigation and enforcement practice.

I want to thank Senator DURBIN for his continued dedication and hard work to ensure the Senate's timely confirmation of both Illinois judicial nominees, Jay Tharp and John Lee.

Under Senate tradition for Illinois, the senator from the party not in control of the White House makes nomination recommendations to the White House for one Federal district court judgeship for every three of the party in power. The arrangement is intended to ensure the orderly filing of Federal judge vacancies on the Illinois bench. Under that tradition, John Tharp was my first recommendation.

Jay served our country in the Marine Corps from 1982 to 1988, achieving the rank of Captain and earning the Navy Achievement Medal and the Navy Distinguished Midshipman Award. He subsequently attended Northwestern University Law School on a full merit John Henry Wigmore Scholarship. While at Northwestern, Jay served as book review editor of the Northwestern Law Review. He graduated magna cum laude in 1990.

Last week, the Senate voted to confirm John Lee to fill one of the vacancies for the Northern District. Senator DURBIN and I worked closely to recommend both Jay Tharp and John Lee and today's vote on Jay's nomination will hopefully conclude the process to fill these two vacancies.

I would also like to thank my Judicial Review Advisory Board, chaired by Peter Baugher of Schopf & Weiss LLP, for their hard work in selecting Jay Tharp. In February 2011, I formed this 14-member bipartisan, Statewide screening committee and charged it with identifying ''the strongest applicants from Illinois for consideration by the President and U.S. Senate.''

My Advisory Board received nearly 50 applications, met five times, and spent over 300 man-hours to review judicial candidates. The Advisory Board's review process included personal interviews as well as calls to colleagues, opposing counsel, and judges.

I urge my colleagues to support Jay Tharp's nomination.•

Mr. DURBIN. Mr. President, pending before the Senate is the nomination of Jay Tharp to serve on the District Court for the Northern District of Illinois. Senator KIRK and I have agreed on a bipartisan approach to this. We each have appointed bipartisan committees who review prospective applicants and then make recommendations. We each have a veto over the other's recommendation, so it is totally bipartisan. In the case of Jay Tharp, there was no veto—certainly not by me—and in this case, he was sponsored by Senator KIRK. He is an extraordinarily talented individual.

The reason I have entered into the CONGRESSIONAL RECORD the official statement of Senator KIRK is because, obviously, he can't be here. He is in rehab at this point from a stroke he suffered in January, and there was an encouraging video released last week showing the progress he is making. We are all anxious for him to return. I promised him in a phone conversation last week that I would move this nomination as quickly as possible so that his nominee is approved. His statement now in the RECORD speaks to his feelings about Jay Tharp's nomination, and it speaks for itself. I will now add my own comments.

I am glad Mr. Tharp is finally getting a vote in the Senate. It has taken a long time. In fact, it has taken too long for this day to come. Nominees who are noncontroversial, eminently qualified, who go through the committee without even a hint of resistance from Democrats or Republicans shouldn't have to sit on this calendar for week after week and month after month. It has now become standard around here, as have these mind-numbing filibusters become standard around here, and it isn't fair.

It isn't fair first to the country to leave vacancies on the Federal bench, creating hardships in courts around the Nation where people come to the courthouse expecting timely consideration of important matters, from criminal charges to civil litigation.

It isn't fair to the nominees. It really takes a pretty stalwart individual to put their name up to be a Federal judge because they are going to go through three or four different levels of investigation and some pretty serious investigation by the Federal Bureau of Investigation, for example. That is part of the process. There are investigations by the White House, by the Senators' offices, by the Senate Judiciary Committee. So it is not an easy undertaking. There might have been a time—I know there was—when these nominations were made in 48 hours with hardly a question asked. It doesn't happen anymore. Hard questions are asked, and then comes the

suspense of starting the process and waiting for it to end. These poor nominees sit there with their professional and personal lives on hold, having said they are prepared to step forward and serve a lifetime appointment on the Federal judiciary, and then they wait day after weary day, week after weary week, month after month, sitting on this Executive Calendar so that at some point there will be a bargaining session and some names will go forward and some won't.

This is what happened to Jay Tharp, but it shouldn't have, nor should it have happened to John Lee, the nominee who was approved last week for Illinois. Both nominees are extraordinarily qualified and should have gone through without this resistance, but this reflects what is happening in the Senate.

What is interesting about Jay Tharp is that every aspect of his nomination has been bipartisan. As I said, Senator KIRK put him through a bipartisan process for selection, and Senator KIRK reviewed and approved all of the candidates and then recommended him. It was last November 10 that the White House sent two nominations to the Senate to fill vacancies: John Lee, who was approved last Monday, and Jay Tharp, who we will be considering this evening.

John Lee was my choice; Jay Tharp was Senator KIRK's choice. We agreed, as I said, on both nominees. They were both nominated on the same day. They appeared together at the hearing before the Judiciary Committee in January. Both were reported out of the committee in February—about 3 or 4 months ago—in a bipartisan voice vote.

It was my hope we could bring them to a quick vote. There was an urgent need to fill the vacancies. We had been contacted by the chief judge of the district in Chicago, Jim Holderman. He had written to both of us, Senator KIRK and myself, and asked: Please move on these judges.

I felt an obligation, after Senator KIRK's illness, to try to get this job done. I knew Senator KIRK would be here in person if it were humanly possible. I put his statement in the RECORD. I know how strongly he feels about the qualities of Jay Tharp.

Unfortunately, for reasons hard to understand, this has dragged on for almost 6 months since their nominations were sent to the Senate. Up until a few years ago, this, as I said, was not the way things were handled—not when it came to bipartisan nominees who were coming out of the committee with no controversy. That certainly is the case now. We now see routine objections. There is a presumption that something must be wrong with a nominee, and we will just sit on it for weeks and months. That is not good. It is not fair to the nominees. It is not fair to the process. It certainly is not good for the judiciary.

Under the last nominations agreement negotiated in March, for some reason John Lee made the cut, Jay Tharp did not. I appealed to Senator KYL, to Senator MCCONNELL. I sent a letter in writing and spoke to it on the Senate floor.

This is Senator MARK KIRK's first nomination for a Federal judgeship, and I know how important it is to him. I thank those who were responsible for bringing it forward today. I am sure he will be relieved. I know Jay Tharp will be relieved when this is over.

I have been very happy to stand and support Jay Tharp, as well as John Lee. They are both extraordinary individuals. There are other well-qualified nominees sitting on this Senate calendar in a similar circumstance. After today's votes, there will be 17 nominees pending on the calendar, and nearly all of them—almost all of them—were voted out of committee without any dissenting votes, with the exception of Senator LEE of Utah, who votes customarily against all judicial nominees. These nominees, but for a few, have not had any controversy. Six of these nominees are in areas designated as judicial emergencies, including two nominees for seats in the Ninth Circuit—Paul Watford and Andrew Hurwitz, who are extraordinarily well qualified.

I hope my Republican colleagues will give us a break. These people deserve to get their moment on the Senate floor. They deserve a vote, and the areas they are going to serve deserve a full complement of competent jurists.

It is time to restore sanity, comity, and good faith to the way we treat judicial nominations on the Senate floor. That should start today.

Let me discuss Jay Tharp's background for the record. He was nominated when a judgeship opened up after Judge Blanche Manning took senior status. He is currently a partner in the Chicago office of Mayer Brown, where he is the co-leader of the firm's securities litigation and enforcement practice.

He was born into a military family—he is very proud of it—as the son of a lieutenant colonel in the Marine Corps.

Jay Tharp attended Duke University on an ROTC scholarship. He received his undergraduate degree summa cum laude and was commissioned as a second lieutenant in the Marine Corps.

He served on Active Duty with the Marines for 6 years, achieving the rank of captain and earning the Navy Achievement Medal and the Navy Distinguished Midshipman Award.

After his military service, he attended Northwestern University Law School. He graduated magna cum laude and served on their Law Review. Upon graduation, he was a clerk for Judge Joel Flaum on the Seventh Circuit, and then worked as an assistant U.S. attorney in Chicago for 6 years.

After his tenure as a Federal prosecutor, he joined Mayer Brown, where his practice has been in complex commercial litigation and criminal investigations. He has received numerous recognitions. He has served as an adjunct professor of trial advocacy at Northwestern University Law School, and he is a member of the Law Fund Board at Northwestern, which oversees fundraising efforts.

In short, Jay Tharp is a picture-perfect nominee for the Federal bench. He has the qualifications, temperament, and integrity to serve the Northern District well. I urge my colleagues to support his nomination.

I just say to Jay Tharp, the day has come, finally. I am sorry you got caught up in what has become a tiring political exercise, where people are just stuck on a calendar waiting for something to happen which springs them loose. This evening will be your opportunity.

I hope the Senate—and I know Senator KIRK will join me in saying this—will give Jay Tharp the unanimous vote he deserves. He is an extraordinarily well-qualified nominee, and I am happy to support his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I will be urging the people in my caucus to vote for these nominees, both of them. Today, the Senate is expected to confirm these two nominees: Judge Russell to the District of Maryland and Mr. Tharp to the Northern District of Illinois. As I said, I support the nominees, and I do, in fact, expect that both of them will be confirmed.

We continue to confirm the President's nominees at a brisk pace. In fact, with today's confirmations, we will have confirmed 145 of President Obama's district and circuit court nominees. I would like to put this in perspective.

We confirmed two Supreme Court nominees during President Obama's term so far. Everyone knows it takes a tremendous amount of time and resources to consider Supreme Court nominees.

The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term. During President Bush's entire second term, the Senate confirmed only 120 district and circuit court nominees.

Compare that, if you will, to the 145 district and circuit court nominees we have confirmed so far since President Obama has become President. Let me say that same thing a different way. We have confirmed 25 more nominees for President Obama than we did for President Bush in a similar time period. Of course, President Obama's term is not over yet.

With these facts in mind, I hope my colleagues will understand why I get a little frustrated when I hear all of these complaints about how we are not confirming enough nominees. The fact is President Obama is being treated much more fairly than Senate Democrats treated President Bush.

It is especially frustrating to hear the other side complain about the vacancy rate. The fact is the Senate is

doing its job. We are confirming the nominees who are sent to us. Of course, we cannot confirm nominees who are not up here from the White House. If there is a problem, then it rests with the President.

Right now, there are 77 judicial vacancies. But the President has made only 29 nominations. That means 48 vacancies or over 60 percent—actually, nearly 63 percent—have no nominee. Stating it another way, there are currently 44 million Americans living in districts with vacancies where the President has not submitted a nominee to the Senate.

I suspect the President neglected to share that statistic with all the groups he summoned to the White House 1 week ago today to discuss judicial nominees, probably with the point of getting those organizations to put more pressure on the Congress to approve more nominees, and somehow approve nominees who are not even here yet for us to approve.

I could go on, but I do not intend to. I do not like to get into this back-and-forth with the other side. But it gets a little tiresome to hear the same misleading statements over and over. I want to set the record straight, and I have done that.

I congratulate the nominees who will be confirmed tonight. Both the nominees and their families should be proud.

George Levi Russell III, presently serving as an associate judge to the Circuit Court of Maryland, is nominated to be U.S. District Judge for the District of Maryland. Judge Russell received his BA from Morehouse College in 1988 and his JD from the University of Maryland School of Law in 1991. Upon graduation from law school, he clerked for Hon. Robert M. Bell, chief judge for the Court of Appeals of Maryland. Judge Russell then worked as an associate at the law firms Hazel and Thomas, P.C. and Whiteford, Taylor, and Preston, where he handled cases involving personal injury, product liability, and medical malpractice. In 1994, Judge Russell became an assistant U.S. attorney for the U.S. Attorney's Office for the District of Maryland. He worked in the civil division for 5 years, defending government agencies in discrimination, automobile accident, and medical malpractice cases. In 2000, Judge Russell rejoined the private sector for 2 years, working at the law offices of Peter G. Angelos, where he represented plaintiffs in class action and private personal injury cases. In 2002, he returned to the U.S. Attorney's Office and joined the criminal division for 5 years. There Judge Russell prosecuted those accused of violent crimes and narcotics cases.

