United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, MONDAY, JUNE 4, 2012 No. 82

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, June 5, 2012, at 12 p.m.

Senate

MONDAY, JUNE 4, 2012

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

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

Let us pray.

Eternal God, whose presence is the source of our strength, as we return from Memorial Day recess, we pause to thank You for those who have made the ultimate sacrifice for the freedoms we enjoy. Please hold all our service men and women in Your strong arms, protecting them from dangers seen and unseen. Bless the families of our servicemembers, fill their lives with Your peace and provision, strengthening them to trust in Your mighty power to sustain them.

Help our Senators this day to live lives worthy of Your goodness and grace. May they discover that real fulfillment comes when they seek to glorify You. Place Your hand on the Senators' shoulders today, reminding them that You are with them and will guide 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 4, 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.

PAYCHECK FAIRNESS ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 410, S. 3220.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

Motion to proceed to S. 3220, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

Mr. REID. Mr. President, we are now on the motion to proceed to this measure called the Paycheck Fairness Act. At 5 p.m. this afternoon the Senate will proceed to executive session to consider the nomination of Timothy Hillman to be U.S. District Judge for Massachusetts. There will be 30 minutes of debate at that time led by Senator LEAHY. At 5:30 p.m., there will be a rollcall vote on confirmation of the Hillman nomination.

MEASURE PLACED ON THE CALENDAR—S.J. RES. 41

Mr. REID. Mr. President, S.J. Res. 41 is at the desk and now due for a second reading.

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

The bill clerk read as follows:

A joint resolution (S.J. Res. 41) expressing the sense of Congress regarding the nuclear program of the Government of the Islamic Republic of Iran.

Mr. REID. Mr. President, I would object to any further proceedings with respect to this joint resolution.

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

Mr. REID. Mr. President, back in 1963, when Congress passed the Equal Pay Act, women at that time were working year-round and took home about 59 cents for every dollar paid to their male coworkers doing the same job. While passage of that landmark legislation helped narrow the pay gap, today American women still only take home 77 cents on the dollar compared to their male colleagues for doing the exact same job.

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

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Jane, who works in a job, gets 77 cents, while Jack, who also works at that job, gets $1. That is why women are concerned about how they are being treated. It is simply not fair that any woman working the same hours at the same job should make less money.

Often these inequities stretch over decades, and many women don't even know they are victims. It took one Las Vegas woman 15 years to find out she made $20,000 per year less than her male colleagues although she did the same work and worked just as hard. That is $20,000 a year over 15 years. She was paid about 66 cents on the dollar compared to her male coworkers despite being a top sales associate with a Las Vegas payroll company.

Over the decade and a half she worked there, her employers cheated her out of literally hundreds of thousands of dollars' worth of pay. Why? Because she is a woman. Her story, though, has a happy ending. She got a lawyer, settled out of court, and has now gone on with her own successful business.

But many victims don't have that happy ending. Many victims of years or even decades of gender-based pay discrimination have nothing to be happy about. The average woman who works full time, year-round in Nevada makes $7,300 less than a man doing the same job. I am sure, Mr. President, it is about the same in Connecticut.

Although the wage gap has narrowed in the last half century since Congress declared women are entitled to equal pay for equal work, gender discrimination remains a serious problem in the workplace. That is why Democrats overcame the Republican obstructionism last Congress to pass the Lilly Ledbetter Fair Pay Act. It was the second thing we did in a very productive Congress.

Why did we do it? Lilly Ledbetter had worked for years and years doing the same job as her male counterparts until she finally found out one day they were being paid a lot more money than she was for doing the same work. So she went to court. The court said the statute of limitations had run out.

The Presiding Officer is one of the most gifted lawyers we have in the Senate. He was a long-time attorney general in the State of Connecticut and understands the law very well. Lilly Ledbetter's case was so unfair because she didn't bring her case soon enough. She didn't know she was being cheated. They said people have a certain period of time to bring up this matter—I think it was 3 years. Even though it had been well more than a decade she had been working there, she was out of luck.

So we passed the Lilly Ledbetter Pay Act. I met her on a number of occasions and, boy, she has a lot of spunk in her. And rightfully so because a lot of people would not have fought. She took her case to the U.S. Supreme Court and she lost there. That is why we had to do something legislatively.

This law, the Lilly Ledbetter legislation, makes it possible for victims of gender discrimination to successfully challenge unequal pay even if the indiscretion has been going on for years.

Despite that achievement in the last Congress, there is a great deal of work to be done to ensure that American women earn comparable pay for a day's work. It is crucial that we pass the bill that is now before this body, the Paycheck Fairness Act. It is common sense. It would give workers stronger tools to combat wage discrimination, bar retaliation against workers for discussing salary information, and help ensure more adequate compensation for victims with gender-based pay discrimination.

I am fortunate that I have five children. My oldest is my daughter. She was a good student and a wonderful daughter. No one could be a better daughter than my daughter Lana. She graduated from college, and she came to Washington to spend some time with her parents before she decided what she wanted to do permanently. She went around looking for a job on Capitol Hill.

The first question every person she interviewed with asked was, Do you type? Can you imagine that? She could type. How do you start a debate with that? They asked her that because she is a woman. Women get an unfair shake in modern-day America, and we are trying to do something about it.

We want workers to have stronger tools to combat wage discrimination. We want to bar retaliation against workers for discussing salary information. Some people get fired because they have gone around and found out that a man working the same job as them makes a lot more money than they do. They get fired for just telling another employee what they made.

We also want this paycheck fairness bill to pass because it would help ensure more adequate compensation for victims of gender-based pay discrimination. Today women make up nearly half of the workforce, and an increasing number of women are the primary wage earners for their families.

When I went to law school in Washington—a good school, George Washington University—I can only recall one woman in our class. There may have been two or three, but I don't think so. Now over half the women in law schools in America are women. There is no reason that a woman graduating from law school should get paid less than a man graduating from law school when they are doing the same work.

Today women make up nearly half of the workforce. As I said, an increasing number of women are the primary wage earners for the family. We can tell that by what is going on in college. More than half of the students in college are women. So this problem affects women, children, and families across the country. And it really does.

With the economy struggling and families stretching every dollar, closing the pay gap is more important than ever. No woman working to support herself or her family should be paid less than a male counterpart. They are doing the same job, so they should be paid the same.

Some employers have taken advantage of women, knowing they would work for less. It might be a single parent, and they have said: We don't have to pay her what we pay him. Now with all of this going on, with the examples I have given, the Republicans are filibustering this bill. They will not even let us vote on it. But what else is new? They have filibustered even what they agree with. They don't agree with this. They don't want women to make the same amount of money, so they are filibustering this bill—they are filibustering even letting us get on the bill. They are filibustering what is called a motion-to-proceed rule that I think needs to be changed in this body, and it will someday.

They are filibustering the Paycheck Fairness Act. This legislation would help even the playing field for women in the workplace. If it seems unbelievable that the Republicans would block such a commonsense measure. Consider their track record in this Congress. Republicans have blocked legislation to hire more teachers, cops, firefighters, and first responders. They blocked that. They stalled important jobs measures such as the aviation bill. The FAA bill had 22 extensions. They finally got it done, but it was so hard. The FAA was closed down on one occasion for a week.

The highway bill has been stalled for months. It is in conference now. They opposed legislation to restore basic fairness to our Tax Code. What does that mean? We agree with the American people. About 80 percent of the American people believe someone who is making more than $1 million a year should pay more than somebody making $100,000 a year. But not our Republican friends. So they opposed legislation to restore basic fairness to our Tax Code. They twice derailed attempts to stop interest rates on student loans from doubling which put affordable education at risk for 7 million students.

What I am saying is if we don't get something done by the end of this month, the interest on a large number of student loans—the so-called Stafford loans—will grow from 3.4 percent to 6.8 percent. It will double. They have stopped that twice.

They put women's lives at risk by holding the Violence Against Women Act in limbo on a hypertechnical issue. When I say ''hypertechnical,'' I mean just that. They would not let us go to conference on what we had passed and done here because it had a tax measure in it. By Washington standards, almost no money, a few million dollars. I know that is a lot, but is it a reason to stop this bill? Of course not.

They launched a series of attacks on women, their access to health care, and

even contraception. They have amassed an impressive record of destruction, of being on the wrong side of almost every issue. Unfortunately, it seems that the Paycheck Fairness Act may have two strikes against it. No. 1, it will be good for women and good for the economy, so Republicans are going to oppose it. Paycheck fairness is right for the country, but it appears Republicans will wind up on the wrong side of this issue as well. They will send the message to little girls across the country that their work is less valuable because they happen to be born female.

Little kids are so impressionistic. I hope everybody in this country saw the picture that appeared in major newspapers around the country last week.

There is a man who served as a U.S. marine at the White House. It is an important job—helping to provide security to the White House. It is traditional for Democratic Presidents and Republican Presidents. When the marine finishes their tour, the President brings that person and their family into the Oval Office to say thanks and goodbye. Well, the man who came in and who is represented in these pictures had a wife and two children, including a cute little 5-year-old boy all dressed up with a tie. The President asked the boys if they had a question. The 5-year-old had a big brother who was 9 or 10 years old. The little boy had a question, demonstrating the honesty of a 5-year-old.

The President couldn't hear him the first time. He said: What did you say?

The little boy said: Is your hair like mine?

He is a little African-American boy.

Is your hair like mine?

I am sure this little boy—I don't know, but I am sure people had questioned his hair, and he wanted to know if the President of the United States had hair just like his.

So the President leaned over and said: You can feel it.

When he felt the President's hair, he said: It is just like mine.

Doesn't that speak volumes about little children? That is what I am talking about. This little boy knew that even though his hair was different than everybody's hair whom he went to school with, he could be President just like the man whose hair he was able to feel.

What I have said here today is that it appears Republicans wind up on the wrong side of this issue we have talked about—paycheck fairness—sending the message to little girls across the country that their work is less valuable because they happen to be born female. I hope the Republicans will change. They are not going to—we all know that—but hope springs eternal.

Will 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.

Mr. REID. I note the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. 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.

RECOGNITION OF THE MINORITY LEADER

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

PRESIDENTIAL LEADERSHIP

Mr. MCCONNELL. Mr. President, I wish to start out this afternoon by calling attention to what appears to be a pretty serious disconnect over at the White House between the President's legislative advisers and his political team.

For weeks, President Obama has been running around ginning up college students and late-night television audiences over an impending interest rate change on college loans, pointing the finger at Republicans. But not only are Republicans supportive of solving this problem, we are the only ones who actually passed legislation to do so. House Republicans passed a bill weeks ago that would have preserved current rates, and late last week Speaker BOEHNER, Leader CANTOR, Senator KYL, and I sent a joint letter to the President proposing multiple solutions to the problem that were thoughtfully and carefully designed to gain the President's support. In fact, the solutions were based on the President's own proposals.

Let me say that again. We sent a letter to the President advocating continuing the current rate for another year and proposed pay-fors that he himself has endorsed. So one can imagine how surprised we were to see one of the President's political advisers say on one of the Sunday shows yesterday that Republicans in Congress are sitting on our hands and an op-ed this morning by the Education Secretary saying that Congress isn't lifting a finger to resolve the problem.

So let's be very clear about all of this. Republicans in Congress are the only ones actually working to solve the student loan issue. Unless the President isn't having his mail forwarded to him on the campaign trail, he knows it as well as I do.

I couldn't help but notice that the President is on a fundraising blitz in Manhattan today. No doubt it is easier to walk into these events when one has a good piece of fiction to sell about Republican obstructionism. But the President's campaign rhetoric is increasingly at odds with reality. On the student loan issue, at least, it is Republicans who have been working on a solution and the President who has been totally AWOL. All he has to do is pick up the phone and tell us which one of his own proposals he will accept. It is that easy. But the truth is that the President doesn't really want to solve this problem. He seems to prefer the talking point, as disingenuous as it is.

Speaking of talking points, it has been suggested by some on the President's political team that Republicans are rooting for economic failure. That is absolutely preposterous. If Republicans wanted failure, we would support this President's misguided policies.

But the larger point is this: We will never solve any of these problems we face while the President continues to put his need for campaign rhetoric ahead of finding bipartisan solutions. And whether it is pretending that small-ball, Post-it note-quality proposals would have a major impact on the economy or pretending that Republicans, who are the only ones actually working on bipartisan solutions, are somehow sitting on our hands, he is doing a major disservice to the American people.

For the good of the country, it is time for the President to take yes for an answer. It is long past time for the President to lead.

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

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

The bill clerk proceeded to call the roll.

Mr. KYL. 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.

AVOIDING SEQUESTRATION

Mr. KYL. Mr. President, today I would like to address some of the recent press chatter that attempts to paint Republicans as closet Keynesians because we oppose the massive defense cuts that are contained in the Budget Control Act—the automatic sequestration or across-the-board cuts that occur unless Congress acts to avoid that before the end of this year.

The implication is that if we make economic arguments against these automatic cuts; namely, that they will result in massive job losses, we undercut our arguments against the President's stimulus spending, which is ostensibly created in order to stimulate consumer demand and therefore increase spending, which is supposed to get us out of the economic doldrums we are in. I wish to make two points in response.

First, of course, eliminating more than 1 million defense-related jobs, which is what will happen if the automatic sequestration occurs, will obviously hurt the economy. It will obviously result in job losses, and many people will suffer. That is what a George Mason University study said this $492 billion in cuts will contribute to. In fact, the same point was made in a CBO study that was released a couple of weeks ago. How could such massive job losses not do economic harm? A million jobs—jobs in both the private and public sectors—comprise a substantial part of our economy. In fact,

just in my State of Arizona, there are about 33,200 private-sector jobs at risk if these automatic defense cuts were to take place.

But—and this is my second point—most Federal spending, certainly including defense spending, is for purposes other than stimulating the economy. I support spending for national security because it is necessary for the Nation, not because it also happens to provide jobs. And that is the way it is with a lot of Federal spending. We support the programs because they satisfy a need, and certainly the No.1 need of those of us in the Congress and the President is to provide for the national defense. So we spend what we think is necessary each year to provide for the national defense. The fact that also can create some jobs is a side benefit, if you will, in an economic sense, but it is not the reason we do the spending in the first place. If that spending is cut way back, however, there is no question that jobs will be lost, and I think that is worth pointing out in the context of a discussion about economic recovery.

What I would not do is support unnecessary spending on defense or anything else just to create more government-supported jobs, just for the sake of stimulating the economy. The taxpayers don't have enough money to contribute to the Federal Government for that purpose. We should spend what is necessary and no more. So supporting existing defense jobs is very different from supporting redistributionist government stimulus spending for jobs there is no demand for and on government payments for things such as food stamps and other transfer payments that don't necessarily translate to new jobs but simply move money around. The difference, really, is how you spend the money.

Just to reiterate, Republicans support defense jobs because they produce something essential to our national security and the things they relate to—intelligence and making equipment and weapons and so on. The jobs that produces are incidental to the primary reason we support those jobs.

Keynesians support redistributionist government stimulus spending because they think government spending boosts jobs and economic growth by increasing consumer demand, as I said. But this zero-sum thinking may result in the redistribution of resources from one group of Americans to another but doesn't necessarily result in any net new production or economic growth.

It is said, for example, that we could pay people to dig holes and then fill them up again and we would have created jobs but we wouldn't have created any productivity or growth for the economy per se. Unfortunately, very often the group left paying the bill is the very group of people we rely upon to create the new jobs—in this case, the taxpayers, especially small business folks, whom we call upon to create the jobs coming out of the recession. The real trade-off is between government jobs and jobs created in the private sector. Leaving more money with the job creators in the private sector enables them to create those jobs. Taking more of it away and sending it to Washington for Washington to redistribute takes away from job creation.

As I have noted many times, the last 3-plus years have shown we can't spend our way to economic growth and prosperity; that is, we—the Federal Government—can't spend our way to growth and prosperity because the money we spend either has to come from taxpayers or be borrowed and eventually be paid back by taxpayers. The stimulus was supposed to keep unemployment below 8 percent, but we have just marked the 40th straight month of unemployment higher than 8 percent—above 8 percent. I think such outcomes demonstrate why Republicans oppose these Keynesian spending policies. They simply don't work. If they did, we would be rolling in dough right now after four consecutive trillion-dollar deficit spending sprees.

To set the record straight, Republicans are not arguing that the Department of Defense is a jobs program. It is necessary for our national defense. That is why we spend the money. We are not saying we are going to fix the economy by undoing the defense cuts under the sequestration. We are not even saying defense-related jobs are the most important sequester-related issue. What we are saying is that defense cuts are very dangerous for our national security, and if they go through, not only is our safety jeopardized, but we may have more than 1 million newly unemployed Americans. That is not a desirable outcome, and that is worth talking about. That is something we must keep in mind as this debate goes forward.

In conclusion, I renew my call to my Democratic colleagues and to our House colleagues to get together—Republicans and Democrats, House and Senate—to do something we all know is in the best interest of the country: avoid the automatic sequestration, half of which applies to defense—we are all for a strong national defense—and half of which applies to all the other discretionary spending programs. All those things will suffer if we don't reprioritize our spending and our reductions in spending as opposed to allowing this to happen across the board.

We do that by finding offsets we can agree upon in a way that will, as I said, set the priorities and enable the departments of government that have to plan for the future to do so in an intelligent way rather than simply knowing at the end of the year they are all going to have to have an across-the-board cut that isn't in anyone's best interest.

It is not as if we are suggesting doing away with the savings that would result from sequestration, which is $109 billion for next year. Well, believe me, there is $109 billion in the $3-plus trillion spending we will be doing here. There certainly is $109 billion in savings we can achieve, and there have been several proposals already as to how that can be done. And it can be done without losing Federal jobs, it can be done without negatively impacting the economy, and it needs to be done under the law because Congress promised that we would save that $109 billion next year. It is just a matter of whether we will do so intelligently, making the decisions we can make—and that our constituents expect us to make—in an intelligent way, setting priorities, or whether we will simply succumb to the notion that we can't make a decision, so we will let it happen across the board.

Just to give an illustration, how would you like to be a Navy admiral who hears the words: Here is your 80 percent of a submarine, admiral. It doesn't work that way. If we need the submarine, we need to pay for 100 percent of the submarine and cut somewhere else. That is all we are suggesting. We need to do that while the planning can be done for next year; otherwise, we are going to have a very inefficient and Draconian cut coming up that is not going to benefit anyone.