In 2007, then-Governor Robert Ehrlich appointed Judge Russell to be an associate judge on the Circuit Court of Maryland for Baltimore City. In November 2008, he was elected to a 15-year term. Judge Russell has sat on each of the four dockets of this court: criminal, civil, family, and juvenile.

The ABA Standing Committee on the Federal Judiciary has given Judge Russell a rating of Substantial Majority ''Qualified'' and Minority ''Not Qualified'' for this position.

John J. Tharp, Jr., is nominated to be U.S. district judge for the Northern District of Illinois. Mr. Tharp was first nominated to this position by President Bush in 2008. Mr. Tharp received his BA from Duke University in 1982 and his JD from Northwestern University School of Law in 1990. Mr. Tharp served in the U.S. Marine Corps from 1982 to 1988, became a captain in 1987, and has received several military honors. Following graduation from Northwestern University School of Law in 1990, Mr. Tharp began his legal career as a clerk for Judge Flaum on the Seventh Circuit Court of Appeals. After working as an associate at Kirkland & Ellis for a year, he joined the U.S. Attorney's Office for the Northern District of Illinois, Chicago, as a Federal prosecutor where he served in the Criminal Receiving and Appellate Division, General Crimes Division, and Organized Drug Enforcement Task Force. He handled cases involving narcotics and money laundering investigations, financial frauds, political corruption, tax crimes, bank robberies, and firearms offenses.

In 1997, Mr. Tharp left the U.S. Attorney's Office and moved to his current firm, Mayer Brown, where his practice focuses on civil concerns, including tort, contract, intellectual property, environment, tax, and unfair competition claims, securities fraud, professional liability, and governmental investigations.

In 2009, Mr. Tharp's firm selected him to serve as coleader of the securities enforcement practice. In 2010, that group merged with the securities litigation group, and he continues to serve as coleader of the combined Mayer Brown securities litigation and enforcement practice. He has an ABA rating of Unanimous ''Well Qualified.'''

I urge my colleagues to support these nominees. I think they probably will be supported overwhelmingly.

I yield the floor.

Mr. CARDIN. 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.

Ms. MIKULSKI. 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. MIKULSKI. Mr. President, I am so proud to be here on the floor of the Senate to support the nomination of Judge George Russell III. He is nominated to the U.S. District Court for the District of Maryland, and he has the enthusiastic support of Senator CARDIN and myself. Senator CARDIN will speak right after me.

I thank Senators LEAHY and GRASSLEY for moving this nomination, and I thank Senators REID and MCCONNELL for their cooperation.

I take my advice-and-consent responsibilities very seriously. When I consider someone for the Federal bench, I have four criteria: absolute personal integrity, judicial competence and temperament, a commitment to core constitutional principles, and a history of civic engagement in Maryland.

I cite these standards because I mean it. I must say Judge Russell—he is currently on the Circuit Court of Baltimore City—brings the right values to the bench. He has the necessary experience. He has seen the legal system from all perspectives and brings forth a top-notch background.

He is nominated to fill the seat of Judge Peter Messitte, who took senior status 3 years ago. I think it is a matter of urgency to confirm Judge Russell because of the backlog we have in our Maryland Federal court.

Prior to taking the bench, Judge Russell spent his legal career as a litigator. He spent 10 years as an assistant U.S. attorney in Maryland. He handled both criminal and civil cases. While there he was also a community outreach coordinator. What does that mean? For an assistant U.S. attorney, it meant he worked with the community creating vital programs to reduce violent crimes.

As a young attorney, Mr. Russell also served as a law clerk for Judge Robert Bell. Judge Bell is the chief judge of the Maryland Court of Appeals. I might add, Judge Bell enthusiastically endorses this Nominee.

Judge Russell is a man born and raised in Baltimore. He graduated from the University of Maryland School of Law and has spent his entire career in Maryland. His father, also a judge, was a legal pioneer in Maryland, serving as the city's first African-American circuit judge.

This judge, Judge Russell, has public service in his DNA, both working as a U.S. attorney and on the Federal bench and also in his connection to the everyday life of people. He has been on the board of directors of the Enoch Pratt Library, Big Brothers and Big Sisters, and the Community Law Center. He has often been recruited to be a motivational speaker, an inspirational speaker, particularly to high school and middle school students to encourage them to stay in school and off the street. He has particularly been enthusiastic about mentoring young attorneys and law students.

The reason I talk about his civic engagement is that we want judges who do not live in a bubble. It is great to be a legal scholar, it is great to know the law inside and out, but a great judge knows people. This man, Judge George Russell III, by being out there—whether it is making sure the library is there for young people who want to move up; Big Brothers and Sisters, to keep young people out of trouble; or working at the Community Law Center—he

has involved himself in the gritty aspects of Baltimore City. He is a devoted public servant. He comes with a great background.

He brings together recommendations from both the public and private sector. I urge my colleagues to endorse the nomination of Judge Russell. I ask their support in voting for him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first, I thank Senator MIKULSKI for her leadership on the process we have used in Maryland on filling judicial vacancies. I am very proud to work with Senator MIKULSKI in a process that screens lawyers who are interested in becoming Federal judges in order that we can get the very best to recommend to the President.

We think the President has chosen the very best in Judge Russell to fill the district court vacancy for the District of Maryland. But I really wanted to applaud my colleague in the Senate for the seriousness that we both take on filling these vacancies. We understand these are lifetime appointments. We want to make sure we get individuals who have the qualifications, who have the temperament, who have the integrity, and have the commitment to public service to serve our judiciary.

I rise today to urge the Senate to confirm Judge George Levi Russell III, of Maryland, to be U.S. District Judge for the District of Maryland. Judge Russell was reported by voice vote out of the Judiciary Committee on February 16. Judge Russell currently sits as a trial judge in the Baltimore City Circuit Court.

Judge Russell is an excellent candidate. He received bipartisan support from the Judiciary Committee and is ready to take office upon confirmation of the Senate. Judge Russell brings a wealth of experience to this position in both State and Federal courts. Earlier in his career he served as a Federal prosecutor and as an attorney in private law practice. He now sits as a State court trial judge in Maryland.

Judge Russell graduated from Moorehouse College with a B.A. in political science and a J.D. from the Maryland Law School in 1991. He passed the Maryland Bar and was admitted to practice in Maryland in 1991. He then clerked for Chief Judge Robert Bell on the Maryland Court of Appeals, which is our highest State court. He worked as a litigation associate for 2 years at Hazel & Thomas, and then briefly at Whiteford, Taylor. He then served as an assistant U.S. attorney for the District of Maryland from 1994 to 1999, handling civil cases. In that capacity he represented various Federal Government agencies in discrimination, accident, and medical malpractice cases. He then worked as an associate at the Peter Angelos law firm for 2 years.

In 2002, he went back to the U.S. Attorney's Office, handling criminal cases until 2007. He represented the United States in the criminal prosecution of violent crimes and narcotic cases during the investigatory stage, at trial, and on appeal. This included the initiation of monitoring of wiretaps to infiltrate and break up violent gangs in Baltimore City.

He also served as the Project Safe neighborhood coordinator for the office from 2002 until 2005. He participated in community outreach programs in coordination with the Baltimore City State's Attorney's Office to reduce violent crime in Baltimore communities.

In 2007, Governor Ehrlich, a Republican, appointed him to serve as an associate judge of the Baltimore City Circuit Court for a term of 15 years. As a trial judge, Judge Russell has presided over hundreds of trials that have gone to verdict or judgment and he has experience in handling jury trials, bench trials, civil cases, and criminal cases. He has the professional experience which has been recognized by a Republican Governor and a Democratic President.

Judge Russell has strong roots, legal experience, and community involvement in the State of Maryland. He was born and raised in Baltimore City and has extended family who live in Baltimore. He served as a director and trustee of the board of the Enoch Pratt Free Library, which serves the disadvantaged throughout the State of Maryland. He served on the board of directors of the Community Law Center, which is an organization designed to help neighborhood organizations improve the quality of life for their residences.

He has also served as a board member on several organizations that devote substantial resources to helping the disadvantaged, including the Big Brothers and Big Sisters of Maryland. I know he has often spoken to young people in school about the obligations, duty, and mandate of a judge, and he tries to demystify the role of a judge in a black robe.

Judge Russell is particularly concerned with addressing the drug, violence, and mental health problems that plague Baltimore City. Judge Russell comes from a very distinguished family in the legal profession of Maryland. Judge Russell's father, George L. Russell, Jr., was also a groundbreaking African-American lawyer in Maryland. He was the first African-American judge on the Maryland Circuit Court in the 1960s and was later Baltimore's first African-American Solicitor.

He was also the first African-American president of the Baltimore City Bar Association. In later years, Judge Russell was named by the Governor to chair the Maryland Museum of African-American History and Cultural Commission and served as chairman of the board of the Maryland African-American Museum Corporation.

He was also asked to chair Baltimore's Judicial Nominating Commission. He has received numerous awards from the Maryland Bar Foundation and NAACP.

His family is deep in public service, including his wife who serves as a judge on the District Court of Maryland for Baltimore City. I am absolutely convinced that Judge Russell possesses the qualifications, temperament, and passion for justice that will make him an outstanding Federal trial judge. He will serve the people of Maryland very well in this position. I therefore urge my colleagues to vote for the confirmation of Judge Russell to serve as a judge for the U.S. District Court for the District of Maryland.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. 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—H.R. 2072

Mr. REID. Mr. President, I ask unanimous consent that at 11:15 a.m, Tuesday, May 15, the motion to proceed to Calendar No. 396, H.R. 2072, be adopted; that the only first-degree amendments in order to the bill be Lee No. 2100, Paul No. 2101, Corker No. 2102, Vitter No. 2103, and Toomey No. 2104; that there be no amendments in order to any of the amendments prior to the votes; that there be no motions or points of order in order other then budget points of order and the applicable motions to waive; that there be up to 2 hours of debate to run concurrently on the amendments and the bill equally divided between the two leaders or their designees prior to votes in relation to the amendments in the order listed; that upon disposition of the amendments, the Senate proceed to vote on passage of the bill, as amended, if amended; that there be 2 minutes equally divided prior to each vote, and all after the first vote be 10-minute votes; that the amendments and passage of the bill require 60 votes.

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

Mr. REID. Mr. President, we have pending now a cloture vote. I have spoken to the Republican leader very recently. We think it would be in the best interests of the Senate to do away with the cloture vote. Therefore, I ask unanimous consent that the cloture vote scheduled for this evening be vitiated.

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

Mr. REID. There should only be one rollcall vote tonight because the Maryland judge we expect to be able to voice-vote.

The PRESIDING OFFICER. All time is expired.

Under the previous order, the question is, Will the Senate advise and consent to the nomination of George Levi Russell III, of Maryland, to be United States District Judge for the District of Maryland.

The nomination was confirmed.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of John J. Tharp, Jr., of Illinois, to be United States District Judge for the Northern District of Illinois.

Mr. MCCONNELL. 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 Pennsylvania (Mr. CASEY), the Senator from North Carolina (Mrs. HAGAN), and the Senator from Florida (Mr. NELSON) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CORNYN), the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. MORAN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kentucky (Mr. PAUL), the Senator from South Dakota (Mr. THUNE), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''yea'' and the Senator from South Carolina (Mr. DEMINT) would have voted ''nay.''

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

The result was announced—yeas 86, nays 1, as follows:

[Rollcall Vote No. 90 Ex.]

YEAS—86

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

NAYS—1

Lee

NOT VOTING—13

Blunt	Cornyn	Kirk
Burr	DeMint	
Casey	Hagan	
Moran	Nelson (FL)	Thune
Murkowski	Paul	Wicker

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mrs. HAGAN). The Senate will resume legislative session.

The Senator from Ohio.

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

Mr. BROWN of Ohio. Madam President, I rise to discuss the Export-Import Bank reauthorization's importance to strengthen manufacturing and creating jobs in places such as my home State of Ohio.

Ohio is the third leading manufacturing State in the country. Only Texas, which has twice our population, and California, which has three times our population, produce more goods than we do.

The Export-Import Bank's mission is simple: It facilitates exports and contributes to job creation in the United States. It does this through loans and guarantees of insurance, filling in gaps in trade financing at no ultimate cost to taxpayers. Yet, despite this record of success, exports and jobs are at stake because Congress cannot agree to Ex-Im reauthorization, in large part because there is a group of people in this body and down the hall in the House of Representatives who simply think the Federal Government should not have a role in much of anything.

The bank's lending authority is set to expire May 31, 17 days from now. We must act. The Export-Import Bank has been reauthorized by both Chambers, by both parties, decade after decade, and we know how important it is for job creation, but it has taken too long to get this reauthorization moving. While manufacturers wait, Congress has stalled. We cannot wait any longer.

We know that Ohio workers can compete with anyone in the world when the playing field is level. When we stamp the ''Made in Ohio'' label, it is a sign that an item was made with pride by some of the finest workers in the United States and some of the finest workers in our country.

We know that U.S. manufacturing is getting stronger due in no small part to increased exports with the help of the Ex-Im Bank. Ohio has had quicker increases in job growth than other States.

We know that the manufacturing sector nationally has gained back some number of jobs that it lost. As an example, from 1965 to 1998 or 1999, this country had roughly the same number of manufacturing jobs. It was a smaller percentage of GDP and a smaller percentage of the workforce but a pretty constant similar number of jobs in 1999 as we had in 1965. But in the decade after 1999, we lost between 3 and 4 million manufacturing jobs in this country.

Since 2010, almost every single month we have seen manufacturing jobs increase in Ohio, in the Presiding Officer's home State of North Carolina, and in State after State in this country. That is good, obviously, but too many people in my State are still out of work or underemployed. What will happen to Ohio workers in our growing manufacturing sector if we fail do what we should be doing here, if we fail to fund this critical resource?

Ohio's manufacturers have been able to increase their exports with the assistance and the assurance that the Ex-Im Bank provides. In Fremont, OH, workers at Crown Battery, an employee-owned company, make renewable energy systems. With the help of the Ex-Im Bank's short-term, multibuyer insurance policy, about $400,000 worth of Crown Battery's storage battery manufacturing equipment was exported to South Africa. Middletown Tube Works in Butler County in southwest Ohio exports tubular steel to Spain and Portugal with less risk because of the Ex-Im Bank. Before that support, Nook Industries in Cuyahoga County required international customers to pay cash in advance of every order, which is an average of 4- to 6-weeks. Now Nook Industries has major customers in places such as China, South Korea, and Israel because of Ex-Im Bank support.

Exporting is especially tough for small businesses. Large businesses need this less than the small company that makes things, that manufactures things. Less than 1 percent of the Nation's nearly 26 million small businesses export their products. Imagine if we can increase that only a little bit in percentage terms.

One of the most important resources to help small and medium-sized businesses—especially those that make things—boost their exports is the Ex-Im Bank. That is why the Ohio Manufacturers Association strongly supports its reauthorization. They said:

> The Ex-Im Bank is the only tool that American manufacturers have to counter the huge sums of export financing—many hundreds of millions of dollars—that other countries and other governments provide their exporters.

Tom Buffenbarger, president of the International Association of Machinists, told the Senate Banking Committee:

> America's working families struggle in today's difficult economy [and] have little patience for Beltway politics that continue to stall a proven instrument of export growth and job creation.

I hear from the head of the Ohio Manufacturers Association and I hear from small business owners who want to expand and gain access to foreign

markets but can't secure private financing due to the credit risk associated with some overseas investments.

Export-supported jobs linked to the manufacturing sector already account for an estimated 7 percent of our total private sector employment. More than one-fourth of the manufacturing jobs in Ohio depend on exports for their jobs.

In 2011 the bank worked with nearly 100 Ohio businesses to support more than $400 million in export sales. To renew the Bank's charter should be a cause that all Senators support just like the 25 times that the Senate unanimously reauthorized the agency since its establishment almost 80 years ago. It is a matter of American jobs and a matter of global competitiveness.

Some people who seem to oppose everything the Federal Government wants to do because of this philosophy that the Federal Government never does anything of use—forgetting Medicare, Social Security, clean drinking water, all that—even though the Senate has reauthorized this program 25 times, they are standing in the way and blocking it.

We faced a trade deficit with China of almost $300 billion in 2011, meaning that we imported about $800 million a day more than we exported to China. We know that China's export-import and development banks provide as much as $100 billion in export credits each year. That is more than three times as many new export credits as our U.S. Export-Import Bank.

It is time we continue fighting for and investing in American manufacturing. It is so important, like we do so well in Ohio, that we make things. It creates wealth, it creates a strong middle class, and it creates opportunity for our young people. It is time to end the delay and reauthorize the Export-Import Bank.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the quorum call be rescinded.

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

MORNING BUSINESS

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

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

SUPREME COURT REVIEW

Mr. LEAHY. Madam President, I was fortunate to be able to attend the argument before the U.S. Supreme Court on the constitutionality of the provision in the affordable care act providing that individuals should take personal responsibility for paying for their health care by obtaining health insurance or pay a fine. I have watched a lot of arguments in the Supreme Court. Obviously, as the chairman of the Judiciary Committee I pay close attention—as do all Members—to what goes on there. I heard a great deal of instant analysis from commentators after the argument, including their predictions on how the Court will rule. I didn't hear much devoted to the role of the Chief Justice of the United States.

When I watched the arguments, I saw a Chief Justice that day who I thought seemed well aware of the significance of this decision. Chief Justice Roberts had not been appointed when the Court intervened in the Presidential election of 2000, but he certainly saw the reaction to that decision in Bush v. Gore, a 5-to-4 decision that the country viewed as partisan. In fact, many in the country felt that five people on the Supreme Court decided a Presidential election that was actually for the person who got less votes than the one they said lost. That decision was unprecedented. In a shocking admission, the Court itself said that it should never be considered precedent or cited in the future. That decision shook the confidence of the American people in the Supreme Court and, as Justice Stevens observed at the time, the loser in that decision was ''the Nation's confidence in the judge as an impartial guardian of the rule of law.'' That activism undermined the reputation of the Court as fair and impartial.

But the Chief Justice did participate in the Court's recent 5-to-4 decision in Citizens United that divided along ideological lines and continues to engender a significant backlash. That decision was one in which the Supreme Court reached out to decide a matter not argued initially and in which it made a broad constitutional ruling that reversed nearly 100 years of progress in the country to control the corrupting influence of money in our elections and politics. That decision led directly to the super PACs and campaign excesses that are now plaguing our Democratic elections, and actually plagued this year's Republican Presidential primaries. As bad as its effect is on both Republicans and Democrats and elected offices, I believe it has contributed to the further erosion of the public's confidence in the Supreme Court to be an independent arbiter.

The constitutional challenge to the affordable care act is the current instance in which narrow ideology and partisanship are pressuring the Supreme Court to intervene where it should not, to override the law and constitutional legal understandings that have been settled since the Great Depression, and also to overturn the actions of the people who are elected to represent all Americans in both the House and the Senate. I was struck by how little respect some of the Justices showed to Congress and of how dismissive they were to the months of work that included dozens of hearings, or the committee actions and the debate of amendments and motions and points of order on the Senate and House floors before the measure was enacted, how that was almost summarily dismissed by some.

Their actions will not help restore Americans' confidence in the Court to fairly apply the law. According to a recent poll, half of all Americans expect the justices to decide the challenge to the affordable care act mainly based on their ''partisan political views,'' while only 40 percent expect them to decide the case ''on the basis of the law.'' That has contributed to the historically low percentage of Americans, fewer than half, that said in a recent poll that they approve of the Supreme Court.

I am not going to be offended if some of the Justices don't like us personally or disagree with the policy judgments reflected in the law as individuals, as citizens, or as human beings; they are entitled to their personal views just as we are. But as Justices, they are supposed to put those petty personal views and feelings aside. They are supposed to begin their inquiry by respecting the will of the people as reflected in the work of Congress and to defer to Congress unless the laws we pass violate the Constitution. However, during the argument, it seemed that the Justices were second guessing the policy judgments that were made during the extended legislative process. That is not the purpose or proper exercise of judicial review. Acting out based on their personal views in this matter would be the height of conservative judicial activism. Let me repeat that. Acting out based on their personal views in this matter would be the height of conservative judicial activism.

The Chief Justice seemed to understand that deference to the elected branch is fundamental to the proper exercise of judicial review. I was struck that more than once he commented on the extreme arguments coming from other Justices by noting they were not being fair. Chief Justice Roberts was right in that regard.

I thought I saw—at least the day I watched—a Chief Justice who understands the importance of this case to all Americans, including those millions who would otherwise continue without health care insurance and access to affordable health care—the kind of health care insurance and access to affordable health care each one of us in this Chamber has and each member of the Supreme Court has. This case is also significant because of the impact it will have on the American people's view of the Supreme Court.

We all remember when the Chief Justice was nominated, and he testified that if confirmed, he would act with judicial modesty, he would honor precedent, and he would acknowledge the

limited role of the judiciary and seek to bring the Court together. When I voted to confirm Chief Justice Roberts as Chief Justice of the United States—and many of my Democratic colleagues voted the other way, and I respect them for that—I said that I was voting with hope and faith. I credited his testimony. I trusted that he would act to fulfill his responsibilities in accordance with the testimony he gave to the Senate.

I said then that if I thought he ''would easily reject precedent'' or ''use his position on the Supreme Court as a bulwark for activism,'' I would not have supported his confirmation. I contrasted the technical reasoning and unjust holding of Chief Justice Taney in the Dred Scott case with the leadership that Chief Justice Warren provided in the unanimous decision in Brown v. Board of Education. I spoke about the need to curtail the current activism of the Supreme Court and for appropriate deference to congressional action taken by the people's elected representatives, which is precisely what should happen in the matter currently before the Supreme Court.

I was encouraged by the assurances he gave during the confirmation process that he would respect congressional authority. Well, this case is a fundamental test. After all, he relied heavily during the hearing on the recent Gonzales v. Raich decision as controlling precedent in upholding congressional authority to act under the Commerce Clause. He also assured us that despite his previous record of advocacy, as Chief Justice he would not continue to urge additional restrictions on Congress's Spending Clause powers.

I trust that he will be a Chief Justice for all of us and that he has a strong institutional sense of the proper role of the judicial branch. It is the Supreme Court of the United States, not the Supreme Court of the Democratic Party or the Republican Party; not the Supreme Court of liberals or conservatives but the Supreme Court of the United States. And the Chief Justice is the Chief Justice of the United States, all 320 million of us. The conservative activism of recent years has not been good for the Court.

Given the ideological challenge to the Affordable Care Act and the extensive, supportive precedent, it would be extraordinary for the Supreme Court not to defer to Congress in this matter that so clearly affects interstate commerce. This case should not become an instance in which a conservative, activist majority on the Supreme Court intervenes by way of another 5–4 decision driven by ideology to rewrite the law. The law is consistent with the understanding of the Constitution the Court and the American people have had for the better part of a century, and should be upheld. To do otherwise would undoubtedly further erode the reputation and legitimacy of the Supreme Court.