Again, I urge my colleagues, let's find a way to get together, find those savings, and get that done before we get toward the end of the year, when the departments can do the planning we will be asking them to do.

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

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

Mr. INHOFE. Madam President, let me first of all express my appreciation to the majority. I understand I am to be given some 40 minutes after the vote at the conclusion of the remarks by Senator BROWN of Ohio. I have a subject that is very significant, and it is one I cannot do while being interrupted. So I appreciate starting this period off after the recess being able to express my concern over what I refer to as President Obama's war on fossil fuels and specifically today on coal. I look forward to that sometime around the 6 o'clock hour.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CARDIN. Madam President, I rise to support the Paycheck Fairness

Act that we are going to have a chance to vote on tomorrow. I hope my colleagues will support the effort of my colleague Senator MIKULSKI in allowing S. 3220 to move forward. I congratulate my colleague Senator MIKULSKI for her incredible leadership on behalf of women's issues. She has done that throughout her entire career, and we knew she would be in the forefront of this effort for paycheck fairness. I am proud to stand shoulder to shoulder with her in this fight for basic justice in our Nation, to provide equality of pay in this country based upon a person's work and not a person's gender.

It builds on the Equal Pay Act of 1963 that was signed by President Kennedy. Yes, 1963 was the year Congress first spoke and said we are going to have equal pay for equal work in America, that America would show leadership internationally to say: Let's end discrimination against women in the workplace.

That legislation fought sex discrimination in employment wages, including the fact that such discrimination not only depressed wages and living standards for female employees, but it affected our entire labor resources here in America, holding back the development of our country. Title VII of the Civil Rights Act of 1964 prohibits employers from engaging in discrimination against their employees based on gender.

Today, women still face a pay gap. In 1963, women made 59 cents for every $1 made by a man. Those were the numbers in 1963. Today, women make just 77 cents for every $1 made by a man for equal work or comparable duties. That means a woman has to work 4 days to get 3 days' pay. That is not acceptable. I understand we have made some progress since 1963, but one would think that within a 50-year span we could have done better.

The Paycheck Fairness Act will allow us to reach our goal of equal pay for equal work. Estimates indicate that the wage gap costs women, on average, $434,000 over their careers. While I am pleased we are making progress, this progress is just too slow, and we need to move more aggressively to close this pay gap in the year 2012.

Congress took another important step forward for equal rights for women by passing the Lilly Ledbetter Fair Pay Act. The legislation allows plaintiffs to sue for wage discrimination based on each new discriminatory paycheck they receive. In this case, Congress overturned a decision of the U.S. Supreme Court which held that women were only allowed to sue their employers within 180 days after the discrimination began, even if the women were not aware the discrimination was occurring, as a result of not knowing their coworkers' wages.

Quite frankly, I think the Supreme Court decision defies logic. How can someone possibly bring a case within 180 days if they do not know about the discriminatory pay differential? Congress did the right thing. But basically we held the line on allowing enforcement rather than advancing what we need to, to make sure we have an effective remedy for discrimination against women in our workplaces.

That is exactly what the Paycheck Fairness Act does. It provides for an effective enforcement so women, in fact, can hold their employers responsible if the disparity is based upon their gender, which should not be in America.

The Paycheck Fairness Act would require employers to show pay disparity is truly related to business justifications and job performance and not gender. It prohibits employer retaliation for sharing salary information with coworkers. Under current law, employers can sue and punish employees for sharing such information. In addition, this legislation strengthens remedies for pay discrimination by increasing compensation women can seek.

The Paycheck Fairness Act also would strengthen the ability of the Department of Labor to help women achieve pay equity by requiring the Department of Labor to enhance outreach and training efforts to work with employers to eliminate pay disparities and to continue to collect and disseminate wage information based on gender.

The purpose of this act is to avoid discriminatory pay, not to sue employers after the fact. Therefore, this bill, the Paycheck Fairness Act, is well balanced in providing remedies, yes, if, in fact, an employer is discriminating on pay based on gender but to provide help to employers so they can take the appropriate steps to make sure, in fact, their workforce is fairly paying their employees.

The legislation makes clear that employers are liable only for wage differentials that are not bona fide factors. Bona fide factors include items such as education, training or experience and must be job related and consistent with business necessity. Employees will also be able to argue that employers should use alternative employment practices that would serve the same business purpose without producing the wage differential.

The legislation is crafted to avoid any undue burden on small businesses. I think the Presiding Officer and I both understand the importance of small businesses with the work we do on the Small Business Committee. This act is delayed from taking effect until 6 months after its passage so the Labor Secretary and EEOC can develop technical assistance materials to assist small businesses in complying with the new law, and the agencies are charged with engaging in research, education, and outreach on the new law.

The EEOC is charged with issuing regulations to provide for the collection of pay information from employers. The law specifically states that these regulations should ''consider factors including the imposition of burdens on the employers, the frequency of required data collection reports . . . and the most effective format for data collection.''

We have heard about the cumulative information: Why can't we simplify it? Why can't we combine it? Why can't we be sensitive to small businesses? The Paycheck Fairness Act in our language makes it clear these regulations must be sensitive to the special needs of small businesses to make sure, in fact, this bill provides an effective remedy without excessive burdens on the business community.

In my own State of Maryland, the gender pay gap is 14.6 percent, according to the Joint Economic Committee. In Maryland, women's median weekly wage for full-time workers is $822, while men's is $962. That is not right. In Maryland, over one-third of married, employed mothers are their families' primary wage earner. Maryland women contribute, on average, over 40 percent of family wages and salary income to their households. It is time for women who live in Maryland—or who live in any State in our Nation—to get fair pay for the work they do.

I have the opportunity to chair the subcommittee on the Senate Foreign Relations Committee that deals with international development assistance. I have worked very closely with Secretary of State Clinton to deal with gender issues internationally.

We have discovered something that should be pretty obvious, but it is something that is very telling. The way a nation treats its women will very much be a barometer as to how well that nation is doing—how well they are doing with economic growth, how stable their government is. The United States has been a leader in working with countries around the world to treat women right, to do land reform so that the women who work the fields also own the property they are working, to make sure they share fairly in the fruits of their labor. We have been a leader internationally. I am proud of the progress we are making. I am proud of what Secretary Clinton and President Obama have done in showing the world that it is in a nation's interests to make sure women are properly dealt with, that they have proper education, that they are included in the system for education, for health care, for job training, for all of those issues, and are treated fairly when it comes to the economic rewards for the work they do. But it starts with us doing what is right in America.

Fifty years is too long for women to wait for equal pay after Congress took action in 1963. As a father and grandfather of strong, intelligent women, pay equity is a personal issue for me. I want my two granddaughters to know that when they grow up, they will be paid fairly for the work and not 77 cents for every dollar of their male counterparts.

I am proud to stand with Senator MIKULSKI in this fight to finally ensure that equal pay for equal work becomes

a reality for all women and men. I am pleased that this legislation is endorsed by a large number of organizations that have been in the forefront of fighting for equal justice in America. It is time to act and pass the Paycheck Fairness Act.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF TIMOTHY S. HILLMAN TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS

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

The bill clerk read the nomination of Timothy S. Hillman, of Massachusetts, to be United States District Judge for the District of Massachusetts.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

Mr. LEAHY. Madam President, today, the Senate will vote on the nomination of Timothy Hillman to fill a judicial vacancy in the U.S. District Court for the District of Massachusetts. Judge Hillman has the strong bipartisan support of his home state Senators. His nomination was reported with a near unanimous vote of 17–1 by the Judiciary Committee nearly 3 months ago, with the only objection coming from Senator LEE's customary protest vote. I thank the majority leader for his work in securing a vote on Judge Hillman's nomination.

I would note, however, that we have passed over consideration of four other nominees who are all listed on the executive calendar ahead of Judge Hillman. Those nominees—Andrew Hurwitz for the Ninth Circuit, Jeffrey Helmick for the Northern District of Ohio, Patty Shwartz for the Third Circuit, and Mary Lewis for the District of South Carolina—are all extremely well qualified, have the support of their home state Senators, were reported favorably out of the Judiciary Committee, and deserve an up-or-down vote. I hope we will have a vote on them soon.

Judge Hillman could and should have been confirmed back in March when the Majority Leader first filed cloture on his nomination. While I regret that he was not part of the original agreement reached by the Majority Leader and the Republican leader for a floor vote, I am glad that an agreement was reached to consider his nomination today. Once we vote on Judge Hillman, we need to agree to vote on the 15 other judicial nominees stalled on the Executive calendar because there are still far too many vacancies plaguing our courts today.

The Congressional Research Service recently released a report about the treatment of President Obama's judicial nominations that confirms what we already know—that Senate Republicans have held President Obama's nominees to a different and unfair standard. For example, 95 percent of district court nominees in President George W. Bush's first term were confirmed, while only 78 percent of President Obama's district court nominees have been confirmed.

President Obama's nominees are also being delayed and forced to wait far longer on the Senate floor than President Bush's nominees. The median wait time for President Obama's district nominees after having been reported favorably out of Committee is more than 4 times longer than for President Bush's district nominees. The median wait time for President Obama's circuit nominees is 7.3 times longer than for President Bush's circuit nominees.

The simple fact is that the Senate is 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.

Senate Democrats 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. By working together, we lowered vacancy rates more than twice as quickly as Senate Republicans have allowed during President Obama's first term.

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.

By comparison, the vacancy rate remains nearly twice what it was at this point in the first term of President Bush. While vacancies were reduced below 50 by May of President Bush's fourth year, in June of President Obama's fourth year they remain in the mid-70s. They remained near or above 80 for nearly 3 years. We are more than 30 confirmations behind the pace we set in 2001 through 2004. Of course, we could move forward if the Senate were allowed to vote without further delay on the 16 judicial nominees ready for final action. The Senate could reduce vacancies below 60 and make progress.

The recently released CRS Report also notes that in five of the last eight Presidential election years, the Senate has confirmed at least 22 nominees after May 31. Because of how far we are lagging from President Bush's record of confirmations, we should be working to exceed those numbers. We can start today by confirming Judge Hillman and the other 15 judicial nominees ready for final Senate action. Another five judicial nominees were ready for final Judicial Committee action in May but held over by Committee Republicans. Those five nominees should be voted out of the Committee this Thursday. In addition, we are holding a hearing for another three judicial nominees this Wednesday. With cooperation from Senate Republicans the Senate could make real progress and match what we have accomplished in prior years.

Timothy Hillman was rated unanimously well qualified by the ABA's Standing Committee on the Federal Judiciary, the highest possible rating. He has been a federal magistrate judge on the court in which he has been nominated for nearly 6 years. Prior to his service as a magistrate judge, Judge Hillman served for 15 years as a state court judge on the Massachusetts Superior Court and the Massachusetts District Court. He has also spent significant time in private practice and several years of experience as an Assistant District Attorney in the Worcester County District Attorney's Office.

Judge Hillman is a respected and experienced jurist in Massachusetts. His nomination has the strong support of both his home state Senators, Senator JOHN KERRY and Senator SCOTT BROWN, who introduced him to the Judiciary Committee at his hearing in February.

Senator BROWN said of Judge Hillman:

> We have in Judge Hillman somebody who is greatly respected in Massachusetts and especially in the Worcester area through his innovation and integrity and dedication to fairness. He is really to be commended, and I want to thank he and his wife for, obviously, putting up with the process. And I am going to do everything in my power to encourage my colleagues to make sure that we get a vote on this right away, because Massachusetts needs a jurist like him right away to do the people's business, and that is so critically important.

While this vote on Judge Hillman is hardly ''right away,'' as Senate Republicans have continued to needlessly stall his nomination for close to 3 months now, it is finally occurring. This consensus nomination is another example of a judge's confirmation being delayed needlessly for months and months for no good reason or purpose other than delay. Given Judge Hillman's qualifications and significant bipartisan support, he should be confirmed easily.

After today, we still 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 have 16 judicial nominees awaiting action. Let us do what we did on November 14, 2002, when we confirmed 18 of President Bush's judicial nominations on a single day.

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 hardworking 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 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.

Mr. GRASSLEY. Madam President, today, the Senate turns to another judicial nomination, that of Timothy Hillman, to be U.S. district judge for the District of Massachusetts. I support this nomination.

We continue to confirm the President's nominees at a brisk pace. In fact, with today's confirmations, we will have confirmed 147 of this President's district and circuit court nominees.

Let me put that in perspective for my colleagues. We also have confirmed two Supreme Court nominees during President Obama's term. The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term. And during President Bush's entire second term, the Senate confirmed a total of only 120 district and circuit court nominees. We have confirmed 27 more nominees for President Obama than we did for President Bush in a similar time period.

Judge Hillman received his B.A. from Coe College in 1970 and his J.D. from Suffolk Law School in 1973. He began his legal career in 1974 as a staff attorney at Murphy & Pusateri. In 1975 he became an assistant district attorney, where he prosecuted criminal cases for Worcester County. During this time, he also conducted limited private practice, which centered on drafting wills, representing clients in real estate transactions, and representing plaintiffs in motor torts. He left the D.A.'s office in 1978 and represented criminal defendants in private practice until 1988. He also represented multiple municipalities in this stretch of time as either city solicitor or town counsel. While working in these capacities, he represented the municipalities in court, gave legal advice to their boards and elected officials, and drafted and reviewed legal documents.

In 1995 Judge Hillman was appointed to be associate judge of the Gardner District Court, and he became presiding justice there in 1997. From 1998 to 2006 Judge Hillman was a judge for the Massachusetts Superior Court, an appointed position. In 2006 Judge Hillman was appointed to be a U.S. magistrate judge for the U.S. District Court for the District of Massachusetts, Worcester Division. As a magistrate judge, he manages and tries civil cases with the consent of the parties, both jury and nonjury. He is also responsible for the initiation and management of criminal felonies, not including trial, and all aspects of criminal misdemeanors.

The ABA Standing Committee on the Federal Judiciary unanimously rated him as ''well qualified'' for this position.

I yield the floor.

Mr. BROWN of Massachusetts. Madam President, may I inquire as to how much time remains for the two sides?

The PRESIDING OFFICER. There is 15 minutes.

Mr. BROWN of Massachusetts. Fifteen minutes per side? How much time remains on the other side?

The PRESIDING OFFICER. The majority has 6½ minutes.

Mr. KERRY. Madam President, is this controlled time?

The PRESIDING OFFICER. Yes, there is 6½ minutes.

Mr. KERRY. The Senator, my colleague, is able to speak on Republican time, I believe.

Mr. BROWN of Massachusetts. That is correct.

The PRESIDING OFFICER. That is correct

Mr. KERRY. If he wants to go first, I am happy for him to go ahead.

Mr. BROWN of Massachusetts. I will defer to the senior Senator from Massachusetts.

Mr. KERRY. I thank my colleague.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank my colleague for his courtesy. I am perfectly happy to wait and listen to his comments.

We have a sort of Alphonse and Gaston thing going back and forth.

Madam President, I thank Chairman LEAHY for his work on the Judiciary Committee in helping bring this nomination to the floor, and, obviously, Senator BROWN and I are here, having worked together to choose this nominee and to send his name to the White House. We are very grateful, both of us, to President Obama for acting favorably on this nonpartisan recommendation which we made, and we are grateful to the other members of the Judiciary Committee who approved the nomination and brought it to the floor expeditiously so we can fill a very important vacancy in Massachusetts.

I think both of us believe the President could not have nominated a more qualified individual than Judge Hillman. He is already a judge, as we know, but a broad segment of the judicial community in Massachusetts agrees with us completely. Senator BROWN and I agreed on a team made up of some of the top lawyers in our State who would get together and screen these candidates before we even view them, and so this candidate comes with the endorsement of the Massachusetts Bar Association, the Worcester Bar Association, the Hampden Bar Association, and the backing of this nonpartisan search committee that gave us several names to evaluate. We sat down and interviewed the judges, and I think both of us are extremely pleased with the results.

In Judge Hillman, we see what President Obama has recognized—a thoughtful, fair, honest jurist who has a long record of public service as counsel to several municipalities in Massachusetts and as a magistrate judge in Worcester.

There is not going to be any learning curve for Judge Hillman if he is confirmed by the Senate this afternoon. Serving on the District Court in Worcester would be an enormous capstone to his decades of tireless public service, and I know he will bring his signature brand of thoughtful deliberation to the Worcester District. I am very grateful for his many years of public service.

As the current Presiding Officer of the Senate knows, having been a former Governor who has made her own nominations, it is tough to get lawyers nowadays who are willing to give up the compensation of the private sector to come and work for very little in a tireless public way. So I wish to recognize Judge Hillman's family—his wife Kay, and his children Zachary, Molly, and Patrick—for their contributions toward his ability to be able to share his life in public service with all of us.

I ask my colleagues to support his nomination this afternoon, Judge Timothy Hillman, to the U.S. District Court of Worcester, MA.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Madam President, I appreciate the senior Senator from Massachusetts setting up that process. We have worked hand in hand to try to develop a nonpartisan, unbiased process. Quite honestly, I was deeply impressed with the way we were able to handle it and get some truly qualified candidates. It was good to work with my colleague, and I look forward to doing it again. I rise also to endorse the nomination of Judge Timothy Hillman to the U.S. District Court for the District of Massachusetts.

As many of you know, when I was a young man, I had a run-in with the law. It was a judge named Samuel Zoll who set me straight and served as a role model for me. No doubt Judge Zoll served as a role model for many young men and women in Massachusetts. My experience shows the ability of judges to do good in their communities.

Today we are considering the nomination of a judge who will make the Worcester, MA, area a better place. I know that for a fact, as Senator KERRY pointed out. Judge Hillman is a man of integrity who will make us proud as the next Federal judge in Massachusetts. He will have a chance to shape young people's lives, much like Judge Zoll did for me.

Before I say a few words about Judge Hillman's background, once again, I thank Senator KERRY. We have in place a process I would recommend to other Senators so they can get good jurists in their own States. We worked very closely on that nomination.

I wish to also thank the judicial nominating committee we comprised. We have, as was said, some of the most respected and experienced attorneys in Massachusetts trying to bring something very special to our State, and that is a balanced judiciary. The attorneys on the panel came from all walks of life and different areas of our State, and the judicial nominating committee reviewed many applications and interviewed nearly every applicant, took their assignment very seriously, and we are both deeply appreciative of their time and effort.

Ultimately, this bipartisan committee made several recommendations, and Senator KERRY and I then interviewed each and every one of them. It was clear during his interview that we were immediately impressed by his poise and intellect. Clearly, he understands the proper role of a judge and is deeply committed to achieving justice.

In his interview, he lived up to his reputation as a thoughtful and thorough jurist with deep ties to the community, which makes it even all the more fitting that he will remain in Worcester to do good for the people of Worcester. They respect him as one of their own and trust that he will serve them well.

Since Senator KERRY and I recommended Judge Hillman to President Obama, we have received an outpouring of support for Judge Hillman from the Worcester bar and its residents, and we are both thankful for that. His legal background also makes him uniquely qualified for this position. He is currently a magistrate judge in Worcester, MA. In that role he has been indispensable to the Federal judiciary in Massachusetts. If confirmed he will seamlessly integrate with the other members of the District of Massachusetts courts.

The bar in Worcester has a tremendous amount of confidence in him, as both Senator KERRY and I do as well. They know when they appear before the judge, they are going to get a fair shake and that he has a sharp legal mind.

In addition to his role as magistrate judge, he generously gives a significant amount of his time to bar activities. For example, in 2008, in partnership with the U.S. Probation Office, Judge Hillman established a Federal reentry court program called RESTART for high-risk ex-offenders who have been released from prison. Judge Hillman's goal in establishing RESTART was to reduce recidivism and to focus on employment skills for ex-offenders. Judge Hillman should be proud that only after a few years, RESTART is becoming a national model for reentry courts, and for that we are also thankful.

In 2009 he was appointed as the national cochair of a group of judges and support staff who are responsible for the design and implementation of the next generation of the Federal courts case management and electronic filing system.

Prior to his service as a magistrate, he served as a State trial court judge for 16 years. Before becoming a judge, Judge Hillman spent 14 years in private legal practice, giving that up, as Senator KERRY referenced, to do good public service. He served as town councilman to three towns also in Massachusetts. So it is rare to find a nominee with the diversity of experience of Judge Hillman.

It will actually also affect the people in the Presiding Officer's State who work in Massachusetts—and I would encourage and seek the Presiding Officer's vote as well. For that reason, he is a superb choice.

In closing, I enthusiastically support Judge Hillman's nomination as a Federal judge. I will be standing right up there encouraging each and every Member of both sides of the aisle to see if we can get him through almost unanimously.

I have had the opportunity to support a stellar candidate to the Federal bench before, and I am excited to do it again. I thank Senator KERRY once again for the process. We have appointed two great judges to the judicial bar back home, and it is good for Massachusetts.

Madam President, I yield the floor, and 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.

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

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

Mr. KERRY. Madam President, I believe there is a vote due at this hour, is there not? I ask for the yeas and nays with respect to the Hillman nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Timothy S. Hillman, of Massachusetts, to be United States District Judge for the District of Massachusetts? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Indiana (Mr. COATS), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. HELLER), the Senator from Illinois (Mr. KIRK), the Senator from Ohio (Mr. PORTMAN), and the Senator from Florida (Mr. RUBIO).

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

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

The result was announced—yeas 88, nays 1, as follows:

[Rollcall Vote No. 114 Ex.]

YEAS—88

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

Vitter	Webb	Wicker
Warner	Whitehouse	Wyden

NAYS—1

Lee

NOT VOTING—11

Burr	Harkin	Menendez
Chambliss	Heller	Portman
Coats	Kirk	Rubio
DeMint	Lautenberg	

The nomination was confirmed.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Ohio.

Mr. INHOFE. Madam President, will the Senator from Ohio yield for a unanimous consent request?

Mr. BROWN of Ohio. Sure.

The PRESIDING OFFICER. The Senator from Oklahoma.

ORDER OF PROCEDURE

Mr. INHOFE. Madam President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Ohio I be recognized as in morning business for such time as I may consume.

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

The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I am pleased to work with Senator INHOFE on this matter.

STAFFORD LOANS

Mr. BROWN of Ohio. Madam President, in 25 days, the cost of attending college, a trade school, a university, or a 2-year community college will increase for some 380,000 students in my State of Ohio. It is because without congressional action—something which we have tried to fix repeatedly on the floor of the Senate—interest rates for Stafford loans are scheduled to double on July 1.

Now, this was done 5 years ago. Bipartisanly, we were able to do this. President Bush signed legislation by a Democratic Congress—a Democratic House, a Democratic Senate—to freeze interest rates on Stafford subsidized loans for American college students for 5 years at 3.4 percent. That expires July 1, and it is something we need to do, we have tried to do. It has repeatedly been batted down by threats of a filibuster.

That is why today I met with students in Toledo, at Owens Community College. Jakki, CJ, and Megan all have dreams to attend, first, Owens, and then to move on to 4-year institutions. But they rely on Stafford loans to afford their tuition and other expenses.

I have been to Cuyahoga County Community College meeting with students. I have been to Hiram College visiting students on their graduation day. I have been to the University of Cincinnati. I have been to Ohio State. I have been to Wright State University in Dayton speaking to students.

They understand if we do not act, future college graduates will see an average of about $1,000 in extra interest fees per student per Stafford loan.

My colleague JACK REED, a Senator from Rhode Island, Senator HARKIN, and I have introduced the Stop the Student Loan Interest Rate Hike Act, which would keep college affordable for more students.

The act is fully paid for by closing a corporate tax loophole. We want to pay for this. We do not want to add to the debt of college students. We do not want to add to their personal debt by allowing this 3.4-percent interest rate to double.

I would like to make this more personal, if I could, and read some letters from students in Ohio schools. These higher interest rates affect students personally, of course. It also affects the families who are helping to pay for their college tuition in many cases. It also affects the community. We know, looking back at the 1940s, 1950s, 1960s, and 1970s, the GI bill enabled literally millions of individuals—millions of young Americans who had fought for their country in World War II or Korea or in successive military involvements—to go to school and to afford their college tuition. What that meant was not just helping those students and their families. It helped raise the level of prosperity for the entire country because those were people who got to go to school. It meant they could start businesses and buy homes and get better jobs and give back a lot to our communities.

That is the same thing that will happen if we can lock in these 3.4-percent interest rates. It will mean students who might not have been able to buy a car or might not have been able to start a business or might have been more reluctant to start a family—they are less likely to do that if we cannot lock in these interest rates.

Before yielding the floor to Senator INHOFE, I would like to share three letters my office received recently, starting with Kasey from Union in Miami County, OH. Miami County is just north of Dayton.

Going to college was never a question for me—there was an unspoken understanding that it would happen.

Unfortunately, my parents could not afford to pay for college for all of their children, particularly after [we faced] foreclosure in 2007.

At 17, I faced responsibility for covering the $10,000 per year gap of paying for George Washington University.

Over the past four years, I have taken out the maximum allowed in student loans—both subsidized and unsubsidized. I have held a federal work study job since October of my freshman year. Because both of my parents were unemployed at the time, I was forced to take out PLUS loans. This still left me with a gap, and I had to ask my parents to spend a significant portion of their retirement fund to allow me to finish my degree.

At 21 years old, I have more than $42,000 in loans to repay. I have received a world class education thanks to the opportunities provided to me by my scholarships, student loans, Pell grants and federal work study programs.

Students should not be punished for following the American Dream. There is a huge emphasis on the importance of education, but the soaring costs of private and public universities is making it harder and harder for my generation.

Doubling the interest rates on loans is not the solution. Making education harder to pay for will shut doors for students like me, and college will inch back toward being a privilege of the wealthy.

I have worked part time since I was 15, I did well in high school to win a substantial scholarship, I have maintained my grades in college to keep that scholarship, I have taken advantage of work study programs, and I have every intention of paying back my student loans in full as I enter the world of full time employment.

Please do not make it harder to pursue the American Dream.

Waylon from Fairborn, Greene County, near Springfield. The city of Xenia is nearby, outside of Dayton.

I am deeply concerned about the thought of an increase in student loan interest.

I am currently a student at Antioch University Midwest taking classes to pursue my license to become an Intervention Specialist. I also have two children who are finishing up their sophomore years in college at the end of May.

My sons, as well as myself, have student loan debt and an increase in the rates would certainly have a diminishing affect on affording an already higher tuition rate at the college itself.

Hasn't it been a big push for the people in our country to become more educated equating to a more resourceful and competitive country?

How will this ever be attained without an affordable education?

Gaining higher, more competitively paying jobs would also equate to more taxes being paid!

Isn't that what we should be looking at?

I believe that there is a disconnection between what people in Washington want—a more educated country and how they are willing to get it.

Sarah, from Dayton, writes:

I started college in fall 2003. As a foster youth fresh from emancipating, I took out student loans because I don't have any family that can help me pay for college.

9 years, 2 Bachelor of Arts (one in Criminal Justice and the other in Social Science Education . . .) and an almost complete Master of Arts degree later not only am I $100,000 in debt with student loans I am still unable to find a job.

Since I am overqualified for jobs at places like McDonald's (who take one look at my application and reject it) and underqualified for positions using either of my degrees, I am forced to look outside of Ohio for jobs that will allow me to at least use my 1–2 years of secretary experience so that I have the salary to start paying on these loans.

My student loans are hindering not only my ability to possibly finish my Master's degree but also to potentially purchase a home and find a position near my family.

When I graduate I will not be able to move back home since my parents were the state so I will have to find a position outside what I went to school for and probably for minimum salary or even minimum wage just so

I do not end up homeless. I may even have to look overseas to find work.

I have hopes that the government will see stories like mine from people who have risen above their circumstances and are able to go to college to make their lives better and not be statistics and actually do something to help us.

These stories, obviously, speak for themselves. We are certainly leaving our children with far too much debt. Ten years ago we had a budget surplus, until this government—the House and Senate and the President in the last decade—made terrible mistakes and blew a hole in the Federal budget. We do not want to also leave them increased debt from student loans. My wife was the first person in her family to go to college, to Kent State University. She graduated with almost no debt, even though her family was not really able to help her much, because the State government was more involved, the Federal Government was more involved, and tuition was lower.

It is a moral question to me to make sure we can freeze these interest rates. We have no business saddling a more onerous debt burden on the young men and women of our country.

Madam President, I yield the floor.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2012

Mr. LEAHY. Madam President, it has been more than a month since the Senate came together to pass the Violence Against Women Reauthorization Act of 2012. This bill, commonly referred to as VAWA, reflects the tradition of bringing together people from both political parties to work with professionals in the field and address the needs of victims—all victims. More than two-thirds of the Senate, including 15 Republicans, voted for this common sense legislation. It is a rare feat in the Senate these days, as the distinguished Presiding Officer knows, but it demonstrates that the Leahy-Crapo reauthorization bill is about saving lives, not partisan politics.

Few laws have had a greater impact on the lives of women in this country than the Violence Against Women Act. Because of this law, the days of dismissing domestic and sexual violence crimes with a joke or a shrug are over. The resources, training, and law enforcement tools provided by VAWA over the past 18 years have transformed the criminal justice and community-based responses to abuse. It gave support and protection to victims who for generations had been blamed, humiliated, and ignored.

I had hoped the House Republicans would follow our demonstration of bipartisanship by moving forward with the Senate-passed VAWA reauthorization bill. Instead, the Republican leadership in the House chose to proceed with a bill that doesn't reflect the core values of VAWA.

I mention its core values because we worked—both parties in this body—to reflect what is most important in VAWA. The House Republican bill does not include protections for all victims. It takes away existing protections that have proven effective in preventing domestic and sexual violence. In short, the House bill is not VAWA.

Regrettably, the House Republican leadership would not even allow a vote on the bipartisan Senate-passed bill, which truly does do the job. They would not allow open debate regarding the relative merits of the different versions of the bill—ours, which protects all victims, and theirs, which rolls back protections. Had the House had the opportunity to vote on the Senate-passed bipartisan bill, I believe the President would have signed it and it would now be law. Nearly two dozen House Republicans, along with most Democratic Members, voted against the restrictive House bill.

It is not surprising that the House Republican bill failed to gain support among those who actually work with victims, the people who see these victims on a daily basis in all parts of the country. When challenged on the House floor to name any law enforcement or victim advocacy organization that supported the House Republican bill, their lead sponsor could not name a single one. Why? More than 320 organizations that work with the victims of domestic and sexual violence opposed that bill.

By contrast more than 1,000 local, State, and national organizations supported the bipartisan Senate bill, including hundreds of law enforcement, victim advocates, and faith-based groups. Why? Because in our bill, we worked at it. We did it the old-fashioned way—Republicans and Democrats working together after months of discussion with stakeholders from across the country and all political persuasions from the right to the left. The provisions in our bill that protect battered immigrant women, Native women, and the most vulnerable among us who have had trouble accessing services were recommendations from those very professionals who work with crime victims every day. The bipartisan Senate bill is intended to respond to the changing, unmet needs of victims and to prevent future acts of domestic and sexual violence. Instead of picking and choosing, as they tried to, among who would get protection, we came up with a simple fact. We said a victim is a victim is a victim. If somebody has been victimized, the police don't go and say: Can we help this battered person, maybe even murdered person? We might be able to get involved in this, provided they are not an immigrant or provided they are not a Native American or provided only if they are straight. That is not the way it works.

I still have nightmares over some of the crime scenes I visited at 2 and 3 and 4 o'clock in the morning when I was a prosecutor and I saw people who had been badly battered, badly injured. I never heard a police officer say: Before we go any further on this, what category does this battered victim fall into? Because unless they fall into one of these specific categories—such as the House bill had—we can't do anything for them. No, no police officer ever said that in my presence nor in anybody else's presence.

It was law enforcement who educated us on the importance of the U visa to keeping our streets safe and encouraged us to support a modest improvement to this program. The enhanced consultation provisions in the bill were included after domestic and sexual assault coalitions and other victim advocacy groups told us that they wanted to coordinate their activities in a more effective way with VAWA state administrators and Federal agencies. Victim service providers also told us that the LGBT community experiences violence at the same rate as the broader community but faces a serious lack of available services. It was the Native American community that informed us about the epidemic of domestic violence in tribal communities and the need to increase local prosecution of these crimes. It is unacceptable that nearly three out of five Native American women have been assaulted by their spouses or intimate partners, yet the percentage of these cases that are prosecuted is appallingly low. That is why our bill provides law enforcement with additional tools to combat domestic and sexual violence in Tribal communities.

The Senate has already considered and soundly defeated a conscripted version of the bill, like the House Republicans' version, that would not help all victims. We voted 37–62 against the Hutchison-Grassley amendment last April. This was not a case where an amendment did not obtain a supermajority of more than 60 votes. The votes against it were bipartisan and more than 60. I do not understand why the House Republican leadership has gone to tremendous lengths to avoid debating and voting on the bipartisan Senate-passed VAWA reauthorization bill.

The House Republican leadership has refused to consider two House bills that mirror the Leahy-Crapo bill, including one introduced by a Republican. They also raised a procedural technicality as an excuse to avoid debating the Senate bill, even though the Speaker of the House has the ability to waive that technicality and allow the House to move forward to consider the bipartisan Senate bill.

The Majority Leader tried to move this forward 2 weeks ago by proposing a way to resolve the technical objection by House Republicans to considering the bipartisan Senate-passed bill, but the Republican leader objected.

Frankly, victims should not be forced to wait any longer. They will not benefit from the improvements made by the bipartisan Leahy-Crapo bill, unless both Houses of Congress vote to pass this legislation. The problems and barriers facing victims of domestic and

sexual violence are too serious for Congress to delay. Domestic and sexual violence knows no political party. Its victims are Republican and Democrat, rich and poor, young and old. Helping these victims, all of them, should be our goal.

I will continue to work with our leadership in the Senate to come up with a solution that can move us past this impasse and send back to the House a Violence Against Women Act reauthorization bill that protects all victims. We know we can do that because the Senate has already passed such a bill. I am still hopeful that the House will do the same.

TRIBUTE TO CAROL MARTIN GATTON ACADEMY

Mr. MCCONNELL. Madam President, Kentucky received quite an honor recently when the Carol Martin Gatton Academy of Mathematics and Science in Kentucky, an elite public high school that draws students from all over the Commonwealth, was named the No. 1 public high school in the United States by Newsweek Magazine. Think about that, Madam President—out of more than 20,000 public high schools in the Nation, the top-ranked one is in Kentucky.

The Gatton Academy is in Bowling Green, KY, specifically, and it is a special place. First opened in 2007 and funded by the Kentucky General Assembly, the Gatton Academy is the Commonwealth's only State-supported residential high school with an emphasis on math and science. Bright, highly motivated students come from across the State and stay on campus, taking college-level courses at Western Kentucky University.

Dr. Julia Roberts, a good friend of mine and the executive director of the academy, worked hard for many years to see the school become a reality. How wonderful for her that her vision has been realized. This honor is a recognition that she truly deserves for her steadfast commitment to help Kentucky's finest students blossom and reach their full potential.

Here is a quote from Dr. Roberts that summarizes the school's mission:

> The United States has emphasized proficiency or grade-level learning to the exclusion of nurturing the talents of advanced learners. A promising future for our country is closely tied to the development of talent in science, mathematics, languages arts, the social sciences, and the arts. The purpose of the Gatton Academy is to extend learning opportunities for gifted students who live in all parts of Kentucky.

I also must recognize Dr. Tim Gott, director of the Gatton Academy, without whose hard work the school surely would not have been able to rise to the top. In fact, the Gatton Academy tops Newsweek's list of public high schools this year after ranking fifth in 2011. That is quite a jump up in 1 year, thanks in part no doubt to the indefatigable work of Dr. Gott.

''It's just wonderful to be able to celebrate Kentucky students,'' Dr. Gott says. He also adds, ''This recognition would not have been possible without the full partnership we have with Western Kentucky University.''