Last month's Supreme Court argument gave me reason to hope the Supreme Court will do the right thing. The authority of Congress to enact the Affordable Care Act is firmly rooted in what previous Congresses enacted and the Supreme Court has upheld as constitutional over the last century to protect hardworking Americans. Working Americans have long been required to pay for Social Security and Medicare by the deduction of taxes reflected in their paychecks every month. I said at the time that, after all, if they could overturn the Affordable Care Act, why couldn't they overturn Social Security or Medicare? There would be just as much reason to overturn those.

The key to the test for constitutionality under the Commerce Clause is whether the law substantially affects interstate commerce. That is the long-established constitutional test supported time and time again by the Supreme Court. As a law passed by Congress passed to regulate a market that makes up one-sixth of the U.S. economy, the Affordable Care Act is well within the limits set by the Supreme Court's own precedent on Congress's Commerce Clause power.

The personal responsibility requirement that is the focus of the legal challenge is necessary to ensure that Americans who have paid for their health care by buying health insurance are not stuck with paying the $43 billion in health care costs incurred by millions of Americans who do not buy health insurance and then must rely on expensive emergency health care when inevitably faced with medical problems. That is what Congress concluded after extensive study and debate and what we included in the text of the law itself. There is no question this act by Congress regulates matters undeniably affecting interstate commerce.

Even though this law easily meets the tests established by the Supreme Court's own precedent on the limits of the Commerce Clause, partisan opponents of President Obama want judges to override these legislative decisions properly made by Congress, the elected representatives of the American people. They want to challenge the wisdom understood by generations of Supreme Court justices from the great Chief Justice John Marshall in upholding the constitutionality of the national bank nearly 200 years ago to Justice Cardozo in finding Social Security constitutional early in the last century.

The outlandish examples of hypothetical laws Congress has not passed reduce these matters to ridiculous absurdities. That may be popular in Federalist Society circles or on political blogs or to those who want to bind the Constitution enough to be on a bumper sticker slogan, but they have no place in the Supreme Court's determination. There may come a time when Congress passes a law that is law at the edge of its authority, when the boundary of what should be seen as affecting commerce needs to be more closely considered. That time may come. I hope it doesn't. That time may come, but this is not the time and this is not the case. The Affordable Care Act is squarely within longstanding constitutional lawmaking to deal with an important national problem.

For years, we have heard Republican Senators say that they do not want judges making law from the bench. That is precisely what they are asking the Supreme Court to do in this case. Republican opponents lost in Congress. Their opposition and obstruction delayed but did not prevent enactment of the Affordable Care Act. Now they want conservative activists on the Supreme Court to intervene and turn their policy disagreements into law by reading them into the Constitution. That is wrong.

In his efforts to reach out to Republicans, the President adopted a model Republicans proposed in the 1990s so as not to replace private insurance with a program of Government insurance like Medicare, but to rely on personal responsibility to obtain private insurance in the marketplace or pay a tax penalty. What is telling about the partisan nature of these challenges is that many of those who now claim that this is unconstitutional are the very ones who proposed it. Senate Republicans were in favor of ensuring personal responsibility with an individual mandate until President Obama was for it, and now they are against it. Their views may have changed, their partisan interests may have shifted, but the Constitution has not.

Americans are already beginning to see some of the benefits of the Affordable Care Act. Seniors on Medicare who have high-cost prescriptions are starting to receive help when trapped within a coverage gap known as the ''donut hole.'' Since the Affordable Care Act was signed into law, young adults in Vermont and around the country have gained health insurance coverage by being able to stay on their parents' health insurance plans until their 26th birthdays. Americans are receiving preventative screening coverage with no deductible or co-pay. The law is making possible more and better care while controlling costs.

The Affordable Care Act builds on some of the cornerstones of American economic security built over the last century. I believed that when it passed, and I still believe it today, that Congress acted within its constitutional authority to enact laws to help protect all Americans. Just as some in this country disagreed when Congress passed Social Security, the Court agreed that we acted within our authority to do so. One may agree or disagree with parts of the Affordable Care Act, but the fact is that Congress acted within its authority. I hope and have faith that the Supreme Court will not overstep the judiciary's role by substituting policy preferences for the legislative determinations of Congress.

HYDROPOWER POTENTIAL

Mr. GRASSLEY. Madam President, a strong economy needs affordable, abundant, and reliable energy. In recent years, Americans have experienced higher prices for energy across the spectrum. This has led to an enormous growth in private and public research and development of innovative and advanced energy technologies. These innovative technologies include fuel from algae, solar, and wind generation, battery manufacturing, advanced nuclear, and many others.

I recently had an opportunity to visit with Virgil Vanderloo, of Ackley, IA. It was immediately apparent that Virgil has a passion for new and innovative ideas regarding hydroelectric power generation. Virgil does not have an engineering background he is a retired farmer. For 30 years he farmed land in Hardin, Plymouth, and Woodbury Counties. It is because of this time as a farmer that Virgil came to appreciate the land and its rich natural resources. Now, he is pursing a concept to capture the power from our Nation's rivers to generate electricity.

After speaking with Mr. Vanderloo and reviewing the material he compiled, he believes that his concept may have the potential to increase the production of hydroelectricity and capture a renewable energy source that currently goes uncollected. Mr. Vanderloo's concept includes placing barges below dams fitted with water turbines to produce electricity. He reasons that this type of electricity generation could be viable on the 30 or so dams along the Mississippi River. If viable, this concept could conceivably be implemented on many of the more than 50,000 nonpowered dams in the United States.

After all, the U.S. Department of Energy just last month published a study that indicated the United States could get as much as 12 gigawatts of energy per year by utilizing the hydropower potential of existing dams. The idea proposed by Virgil could be one the innovations in hydropower technologies that could help us use existing dams to generate renewable energy.

I would like to make an appeal to hydroelectric designers and engineers to review the concept presented by Mr. Vanderloo. I have posted his information on the Internet which can be accessed at httP//1.usa.gov/J1A5Ky. I hope those with scientific and engineering expertise in this area will review his proposal and contact him directly. It may have promise, and I hope this brings attention to his ideas regarding hydroelectric power generation.

TAIWAN'S PRESIDENTIAL INAUGURATION

Mr. CHAMBLISS. Madam President, January 14, 2012, marked Taiwan's fifth direct Presidential election, and on May 20, President Ma Ying-jeou will be sworn in for his second and final term as the leader of our friend and ally Taiwan. I would like to congratulate President Ma on his reelection, and I would also like to congratulate Taiwan for its commitment to democracy.

Since the island's first Presidential elections in 1996, the people and Government of Taiwan have enthusiastically embraced democratic values and ideals. From extremely high rates of voter participation in elections to public and open political discourse and debate, signs of a vibrant democracy can be seen throughout Taiwan's society.

The January elections proved a continuation of Taiwan's commitment to a democratic form of government, and President Ma's reelection demonstrates the faith the people of Taiwan have in his leadership. I therefore close by urging all my colleagues to join me in congratulating President Ma on his second inauguration and Taiwan's people for their embrace of democracy. I look forward to continuing to work to advance the strong relationship between Taiwan and the United States and our common goals and interests.

TRIBUTE TO MERLE J. SMITH, JR.

Mr. BLUMENTHAL. Madam President, today I wish to pay tribute to Commander Merle J. Smith, Jr., of Mystic, CT, who was honored on April 1, 2012, during the Coast Guard's annual Eclipse Week, as the first African-American graduate of the Coast Guard Academy in 1966.

Founded in 1876 in New London, CT, the Coast Guard Academy has made fundamental progress since its first African-American cadet. Over the past decades, it has diversified its student body, provided support to underrepresented students, and raised awareness about the Coast Guard, its Academy, and military training more generally among a wide range of communities. Commander Smith was honored this year with the inaugural Merle J. Smith Pioneer Award as one of the first to realize the ideal of minority participation and for his contributions to our Nation since paving the way for future cadets on that infamous graduation day.

After leaving the Academy, Commander Smith served in Vietnam in 1969, commanding a patrol boat on more than 80 missions and becoming the first African-American member of the maritime service to earn a Bronze Star. While in the Coast Guard, he received a law degree from George Washington University, and after his military tenure, dedicated many years as an attorney for Groton-based Electric Boat. Commander Smith also taught at the Academy as a part-time law teacher and then later as an adjunct professor. He is a shining example of the wide range of possibilities offered to Academy graduates—whether they choose to pursue a career in the military, in a civilian profession, such as the law, or both—and is a stellar role model for cadets past and present.

The Coast Guard and Coast Guard Academy began adopting equal opportunity policies in earnest when President Kennedy ordered the diversification of the forces defending our coasts. Now, each year, the Coast Guard hosts Eclipse Week, a week-long effort to put its diversity efforts in the spotlight. Discussions on openness and inclusivity are facilitated. Minority alumni are welcomed on campus to form relationships with current and incoming Academy students as well as interested high school students.

In addition to Commander Smith, the Coast Guard honored three other valuable members of their community—partners in the pursuit of equal representation—during this year's Eclipse Week. Frances Neal was awarded this year's Humanitarian Award for her legacy of lovingly serving food to cadets for 25 years. One of the Academy's most beloved equal opportunity officers, JoAnn P. Miller, or ''Mama Miller,'' as she was affectionately called by cadets, was also celebrated. And, Vice Admiral Manson K. Brown, a student of Commander Smith's, was given this year's Genesis Award for his service as a Pacific Area commander and his work founding the Genesis Club while attending the Academy—an organization still in existence that supports underrepresented cadets.

The Coast Guard promotes diversity not only though Eclipse Week, but also by running community-based initiatives such as the U.S. Coast Guard Office of Diversity and its various programs, including Diversity Champion of the Week, Affinity Groups, and Strategic Education Partnerships. It also has an active Office of Inclusion and Diversity, headed by Chief Diversity Officer, Antonio Farias, that facilitates partnerships between high school and college students, as well as cadets, so that citizens of all backgrounds can see what it means to work towards a career in the Coast Guard and in the U.S. military. And, in 2011, Rear Admiral Sandra Stosz became the first female Service Academy superintendent in our Nation's history. She was recently named as one of Newsweek's ''150 Women Who Shake the World.'' More than 30 years ago, Eclipse Week's goal was racial inclusivity. Today, this yearly event aims to promote diversity more comprehensively.

Displayed in the historical archive of the Coast Guard's Web site, is a photograph of Commander Smith on the day of his graduation, proudly shaking the hand of his father, Colonel Merle J. Smith, Sr., and smiling at the camera. This image speaks of generational advancement, community, and hope. However, the weathered sepia of the photograph of father and son also reminds us that we cannot become complacent, stuck in stories of progress from previous decades. We must always be ready, ''Semper Paratus,'' for progress. The theme of this year's

Eclipse Week—''openness, inclusion, change''—is apt and inspiring for the work ahead.

REMEMBERING JOSEPH WILLIAM AUBIN

Mr. BLUMENTHAL. Madam President, this past Sunday, the Vietnam Veterans Memorial Fund, VVMF, held a dedication ceremony on the National Mall, commemorating ten courageous men whose names recently have been carved on the black granite walls of the Vietnam Veterans Memorial.

One of them—a brave and beloved airman, Joseph William Aubin—hailed from Bridgeport, CT. On the morning of May 26, 1966, Chief Warrant Officer Aubin, an experienced Chief Aviation Electronic Technician, was asked at the last minute to join a mission. He unquestioningly boarded the Skywarrior aircraft with his team from NAS Cubi Point in the Philippines to explore critical suspicious activity in Vietnam. On the way, he and his team encountered damaging weather conditions that unexpectedly doomed the engines. In this critical moment, Chief Warrant Officer Aubin was instructed to ''bail out'' into the South China Sea. Along with three of his team members, he died there.