The Newsweek rankings that put Gatton Academy on top were based on measurements such as graduation rates, college enrollment, average ACT and SAT scores, and advanced placement tests per student, as well as scores. This year, the school's average ACT score was 31.2 out of a possible 36, and its average SAT score was 2,010 out of a possible 2,400. In addition, over half of the school's students studied abroad last year, and 91 percent of recent graduates participated in a research project sponsored by a university mentor.

Mr. President, I would like to ask at this time that my colleagues in the Senate join me in recognizing the Carol Martin Gatton Academy of Mathematics and Science in Kentucky and its great contribution to the success of Kentucky and the Nation. The students at Gatton are the future leaders and success stories of America.

I ask unanimous consent that the Newsweek article naming the Carol Martin Gatton Academy of Mathematics and Science in Kentucky as the top-ranked public school in the Nation be printed in the RECORD.

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

[From Newsweek, May 20, 2012]

KENTUCKY ACADEMY TOPS THE CHART: NEWSWEEK RANKS KENTUCKY ACADEMY AS AMERICA'S TOP HIGH SCHOOL

WHAT DOES IT TAKE TO BE THE BEST PUBLIC HIGH SCHOOL IN AMERICA? DANIEL STONE REPORTS FROM THE TOP-SEEDED GATTON ACADEMY

(By Daniel Stone)

To call the Gatton Academy of Mathematics and Science a high school, you'd have to suspend an element of reality. You'll find no football games, pep rallies, or dismissal bells on the Kentucky campus. Instead you'd find couches designed for study halls and white boards scribbled with advanced math. Last week, one student even walked around campus in a T-shirt proclaiming, ''Extreme science: What a rush.''

Welcome to Gatton. Or as administrators affectionately call it, the crucible—a place with admittedly high pressure, but where every student succeeds. The school has another title, too: America's best public high school, according to Newsweek's 2012 ranking of the top 1,000. On every metric used—test scores and graduation and college matriculation rates—Gatton sets the nation's curve.

The school, about 100 miles south of Louisville in verdant Bowling Green, Kentucky, is a public school with selective admission based only on past academic performance—a key quality that separates Gatton from other public schools, which are mostly mandated to seek economic and racial diversity.

Once students are in, they're given broad autonomy to pursue subjects that interest them: They befriend their instructors and conduct scientific research. During semester breaks, the school helps students study abroad. Last winter, the offerings were Western Europe and Costa Rica.

It is, you might note, a bit like college.

That's precisely the idea. Back in 2007, generous funding from the Kentucky statehouse brought Gatton to life. The facility, a five-story building about the size of one football field, was built for 126 lucky and ambitious minds. Students live on campus in dorms and eat with their friends in dining halls. They see their parents only once a month. Most of their classes are college level, literally, which they take on the adjacent campus of Western Kentucky University. ''We see ourselves as an atypical high school. We're trying to break the mold of what high school could be,'' says Tim Gott, who directs the school's academic programs.

Gatton was designed under the Early College Model, a concept devised by researchers at the University of North Texas (UNT) in the 1970s. They wanted to end traditional high school after tenth grade to push students into a college environment sooner. ''The idea was to zip them through the educational process,'' says Richard Sinclair, one of the early researchers of the model. Sinclair now runs the Texas Academy of Math and Science, a school similar to Gatton, albeit twice its size, that's located on the UNT campus. About seven schools exist under the model, most of them in the South. Despite the high cost—Gatton's yearly budget for 126 pupils is $2.6 million—state legislatures tend to like the idea because it gets hungry minds out of school faster, turning them into taxpayers and industry leaders.

To understand just how different Gatton is, try to name another high school that has a living room. Or students who have pet names for their math classes (multi, diffie). Some high-schoolers pin posters with the latest movie or heartthrob; in one break room at the end of Gatton's dorm hall is a floor-to-ceiling crossword puzzle—the one from SkyMall magazine—that's about half full. When Newsweek visited last week, senior Jordan Currie picked up the clue list. ''370 across is kingdom!'' she shouted. ''Someone fill it in!''

Ambition, in other words, is a sort of currency, and the only one that really matters. In the five years since the school opened, some of its students have already completed law school, begun dentistry and pharmacy programs, and started doctoral degrees. (The school's everybody-knows-your-name mentality has already produced seven marriages.)

Of seven students who agreed to be interviewed, all said they wouldn't stop studying until they had their Ph.D.s. Some are already on their way. Andrea Eastes, who graduated this year, spent her senior year studying DNA, specifically in pursuit of a cure for tuberculosis. ''Everything you need to take tissue cultures is in here,'' she says matter-of-factly, just a few steps away from a canister of liquid nitrogen.

Gatton has its share of the usual adolescent issues, too. Some students stress over their studies, others over friends and romance. The school employs a full-time school psychologist to work through these issues, and occasionally more serious ones too, like broken families or eating disorders. ''Every student comes to me for something,'' says Christopher Bowen, Gatton's Converse-wearing psych counselor. ''It's almost like, if you're not coming to see me, then we think something's wrong.''

Gatton has received nods from high places. Kentucky Sen. Mitch McConnell, the Senate's minority leader, stopped by once to marvel; when he got back to Washington, he submitted a statement into the Congressional Record exalting the school.

But Gatton's administrators admit it's not a model for every school. You need to have students who really want to excel before you

can turn them into Steve Jobses. Unlike Gatton, most schools have stragglers.

The key, says Gott, the school's director and a longtime public-school teacher, is to add relevance to education. Maybe every student can't study advanced engineering, but there's something—from music to metalworking—that interests every young person and answers the ''when will I ever use this?'' question.

What's more, infusing more glory into education couldn't hurt. ''Everywhere in this country we celebrate basketball and football talent,'' says Julia Roberts, the school's executive director, who petitioned the Kentucky statehouse for 10 years to invest in Gatton. ''The talent we really need to celebrate is math and science.''

THE TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2012

Mr. COONS. Madam President, we have averted a crisis in the bankruptcy court system. It may have been a quiet crisis—one few Americans talked about—but it was real nonetheless. Although it is all too rare in Washington these days, on this issue, we found a way to work together and deliver a solution. I am proud to say that on May 25, President Obama signed into law legislation I authored to extend 29 expiring temporary bankruptcy judgeships in 19 judicial districts.

With this new law, some of our Nation's busiest bankruptcy courts—those in Nevada and Delaware and New York and Michigan and Florida and so many other States—will finally be able to replace a sitting bankruptcy judge if he or she resigns or dies in office.

Especially in times of economic recovery and uncertain growth, our bankruptcy courts perform a vital restorative role for our Nation's economy. Bankruptcy courts can give individuals, many of whom are victims of our great recession, a clean slate to start fresh. They give corporations that can't pay their bills an opportunity to restructure their debts and continue in operation, rather than shuttering their offices and factories, multiplying the pain by putting Americans out of work.

Bankruptcy offers relief for creditors as well by providing an orderly distribution of the debtor's estate. Without bankruptcy, the debts of past mistakes, miscalculations, and misfortune will remain on the balance sheets, unpaid and yet unpayable.

Over the past 20 years, Congress has created dozens of temporary bankruptcy judgeships to meet the needs of our growing population and occasional economic downturns. Perhaps these judgeships were created on a temporary, rather than permanent, basis out of some sense of enduring optimism—optimism that we one day will have a significantly smaller need for our bankruptcy courts that we had when they were created. In fact, the caseloads in several of the districts authorized in the past have declined and those judgeships have been allowed to expire. This new law, however, is about districts where the caseloads remain high and which cannot afford to lose even a single authorized judgeship.

According to the judges I hear from, as well as from the nonpartisan Judicial Conference of the United States, which is headed by Chief Justice Roberts, these judgeships simply must be reauthorized—and now that the Temporary Bankruptcy Judgeships Extension Act is law, they have been.

This legislation passed the House and Senate unanimously because it is good policy. It is pro-growth, pro-opportunity, and pro-justice. The CBO has scored it to be paid for and it is so bipartisan that it is nonpartisan.

I am grateful for the willingness of my colleagues to compromise and help find a mutually acceptable solution to head off a looming crisis in our bankruptcy courts. The amendment that permitted passage of this legislation is a one-time accommodation that provides additional fee revenue to the Judiciary so that this bill will not lead to increased demands on appropriators. It also reaffirms that Congress, in legislating on these temporary judgeships in the future, ought to do so only after carefully examining their continued need and our ability to pay for them.

I know my colleagues on both sides of the aisle did not get everything that they wanted in this legislation, but my confidence in this institution has been buoyed by the ability of both sides to recognize the greater good at stake and find their way to this deal.

I want to thank Leader REID, Senator DURBIN, Senator GRASSLEY, Senator COBURN, the group of 12 bipartisan cosponsors, and all those who have worked constructively to help enact this very simple and very important law.

In particular, I thank President Obama, for with his signature, we have taken an important step toward delivering to the American people the fair, speedy, and accessible bankruptcy court system they deserve.

TRIBUTE TO LIEUTENANT COMMANDER WESLEY A. BROWN

Mr. CARDIN. Madam President, I wish to commemorate the life of retired Navy LCDR Wesley Anthony Brown, who passed away on May 22, 2012, at the age of 85. Lieutenant Commander Brown was the sixth African American to attend and first to graduate from the U.S. Naval Academy in 1949, where he excelled as a notable student and athlete. Lieutenant Commander Brown went on to have a distinguished career in the Navy Civil Engineer Corps and retired in 1969 after serving 20 years. Lieutenant Commander Brown is survived by his wife, Crystal Brown; two daughters, Wiletta Scott and Carol Jackson; two sons, Wesley Jr., and Gary; and seven grandchildren. I would like to take a moment to remember his life and what his accomplishments meant not just for the African American midshipmen who followed him at the Naval Academy, but also for our military and for our Nation.

Lieutenant Commander Brown was born on April 3, 1927 in Baltimore, MD. He was the only child of William and Rosetta Brown. He grew up in Washington, D.C., and graduated from Dunbar High School, where he showed strong proficiency for math and a profound interest in the Navy. In fact, he worked on afternoons and evenings as a junior clerk for the Navy and during his senior year in high school he served as the Cadet Corps Battalion Commander. He later wrote an article in the Saturday Evening Post: ''I've been thinking about the Navy since I was about 8 or 10 since the time I pinned the photograph of the old USS Lexington on my bedroom wall. I arranged my high school studies to get as much math and science as possible.'' This dedication and love of the Navy lasted throughout Lieutenant Commander Brown's life.

Lieutenant Commander Brown was the first in his family to attend college. He first enrolled at Howard University before being nominated by Harlem Congressman Adam Clayton Powell, Jr. to attend the U.S. Naval Academy (USNA) in 1945. Five young African American men had entered USNA before Lieutenant Commander Brown, but they all left within a year because they could not endure the brutal hazing from hostile classmates. Lieutenant Commander Brown recalled that his first year at the Academy was ''tough,'' being subject to the constant torrent of racial epithets, taunts, and excessive demerits from upperclassman who wanted to see him fail the Naval Academy. Other midshipmen refused to sit next to him, room with him, or even allow him to join the choir. He once told an interviewer that he thought about quitting every day. Yet, he endured.

Lieutenant Commander Brown did have a few supporters at the Naval Academy. There were a handful of fellow midshipmen who were friendly to him in spite of threats from other classmates. One of them who visited his dorm room to chat and encourage him to ''hang in there'' was future president Jimmy Carter, an upperclassman and teammate on the Academy's cross-country team at the time. In a speech President Carter gave at the Naval Academy last year, he mentioned Lieutenant Commander Brown. President Carter remarked that Midshipman Brown had a significant impact on his views on the issue of race in America. He called his encounter with Wesley Brown at USNA ''my first personal experience with total integration'' and said, ''A few members of my senior class attempted to find ways to give him demerits so that he would be discharged, but Brown's good performance prevailed.''

Although African Americans had served and fought in our wars since the American Revolution, the Armed

Forces remained segregated by units until President Truman integrated the military services by executive order in 1948. There was intense resistance against any attempts to integrate the military academies and only a half dozen or so African Americans had graduated from West Point by the time Lieutenant Commander Brown was commissioned as the first African American graduate of the Naval Academy.

After Lieutenant Commander Brown graduated from the Naval Academy in 1949, he was commissioned into the Navy Civil Engineer Corps. Prior to that, he served honorably in World War II and after he graduated, he served in Korea and Vietnam. As a Navy civil engineer, he also built houses in Hawaii, roads in Liberia, waterfront facilities in the Philippines, and a seawater conversion plan in Guantanamo Bay, Cuba before retiring from the Navy in 1969. Lieutenant Commander Brown continued his professional life working for the New York State University Construction Fund, the Dormitory Authority of the State of New York, and Howard University before retiring in 1998. He also served as chairman of District of Columbia Delegate ELEANOR HOLMES NORTON's Service Academy Selection Board.

In spite of the challenges Lieutenant Commander Brown faced at the Naval Academy, he maintained a close connection to the school throughout his life and served as a member of the Naval Academy Alumni Association Board of Trustees. And in 2008, USNA honored Lieutenant Commander Brown by dedicating a new athletic facility in his name, a decision I supported while I served in the House of Representatives and since I have become a United States Senator. The Wesley A. Brown Field House was the first and only building dedicated to a living alumnus and, in his honor, the building hosts an annual track and field invitational. During the dedication of the building on the banks of the Severn River, ADM Michael Mullen, then chairman of the Joint Chiefs of Staff, stated, ''He fought a war his whole life for all of us to improve who we are as individuals, who we are both as a Navy and a nation. It was his noble calling and it was his call to service and citizenship that led to lasting change in our Navy and in our nation.'' In another tribute to this pioneer, a consortium of minority Naval Academy alumni established the Lieutenant Commander Wesley A. Brown '49 Honor Scholar scholarship in 2007 which awards up to $5,000 annually to four individuals who are accepted into any 4-year university in Maryland.

Although we have come a long way since Lieutenant Commander Brown's days as a midshipman at the U.S. Naval Academy, our Armed Forces and Nation are still challenged with discrimination based on race, gender, religion, and the other attributes of heterogeneity that make up this great country. While minority and female students may walk freely through our military academies without the audible taunts and slurs, we know that some of them face hazing and harassment behind closed doors because of who they are. While I know that Department of Defense leaders have a zero-tolerance policy regarding discrimination and harassment in their Service Academies, commands and units, that is not enough. I call on them to go a step further and redouble their efforts to communicate to those who currently serve and those who will serve our Nation in the future what makes our military the greatest force in history: the fact that our Armed Forces reflect the rich diversity of America. We owe it to Lieutenant Commander Brown and others like him who bravely endured racism and discrimination to pave the way so that others could serve honorably, too, and accomplish exceptional achievements on behalf of our country. Therefore, let Lieutenant Commander Brown's life be a testament to how his strength, courage, and humility through adversity not only transformed the people around him but profoundly affected the Naval Academy and our Nation. Today, minorities comprise more than 20 percent of the brigade of midshipmen and many of these young men and women have stated that Lieutenant Commander Brown was their inspiration. All Americans are fortunate to have had Lieutenant Commander Wesley Anthony Brown's selfless service and example.

TRIBUTE TO LIEUTENANT COMMANDER MICHAEL GEORGE DULONG

Mr. BROWN of Massachusetts. Madam President, today I wish to congratulate LCDR Michael George Dulong of Brockton, MA on his retirement from the U.S. Navy. Lieutenant Commander Dulong dedicated more than 24 years of his life to serving our Nation as a Navy SEAL. I am privileged to recognize Michael's accomplishments today, and Massachusetts is fortunate to have a man like Michael who has served in our Navy and defended our Nation.

The grandson of a World War II Normandy beacher and the son of a decorated Vietnam-era 101st Airborne Division veteran, at an early age Michael chose to serve our Nation. He enlisted in the Navy at the age of 16 through the Delayed Entry Program and completed the Navy's basic school of electronics and electricity, followed by the basic underwater demolitions/SEAL training in Coronado, CA. He would go on to spend 8 years in the enlisted ranks serving in three platoons within SEAL Team 8 at Naval Base Little Creek in Norfolk, VA.

As a team member on SEAL Team 8, Michael deployed in support of Operation Desert Shield and Desert Storm, as well as numerous other special operations deployments throughout the Mediterranean and Persian Gulf. Needless to say, as part of our Nation's premier special operations forces, Michael was integral to his Team's success and performed exceptionally in some of the most challenging and austere conditions around the world.

Michael would go on to earn his bachelor's degree while simultaneously serving on SEAL Team 4 in the Navy Reserve, followed by successful completion of Officer Candidate School in Pensacola, FL. After completing his training, Michael was commissioned as an ensign on active duty and was assigned to SEAL Team 1. There Michael would deploy as the assistant platoon commander for two SEAL platoons in support of Operations Iraqi Freedom and Enduring Freedom. Michael always led from the front and inspired SEALs under his command throughout his career and did so again in combat following September 11.

Throughout numerous deployments around the world in support of the global war on terrorism, Michael received countless awards and promotions in the Navy. He would go on to serve in various assignments in the U.S. Southern Command area of responsibility with the Naval Special Warfare Unit 4 in Puerto Rico, the U.S. Embassy in Bogota, Colombia, combating narco-terrorism, the U.S. Embassy in Guyana as the Joint Special Operations Commander, as well as platoon commander of SEAL Team 4. His final assignment brought Michael and his family to our Nation's Capital, at the Washington Navy Yard, where he served as the program manager for the SEAL Delivery Vehicle acquisition program.

Michael has dedicated his life to serving our country, and we owe him a debt of gratitude for his service. Even in retirement, I am confident that Michael will continue to serve his Nation. On behalf of all Massachusetts residents and all Americans, I am proud to thank Michael, his wife Michaelle, son Gabriel, and daughter Eva for their service to the Nation and the Navy.

RECOGNIZING THE MACOMB ACADEMY OF ARTS & SCIENCES

Mr. LEVIN. Madam President, a few weeks ago I met a remarkable group of young people. They call themselves the Fighting Pi, and they are the FIRST Robotics Competition team from the Macomb Academy of Arts & Sciences in Armada, MI.

FIRST is an annual, international robotics competition for high school students. Teams have 6 weeks to design, build, and test robots to compete in a game, which changes every year. For this year, teams competed in the ''Rebound Rumble,'' which required them to design robots capable of shooting small basketballs into baskets as high as 8 feet off the ground.

This competition demands many things of its teams. They must demonstrate the ability to plan and work

together, to follow a budget, and to meet demanding timelines. They must master complex technical fields such as computer-assisted drafting, electrical engineering, radio control systems, pneumatic systems, and sensors and signals. So the intellectual demands are great.

But just as great is the demand for vision for the foresight to look at a stack of diagrams and a pile of electronic parts and see what it can all become.

Thirty-six teams from Michigan traveled in April to St. Louis for the national championship, the Fighting Pi among them. Representing Michigan were three teams from Bloomfield Hills, two from Detroit, two from Ann Arbor, two from Grandville, two from Pontiac, and teams from Allen Park, Auburn Hills, Berkley, Birmingham, Clarkston, Fremont, Holland, Hopkins, Lansing, Milford, Niles, North Oakland County, Northville, Novi, Okemos, Ortonville, Richmond, Rochester Hills, Sterling Heights, Temperance, Waterford, and Zeeland. All of them have reason to be proud of their accomplishments.

But I want to especially thank the Fighting Pi, whose members and adult leaders were kind enough to spend an hour with me a few days ago. At the Michigan State Championships, the Fighting Pi had won the prestigious State Engineering Inspiration Award. I was deeply impressed by the vision, enthusiasm, and brainpower of the Fighting Pi during my visit. They demonstrated to me their robot design, and they let me drive a robot around a little. They helped me understand the technical aspects of their work and the intense planning and preparation and staying power required.

In addition to their robotics responsibilities, team members participate in public service. Team members volunteer regularly at Ronald McDonald House, where they help the families of ill or injured children. They participate in local adopt-a-road and adopt-a-trail cleanup programs. And they have raised money for St. Jude's Children's Research Hospital and Toys for Tots among other worthy charities. They are, in their schoolwork, their robotics work, and their volunteer work, exceptional young people.

Americans spend a lot of time worrying about the next generation. We worry over our dinner tables, in our conversations at work, and in this very Chamber. There are plenty of reasons to worry. But we should not lose sight of the reasons for optimism. Every day, all over this great country, young people are accomplishing extraordinary things. They are studying hard, learning new skills, and even building sophisticated robots. They are preparing to write the next chapter in the American story, and I have no doubt it will be as stirring as the story so far.

So let me extend my congratulations and my gratitude to the students of the Fighting Pi, and the students who helped them on their way: team members Michael Graham, Melissa Mikolowski, Nicholas Fitzsimons, Eric Bytner, Trevor Goolsby, Alysa Brice, Zeke Fetty, Michael Scaglione, Steven Scaglione, Stephen Kline, Kurt Wieber, Andrew Graham, Amanda Fulghum, Michael Patrick, Laurel Payne, Collin Tobey, Riley Yaxley, Eric Tobey, Jack Sabelhaus, Andrew Binkowski, Lauren Grobbel, Alex Kesek, Sabrina Tibaudo, Ron Kyllonen, Vince Ragap, Rachel Kosek and Krystal Diel; and adults Craig Roys, Tom Line, Richard Wahl, Craig Tobey, Shawn Graham, Judy Tobey, Michael Mroz, Andrea Mroz, Paul Gianferrara, John Antilla, Jacob Caporuscio, and Eric Kosek.

ADDITIONAL STATEMENTS

REMEMBERING DR. FRED MARGOLIN

• Mrs. BOXER. Madam President, today I ask my colleagues to join me in honoring the memory of Dr. Frederick Margolin, my former neighbor in Greenbrae, CA. After a 3-year battle with ALS, Fred passed away peacefully on May 10, 2012, surrounded by his beloved family.

Fred Margolin was born in New York in 1936 and raised in Florida. After graduating from the University of Miami Medical School in 1960, he interned at Los Angeles County Hospital and served for 2 years as an Air Force medical officer in Germany, before returning to California, where he lived for the rest of his life.

Following his residency at the University of California, San Francisco, Dr. Margolin practiced radiology at California Pacific Medical Center from 1968 to 2007 and served as chairman of the Department of Radiology from 1978 to 1992. He was the founder of the Breast Health Center and served as its medical director from 1984 to 2007. Widely recognized as a national leader in radiology and breast cancer screening, he was honored as a fellow of the American College of Radiology and the Society of Breast Imagining. In 2001, he was selected as one of America's Best Doctors for Breast Care.

Throughout his distinguished career, Dr. Margolin worked not only to provide the best possible care to his patients but to extend access to care to poor women and underserved populations.

Fred was a devoted family man who adored Myrna, his wife of 54 years. Together they traveled the world, often on cruises with close friends, and each year they took their children and grandchildren to Mexico for a family vacation.

Dr. Fred Margolin will be deeply missed by his patients, colleagues, family, and friends. On behalf of the people of California and the patients and communities he served so well, I send my gratitude and condolences to Fred's wife Myrna; their children, Jody Margolin Hahn, Elizabeth Brett Garon, and Lawrence Harry Margolin; and their seven grandsons.•

TRIBUTE TO DANNY BARE

• Mr. PORTMAN. Madam President, today I wish to honor Danny Bare of Batavia, OH. Mr. Bare is retiring from his position as Executive Director of the Clermont County Veterans' Service Commission on May 31, 2012.

Mr. Bare began his career in the military in 1967 as a member of the U.S. Army. He served one year in Vietnam and was injured twice in one day. For his bravery, he received a Purple Heart, a Bronze Star, and the Army Commendation Medal of Valor.

After his service in the military, Mr. Bare went on to have a 30 year career at First National Bank of Cincinnati, married his wonderful wife, Connie, and raised his family in Batavia. He served on the Batavia School Board for four years, including two years serving as president. He also served his community as a Batavia Township Trustee and Clermont County Board of Elections director.

Mr. Bare became executive director of the Veterans' Service Commission in 2007. He is credited with implementing outreach programs to educate veterans on the many benefits for which they are eligible. Mr. Bare helps to ensure that veterans are able to obtain employment, medical services, and any other services they may need. His dedication to his country and his community are admirable.

Mr. President, I would like to recognize Mr. Danny Bare on his retirement from a lifetime of public service.•

TRIBUTE TO DR. ED COULTER

• Mr. PRYOR. Madam President, Dr. Ed Coulter was once told by a colleague in the education field that most individuals spend their lives helping, tweaking, making something better, but seldom having the chance to create. Ed grasped on to that last word and has spent the last 17 years of his professional career doing just that: creating something remarkable for the community and town of Mountain Home. On June 30, 2012, Ed Coulter will serve his last day as chancellor of Arkansas State University Mountain Home, ASUMH, and today I wish to thank him for his dedication to public education in Arkansas and his commitment to the people of Mountain Home.

Ed's love of learning and teaching goes back to an early age. At age 10, his parents, Bill and Evelyn Coulter, purchased a resort on Lake Hamilton in Hot Springs, AR. Ed found an early thrill in teaching by helping countless resort guests learn how to ski and enjoy the water. This love of teaching and his parents' encouragement to acquire a quality education led Ed to enroll at Ouachita Baptist University, OBU, in Arkadelphia. It was here that Ed met his first wife, the late Fran

Dryer of Mountain Home. Ed would graduate magna cum laude with a bachelor of science in education, and the very next year he would also graduate from the University of Arkansas at Fayetteville with his master's in education.

Needing 3 years of professional experience before continuing his education, Ed served as a junior high principal in Mountain Home before ultimately obtaining his doctorate degree. With the degree in hand, Ed and Fran returned to Arkadelphia and OBU, a place they would call home for the next 25-five years. In this span, Ed served as assistant to the president and also as the vice president for administration. The latter position taught Ed a great deal about budgeting, fundraising, and building new buildings. These skills would come in handy when Ed was called back to Mountain Home in 1995 as chancellor of ASUMH.

Mountain Home long had dreamed of providing a high-quality education to its community and north central Arkansas. Truly a community effort, a group of dedicated citizens raised enough funds in the 1970s to purchase a church building to serve as the school. Ed's job as chancellor would be to take the school from this church building where he and Fran were married, and transform it into a modern university. With 78 acres of land purchased in a nearby field, Ed set a vision for the new campus and started the task of making that vision become a reality.

Seventeen years later, ASUMH has expanded from a small community college to a thriving institution that today serves over 1,500 people. Ed's tenure as chancellor will be remembered for the rapid expansion of the campus; however, Ed's impact extends far beyond the physical buildings. Due to his leadership at ASUMH, thousands of students and Mountain Home have been forever changed by having a first-class university in the local community.

As Dr. Ed Coulter starts the next chapter of his life, I know Arkansas State University Mountain Home and the Arkansas education community will miss his leadership and guidance. I thank him for his many decades of service to the people of Arkansas, and I wish him all the happiness as he and his wife Lucretia travel and enjoy time with their 13 grandchildren.●

COUNCIL FOR A LIVABLE WORLD

● Mr. WYDEN. Madam President, on June 6 the Council for a Livable World will celebrate its 50th anniversary. In a time when our country continues to face a host of global threats, it is important that we recognize the vital work that the Council for a Livable World carries out each and every day to mitigate these threats, and to make our world a more peaceful, a more livable place.

The Council for a Livable World was founded in 1962 by nuclear physicist Leo Szilard and other scientists. Szilard, of course, is famous for advocating for the creation of the Manhattan Project that helped create the first atomic weapon. In the aftermath of WWII, he, and others that saw the destructive power of atomic weapons became concerned about their use and spread.

Although times have changed since then—Russia has replaced the Soviet Union, the Cold War is over—the threat of nuclear catastrophe is still ever-present. Terrorists seek these weapons of mass destruction, and nefarious regimes such as North Korea continue to threaten the world with their own nuclear weapons. The Council recognizes this continuously changing threat environment and believes that it is short-sighted and counterproductive to continue relying on Cold War measures, such as an overwhelming nuclear arsenal that could destroy the world many times over.

As former Council Chairman Senator Gary Hart said, ''you must properly understand what security is and how it is to be achieved, or all the military spending in the world will not make you more secure.'' Those words rang true then, and they continue to ring true now.

The Council for a Livable World believes, like I do, that the United States must work toward a ''world free of nuclear weapons.'' They expressly advocate for deep reductions, and the eventual elimination, of nuclear weapons.

This advocacy leads to real, tangible results, and not just results in the nuclear weapon reductions arena. Some notable accomplishments include the ratification of the Chemical Weapons Convention and Intermediate-Range Nuclear Forces, Conventional Forces in Europe, and the first Strategic Arms Reduction treaty; establishing a U.S. nuclear testing moratorium in 1992; limiting the deployment of the MX missile; eliminating funding for the nuclear ''Bunker Buster,'' and ratification of the New START Treaty in 2011.

So I hope everyone will join me today in recognizing the Council for a Livable World and the important work that they do to make our world a better place. Congratulations on the past 50 years and good luck in the 50 years that lay ahead. Maybe by then our children will be living, finally, in a world free of nuclear weapons.''●

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on May 29, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. HARRIS) had signed the following enrolled bills:

H.R. 2415. An act to designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the ''Trooper Joshua D. Miller Post Office Building''.

H.R. 3220. An act to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the ''Master Sergeant Daniel L. Fedder Post Office''.

H.R. 3413. An act to designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the ''Private Isaac T. Cortes Post Office''.

H.R. 4119. An act to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

H.R. 4849. An act to direct the Secretary of the Interior to issue commercial use authorizations to commercial stock operators for operations in designated wilderness within the Sequoia and Kings Canyon National Parks, and for other Purposes.

Under the authority of the order of the Senate of May 24, 2012, the enrolled bills were signed on May 29, 2012, during the adjournment of the Senate, by the Acting President pro tempore (Mr. LEAHY).

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on May 31, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 2947. An act to provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota.

H.R. 3992. An act to allow otherwise eligible Israeli nationals to receive E–2 nonimmigrant visas if similarly situated United States nationals are eligible for similar nonimmigrant status in Israel.

H.R. 4097. An act to amend the John F. Kennedy Center Act to authorize appropriations for the Performing Arts, and for other purposes.

H. R. 5740. To extend the National Flood Insurance Program, and for other purposes.

Under the order of January 5, 2011, the enrolled bills were signed on May 31, 2012, during the adjournment of the Senate, by the Acting President pro tempore (Mr. LEVIN).

MESSAGE FROM THE HOUSE

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

H.R. 915. An act to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes.

H.R. 1299. An act to achieve operational control of and improve security at the international land borders of the United States, and for other purposes.

H.R. 2764. An act to amend the Homeland Security Act of 2002 to establish weapons of mass destruction intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, and for other purposes.

H.R. 3140. An act to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to prioritize the assignment of officers and analysts to certain State and urban area fusion centers to enhance the security of mass transit systems.

H.R. 3310. An act to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

H.R. 3670. An act to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

H.R. 4041. An act to amend the Export Enhancement Act of 1988 to further enhance the promotion of exports of United States goods and services, and for other purposes.

H.R. 4201. An act to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces.

H.R. 5512. An act to amend title 28, United States Code, to realign divisions within two judicial districts.

H.R. 5651. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other Purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 5740) to extend the National Flood Insurance Program, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 915. An act to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1299. An act to achieve operational control of and improve security at the international land borders of the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2764. An act to amend the Homeland Security Act of 2002 to establish weapons of mass destruction intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3140. An act to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to prioritize the assignment of officers and analysts to certain State and urban area fusion centers to enhance the security of mass transit systems; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3310. An act to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens; to the Committee on Commerce, Science, and Transportation.

H.R. 3670. An act to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act; to the Committee on Commerce, Science, and Transportation.

H.R. 4041. An act to amend the Export Enhancement Act of 1988 to further enhance the promotion of exports of United States goods and services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4201. An act to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces; to the Committee on Veterans' Affairs.

H.R. 5512. An act to amend title 28, United States Code, to realign divisions within two judicial districts; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time, and placed on the calendar:

S.J. Res. 41. Joint resolution expressing the sense of Congress regarding the nuclear program of the Government of the Islamic Republic of Iran.

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

H.R. 5651. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–90. A joint Memorial adopted by the Legislature of the State of Idaho urging the President and Congress to award the Medal of honor to an Idaho native and Army veteran; to the Committee on Armed Services.

HOUSE JOINT MEMORIAL NO. 7

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

Whereas, on May 15, 2005, Idaho native Army Sergeant Chris Tschida and the three crew members of his tank were patrolling route ''Michigan'' between Ramadi and Fallujah in the Al Anbar Province of Iraq while conducting operations under Operation Iraqi Freedom; and

Whereas, Sgt. Tschida, along with his loader, were standing watch in the gun turret, watching for enemy activity while the tank driver and a Lieutenant were inside the tank preparing for a mission later that night. The loader shifted his body and accidentally knocked his water bottle down inside the tank and while lowering himself inside the tank to pick up the water, an insurgent used the opportunity to attack by throwing two enemy grenades inside the tank; and

Whereas, Sgt. Tschida could hear the grenades fall in the tank and instantly found one, yelling ''grenade!'' to his crew members while retrieving one grenade to put into the tank's breach to absorb the blast. In this process, the grenade exploded and amputated Sgt. Tschida's left hand. Moments later the second grenade exploded inside the tank, severely wounding Sgt. Tschida and two of the other crew members; and

Whereas, still conscious, Sgt. Tschida began assessing the damage inside the tank, but was unable to see because of the smoke and fire caused by the grenade. Sgt. Tschida attempted to key the microphone on his radio to call for support and report the enemy attack when he noticed his left hand was missing. Sgt. Tschida wrapped the stump of his hand into his shirt and began checking the status of his tank and fellow soldiers. At first glance Sgt. Tschida saw his Lieutenant slumped over and unconscious with his head resting on the .50 caliber sight. The Lieutenant was bleeding heavily from his eye socket and appeared to be dead; and

Whereas, Sgt. Tschida then noticed his loader, hanging half-way out of the tank's turret, missing both legs from the knees down. Sgt. Tschida shook his Lieutenant to see if he was alive, at which time the Lieutenant let out a gasp of air that confirmed he was not dead; and

Whereas, an evaluation of the tank also confirmed the ammunition bay had been busted open from the grenade blast and the tank ammunition was at risk of catching fire and exploding. Knowing he and his fellow soldiers were not safe inside the tank, Sgt. Tschida pulled himself out of the hatch and then began pulling his loader out of the tank. Once his loader was safely out of the tank, Sgt. Tschida began pulling his Lieutenant out of the commander's hatch of the tank. Once both soldiers were safely out of the tank, Sgt. Tschida began administering first aid by tying a tourniquet on both of the loader' s legs and by stuffing a field bandage inside of the eye socket of the Lieutenant to stop the bleeding from his head; and

Whereas, while caring for both soldiers, Sgt. Tschida did a security check of his area. At this time an enemy insurgent, believed to be the one who attacked Sgt. Tschida' s tank, engaged Sgt. Tschida while he was administering first aid to his fellow soldiers. Sgt. Tschida was able to repel the enemy assault with his M9 service pistol, killing the hostile force; and

Whereas, knowing they were in imminent danger, Sgt. Tschida attempted to get the driver of the tank to respond to his commands, but the soldier was in shock and unresponsive. After beating on the hatch and pleading with the driver to respond, the driver opened the driver 's hatch and began receiving commands from Sgt. Tschida. At this time, Sgt. Tschida commanded the driver to return them and the tank with its munitions back to the nearest security gate to get help. Sgt. Tschida then shielded both soldiers with his body on the surface of the tank until they arrived at a safe location; and

Whereas, all four crew members, including Sgt. Tschida, survived the injuries they sustained on May 15, 2005, and the tank was returned and repaired for future use. To this day, Sgt. Chris Tschida has not received recognition or accolades for his heroism and steadfast leadership on May 15, 2005. Now, therefore, be it

Resolved, by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge President Barack Obama, in the name of Congress, to award Retired Sergeant Chris Tschida the Medal of Honor for distinguishing himself through conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty, or the highest appropriate recognition; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to President Barack Obama, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–91. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to support the 259th Air Traffic Control Squadron Louisiana National Guard and urging the Louisiana congressional delegation to take action to reverse the planned disbanding of the squadron; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION NO. 55

To memorialize the Congress of the United States to support the 259th Air Traffic Control Squadron Louisiana National Guard and urge the Louisiana congressional delegation to take action to reverse the planned disbanding of the squadron.