Since that day in 1966, Chief Warrant Officer Aubin and the three other men who perished during the mission—ATR3 Richard Carl Hunt from Guys Mills, PA, LT Walter Allan Linzy from Nashville, AR, and ATR3 Richard Dwaine Stocker from Jacksonville, AR—have been remembered as the ''Lost Back End Crew.'' Chief Warrant Officer Aubin's body was never recovered, but he is no less deserving to be memorialized. Now, the entire Nation can visit the site of the Vietnam Memorial to honor him and his ultimate sacrifice.

Chief Warrant Officer Aubin will never be forgotten. Names carved into the wall are written into our national memory and history for all generations to visit emotionally and physically. Newly inscribed names reaffirm the message that the Nation recalls all commemorated at this memorial with deep gratitude and appreciation.

ADDITIONAL STATEMENTS

RECOGNIZING JOHN T. CYR AND SONS, INC.

• Ms. COLLINS. Madam President, today I wish to offer my congratulations to John T. Cyr and Sons, Inc., on its 100th anniversary. This outstanding Maine company demonstrates why family businesses are so important to our Nation's economy and to communities in every State. The determination and vision that led to a century of success define America's entrepreneurial spirit.

Sometime around 1903, John Thomas Cyr moved his family from Caribou, ME—my hometown—to Old Town, near Bangor, where he found work in a lumber mill. Nine years later, in 1912, at the age of 51, John T. Cyr struck out on his own. Joined by his son, Joseph, they started a livery stable and delivery business.

What began with horses, buggies, and wagons is today a thriving enterprise of 22 luxury motor coaches, 200 school buses, and nearly 250 employees. A company that got its start hauling lumber for a local canoe factory now serves 17 school districts across Maine with an exemplary safety record. They offer tours throughout the United States and Canada from New York City at Christmas to Washington, D.C., in cherry blossom season. As a native of Aroostook County, I know how valuable their daily intercity service is to the towns and cities of northern Maine.

Handed down and nurtured through the generations, this is a true family business, owned and operated by the founder's grandson, Joe Cyr, joined by his brother, Pete, son Mike, and daughter Becky.

Their remarkable story of growth, of meeting challenges, and of delivering value was expertly told in a recent article in Maine Trails magazine. I would like to complement that account with my personal observations.

Before coming to the Senate, I worked at Husson University in Bangor, where I had the pleasure of getting to know Joe Cyr, Class of 1962, and his wonderful wife, Sue, Class of 1965. Joe has been a longtime member of the Husson Board of Trustees, and Sue been a volunteer supporter of uncommon energy. Joe and Sue's generosity to Husson includes significant gifts to athletic programs, a new home for the university president, the annual fund, and most recently, the new Cyr Alumni Center. The countless ways they serve—from the Boys Scouts and the Y to St. Joseph Hospital—touch people of all ages.

People throughout Maine are fortunate to have such a family as the Cyrs, but I am especially lucky—my summer camp on Cold Stream Pond is just down the road from theirs. As much as I cherish our time together, having dinner, playing cards, and enjoying the beautiful Maine summer evenings, I cherish even more being in the presence of those who give so much to others and who see the act of giving as the greatest reward. I am delighted to extend my congratulations to the Cyr family in their business's centennial year and to thank them for their contributions to the State of Maine.

I ask that the Maine Trails article be printed in the RECORD.

The article follows.

[From the Maine Trails, Feb./Mar. 2012]

DRIVING THROUGH HISTORY

(By Kathryn Buxton)

FROM HORSE DRAWN WAGONS TO MODERN COACHES AND SCHOOL BUSES, CYR BUS LINE TRAVELS THROUGH HISTORY INTO AN ELITE CLUB OF 100-YEAR-OLD MAINE BUSINESSES

It's midday at Cyr Bus Line, and about a dozen drivers in black company jackets are gathered, waiting for the next wave of activity to begin. That's when the company's fleet of school buses head out to pick up students for the trip home from Old Town's high school, middle school and three elementary schools. A fresh layer of snow covers the ground outside, and everyone is alert and ready to get to work. Outside, a coach bus pulls in to the lot, returning from its daily run to Aroostook County. The bus will be washed down and ready for its 6 p.m. departure from downtown Bangor.

It is a scene that has played out countless times over the past 100 years since John T. Cyr and his son Joseph founded the company on South Water Street in 1912. Previous to that, John had been working for the Jordan Lumber Company in Old Town. Joseph had been working for the Old Town Woolen Mill. They applied for a trucking license and were approved by the Old Town city council on May 21, 1912. John and Joseph had two horses and the company's frst jobs were hauling lumber for Old Town Canoe. The Cyrs also operated a livery stable at the family homestead on French Island (also known as Treat-Webster Island), and for many years, the Cyr stable was the go-to place if you needed a horse and buggy to visit friends or family. The company's wagons and carriages also delivered mail and served as hearses, transporting local citizens to their fnal resting place.

FATHERS AND SONS

John T. Cyr & Sons, Inc./Cyr Bus Line celebrates its 100th anniversary this year, putting it in an elite group of Maine companies that have been in business for a century or more. Old Town Canoe, located nearby in Old Town is one. Another is the famous outdoor retailer L.L. Bean, which as Mike Cyr is quick to point out, is also celebrating its 100th anniversary this year.

''Cyr Bus is a fxture here,'' said Mike Cyr, one of a fourth generation of Cyrs to work in the family business. ''A lot of people figured we had already been here for 100 years.''

For the Cyrs, a century of company history is inextricably meshed with the family history. Through the years many family members have left their mark on the business. Four of John's five sons—Joseph, Albert, Arthur and Harvey—all worked for the company in its infancy (Clibby, a ffth son who worked in the woolen mill, eventually became an Old Town firefighter). Albert, 19 and a weaver at the Old Town Woolen Mill in 1912, was a silent partner for many years, coming on board full-time as the business continued to grow through the 1920s. Arthur and Harvey, young children when their father and brothers founded the company, grew up in the business and eventually joined their brother Albert in running the company in the 1930s and 40s after their father and brother died unexpectedly in 1934. Harvey bought out his brothers in 1951. Today, the company is run by Harvey's son, Joe Cyr. His brother, Pete, works in the company's body shop. Joe's son, Mike, oversees the company's coach division and manages information technology—everything from the company's two-way radio system to its computer hardware and software. Daughter Becky Whitmore is the bookkeeper. Helping them these days, is general manager Rick Soules, who the Cyrs hired not quite two years ago. Bringing Rick in was a necessity as the company has grown and diversified, and as Joe, now 71, has begun to scale back the time he spends at the office.

Working with family has always been one of the great joys of the business, according to family patriarch and company president, Joe Cyr, with the business officially for nearly 50 years.

Joe drove trucks for H.E. Sargent and worked as a surveyor for James W. Sewall

during the summers before coming to work at Cyr with his dad. His memories of working alongside family go even further back—to being with his dad in the office when he was six or seven, driving a company truck when he was 11 and washing buses as a kid. At 15, he was driving buses for the family concern. He also found time to get his degree from Old Town High School and a year of study at University of Maine at Farmington and another year and a half at Husson College. He left school and joined the company full-time in 1962 when a cousin who had been the company bookkeeper died. For a while, Joe was not only the bookkeeper, he served as the company mechanic, secretary and payroll clerk. In just a few years, Joe was running the company, and after his father Harvey died in 1967, he bought the business from his mother for $25,000.

Looking back, Joe said he has never regretted the decision to spend his professional life at the helm of the family firm and he always has considered himself honored to work alongside his father, son, daughter, brother and cousins. ''Frankly, I feel pretty darn lucky,'' said Cyr talking from his winter home in Daytona Beach Shores, Florida where there is a small community of Old Town snowbirds. Joe started heading south in the winter 10 years ago, but he still maintains close contact with Mike, Rick Soules—Cyr's general manager—and others via phone and e-mail several times a day. And he reels off facts about the business in quickfire fashion. How many vehicles in the company fleet? ''250.'' How many coaches? ''22.'' How many square feet at the company's headquarters?

''We've got about 20,000 under cover there,'' said Cye, stopping only to calculate the many expansions they have made at the 10-acre site since 1980.

MILESTONES AND CHALLENGES

The company has lived through good times and bad. There was 1934 when the family's two male patriarchs died—John in May and Joseph in August. There were also two devastating fires at the company's headquarters on French Island. The first was in the early 1950s and the company garage and its full fleet of eight buses were destroyed. The second fire hit in 1970, destroying the company garage, an apartment over the garage and one bus. In both cases, the family and employees came together to get buses back on the road quickly.

There were good times, as well. Nineteen hundred and twenty-two was an important landmark. That was when John and Joseph Cyr helped usher in the era of the automobile. They bought the company's first motorcars—Studebakers—to transport Old Town children to school. Four years later, after housing the company fleet at several different locations in Old Town, Cyr consolidated its operations at a single location on French Island. The area was growing, and by the early 1930s, cars were no longer large enough to transport all the students traveling to Old Town schools from Stillwater and Gillman Falls. So the city asked Cyr to buy a bus.

Cyr also had a taxi service, begun soon after the company's founding, as well as freight hauling and storage services. By the late 1930s, brothers Albert, Arthur and Harvey were also operating a regular bus service connecting Old Town, Great Works, Milford and Bradley, with special runs to locations including Trenton and Green Lake. By the mid 1940s, the company's regular motor coach routes had expanded to include Old Town, Eddington, North Brewer and Bangor.

The company also operated a limousine service, and during the war transported German prisoners of war for the U.S. Government to detention camps in the rural reaches of the state. In the late 1950s and early 60s, Harvey, now head of the company, expanded its stake in the school bus business. By 1962, Joe had joined his father, Harvey, in the business full-time, and John T. Cyr & Sons boasted a fleet of 12 buses, several cars and two dump trucks at its headquarters on French Island.

In 1976, Joe purchased the fleet of Pinecrest Bus Service, the company that had been providing school bus service to the city of Brewer (two years later, Cyr bought Pinecrest's lot and garage). Then, Cyr bid for the contract to serve the Bangor school system in 1978. They won the business. The ramifcations were enormous for the small family-run firm. It required purchasing more than two dozen new school buses at a cost of about $17,000 each. It was one of the few times since Joe had taken the helm they had to borrow money, but it was, Mike recalled, a calculated risk his dad felt he had to take.

''He figured if he didn't do it, one of the big guys would come in and take the business,'' said Mike. That year, there was a 60-cent-per-gallon run up in fuel costs which caused several anxious hours for the Cyrs. At the time, fuel for buses was purchased by the bus company. Now, it is common for school systems to purchase their own fuel, and Joe Cyr said that adds more stability to contracts. Still, it all worked out well. ''I still hate to borrow money, though,'' admitted Joe recently.

Perhaps the biggest milestone came when the city was in the midst of a two-decade effort to redevelop French Island that had, over the years, become increasingly overcrowded. As a result, Cyr moved its headquarters across the river to its current location at 153 Gilman Falls Avenue in Old Town in 1980. Long-time local residents can still remember the day in late October when the company's fleet of buses made their way across the bridge from the island to Cyr's new home on Gilman Falls Avenue.

Over the years, the Cyrs have also been active in the community. The business has been a long-time member of the MBTA where Joe has served as a board member. Joe was for several years president of the Bangor Chamber of Commerce during the 1980s and has sat on several boards, including St. Joseph's Hospital and Merrill Merchant Bank. The family was a major contributor to the Cyr Family Field House at the Old Town-Orono YMCA completed in 2001.

CLOSE AT HAND

In 1984, Cyr took over the Aroostook County route, operated by Bangor & Aroostook Railroad (B & A) since 1957 when the railroad had ceased service to The County. The same day B & A shuttered its service, Cyr bought the firm's coach bus and hired its driver. Passengers didn't miss a day of service. Today Cyr continues to run the daily transportation lifeline to the county, connecting Bangor, Caribou, Fort Kent, Houlton, Howland, Limestone, Oakfield, Orono, Madawaska, Mars Hill, Medway, Presque Isle, Sherman and Van Buren. (The service, considered an essential transportation link, receives an operating subsidy from MaineDOT.) A Cyr bus departs Bangor every afternoon and makes the return trip from Presque Isle every morning.