Whereas, the 259th Air Traffic Control Squadron is uniquely staffed to support large scale military training operations that are launched from Alexandria International Airport to Fort Polk which are essential to the world class military training at Fort Polk; and

Whereas, three of the last four presidents have used the services and assets of the ATC squadron to safely access Fort Polk and Central Louisiana; and

Whereas, the 259th Air Traffic Control Squadron has also safely controlled the air access of numerous United States flag officers, foreign dignitaries, foreign military officers, governors and members of congressional delegations during important visits in support of Fort Polk operations; and

Whereas, this exceptional unit has consistently achieved rating of excellent in their performance evaluation and currently leads the nation in keeping its staff strength at or near one hundred percent; and

Whereas, the 259th Air Traffic Control Squadron has played a key role in disaster relief efforts such as Hurricane Katrina, when it worked to control the airspace over New Orleans in the aftermath of the country's biggest natural disaster; and

Whereas, this unit has been called on and has responded in an exemplary manner to requests from other states when they were struck by disasters; and

Whereas, little or no input was considered from the Air National Guard Headquarters, the Adjutant General of the Louisiana National Guard, the Louisiana Air National Guard Commander, the Louisiana congressional delegation, the governor, the United States Army or England Airpark before the Department of Defense proposed to disband the unit in order to achieve budget cuts; and

Whereas, the 259th is composed of 110 proud, patriotic Louisiana citizens bravely serving their country during perilous times who are now being told their mission is over and their service is no longer needed; and

Whereas, disbanding of the 259th ATC will weaken Fort Polk, Alexandria International Airport, England Airpark and the state of Louisiana: Therefore, be it

Resolved, That the Legislature of Louisiana hereby memorializes the Congress of the United States to use all of its powers of oversight to reverse this catastrophic decision by the Department of Defense to disband a vital, smooth operating, and badly needed unit such as the 259th Air Traffic Control Squadron in order to cut military spending, especially in these times of war, world conflict, and danger from dictators and terrorists; and be it further

Resolved, That the Legislature of Louisiana requests the governor and the appropriate agencies to take such action as they deem necessary to support the Louisiana congressional delegation in its effort to save the 259th Air Traffic Control Squadron; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, to each member of the Louisiana delegation to the United States Congress and to the governor of the state of Louisiana.

POM–92. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as necessary to encourage the National Marine Fisheries Service, the Gulf of Mexico Marine Fisheries Council, and the Gulf of Mexico Fisheries Management Council to adopt a weekend-only fishery management regime for red snapper in the Gulf of Mexico for 2012; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 10

To memorialize the United States Congress to take such actions as are necessary to encourage the National Marine Fisheries Service, the Gulf of Mexico Marine Fisheries Council, and the Gulf of Mexico Fisheries Management Council to adopt a weekend-only fishery management regime for red snapper in the Gulf of Mexico for 2012.

Whereas, it is the responsibility of the National Marine Fisheries Service, an agency in the National Oceanographic and Atmospheric Administration, through the Gulf of Mexico Marine Fisheries Council and the Gulf of Mexico Fisheries Management Council, to manage and regulate marine species located in the Gulf of Mexico; and

Whereas, this management and regulation includes a determination of the sustainability of each species and preservation of the sustainability through the setting of take limits, individual fishing quotas, and opening and closing seasons; and

Whereas, red snapper is a highly sought-after fish and, through the years has been one of the most popular fish for restaurants but is currently one of the most highly regulated fisheries due to the fact that in the late 1970s and early 1980s, the population spawnings were not as strong as had been expected; and

Whereas, in an effort to protect the fishery, regulations were instituted that limited the number of fish that could be taken and set the minimum and maximum sizes; and

Whereas, although these regulations have resulted in an increase in the number of red snapper in the Gulf of Mexico and in an overall increased health of the red snapper populations, because of the past experience with unexpected spawning difficulties, NOAA Fisheries continues to maintain tight rein on the red snapper fishery and continues to implement stringent regulations on the taking of red snapper in the Gulf with those regulations for 2012 involving an open season of only forty days; and

Whereas, a forty-day season for red snapper will be devastating particularly to the charter fishing industry whose clientele are eager for the experience of fishing for and landing Louisiana's famed and highly sought after red snapper; and

Whereas, the charter industry in the state of Louisiana is an industry, like so many others across coastal Louisiana, that has been hard hit in recent years by hurricanes, record-setting riverine flooding, and the BP oil disaster in the Gulf; and

Whereas, one of the options discussed while determining the 2012 management regime was a weekend-only fishery which would elongate the period of time within which red snapper could be caught to nearly the entire summer, thus enabling the charter fishing industry, largely a weekend-only industry, more opportunities to ply their trade, book their charters, and increase the income to an already hard-hit industry; Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to encourage the National Marine Fisheries Service, the Gulf of Mexico Marine Fisheries Council, and the Gulf of Mexico Fisheries Management Council to adopt a weekend-only fishery management scheme for red snapper for 2012; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation and the heads of the National Marine Fisheries Service, the Gulf of Mexico Marine Fisheries Council, and the Gulf of Mexico Fisheries Management Council.

POM–93. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to encourage and enable the Federal Energy Regulatory Commission to expedite the review and approval of Cheniere Energy's Sabine Pass Liquified Natural Gas facility and to streamline the approval process for similar export facilities to magnify the economic benefits of liquified natural gas exports throughout the region and nation; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 94

To memorialize the United States Congress to take such actions as are necessary to encourage and enable the Federal Energy Regulatory Commission to expedite the review and approval of Cheniere Energy's Sabine Pass Liquified Natural Gas facility and to streamline the approval process for similar export facilities to magnify the economic benefits of liquified natural gas exports throughout the region and nation.

Whereas, Cheniere Energy plans to invest ten billion dollars into a liquified natural gas (LNG) export facility located in Cameron Parish, Louisiana; and

Whereas, Cheniere's Sabine Pass LNG Export facility will have significant economic benefits for the Louisiana and national economies; and

Whereas, Cheniere's Sabine Pass LNG Export Facility will result in an average of one thousand eight hundred construction jobs over a five-year period, over one billion dollars paid in wages and benefits during construction, and an additional two hundred permanent jobs in Cameron Parish; and

Whereas, Cheniere's Sabine Pass LNG Export facility will create a demand for two billion cubic feet (bcf) of natural gas drawn from areas such as Louisiana's Haynesville Shale and will support between thirty thousand and fifty thousand jobs in the exploration and production industry; and

Whereas, Cheniere's Sabine Pass LNG Export facility will provide a stable and secure energy source for America's allies around the world; and

Whereas, Cheniere's Sabine Pass LNG Export facility will bring needed jobs and development to Cameron Parish, Louisiana, and encourage growth in the southwest Louisiana region; and

Whereas, the Cheniere's Sabine Pass site has been subjected to three extensive environmental reviews by the Federal Energy Regulatory Commission resulting in findings of no significant impact in an initial Environmental Impact Statement and two Environmental Assessments; and

Whereas, the Federal Energy Regulatory Commission's current review of Cheniere's Sabine Pass LNG Export Facility has been ongoing since July 2010; and

Whereas, Cheniere has demonstrated that they are a safe and responsible operator, steward of the local environment, and responsible corporate citizen; Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to encourage and enable the Federal Energy Regulatory Commission to expedite the review and approval of Cheniere Energy's Sabine Pass Liquified Natural Gas facility and to streamline the approval process for similar export facilities to magnify the economic benefits of liquified natural gas exports throughout the region and nation; and be it further,

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–94. A joint resolution adopted by the Legislature of the State of Maine urging the President of the United States and the United States Congress to reform the federal Toxic Substances Control Act of 1976; to the Committee on Environment and Public Works.

A JOINT RESOLUTION

We, your Memorialists, the Members of the One Hundred and Twenty-fifth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the members of the United States Congress as follows:

Whereas, a child and a developing fetus are uniquely vulnerable to the health threats of toxic chemicals; and

Whereas, a growing body of peer-reviewed scientific evidence links exposure to toxic chemicals with many diseases and health problems, including prostate cancer, breast cancer, learning and developmental disabilities, infertility and obesity; and

Whereas, the effects of toxic chemicals place an undue burden on states, including increasing health care costs, environmental damage and demands for state regulation; and

Whereas, businesses that lack information on the effects of chemicals in their supply chain are at a disadvantage; and

Whereas, the governing federal law, the Toxic Substances Control Act of 1976, was intended to protect public health from toxic chemicals; and

Whereas, at the time when the federal Toxic Substances Control Act of 1976 was passed, there were about 62,000 chemicals in commerce that were grandfathered without the testing currently required for potential health and safety hazards or any restrictions on known chemical hazards; and

Whereas, in the 35 years since the federal Toxic Substances Control Act of 1976 was passed, the United States Environmental Protection Agency has required testing to be conducted on only about 200 of those chemicals for health hazards and has restricted the use of only 5 chemicals; and

Whereas, the federal Toxic Substances Control Act of 1976 has been widely recognized as ineffective and obsolete due to procedural hurdles that prevent the United States Environmental Protection Agency from taking quick and effective action to protect the public against well-known chemical threats; and

Whereas, in 2008 the Maine Legislature enacted, and in 2011 amended, the Kid Safe Products Act with broad bipartisan support as a comprehensive safer chemical policy reform; and

Whereas, state policy leadership cannot substitute for congressional action to modernize the federal Toxic Substances Control Act of 1976, a reform all parties agree is urgently needed; and

Whereas, federal legislation to reform the federal Toxic Substances Control Act of 1976, the Safe Chemicals Act of 2011, is under consideration in the 112th Congress; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress modernize the federal Toxic Substances Control Act of 1976 in a manner that ensures the safety of chemicals in everyday products and that uses the best scientific data to protect the health of vulnerable groups, such as children, while promoting business innovation and making timely decisions on chemicals of highest concern; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate and to the Speaker of the United States House of Representatives, and to each Member of the Maine Congressional Delegation.

POM–95. A joint Memorial adopted by the Legislature of the State of Idaho urging the President and Congress to support a Basque Country—Euskadi 'ta Askatasuna (ETA) truce; to the Committee on Foreign Relations.

HOUSE JOINT MEMORIAL NO. 14

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

Whereas, the State of Idaho is a North American center of the Basque population, and many of those citizens of this state have kept close ties to the homeland of their forefathers; and

Whereas, from the time of the government of the last dictatorship in Spain until the present, the Basque Country has experienced decades of terror and violence; and

Whereas, in 1972, the Second Regular Session of the Forty-first Idaho Legislature adopted Senate Joint Memorial No. 115 that condemned the government of the last dictatorship in Spain and urged peace and democracy in the Basque Country; and

Whereas, in 2002, the Second Regular Session of the Fifty-sixth Idaho Legislature unanimously adopted Senate Joint Memorial No. 114 that condemned all terrorist organizations operating in the world and specifically the terrorist organization Euskadi 'ta Askatasuna (ETA) in Spain and expressed strong support for an immediate end to all violence in the Basque Country and for the establishment of peace and freedom through all democratic and lawful means as well as the recognition of the right to self-determination; and

Whereas, in 2006, the Second Regular Session of the Fifty-eighth Idaho Legislature adopted House Joint Memorial No. 26 that condemned all acts of terrorism and violence by all organizations and individuals within the Basque Country and throughout the world: Now, therefore, be it

Resolved, by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State of Idaho recognizes and commends ETA's statements of a definitive cessation of its armed activity and end to terrorism, and further commends the governments of Spain, France, the Basque Autonomous Community and Navarre for their actions to promote dialogue on the future of the Basque territories and achieving a lasting peace; be it further

Resolved, That the State of Idaho extends its encouragement and support to their democratic governments in their ongoing efforts to establish a negotiation process to create a lasting peace, to recognize all victims of terrorism and to consider all democratic forms of referenda on the constitutional future of the Basque territories; and be it further

Resolved, that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President and Secretary of State of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States, the Prime Minister of Spain, the President of France, the President of the Basque Autonomous Community and the President of the Foral Government of Navarre.

POM–96. A joint Memorial adopted by the Legislature of the State of Idaho urging the President and Congress to implement the Beyond the Border Action Plan; to the Committee on Foreign Relations.

HOUSE JOINT MEMORIAL NO. 13

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

Whereas, the United States and Canada enjoy a partnership long rooted in a history of peaceful coexistence and one of the largest and most successful economic relationships in the world; and

Whereas, the United States and Canada are each other's largest single export market; and

Whereas, millions of jobs in both the United States and Canada depend on the trade and investment flowing across the border between the two countries; and

Whereas, Canada is one of Idaho's top trading partners, based on 2010 data, and our companies and industries depend on integrated cross-border supply chains and production processes; and

Whereas, on February 4, 2011, the Prime Minister of Canada and the President of the United States issued a declaration on a Shared Vision for Perimeter Security and Economic Competitiveness, which called for a joint action plan; and

Whereas, the United States and Canada established a Beyond the Border Working Group composed of representatives from the relevant departments and offices of their federal governments to develop the action plan and be responsible for its implementation; and

Whereas, the Beyond the Border Action Plan was released in December of 2011; and

Whereas, the Beyond the Border Action Plan details methods for the United States and Canada to work together to enhance joint security and accelerate the legitimate flow of people, goods and services through four areas of cooperation: (1) addressing threats early; (2) trade facilitation, economic growth and jobs; (3) cross-border law enforcement; and (4) critical infrastructure and cybersecurity; and

Whereas, on February 4, 2011, the Prime Minister of Canada and the President of the United States announced the creation of the United States-Canada Regulatory Cooperation Council to increase regulatory transparency and coordination between the two countries; and

Whereas, the initial Joint Action Plan of the Regulatory Cooperation Council was released in December of 2011; and

Whereas, the Action Plan on Regulatory Cooperation will help reduce barriers to trade, lower costs for consumers and business and create economic opportunities on both sides of the border through the alignment of regulatory approaches in the areas of agriculture and food, transportation, health and personal care products, chemical management, the environment and other cross-sectoral areas, while not compromising our health, safety or environmental protection standards; and

Whereas, Idaho has much to gain from the development of joint strategies and integrated approaches to enhance security and efficient trade between Canada and the United States: Now, therefore, be it

Resolved, by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the President, Executive Branch Agencies and Congress work together to see that the Beyond the Border Action Plan on Perimeter Security and Economic Competitiveness and the Action Plan on Regulatory Cooperation are carried out and that the United States' appointees to the Beyond the Border Working Group, the Regulatory Cooperation Council, and the United States' agencies responsible for implementing the action plans have the resources necessary to assist in realizing the goals of the action plans, and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the United States Department of State, the United States Attorney General, the Secretary of the United States Department of Homeland Security, the Secretary of the United States Department of Commerce, the Secretary of the United States Department of Transportation, President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–97. A joint Memorial adopted by the Legislature of the State of Idaho urging Congress to repeal the No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT MEMORIAL NO. 8

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

Whereas, putting our children first is both an economic imperative and a moral necessity, and a strong education system is vital to a strong economy; and

Whereas, public education is clearly an area left to the states under the Tenth Amendment to the United States Constitution; and

Whereas, the federal No Child Left Behind law requires unrealistic expectations as nearly one-half of the public schools in the United States did not meet federal achievement standards in 2011, including eighty-nine percent of Florida' s public schools; and

Whereas, the federal No Child Left Behind law constricts the definition of education into a narrow test-based approach where repetition and memorization are more important than application, and it discourages creativity by students and teachers; and

Whereas, the federal No Child Left Behind law's emphasis on math and reading means less attention for other very important subjects such as history, art, music, vocational education and physical education; and

Whereas, the federal No Child Left Behind law is insufficiently funded to bring about its intended effect and it has imposed what is essentially an unfunded educational mandate on the states; and

Whereas, the ongoing recession has forced the State of Idaho to make difficult decisions regarding the funding of public education and these decisions have resulted in larger class sizes, layoffs of educational staff, curtailment of extracurricular activities and school sponsored programs and a shorter school year; and

Whereas, economic recovery and development depend upon an educated workforce that possesses the skills that are necessary to handle the jobs of the 21st century; the State of Idaho cannot achieve and maintain prosperity if it does not properly fund secondary and post-secondary education; and Republicans and Democrats agree that burdensome regulations prevent our schools, our teachers and our students from achieving their potential: Now, therefore, be it

Resolved, by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Congress of the United States of America is respectfully urged to repeal the No Child Left Behind Act of 2001 (P.L. 107–110, 115 Stat. 1425); and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–98. A concurrent memorial adopted by the Legislature of the State of Arizona requesting Congress to propose, and to submit to the several states for ratification, a balanced budget amendment to the United States Constitution; to the Committee on the Judiciary.

HOUSE CONCURRENT MEMORIAL 2007

Whereas, the federal public debt now exceeds $15 trillion, or $50,000 for every man, woman and child in America; and

Whereas, the federal public debt now exceeds the gross annual output of the entire United States economy; and

Whereas, this fiscal irresponsibility at the federal level is endangering economic opportunity now and for future generations; and

Whereas, the federal government's unlimited borrowing ability raises serious questions about fundamental principles and responsibilities of government. The profound consequences for the nation and its people that potentially could result from unchecked borrowing make it an appropriate subject for limitation by the Constitution of the United States; and

Whereas, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures. Opposition by a small minority has repeatedly thwarted the will of the people that a balanced budget amendment to the Constitution be submitted to the states for ratification.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States expeditiously pass and propose to the legislatures of the several states for ratification an amendment to the Constitution of the United States requiring that, in the absence of a national emergency, the total of all federal appropriations made by the Congress for any fiscal year not exceed the total of all estimated federal revenues for that fiscal year.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives, each Member of Congress from the State of Arizona and the Secretary of State and the presiding officer of both houses of the legislature in each state in the union.

POM–99. A joint Memorial adopted by the Legislature of the State of Idaho urging Congress to authorize an additional United States District Court Judge for the District of Idaho; to the Committee on the Judiciary.

HOUSE JOINT MEMORIAL NO. 4

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

Whereas, Congress admitted Idaho to the Union in 1890, soon thereafter created the United States District Court for the District of Idaho with one United States District Judge, created a second United States District Judge in 1954, but has not created any other United States District Judges for the Idaho federal court since then; and

Whereas, Idaho's population has grown from approximately 600,000 in 1954 to over 1.5 million as of the 2010 census; and

Whereas, the District of Idaho has the fewest federal district judges of any of the judicial districts in the Ninth Circuit, with the exception of Guam and the Northern Mariana Islands; and

Whereas, Alaska with a 2010 census population of 710,231, Montana with a 2010 census population of 989,415, South Dakota with a 2010 census population of 814,180 and Wyoming with a 2010 census population of 563,626 each have three federal district judges even though their populations are significantly smaller than the population of Idaho; and

Whereas, Idaho is the 14th largest state with an area of 83,570 square miles, and its federal district judges are required to travel throughout this large and far-flung state to four designated and distant locations to conduct hearings and trials in both criminal and civil cases; and

Whereas, Idaho's United States District Court had 170 pending criminal and civil cases in 1954, and had 942 pending criminal and civil cases of September 2011; and

Whereas, although the Idaho federal court has magistrate judges, civil litigants with cases before the court frequently exercise their right to have a United States District Judge assigned to their cases, only district judges may try felony criminal cases, speedy trial requirements and the size of the criminal case load cause delays in civil cases pending before Idaho's district judges, and complex cases can tie up district judges for

months at a time, all of which have forced the Idaho federal court to increasingly rely on out-of-state federal district judges as shown by the 96 percent increase in visiting judge hours in 2008; and

Whereas, the United States District Court for Idaho is recognized within the federal judicial system, by Idaho's lawyers and by the citizens of Idaho as an exemplary court comprised of judges and staff making enormous efforts and sacrifices to meet the demands of its caseload and doing so in a highly competent fashion; and

Whereas, notwithstanding the extraordinary and laudable efforts of the United States District Court for the District of Idaho to meet the demands of its caseload, the resources available to it are inadequate, and the resulting situation has created an unsustainable burden on the court, delayed justice, hindered the rights of the people of Idaho, and hindered the economy of our state; and

Whereas, the people of Idaho have needed a third federal district judge for a very long time and in 2002 Senate Joint Memorial 110 was adopted by the Second Regular Session of the 56th Idaho Legislature urging the Congress of the United States to authorize an additional United States District Court Judge and the staff necessary to assist in the handling of the District of Idaho's increasing caseload, but, to date, Congress has failed to act; and

Whereas, a properly resourced and properly functioning judiciary is a fundamental and core governmental function essential to the preservation of the people' s rights and their freedom: Now, therefore, be it

Resolved by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, That we hereby respectfully urge the Congress of the United States to authorize an additional United States District Court Judge and commensurate staff for the District of Idaho to assist in handling current and anticipated caseloads in the District of Idaho; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–100. A resolution adopted by the California State Lands Commission opposing H.R. 1837, the Sacremento-San Joaquin Valley Water Reliability Act; to the Committee on Environment and Public Works.

POM–101. A petition by the Governor's Commission on Disability and Employment in Maine urging Congress to introduce and support passage of the Social Security draft bill—Social Security Work Incentive Amendments of 2012; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 3254. An original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. No. 112–173).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 3254. An original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 3255. A bill for the relief of Miguel Santillan; to the Committee on the Judiciary.

By Mr. HELLER:

S. 3256. A bill to amend the Fair Labor Standards Act of 1938 to improve nonretaliation provisions relating to equal pay requirements; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COBURN (for himself, Mr. UDALL of Colorado, and Mr. BURR):

S. 3257. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions, and to provide for the return of previously distributed funds for deficit reduction; to the Committee on Rules and Administration.

By Mrs. MCCASKILL:

S. 3258. A bill to amend the Food, Conservation, and Energy Act of 2008 to clarify the maximum distance between Farm Service Agency county offices for purposes of the closure or relocation of a county office for the Farm Service Agency; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PAUL:

S. 3259. A bill for the relief of Dr. Shakeel Afridi; to the Committee on the Judiciary.

By Mr. PAUL:

S. 3260. A bill to provide that no United States assistance may be provided to Pakistan until Dr. Shakil Afridi is freed; to the Committee on Foreign Relations.

By Mr. WYDEN (for himself and Mr. BINGAMAN):

S. 3261. A bill to allow the Chief of the Forest Service to award certain contracts for large air tankers; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LIEBERMAN (for himself, Mr. INHOFE, Mr. KYL, Mr. MCCAIN, Mr. MENENDEZ, and Mr. WEBB):

S. Res. 476. A resolution honoring the contributions of the late Fang Lizhi to the people of China and the cause of freedom; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COBURN (for himself, Mr. UDALL of Colorado, and Mr. BURR):

S. 3257. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions, and to provide for the return of previously distributed funds for deficit reduction; to the Committee on Rules and Administration.

Mr. COBURN. Mr. President, members of Congress are debating fewer bills, casting fewer votes, and holding fewer hearings. Meanwhile, important government agencies including the Department of Defense and the Government Accountability Office are being targeted by Congress for spending reductions.

What Congress has not considered cutting is the budget for its own summertime parties.

On June 4, 2012, I introduced bipartisan legislation to eliminate taxpayer subsidies for political party conventions in the elections occurring after December 31, 2012. Additionally, the bill would allow Presidential Election Campaign Fund, PECF, funds dispersed before December 31, 2012, to be returned to the U.S. Treasury for the purpose of deficit reduction.

Despite our $15.6 trillion national debt, political parties received a $36.6 million check, $18.3 million per party, from taxpayers to pay for the costs of political conventions occurring this summer. The funds that are used to cover the conventions come from the PECF.

According to the Congressional Research Service, ''Federal law places relatively few restrictions on how PECF convention funds are spent, as long as purchases are lawful and are used to 'defray expenses incurred with respect to a presidential nominating convention.' '' The money is, after all, essentially being used to throw a party.

Beside funding the event itself, the money is used to pay for entertainment, catering, transportation, hotel costs, ''production of candidate biographical films,'' and a variety of other expenses. These events will be weeklong parties paid for by taxpayers, much like the highly maligned General Services Administration conference in Las Vegas.

The $15.6 trillion debt cannot be eliminated over night. But eliminating taxpayer subsidies for political conventions will show strong leadership to getting our budget crisis in control.

I hope my colleagues on both sides of the aisle will support this commonsense legislation to demonstrate for once and all the party is over when it comes to travel and meetings paid for by the taxpayers.

I want to thank my colleagues for the opportunity to speak on the Senate floor today in support of this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 476—HONORING THE CONTRIBUTIONS OF THE LATE FANG LIZHI TO THE PEOPLE OF CHINA AND THE CAUSE OF FREEDOM

Mr. LIEBERMAN (for himself, Mr. INHOFE, Mr. KYL, Mr. MCCAIN, Mr. MENENDEZ, and Mr. WEBB) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 476

Whereas the Chinese scientist and democracy advocate, Fang Lizhi, passed away at his home in Tucson, Arizona, on April 6, 2012;

Whereas Fang Lizhi was born in February 1936 in Beijing, China;

Whereas, in 1952, Fang Lizhi enrolled in the Physics Department of Peking University, where he met his future wife, Li Shuxian, and joined the Chinese Communist Party in 1955;

Whereas, in 1955, Fang Lizhi openly questioned the lack of independent thinking in China's education system and, in 1957, drafted a letter with Li Shuxian and other associates proposing political reform;

Whereas Fang Lizhi and Li Shuxian were sentenced to hard labor in 1957 and 1958, respectively, as victims of China's Anti-Rightist Campaign;

Whereas, during China's Cultural Revolution, Fang Lizhi and other faculty members and students of the University of Science and Technology of China were sentenced to ''reeducation through labor'' in a coal mine and a brick factory;

Whereas, after he was again freed from confinement, Fang Lizhi emerged as China's leading astrophysicist and wrote the first modern Chinese-language cosmological studies, although the theory of general relatively contradicted Communist dogma;

Whereas, when he was appointed as vice president of the University of Science and Technology of China in 1984, Fang Lizhi initiated a series of reforms intended to democratize the management of the university and enhance academic freedom;

Whereas, in the winter of 1986–1987, when Chinese students across China protested on behalf of democracy and human rights, the Government of China fired Fang Lizhi from his post at the University of Science and Technology of China and subsequently purged him from the Communist party;

Whereas when, in the wake of his purge, excerpts from Fang Lizhi's speeches were distributed by authorities in China as examples of ''bourgeois liberalism,'' his writings became tremendously popular among Chinese students;

Whereas, in February 1989, Fang Lizhi published an essay entitled ''China's Despair and China's Hope,'' in which he wrote, ''The road to democracy has already been long and difficult, and is likely to remain difficult for many years to come.'';

Whereas, in this essay, Fang Lizhi also wrote that ''it is precisely because democracy is generated from below—despite the many frustrations and disappointments in our present situation—I still view our future with hope'';

Whereas, in the spring and early summer of 1989, Chinese students gathered in Tiananmen Square to voice their support for democracy, as well as to protest corruption in the Chinese Communist Party;

Whereas Fang Lizhi chose not to join the protests at Tiananmen Square in order to demonstrate that the students were acting autonomously;

Whereas, from June 3 through 4, 1989, the Government of China directed the People's Liberation Army to clear Tiananmen Square of protestors, killing hundreds of students and other civilians in the process;

Whereas, the Government of China issued arrest warrants for Fang Lizhi and Li Shuxian after the Tiananmen Massacre, accusing the pair of engaging in ''counterrevolutionary propaganda'' and denouncing Fang as the ''instigator of chaos which resulted in the deaths of many people'';

Whereas, on June 5, 1989, Fang Lizhi and Li Shuxian were escorted by United States diplomats to the United States Embassy in Beijing;

Whereas, between June 1989 and June 1990, United States diplomatic personnel under the leadership of Ambassador James R. Lilley sheltered Fang Lizhi and Li Shuxian at the United States Embassy in Beijing, despite the many hardships it imposed on the mission;

Whereas, at a November 15, 1989, ceremony awarding Fang Lizhi the Robert F. Kennedy Human Rights Award, Senator Edward M. Kennedy said of Fang ''What Andrei Sakharov was in Moscow, Fang Lizhi became in Beijing.'';

Whereas, on June 25, 1990, Fang Lizhi and Li Shuxian were allowed to leave China for the United Kingdom and then the United States;

Whereas, in 1992, Fang Lizhi received an appointment as a professor of physics at the University of Arizona in Tucson, where he continued his research in astrophysics and advocating for human rights in China;

Whereas, in the years since June 4, 1989, a new generation of Chinese activists has continued the struggle for democracy in their homeland, working ''from below'' to protect the rights of Chinese citizens, to increase the openness of the Chinese political system, and to reduce corruption among public officials; and

Whereas, with the passing of Fang Lizhi, China and the United States have lost a great scientist and one of the most eloquent human rights advocates of the modern era: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Fang Lizhi;

(2) honors the life, scientific contributions, and service of Fang Lizhi to advance the cause of human freedom;

(3) offers the deepest condolences of the Senate to the family and friends of Fang Lizhi; and

(4) stands with the people of China as they strive to improve their way of life and create a government that is truly democratic and respectful of international norms in the area of human rights.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on June 7, 2012, in room SD–628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled ''Universal Service Fund Reform: Ensuring a Sustainable and Connected Future for Native Communities.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

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 Committee on Energy and Natural Resources. The hearing will be held on Thursday, June 14, 2012, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on competitiveness and collaboration between the U.S. and china on clean energy.

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 should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to Meagan_Gins@energy.senate.gov.

For further information, please contact Jonathan Black at (202) 224–6722 or Meagan Gins at (202) 224–0883.

NATIONAL FOSTER CARE MONTH

Mr. BROWN of Ohio. Madam President, I ask unanimous consent the HELP Committee be discharged from further consideration of S. Res. 462 and the Senate proceed to its immediate consideration.

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

The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 462) recognizing National Foster Care Month as an opportunity to raise awareness about the challenges faced by children in the foster care system, acknowledging the dedication of foster care parents, advocates, and workers, and encouraging Congress to implement policy to improve the lives of children in the foster care system.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. Madam President, I further ask the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 462) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 462

Whereas National Foster Care Month was established more than 20 years ago to bring foster care issues to the forefront, highlight the importance of permanency for every child, and recognize the essential role that foster parents, social workers, and advocates have in the lives of children in foster care throughout the United States;

Whereas all children deserve a safe, loving, and permanent home;

Whereas the primary goal of the foster care system is to ensure the safety and well-being of children while working to provide a safe, loving, and permanent home for each child;

Whereas there are approximately 408,000 children living in foster care;

Whereas there were approximately 254,000 youth that entered the foster care system in 2010, while over 107,000 youth were eligible and awaiting adoption at the end of 2010;

Whereas children in foster care experience an average of 3 different placements, which often leads to disruption of routines and the need to change schools and move away from siblings, extended families, and familiar surroundings;

Whereas youth in foster care are much more likely to face educational instability with 65 percent of former foster children experiencing at least 7 school changes while in care;

Whereas children of color are more likely to stay in the foster care system for longer periods of time and are less likely to be reunited with their biological families;

Whereas foster parents are the front-line caregivers for children who cannot safely remain with their biological parents and provide physical care, emotional support, education advocacy, and are the largest single source of families providing permanent homes for children leaving foster care to adoption;

Whereas children in foster care who are placed with relatives, compared to children placed with nonrelatives, have more stability, including fewer changes in placements, have more positive perceptions of their placements, are more likely to be placed with their siblings, and demonstrate fewer behavioral problems;

Whereas an increased emphasis on prevention and reunification services is necessary to reduce the number of children that are forced to remain in the foster care system;

Whereas more than 27,900 youth ''age out'' of foster care without a legal permanent connection to an adult or family;

Whereas children who age out of foster care may lack the security or support of a biological or adoptive family and frequently struggle to secure affordable housing, obtain health insurance, pursue higher education, and acquire adequate employment;

Whereas foster care is intended to be a temporary placement, but children remain in the foster care system for an average of 2 years;

Whereas volunteers, guardians, mentors, and workers in the child-protective-services community play a vital role in improving the safety of the most valuable youth and work hard to increase permanency through reunification, adoption, and guardianship;

Whereas due to heavy caseloads and limited resources, the average tenure for a worker in child protection services is just 3 years;

Whereas on average, 8.5 percent of the positions in child protective services remain vacant;

Whereas States, localities, and communities should be encouraged to invest resources in preventative and reunification services and postpermanency programs to ensure that more children in foster care are provided with safe, loving, and permanent placements;

Whereas Federal legislation over the past 3 decades, including the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96–272), the Adoption and Safe Families Act of 1997 (Public Law 105–89), the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110–351), and the Child and Family Services Improvement and Innovation Act (Public Law 112–34) provided new investments and services to improve the outcomes of children in the foster care system;

Whereas May is an appropriate month to designate as National Foster Care Month to provide an opportunity to acknowledge the child-welfare workforce, foster parents, advocacy community, and mentors for their dedication, accomplishments, and positive impact they have on the lives of children; and

Whereas much remains to be done to ensure that all children have a safe, loving, nurturing, and permanent family, regardless of age or special needs: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes National Foster Care Month as an opportunity to raise awareness about the challenges faced by children in the foster care system, acknowledging the dedication of foster care parents, advocates, and workers, and encouraging Congress to implement policy to improve the lives of children in the foster care system;

(2) encourages Congress to implement policy to improve the lives of children in the foster care system;

(3) supports the designation of May as National Foster Care Month;

(4) acknowledges the special needs of children in the foster care system;

(5) recognizes foster youth throughout the United States for their ongoing tenacity, courage, and resilience while facing life challenges;

(6) acknowledges the exceptional alumni of the foster care system who serve as advocates and role models for youth who remain in care;

(7) honors the commitment and dedication of the individuals who work tirelessly to provide assistance and services to children in the foster care system; and

(8) reaffirms the need to continue working to improve the outcomes of all children in the foster care system through parts B and E of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other programs designed to—

(A) support vulnerable families;

(B) invest in prevention and reunification services;

(C) promote adoption and guardianship in cases where reunification is not in the best interests of the child;

(D) adequately serve those children brought into the foster care system; and

(E) facilitate the successful transition into adulthood for children that ''age out'' of the foster care system.

ORDERS FOR TUESDAY, JUNE 5, 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, June 5; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day and the majority leader be recognized; that following the remarks of the majority leader and those of the Republican leader, the time until 12:30 p.m. be equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes; further, that the Senate recess from 12:30 p.m. 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 consideration of the motion to proceed to S. 3220, the Paycheck Fairness Act, when the Senate convenes tomorrow. At 2:15 there will be a cloture vote on the motion to proceed to the paycheck fairness bill.

ORDER FOR ADJOURNMENT

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 following the remarks of Senator INHOFE.

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

UTILITY MACT

Mr. INHOFE. Madam President, first of all, let me thank the Senator from Ohio for allowing me to interrupt him for my unanimous consent request.

This month, the Senate will have the opportunity to put a stop to the second most expensive EPA regulation in history, the rule known as Utility MACT. It is kind of confusing. Let me share with everyone what it means: MACT—and we better learn it now because we are going to hear it more and more—it is M-A-C-T. That means Maximum Achievable Controlled Technology. In other words, the EPA comes along and makes a regulation where there is no technology that will accommodate the rule. So that is what it is all about. That is what the Obama EPA calls it so the people will not know what it is and how much it costs. It is the first step—we are talking about Utility MACT—it is the first step to kill coal in the United States.

Right now, we in this country depend upon coal for 50 percent of our electricity. One can just imagine what will happen to our energy costs as well as millions of lost jobs. I have introduced a joint resolution to kill it. By voting for my resolution, S.J. Res. 37, Members of the Senate can prevent the Obama EPA from causing so much economic pain for American families. It requires only a majority vote in the Senate and the House. It would have to be signed by the President.

People say: Why would the President sign a bill that would stop his EPA from overregulating? I would suggest that right before the election, he does not want to go on record as causing that many job losses and that much damage to our economy.

Utility MACT is the centerpiece of President Obama's effort to kill coal. Utility MACT is specifically designed to close down existing coal plants, while the Obama EPA's greenhouse gas regulations are specifically designed to prevent any new coal plants from being built. So we are going to shut down the coal plants that are there now and prevent new coal plants from being built.