In 1990, the company purchased North-star Tours and began offering charter tours throughout the country and to Canada as Cyr Northstar Tours. In 2003, Cyr purchased Maine Line Tours & Charters, a South Portland-based division of Peter Pan Bus Lines. The move made John T. Cyr Maine's largest charter operation, and in 2004, the company was honored as Metro magazine's tour operator of the year. Nonetheless, the long hours and splitting energies between operations in Old Town and Southern Maine took its toll. The Cyrs sold the South Portland charter operation in 2007.

''It was profitable,'' remembered Mike of the decision to sell. ''But we just weren't comfortable being in two places at one time.'' Today the company operations have become increasingly complex, with three divisions and increasing federal regulations regarding hours of service for the company's long-distance drivers and expanded environmental requirements on buses. At the same time, this year, the Cyrs estimate, their buses will log more than 3 million miles. Mike describes the Cyr philosophy as one that has grown from his dad's unique combination of conservative fiscal approach, a hands-on understanding of the business and a willingness to step up when someone presents a challenge. Much of their business—in both the school bus and tour charter divisions—comes to them through word-of-mouth. ''My dad hardly ever says 'no,''' said Mike. ''Someone asks us to do something, and we fgure out how to get it done.''

''We could have grown a lot more,'' said Joe. ''Instead we take what comes and do the best job we can. We're not trying to be the biggest.''●

TRIBUTE TO LORIN JOHNSTON

● Mr. CORKER. Madam President, I rise today to recognize Master Police Officer Lorin Johnston of the Chattanooga Police Department who was one of ten law enforcement officers honored at the White House on Saturday as a National Association of Police Organizations TOP COP. The TOP COPS awards pay tribute to law enforcement officers for actions above and beyond the call of duty.

The National Association of Police Organizations states:

Officer Lorin Johnston has lived one of a cop's worst nightmares. On a bright spring morning last April, Officer Johnston, along with three other officers, investigated a silent alarm at a pawn shop, indicating that an armed robbery was in progress. As soon as they arrived, they were spotted by the suspect, who engaged them in a frantic gun battle. During the gunfight, Johnston was struck by a bullet in the middle of the back, despite his vest.

As the perp tried to flee out a side door, Sgt. Tim Chapin, Johnston's close personal friend, was waiting in his patrol car. The suspect took aim at the car, shooting straight through the windshield. Sgt. Chapin hit the gas and knocked the suspect down, causing him to drop the .45-caliber Glock he was carrying along with a loaded clip of ammunition.

Assuming he had disarmed the robber, Sgt. Chapin jumped out of the car and gave chase. Then, without warning, the suspect pulled out a second gun, turned and fired. His bullet struck Chapin squarely in the face, killing him instantly. Just then Officer Johnston came on the scene as the cop-killer was running around the corner, where he was pursued, and ultimately taken down by two other brave officers. Johnston knelt protectively over his friend, shielding him until help arrived. Not until he received medical treatment did Officer Johnston realize he had taken a second bullet to the leg. Johnston's courage and loyalty, despite his own injuries, make him a living testament to the outstanding qualities found only in America's TOP COPS.

Lorin Johnston's acts of selflessness and heroism in the line of duty exemplify the meaning of true public service. As a former mayor of Chattanooga, I am particularly proud and grateful for the bravery and dedication of officers like Lorin Johnston who enter into harm's way in order to keep us safe.

As we honor Officer Johnston, we also remember Sergeant Tim Chapin, a 26-year veteran of the Chattanooga Police Department, for paying the ultimate sacrifice.

I am proud to join my fellow Tennesseans in congratulating Officer Johnston on this well-deserved honor and in remembering law enforcement officers across the country who go above and beyond the call of duty to keep our communities safe.●

RECOGNIZING THE NEVADA MILITARY SUPPORT ALLIANCE

● Mr. HELLER. Madam President, today I wish to recognize an organization from my home State of Nevada whose continuous support of military servicemen and women and their families is truly inspiring. Their unwavering commitment to military families across the Silver State is unmatched and demonstrates their passion for those in need.

Members of our military serve the United States to preserve and protect our freedom, and for that I am forever grateful. They dedicate their lives to serving this great nation and constantly make sacrifices to ensure the safety of our country. Generations of Americans enjoy greater peace and security because of the tireless efforts of these brave men and women.

The Nevada Military Support Alliance provides comfort and care, both personal and financial, to the families and survivors of Nevada's fallen and returning patriots. When a soldier does come home from a war zone, returning to civilian life is not an easy task. Both the soldier and their families experience an incredible amount of stress during this transition. This is where the Nevada Military Support Alliance steps in. They offer unprecedented levels of assistance for Nevada military members and their families for the rarities of challenges they face on a day-to-day basis.

We can never do enough for our nation's veterans, but with the help of the Nevada Military Support Alliance, we can ensure that more assistance is provided. Their continued dedication to our active military, veterans, and their families is unparalleled and stands as an example for us all.

As the Nevada Military Support Alliance celebrates their Second Annual Gala this weekend, I want to thank them for everything they have given to Nevada's men and women in uniform and for ensuring that support is provided for these heroes. We owe our veterans and their families a great deal of gratitude for their personal sacrifices. On behalf of everyone who enjoys the freedoms that are unique to our great nation, thank you.●

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 which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, and requests the concurrence of the Senate:

H.R. 5326. An act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2013, and for other purposes.

H.R. 5652. An act to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2013.

ENROLLED BILL SIGNED

The President pro tempore (Mr. INOUYE) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 2668. An act to designate the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the ''Brian A. Terry Border Patrol Station''.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5326. An act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2013, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5652. An act to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2013.

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 Mrs. FEINSTEIN (for herself, Mr. KYL, Mrs. HUTCHISON, and Mr. LAUTENBERG):

S. 3173. A bill to allow funds under title II of the Elementary and Secondary Education Act of 1965 to be used to provide training to school personnel regarding how to recognize child sexual abuse; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S. 3174. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program; to the Committee on Small Business and Entrepreneurship.

By Mr. AKAKA:

S. 3175. A bill to amend subchapter III of chapter 84 of title 5, United States Code, to authorize certain employees to be automatically enrolled to increase contributions to Thrift Savings Plan accounts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WEBB (for himself and Mr. LEE):

S. 3176. A bill to provide that the President must seek congressional approval before engaging members of the United States Armed Forces in military humanitarian operations; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. Res. 459. A resolution commending the 1st Stryker Brigade Combat Team, 25th Infantry Division upon its completion of a deployment to Afghanistan in support of Operation Enduring Freedom; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 351

At the request of Ms. MURKOWSKI, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 351, a bill to authorize the exploration, leasing, development, and production of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska without surface occupancy, and for other purposes.

S. 368

At the request of Mr. KOHL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 368, a bill to amend the Consolidated Farm and Rural Development Act to suspend a limitation on the period for which certain borrowers are eligible for guaranteed assistance.

S. 957

At the request of Mr. BOOZMAN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 957, a bill to amend title 38, United States Code, to improve the provision of rehabilitative services for veterans with traumatic brain injury, and for other purposes.

S. 960

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVG in the home.

S. 1299

At the request of Mr. MORAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1461

At the request of Mr. NELSON of Florida, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1461, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1577

At the request of Mr. BAUCUS, the names of the Senator from Idaho (Mr. RISCH) and the Senator from North Carolina (Mrs. HAGAN) 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 names of the Senator from Nebraska (Mr. NELSON), the Senator from Wisconsin (Mr. KOHL) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors 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. 1647

At the request of Mr. CRAPO, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1647, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gain rates.

S. 1872

At the request of Mr. CASEY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Rhode Island (Mr. REED) were added as cosponsors 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. 1882

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 1882, a bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market.

S. 1993

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1993, a bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement.

S. 2010

At the request of Mr. KERRY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 2046

At the request of Ms. MIKULSKI, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2046, a bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes.

S. 2066

At the request of Ms. MURKOWSKI, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2066, a bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public land and ensure continued opportunities for those activities.

S. 2103

At the request of Mr. LEE, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2103, a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes.

S. 2146

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2146, a bill to amend the Public Utility Regulatory Policies Act of 1978 to create a market-oriented standard for clean electric energy generation, and for other purposes.

S. 2165

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

At the request of Mrs. BOXER, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Mississippi (Mr. WICKER), the Senator from Hawaii (Mr. AKAKA), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2165, supra.

S. 2179

At the request of Mr. WEBB, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2179, a bill to amend title 38, United States Code, to improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense, and for other purposes.

S. 2205

At the request of Mr. MORAN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2222

At the request of Mr. SANDERS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2222, a bill to require the Commodity Futures Trading Commission to take certain actions to reduce excessive speculation in energy markets.

S. 2246

At the request of Mr. BOOZMAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2246, a bill to direct the Secretary of Labor to provide off-base transition training, and for other purposes.

S. 2325

At the request of Mr. NELSON of Florida, the name of the Senator from Maine (Ms. COLLINS) 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. 2344

At the request of Mr. VITTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2344, a bill to extend the National Flood Insurance Program until December 31, 2012.

S. 2367

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 2367, a bill to strike the word ''lunatic'' from Federal law, and for other purposes.

S. 3079

At the request of Mr. PAUL, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3079, a bill to make participation in the American Community Survey voluntary, except with respect to certain basic questions, and for other purposes.

S.J. RES. 39

At the request of Mr. CARDIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S.J. Res. 39, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S. RES. 380

At the request of Mr. GRAHAM, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

S. RES. 401

At the request of Mr. WHITEHOUSE, the name of the Senator from Oregon (Mr. WYDEN) 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mrs. HUTCHISON, and Mr. LAUTENBERG):

S. 3173. A bill to allow funds under title II of the Elementary and Secondary Education Act of 1965 to be used to provide training to school personnel regarding how to recognize child sexual abuse; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senator HUTCHISON, to introduce bipartisan legislation that would expand No Child Left Behind professional development funding to include training for teachers and school personnel on how to recognize signs of sexual abuse in students.

According to the National Child Abuse and Neglect Data System, 695,000 children were victims of maltreatment in 2010. Approximately 9.2 percent, or 63,940 children, were victims of sexual abuse; this is an increase from 7.6 percent in 2009.

Recent events have shown that warning signs of sexual abuse in children are being missed. The vast majority of States mandate that teachers report suspicions of child abuse, yet not all States require teachers to participate in training.

According to the National Child Abuse and Neglect Data System, 60 percent of all reports of child abuse and neglect are made by professionals, yet only 16 percent of abuse and neglect is reported by education personnel.

Given the amount of time teachers and school personnel spend with children, it is of absolute importance that the warning signs of child sexual abuse be identified, reported, and acted on. It is critical to make sure all school personnel have access to training on how to recognize child sexual abuse.

The Helping Schools Protect Our Children Act of 2012 expands the list of allowable uses for Elementary and Secondary Education Act, ESEA, Title II funding to permit States to use this funding to train teachers, principals, and other school personnel on how to recognize child sexual abuse. Under current law, Title II provides grants to States for a variety of purposes related to recruitment, retention, and professional development of K–12 teachers and principals. Our bill would allow professional development funds in schools to be used to provide teachers with the tools to recognize child sexual abuse.

I am proud that Senator KAY BAILEY HUTCHISON, Senate Minority Whip JON KYL, and my colleague Senator FRANK LAUTENBERG have joined me as original cosponsors on this bill.

It is essential that as mandated reporters, school personnel should have the proper training to recognize child abuse. When there are no witnesses, what happens behind closed doors in an abusive home can scar a child for a lifetime. The more we learn to recognize the signs of abuse or neglect, the better we will foster a safe environment for young people to learn and grow.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Helping Schools Protect Our Children Act of 2012''.

SEC. 2. TRAINING TEACHERS TO RECOGNIZE CHILD SEXUAL ABUSE.

(a) STATE ACTIVITIES.—Section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)) is amended by adding at the end the following:

''(19) Providing training for all school personnel, including teachers, principals, and pupil services personnel, regarding how to recognize child sexual abuse.''.

(b) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—Section 2123(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6623(a)) is amended by inserting after paragraph (8) the following:

''(9) Providing training for all school personnel, including teachers, principals, and pupil services personnel, regarding how to recognize child sexual abuse.''.

(c) ELIGIBLE PARTNERSHIP ACTIVITIES.—Subpart III of part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6631 et seq.) is amended—

(1) in section 2132(a), by striking ''the activities'' and inserting ''activities''; and

(2) in section 2134(a)—

(A) in paragraph (1)(B), by striking ''and'' after the semicolon;

(B) in paragraph (2)(C), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(3) providing training for school personnel, including teachers, principals, and pupil services personnel, regarding how to recognize child sexual abuse.''.

By Mr. KERRY:

S. 3174. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, today I am introducing the Vocational and Technical Entrepreneurship Development Act to provide critically needed support to help expand entrepreneurship education programs for young adults. At a time when young adults ages 18–24 face an unemployment rate of approximately twice the national average, it is more important than ever to provide additional resources to help them start their own business. Young entrepreneurs need our help to give them the skills necessary to turn their passion into a successful career.

The Vocational and Technical Entrepreneurship Development Act provides support through small business development centers for high schools, technical schools, and nonprofit organizations serving young adults to develop and implement entrepreneurship education programs. Entrepreneurs who have access to business education programs are more likely to succeed, which often translates to jobs not only for them but for their communities as well. Small businesses are the engine of our economy and the ingenuity of young American entrepreneurs will continue to help drive our economic growth in the future. It is critical that we do everything possible to support our young entrepreneurs and harness their great ideas today that will turn into jobs tomorrow. I ask my colleagues to support job growth and the entrepreneurs who are the future of our economy by supporting this legislation.

By Mr. AKAKA:

S. 3175. A bill to amend subchapter III of chapter 84 of title 5, United States Code, to authorize certain employees to be automatically enrolled to increase contributions to Thrift Savings Plan accounts; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Save More Tomorrow Act of 2012. This act seeks to make a modest, commonsense modification to the Thrift Savings Plan, or TSP, which is the tax-deferred, defined contribution plan for Federal employees, similar to private sector 401(k) plans.

The Save More Tomorrow Act would build on the Thrift Savings Plan Enhancement Act of 2009, which was enacted with support from large, bipartisan majorities in Congress. Under the Thrift Savings Plan Enhancement Act, new Federal employees are automatically enrolled in the TSP unless they opt out, with a default employee contribution rate of 3 percent of basic pay. This legislation would adjust the TSP's automatic enrollment mechanism to allow it to automatically increase employee contributions, unless the employee chooses a different contribution rate. To accomplish this, the bill authorizes the Federal Retirement Thrift Investment Board, the agency that administers the TSP, to pair the current auto enrollment at 3 percent with automatic escalation of 1 percent per year, for at least 2 consecutive years following the first year of enrollment. This promotes a goal of the Federal Employees' Retirement System Act of 1986, often referred to as FERSA, which was designed to encourage Federal employees to save at least 5 percent of their pay in the TSP.

This ''three plus one plus one'' model closely mirrors the model Congress

prescribed for the private sector in the Pension Protection Act of 2006, which Mr. BOEHNER of Ohio introduced, the House and Senate passed with significant bipartisan support, and President George W. Bush signed into law. In enacting the Pension Protection Act, Congress endorsed pairing automatic enrollment with automatic escalation, by incentivizing companies to automatically enroll employees in 401(k) plans at no less than a 3 percent savings rate, and automatically escalate that rate by at least 1 percent for at least 3 years.

This act is informed by rigorous oversight I have conducted as Chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia. For example, at a recent Subcommittee hearing, Dr. Brigitte Madrian, a Harvard Kennedy School professor and leading expert on employer-sponsored retirement savings plans, stated, ''the evidence from the private sector is that automatic escalation is, in fact, extremely effective at increasing employee savings rates. And you asked specifically is this [automatic escalation] something that should be considered for the Thrift Savings Plan, and I would say absolutely.''

To preempt any possible misconceptions or misunderstandings that may arise regarding this act, I want to be clear from the outset about which employees the Save More Tomorrow Act applies to, and the voluntary nature of the bill. Since this act builds on the statutory framework established by the Thrift Savings Enhancement Act, it only applies to newly hired Federal employees who are eligible to participate in the TSP's automatic enrollment feature. Additionally, just like the TSP's auto enrollment feature, auto escalation authorized by this act would be voluntary, and allow participants to terminate default contributions, or change contribution rates, at any time.

This bill has a limited, targeted scope. It would increase the savings only of the small percentage of new employees who enroll in the TSP, but do not raise their contribution rate enough to reach the goal Congress established with FERSA of having most Federal employees contributing at least 5 percent of basic pay. Under the Thrift Savings Plan Enhancement Act, an impressive 97.2 percent of new Federal employees are enrolling in the TSP—82,632 Federal employees have been automatically enrolled in the TSP since the practice began in August 2010. Most of those employees increase their contributions far above the default rate of 3 percent. These enrollees boast an average TSP savings rate of 12.1 percent. Currently, only about 9 percent of employees in the Federal Employee Retirement System enrolled in the TSP contribute less than 5 percent.

Of course, one must not confuse this act's limited scope with the potential benefits. From the most recent survey of TSP participants, we know that just like in the private sector, low-income workers who can least afford to forgo matching contributions are the most likely to do so. Lower-income Federal employees are more than twice as likely as higher-income employees to cite automatic enrollment as the reason they are contributing to the TSP. Many employees who contribute less than 5 percent are not even aware of the benefits of increasing the amount they save—18 percent of this group reported they did not contribute 5 percent because they were unaware agencies matched contributions dollar-for-dollar on the first 3 percent of basic pay, and 50 cents on the dollar for the next 2 percent.

Today's Federal workers must plan carefully to ensure their retirement security. Fortunately, the vast majority of the Federal employees are responsibly saving for retirement, exhibiting average savings rates that are far greater than the private sector. However, I am concerned that the most financially vulnerable Federal employees, individuals earning less than $25,000 a year, are saving at a lower rate that will hinder their ability to retire with dignity. We should build on the success of the Thrift Savings Plan Enhancement Act by making it as easy as possible for employees to increase their contributions.

The Save More Tomorrow Act is a limited, yet effective legislative response to do just this. Informed by rigorous data from real world experiences in the private sector, this act represents the best in serious, evidence-based policymaking. The modest authorities provided by the Save More Tomorrow Act will enhance the Federal Retirement Thrift Investment Board's ability to meet FERSA's goal of encouraging TSP contributions of 5 percent of pay. I strongly urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Save More Tomorrow Act of 2012''.

SEC. 2. AUTOMATIC ESCALATIONS.

Section 8432(b)(2) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking ''enrolled to make'' and all that follows and inserting the following: ''enrolled to—

''(i) make contributions under subsection (a) at the default percentage of basic pay; and

''(ii) increase the percentage of basic pay contributed under subsection (a) by the eligible individual by 1 percent each year beginning in the first year following the year in which the eligible individual began making contributions under clause (i) and each year thereafter for not less than 2 years (which the Executive Director shall establish by regulation).''; and

(2) in subparagraph (C)—

(A) in the matter preceding clause (i), by inserting ''and have the contributions of the individual automatically increased'' after ''automatically enrolled'';

(B) in clause (i), by inserting ''(which shall terminate the automatic increases in the contributions of the employee under subparagraph (A)(ii))'' after ''automatic enrollment''; and

(C) in clause (ii), by inserting ''and an automatic increase in contributions under subparagraph (A)(ii)'' after ''automatic enrollment''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 459—COMMENDING THE 1ST STRYKER BRIGADE COMBAT TEAM, 25TH INFANTRY DIVISION UPON ITS COMPLETION OF A DEPLOYMENT TO AFGHANISTAN IN SUPPORT OF OPERATION ENDURING FREEDOM

Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 459

Whereas the 1st Stryker Brigade Combat Team, 25th Infantry Division, known as the ''Arctic Wolves'', is headquartered in Fort Wainwright, Alaska and is made up of approximately 4,300 selfless, brave, and dedicated soldiers;

Whereas the 1st Stryker Brigade Combat Team, 25th Infantry Division has a distinguished history of service to the United States, beginning with World War I and continuing through Operation Iraqi Freedom and Operation Enduring Freedom;

Whereas the 1st Stryker Brigade Combat Team, 25th Infantry Division most recently departed for Afghanistan in April 2011, following 2 deployments in support of Operation Iraqi Freedom;

Whereas, while deployed in Afghanistan, the 1st Stryker Brigade Combat Team, 25th Infantry Division conducted more than 60 named operations in Zabul Province and Southern Kandahar Province;

Whereas, while deployed in Afghanistan, the 1st Stryker Brigade Combat Team, 25th Infantry Division conducted more than 7,500 patrols;

Whereas, while deployed in Afghanistan, the 1st Stryker Brigade Combat Team, 25th Infantry Division cleared more than 600 improvised explosive devices and more than 9,300 pounds of explosives;

Whereas 1st Stryker Brigade Combat Team, 25th Infantry Division members Specialist James R. Burnett, Jr., Private Danny Chen, Private First Class Matthew C. Colin, Specialist Ryan J. Cook, Private First Class Douglas L. Cordo, First Sergeant Kenneth B. Elwell, Specialist Douglas J. Green, Private First Class Ryan J. Larson, Specialist Christophe Jean Claude Marquis, Sergeant First Class Johnathan B. McCain, Specialist Bradley L. Melton, Private First Class Brandon S. Mullins, Private First Class Dustin P. Napier, Specialist Calvin M. Pereda, Private First Class Cheizray Pressley, Sergeant Rodolfo Rodriguez, Jr., Sergeant Timothy D. Sayne, Sergeant Jeffrey C. S. Sherer, Private First Class Tyler M. Springmann, Private Lamarol J. Tucker, and Private First Class

Brett E. Wood gave the ultimate sacrifice for their country in support of the mission in Afghanistan;

Whereas the members of the 1st Stryker Brigade Combat Team, 25th Infantry Division are now returning to Alaska to their proud families and to an appreciative and admiring country;

Whereas the strength and unflinching support of the families of the members of the 1st Stryker Brigade Combat Team, 25th Infantry Division have made the United States as strong as it is today; and

Whereas the 1st Stryker Brigade Combat Team, 25th Infantry Division has served with courage, compassion, and selflessness, and has earned the respect of not only Alaskans, but of all people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) commends the members of the 1st Stryker Brigade Combat Team, 25th Infantry Division for their exemplary service to the United States and the completion of their first deployment in support of Operation Enduring Freedom; and

(2) recognizes the service and sacrifice of the members of the 1st Stryker Brigade Combat Team, 25th Infantry Division and their families.

Mr. BEGICH. Mr. President, I rise to commend the members of the 1st Stryker Brigade Combat Team, 25th Infantry Division from Fort Wainwright, AK upon completion of their deployment to Afghanistan in support of Operation Enduring Freedom. I am pleased to offer a resolution with Senator LISA MURKOWSKI to recognize the service of these Arctic Wolves and honor the 21 brave soldiers who made the ultimate sacrifice for the Nation.

Deployed to Kandahar, one of the most volatile areas of Afghanistan, the 1/25 SBCT conducted more than 7,500 patrols and over 60 named operations. They made significant gains against insurgents in the Southern region. Our nation will forever be grateful to them and we will never forget those who perished or were wounded during their tour.

We must also never forget Private Danny Chen. While the actions of those involved in the maltreatment of Private Chen are not a reflection of the honorable service of thousands of others in the brigade, abuse and hazing of another individual must never be tolerated under any circumstances. Private Chen was a son, he was a friend, he was a soldier. He will be remembered.

I also want to thank the families of the Arctic Wolves for their service and sacrifice. The support of their loved ones gives strength to our military.

I urge my colleagues to join me in thanking the Arctic Wolves and their families for the sacrifices they make every day on behalf of our country.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, May 22, 2012, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on the report produced by the American Energy Innovation Council titled ''Catalyzing American Ingenuity: The Role of Government in Energy Innovation'' and related issues.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Abigail_Campbell @energy.senate.gov.

For further information, please contact Mike Carr at (202) 224–8164 or Abigail Campbell at (202) 224–1219.

MEASURE READ FOR THE FIRST TIME—H.R. 5652

Mr. BROWN of Ohio. Madam President, I understand that H.R. 5652 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

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

Mr. BROWN of Ohio. Madam President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR TUESDAY, MAY 15, 2012

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, May 15, 2012; 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 their use later in the day; and that the majority leader be recognized; further, that the Senate recess from 12:30 until 2:15 to allow for the weekly caucus meetings.

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

PROGRAM

Mr. BROWN of Ohio. It is the majority leader's intention to resume the motion to proceed to the Export-Import Bank reauthorization bill, legislation particularly important to my State, tomorrow morning, and equally divide the first hour, with the majority controlling the first half and the Republicans controlling the final half.

Today we reached an agreement to complete action on the Export-Import Bank reauthorization. Senators should expect up to six votes as early as 2:15 tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN of Ohio. Madam 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 6:42 p.m., adjourned until Tuesday, May 15, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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 T. FLYNN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. (SELECT) WILLIAM M. FAULKNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN M. PAXTON, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS 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

MAJ. GEN. JOHN A. TOOLAN, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. PAUL K. LEBIDINE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS 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. ROBERT B. NELLER

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

JAMES J. RENDA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

AUGUST S. HEIN

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

CHRISTOPHER J. MATHEWS

To be major

CATHERINE M WARE
TIMOTHY K. WILLIAMS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RICARDO A. BRAVO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MATTHEW W. MOFFITT

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531, 3064, AND 716:

To be major

NATHANIEL V. CHITTICK

THE FOLLOWING NAMED OFFICER APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

LAURI M. ZIKE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

TIMOTHY A. CRANE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

RYAN L. JERKE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MATTHEW R. SUN

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

GREGORY P. CHANEY
PAUL W. GUEVARA
LAWRENCE E. SCHLOEGL

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

AMY F. COOK
RICHARD L. GOLDENBERG
NATHANIEL JONES, JR.
PAUL S. TAMARIBUCHI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

MICHAEL I. ALLEN
STANLEY P. ALLEN
JEFFREY C. BOTSFORD
BRIAN W. CHEPEY
HAROLD E. CLINE
ADOLPH G. DUBOSE, JR.
PETER O. FERRIS
RICHARD D. GARVEY
ROBERT J. GLAZENER
KENNETH L. HAFTORSON
PAIGE K. HEARD
KENNETH J. HURST
DENNIS E. HYSOM
PETER E. JOHNSON
RAJMUND KOPEC
CHARLES W. KUHLMAN
YO S. LEE
PAUL D. MADEJ
STEVEN A. MAGLIO
EDWARD C. MARTIN
KAREN L. MEEKER
JIMMY D. NICHOLS
DANIEL S. OH
TONY S. PETROS
DANIEL R. PETSCH
DARIN M. POWERS
MICHAEL L. REEVES
DERRICK E. RIGGS
RANDAL H. ROBISON
TERRY E. ROMINE
FELIX SERMON, JR.
TIMOTHY D. SMITH
JEFFREY L. SPANGLER
ALLEN W. STALEY
BRADLEY A. WEST
MATTHEW S. WYSOCKI

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

STEVEN J. PORTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

GLENN E. GABORKO, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROGER L. BLANK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MICHAEL C. BARBER
DAVID G. ORAVEC

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JOSEPH A. DAVIS
SCOTT D. EBERWINE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID H. DUTTLINGER
WILLIE F. RAY
DARCY I. WOLFE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

FRANK J. BRAJEVIC
BRIAN R. GULDBEK
RUSSELL K. KIRK
GREGORY R. KLEIN
JAMES B. MORRIS
DAVID E. WOOLSTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

LAUREN D. BALES
CARL T. BERGREN
PAMELA D. BOSWELL
CYNTHIA L. GIBSON
JERRY H. HUTCHINSON, JR.
PAMELA C. MILLER
CLIFFORD E. RESKE
DAVID A. SERAFINI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

CHRISTOPHER J. CORVO
TERRENCE W. COSTELLO IV
COLLEEN M. GLASERALLEN
MARK F. KLEIN
SHANNON H. KOPPLIN
EVA M. LOSER
JOHNNY M. NILSEN
THOMAS J. WELSH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MARIA L. AGUAYO
KEVIN J. BARTOE
PHILLIP G. CYR
JASON B. FAUNCE
DOUGLAS W. KING
TIMOTHY C. LIBERATORE
MICHAEL MONREAL
MICHAEL P. OESTEREICHER
TIMOTHY J. ROGERS
ANDREW J. SCHULMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DAVID O. BYNUM
JOHN V. DICKENS III
STANLEY W. FORNEA
MICHAEL W. GORE
HERBERT L. GRIFFIN, JR.
STEVEN R. MOSES
TIMOTHY J. OSWALD
KIMBERLY SAWATSKY
STEPHEN J. SHAW
FRANK W. SHEARIN III
THOMAS R. STEWART
MELVIN H. UNDERWOOD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DOUGLAS J. COHEN
JOHN V. DANNER, JR.
JOHN P. ELLINGTON
MATTHEW S. GABE
JASON A. GOLDEN
BARBARA T. HANNA
THOMAS J. LAMBERT
WAINA J. MCFARLANE
DAVID L. OPPENHEIM
ROBERT P. SCHULHOF, JR.
JONATHAN I. SHAPIRO
PAUL G. TRIPLETT
KEVIN P. WHITMORE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

RICHARD S. BARLAMENT
SIMON T. COLE
MICHAEL T. CURRAN
JAMES V. HARRIS
MARK N. HURVITZ
CARL H. ISETT
STEVEN K. KILPATRICK
MARK W. KLEINHENZ
JENNIFER A. LEDNICKY
JACQUELYN MCCLELLAND
EDWARD G. MONINGER III
CHARLES W. PARKER III
MICHAEL F. PERRY
JOHN S. SIBLEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

BRIAN E. BEHARRY
WALTER D. BRAFFORD
MICHAEL M. CARSON
JANET A. DELOREYLYTLE
KARINA J. DICK
BRENDA R. HAMILTON
JAMES M. HILL
DANIEL E. KIRKWOOD
JOHN F. MILLER
BRENDA L. NELSON
TIMOTHY J. NEUMANN
TRENT L. OUTHOUSE
BILLY J. PHILLIPS
DARREL G. VAUGHN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

PATRICK J. BLAIR
BARBARA A. COLEMAN
GLENDON B. DIEHL, JR.
DUANE A. EGGERT
MATTHEW W. HEBERT
ERIC R. HOFFMAN
BRENT M. KELLN
BRENDAN T. MELODY
MARSHALL R. MONTEVILLE
SAMUEL T. OLAIYA
FRANK P. PEARSON
MICHAEL C. PREVOST
MICHAEL D. ROSENTHAL
EDWARD J. SULLIVAN
LEE A. VITATOE
AARON D. WERBEL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JAMES T. ALBRITTON
ROGELIO E. ALVAREZ
PAUL A. AMODIO
STEPHEN E. ARMSTRONG
ALBERT R. BAKER
EDWIN F. BOGDANOWICZ
KYLE A. BRYAN
JUANITO R. BUCKLEY
EDWARD T. BUTZIRUS
RICARDO BYRDSONG
TIMOTHY L. DANIELS
ROBERT E. DARE
SONYA I. EBRIGHT
DAVID W. EGGE
KRISTEN B. FABRY
FRANK W. FUTCHER
GARY HAYMAN
DANIEL B. HODGSON
TIMOTHY R. JETT
DAVID A. MARCH
ANDREW M. MATTHEWS
CARLA MEYERS
MARK W. MORGAN
CHRISTOPHER D. PARKER
KERRY L. PEARSON
GERALD P. RAIA
JEFFERY T. RATHBUN
JOHN B. THERIAULT
ROBERT L. WILLIAMS, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

VERONICA G. ARMSTRONG
DIXIE L. AUNE
NORMAN F. J. CHARBONEAU
NANCY K. CONDON
RAMONA M. DOMEN
SCOTT A. JOHNSON
SHARON W. KINGSBERRY

CYNTHIA A. KUEHNER
AMY MCBRIDE
LISA M. MORRIS
LISA A. OSBORNE
SUSAN M. PENNEBECKER
EVELYN M. QUATTRONE
DEBORAH E. ROY
KARIN E. WARNER
MARY P. WHITE
MARIA A. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JULIANN M. ALTHOFF
FRANK M. BISHOP
JEFFREY W. BITTERMAN
DAVID L. BLAZES
JOHN F. BOGARD
TROY F. BOREMA
LISA M. CARTWRIGHT
ALEXANDER B. CHAO
JEFFREY C. CLEARY
DAVID R. CONGDON
TIMOTHY F. DONAHUE
KEVIN A. DORRANCE
TRENT D. DOUGLAS
ANGELA S. EARLEY
ELIZABETH FERRARA
STEPHEN L. FERRARA
JERRY R. FOLTZ
THOMAS G. FRIEDRICH
SAWSAN GHURANI
MARK T. GOULD
PATRICK N. GROVER
DALE R. HARMAN
JAMES M. HARRIS
ERICH R. HEINZ
MATTHEW J. HICKEY
EILEEN M. HOKE
ROMEO C. IGNACIO
RONNY L. JACKSON
REX A. KITELEY
REES L. LEE
CHRISTOPHER C. LUCAS
ROSEMARY C. MALONE
MICHAEL J. MATTEUCCI
MICHAEL J. MEIER
TIMOTHY F. MOTT
JEFFREY D. ODELL
DAVID M. OLIVER
PIERRE A. PELLETIER
DAVID P. REGIS
ERIC S. SAWYERS
MERYL A. SEVERSON III
BRADFORD L. SMITH
BRIAN A. SMOLEY
BRUCE J. TAYLOR, JR.
ANNETTE M. VONTHUN
JEFFREY S. WEISS
NECIA L. WILLIAMS
GEOFFREY A. WRIGHT
JOHN WYLAND

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CASEY S. ADAMS
ANITA C. BACHER
ANALIZA BENJAMIN
LYNNE F. BLANKENBEKER
MICHAEL J. COFFEL
JUDY L. DYE
JOHN M. FLAITZ
DEBORAH A. FLANAGAN
KARLA D. HAYS
SANDRA J. JOHNSTON
JAMES R. MCMAHON
JESSICA D. REED
MARY M. RUSSELL
KIMBERLY M. SANDBERG
ANITA J. SMITH
RENICE A. WASHINGTON
KAREN G. YOUNG

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS AS MEMBERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 188:

To be commander

RUSSELL E. BOWMAN

To be lieutenant commander

JOSEPH D. BROWN

To be lieutenant

MEGHAN K. STEINHAUS

THE JUDICIARY

FRANK PAUL GERACI, JR., OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK, VICE DAVID G. LARIMER, RETIRED.

FERNANDO M. OLGUIN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE JACQUELINE H. NGUYEN, ELEVATED.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 14, 2012:

THE JUDICIARY

GEORGE LEVI RUSSELL, III, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND.

JOHN J. THARP, JR., OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.