Keep in mind, 50 percent of our energy comes from coal. The goal behind these policies is not surprising. But what is surprising is that while President Obama goes around pretending to be for an all-of-the-above approach on energy—let's make sure we understand what that is. An all-of-the-above approach was the Republicans' idea. It was: We are for all of the above. We are for nuclear energy. We are for fossil fuels, coal, gas, oil, renewables, solar, everything else.

That is what ''all of the above'' means. The President has been saying

he is for an all-of-the-above approach on energy, while members of his green team administration cannot help but tell the truth about what is going on in the EPA. The Presiding Officer remembers several weeks ago when I came to the Senate floor to bring attention to a video of EPA region 6 Administrator Al Armendariz admitting that the EPA's general philosophy is to crucify and make examples of oil and gas companies.

We remember that, do we not? He said—and it was on a video, his voice with himself speaking to a group of people, including giving advice to those who were subordinates to him. He said: You have to do what the Romans did years ago when they would go around the Mediterranean. They would go into different areas in Turkey, and they would crucify the first five people they would see and leave them to die, dangling on a cross, in order to get them to submit to him.

Today, I would like to highlight another video. It is a video of the EPA region 1 Administrator Curt Spalding, admitting that the Obama EPA consciously and deliberately made the choice to wage war on coal. I am going to quote exactly what he said so everyone can have the full effect of it. He said:

> But know right now, we are, we are struggling. We are struggling because we are trying to do our jobs. Lisa Jackson has put forth a very powerful message to the country. Just two days ago, the decision on greenhouse gas performance standard and saying basically gas plants are the performance standard which means if you want to build a coal plant you got a big problem. That was a huge decision. You can't imagine how tough that was. Because you got to remember that if you go to West Virginia, Pennsylvania, and all those places, you have coal communities who depend on coal. And to say that we just think those communities should just go away, we can't do that. But she had to do what the law and the policy suggested. And it's painful. It's painful every step of the way.

Again, I am quoting the region 1 Administrator Curt Spalding in a statement he made. That is an exact quote. Let me repeat the key parts of Administrator Spalding's quote for emphasis. He said, ''If you want to build a coal plant you got a big problem.'' Even more stunning, he is admitting that the Obama EPA's decision to kill coal was painful every step of the way because West Virginia, Pennsylvania, and all the coal States depend on coal development for their jobs, their livelihoods.

I had occasion to be in West Virginia and in Ohio and see and speak face to face with people who are third-, fourth-generation workers in the coal mines. Those people are scared to death that coal will be killed. Here it is in front of us right now. They are going to kill coal anyway.

Trust me, Administrator Spalding and President Obama, it is far more painful for those who will lose their jobs and have to pay skyrocketing electricity prices than it will be for you.

Spalding's statement that ''if you want to build a coal plant you got a big problem'' reminds us a lot of President Obama's own statement about coal in 2008, when he was not so afraid to explain his real intention. Remember, he said—and this is a quote by the President in 2008. ''If you want to build a coal-fired power plant you can, it's just that it will bankrupt you.''

That was 2008. Sure enough, he is bringing that to reality. He is making every effort. Of course, this war on coal comes from the same administration that put the ''crucify them'' Administrator Armendariz in charge of the biggest oil-and-gas-producing region in the country. In fact, crucifixion philosophy is so obvious now that even the somewhat left-leaning Washington Post said that the Obama EPA is ''earning a reputation for abuse.''

But I think Kim Strassel of the Wall Street Journal put it best when she said that Armendariz was ''a perfect general for Mr. Obama's war against natural gas and on the front lines of President Obama's battle to end fossil fuels and affordable energy.''

As this most recent video of region 1 Administrator Spalding confirms, there are plenty of green generals such as Armendariz going into battle for the Obama EPA. We have several more videos of EPA officials making similar statements. I am not going to talk about them tonight. I will talk about those at a later date because today I would like to focus my remarks specifically on President Obama's war on coal and what Members of this body will choose to do about it.

The fundamental question before the Senate will be whether my colleagues will have the courage to stand up to President Obama and put the brakes on his abusive, out-of-control EPA that has openly admitted: If you want to build a coal plant, you have a big problem or if they are going to stand with President Obama and his administration's ''crucify'' agenda.

One of the most interesting and telling aspects of President Obama's disingenuous attempt to rebrand himself as a supporter of fossil fuels is that he never mentions coal. He does not even pretend. In fact, up until very recently, President Obama's campaign Web site had a section devoted to the President's goals for every energy resource except coal.

Only after facing intense criticism and disappointing primary results in coal States, which just happened recently—I think we are all aware of that—the Obama campaign attempted quietly to add a clean coal section to its site.

Apparently, President Obama's definition of clean coal is no coal. In his 2013 budget request, the President cut funding for coal research and development at the National Energy Technology Lab by nearly 30 percent. This is at the same time EPA has proposed greenhouse gas standards for coal-fired powerplants that require carbon capture and sequestration. We refer to that as CCS. It is a technology that is not ready to operate on a commercial scale.

On one hand, we have Obama issuing standards in which utilities cannot comply without using CCS; on the other hand, we have them handicapped in that very technology. In other words, what he is saying is that we have emissions standards for coal technology where there is no technology. There are standards required for emissions where there is no technology that will accommodate that request.

We are going to see it in other areas too. This is coal. I am concentrating just on coal tonight. After cap and trade was thoroughly rejected by the American people and defeated in a Democratically controlled Congress, President Obama promised that he would not give up in his efforts to stop coal development. He also said:

> Cap-and-trade was just one way of skinning the cat. It was a means, not an end. I'm going to be looking for other means to address this problem.

He has found other ways to skin the cat—by imposing regulations that have exactly the same effect of killing coal. I do not have time to go into every action EPA has taken, but I would like to highlight a few of the key coal-killing regulations. Front and center, of course, is Utility MACT. Utility MACT is a rule which sets strict standards that cannot be met, which means that along with EPA's other air rules, up to 20 percent of America's coal-fired capacity will be shuttered and around 1.6 million jobs will be lost.

That is initially. Carry that on through, considering that coal supplies 50 percent of our energy in this country, it is going to far exceed that, starting off with 50 percent of America's coal-fired capacity will be shut down. Utility MACT's pricetag is second only to the Obama EPA's greenhouse gas regulations, which are designed to prevent any new coal plants from being built in this country.

Similar to the Waxman-Markey cap-and-trade bill, these regulations will cost $300 to $400 billion a year and destroy over 2 million jobs. It may even cost more if the courts throw out the EPA's tailoring rule. It kind of gets into the weeds. It is a little bit complicated.

What they are attempting to do is the regulations that they were unable to do through legislation. We had several bills over a 12-year period to try to impose cap and trade. That cap and trade cost would be $300 billion to $400 billion. The tailoring rule is one where if EPA does it through regulation, doing the same thing, imposing cap and trade on the American people, it will not cost $300 billion to $400 billion a year, but it will be far more because it will have to reach the standards of the Clean Air Act. That would be regulating those emitters with 250,000 tons of emissions a year. Every school, church, restaurant, and coffee shop

would now have to be regulated and would be put out of business by the EPA.

EPA is also waging this war on the permitting front. We have been tracking this problem for a long time. A lot of people recognize when the Obama EPA was trying to shut down the gulf, they said: We are not going to do it because of public pressure. But then they refused to issue permits.

As my EPW minority report from January 2010 showed, the EPA was obstructing 190 coal mining permits, putting nearly 18,000 jobs at risk. That was 2½ years ago and not much has improved.

Last November a report by the Office of Inspector General I requested confirmed that EPA, through its own actions, had been deliberately and systematically slowing the pace of permit evaluations for new plants in Appalachia. These findings were concerning enough that the inspector general did a follow-up review. And again in February of this year, 2 years later, the Office of Inspector General found EPA did not have a consistent official recordkeeping system that was exacerbating permit delays. Not only has EPA continued to stall the permitting process, they are trying to stop permits that were already granted.

In January 2011—and this is significant—EPA took the drastic unprecedented step of revoking a lawfully issued mining permit the Bush Army Corps of Engineers had granted to Spruce Mine, which is a project in Appalachia. Fortunately, the courts recognized EPA's overreaching in this case.

On March 23, 2012, the U.S. district court ruled that EPA exceeded its authority, and as the judge said,

> EPA's claim that it can veto a permit issued by the Army Corps of Engineers is a stunning power for an agency to arrogate itself.

That is a Federal judge's quote.

After 4 years of this aggressive barrage of rules designed to kill coal, many in the heartland, States that rely heavily on coal, are not amused.

Just last month 24 State attorneys general, including one-quarter of all Democratic State attorneys general, filed a suit to overturn Utility MACT because of the devastating effects it will have on jobs in their States and their economies. These are Democrats from Arkansas, Kentucky, Mississippi, Missouri, West Virginia, and Wyoming. In other words, it appeared that Democratic AGs from several States are trying to save coal while the Democratic Senators from those same States are carrying out President Obama's war on coal.

What is happening in West Virginia? The State government just sponsored a 3-day forum last week on ''EPA's war on coal.'' This is in West Virginia.

Larry Puccio, the Democratic Party chairman in West Virginia, said:

> A lot of folks here have real frustration with this administration's stance on coal and energy.

Recently, on a West Virginia radio show, Cecil Roberts, the President of the United Mine Workers of America, famously said that EPA Administer Lisa Jackson ''shot [the coal industry] in Washington just as the Navy Seals shot bin Laden.'' As Roberts expanded:

> We've been placed in a horrendous position here. How do you take coal miners' money and say let's use it politically to support someone whose EPA has pretty much said, ''You're done''?

It doesn't get any stronger than that. These are all Democrats. Let's not forget West Virginia is the State where President Obama lost several counties in a primary to a convicted felon not long ago.

Kentucky is weighing in. As Politico reported, President Obama lost an ''uncommitted'' vote in 38 counties representing the Kentucky Coal Coalition and won just 44 percent of over 49,000 votes. He only carried 14 of the 38 coal counties, and overall carried the State as a whole with just 58 percent of the vote.

In Arkansas, President Obama won the primary with less than 60 percent of the vote.

In Ohio, it was the same story. When Vice President BIDEN visited the State recently, he was faced with over 100 workers who would lose their jobs because of this administration's aggressive regulatory regime. Their message to the administration is ''Stop the war on coal.''

These States have good reason to be concerned. Let's look at how Utility MACT will impact some of the most coal-dependent States.

In Arkansas, 40 percent of their electricity is produced by coal.

Louisiana has the ninth cheapest electricity in the Nation, $100 million in payroll.

In Michigan, 60 percent of their electricity is produced by coal. They are tenth in coal use.

Missouri, which is a big one, 80 percent of their electricity is produced by coal. They are sixth in coal use.

Montana, 60 percent of its electricity, fifth in coal production.

North Dakota, 85 percent of electricity is produced by coal. They are ninth in coal production.

Ohio is a big one, with 85 percent of electricity, and more than 19,000 jobs are at stake because of this Utility MACT.

Pennsylvania, 52 percent of their electricity is produced by coal, and they are fifth in coal use; Tennessee, 62 percent of the electricity.

Virginia, more than 31,000 jobs, and they are 13th in coal production; West Virginia, second in coal production, with more than 80,000 jobs.

These are real jobs that we lost State by State. That is how this is a big deal. I will go into detail as to why Utility MACT would be devastating. Just put this rule in perspective.

Even Democratic Representative JOHN DINGELL, who has been in the House many years—I served with him in the House many years ago, and he was the author of the Clean Air Act Amendments—said that Utility MACT is ''unparalleled in its size and scope'' and that it ''presents a set of new regulations with possible wide-reaching impacts on the way our country generates and consumes electricity.'' Now, that was Representative DINGELL over in the House of Representatives, a Democrat.

Utility MACT has an unprecedented price tag. EPA puts the cost of their rule at nearly $10 billion a year. That is interesting because no one else's is that low. Other sources project that it will cost considerably more, making it the second most expensive rule in the Agency's history. This is second only to global warming's cap-and-trade, which would be about a $300 billion to $400 billion tax increase, so double that.

Now, this is something I always do because in my State of Oklahoma, when we start talking about billions and trillions of dollars, I like to see how it will affect our families in Oklahoma. So a $300 billion to $400 billion tax increase, which is what it would have been if they had been successful in passing cap-and-trade and what it will be if they do it by regulation, you can double that. This tax increase would cost the average family who pays Federal income tax in my State of Oklahoma over $3,000 a year. And, of course, you don't get anything for it because even Lisa Jackson, Obama's Administrator of the EPA, admitted that if we pass cap-and-trade, it would not reduce our overall emissions because the problem isn't here in the United States; it is in Mexico and it is in China and in other countries around the world. So the Utility MACT we are talking about today would tax each family over and above cap-and-trade.

Further, the rule will shut down 20 percent of America's coal-fired power capacity. This will inevitably result in higher electricity prices for every American. Simply put, it is a supply-and-demand situation. I think we all understand that. There is not a person who is within earshot of me, anyway, who didn't learn back in grade school and elementary school what supply and demand means. It means if you shut down the coal plants, the energy remaining will cost a lot more.

It is not just me saying this. Here is what the Chicago Tribune reported on May 18: that in 2015, ''electric bills are set to be about $130 more than they are today.'' Now I am talking to everyone out there who has electricity. The electric bills are set to be about that much more.

The Chicago Tribune went on to say that prices have already significantly risen in the heartland. I will quote the article again:

> Prices were higher in northern Ohio and the Mid-Atlantic region at $357 per megawatt, and $167 per megawatt respectively.

Now, let's look at the jobs. Utility MACT and other EPA regulations on the electric power sector have resulted

in over 24,000 megawatts of announced powerplant retirements located in 20 States. According to the National Economic Research Associates, Utility MACT would destroy between 180,000 and 215,000 jobs in 2015. And with other new EPA regulations on the electric power sector, the economy stands to lose approximately 1.65 million jobs by 2020.

Manufacturers will be particularly hard hit due to their reliance on low-cost electricity and because of their dependence on natural gas as a raw material as both electricity rates and natural gas prices increase. According to Nucor Steel, a 1-percent increase in electricity rates will cost the firm $120 million. These extra costs would endanger 1 million manufacturing jobs outside of the coal and utility industries.

Utility MACT will also have a negative ripple effect. To bring up one example, in Avon Lake, OH, the closure of the local GenOn powerplant will cost the school system 11 percent of its budget annually. Besides the 80 high-quality jobs lost at the plant and many indirect job losses in the community, the city will have fewer resources for its paramedics, firefighters, schools, and everything else. This story will be replicated in communities across America.

Now, for a couple of myths about this, people try to say it is not surprising that instead of taking credit for the dire results of this coal-killing agenda in an election year, the Obama administration is claiming that lower natural gas prices are the reason utilities are switching from coal to natural gas. That is absolutely wrong. There is one problem with that. While President Obama poses in front of the pipelines in my State of Oklahoma pretending to be a friend of oil and natural gas, he is giving marching orders to his administration to do everything possible to end hydraulic fracturing.

To get back in the weeds a little here, hydraulic fracturing is a process to get oil and gas out of tight formations. In fact, you can't get 1 cubic foot of natural gas out of a tight formation without using hydraulic fracturing. I am pretty familiar with that process because that was started in my State of Oklahoma way back in 1949. There has never been a documented case of groundwater contamination by using hydraulic fracturing. But this is what he is trying to do—to kill the oil and gas by doing away with hydraulic fracturing.

Remember, I mentioned earlier that Armendariz was the only one caught on tape admitting that the EPA's general philosophy was to crucify and make examples of oil and gas companies, specifically targeting hydraulic fracturing. If the crucifixion scandal isn't enough of a revelation in this war on natural gas, remember the Sierra Club, which recently gave the President its most enthusiastic endorsement, just rolled out its newest campaign called ''Beyond Gas,'' a spin-off of its decade-old campaign ''Beyond Coal.'' That was 10 years ago that the Sierra Club talked about its campaign to phase out coal-fired powerplants.

Sierra Club executive director Michael Brune explained:

> As we push to retire coal plants, we're going to work to make sure we're not simultaneously switching to natural-gas infrastructure. And we're going to be preventing new gas plants from being built wherever we can.

So it is not just coal, it is coal and all other fossil fuels. So those people who think somehow they can say, well, we are going to promote natural gas—which they are not doing because they are trying to stop hydraulic fracturing—they don't realize that is a fossil fuel. It may have taken NANCY PELOSI 6 months to realize natural gas is a fossil fuel, but everybody knows that today.

So natural gas supplies may be plentiful now, but the Obama administration's ''crucify them'' agenda on oil and gas development is designed to change that. Its whole purpose is to decrease access to these resources through increased regulations from the Federal Government.

Another myth is the public health myth. I want to address that because that is being perpetrated by Utility MACT proponents, and it has to do with their public health argument. The truth is that the health benefits EPA claims are exaggerated and misleading. That is because EPA's analysis showed that over 99 percent of the benefits of the rule we are talking about—a Utility MACT rule—come from reducing fine particulate matter, not air toxics. Of course, fine particulate matter is already regulated under the National Ambient Air Quality Standards. In fact, 90 percent of Utility MACT's purported particulate matter benefits occur in air already deemed safe by the NAAQS program.

Not only is the EPA double miscounting benefits, it is also dismally failing the cost-benefit test. The Agency itself admits that Utility MACT will cost an unprecedented $10 billion to implement. We think it is going to be more than twice that, but they say $10 billion. They also admit that the $10 billion it costs will yield a mere $6 million in direct benefits. That means, by the EPA's own statement, they admit the best-case scenario yields a ludicrous cost-benefit ratio of 1,600 to 1.

In reality, Utility MACT will harm the public by increasing unemployment—a well-established risk factor for elevated illness and mortality rates. In addition to influences on mental disorders, suicide, and alcoholism, unemployment is also a risk factor in cardiovascular disease and overall decreases in life expectancy. Further, higher electric bills act like a regressive tax, hurting the poor and the elderly most by diverting funds they would otherwise have for food, rent, and medical care to pay for more expensive electricity.

To be sure, those who won't feel any of this economic pain are President Obama's Hollywood elites.

I know that my environmental friends are already accusing me of allowing mercury to go into the air. So today I would like to remind them that it was the Republicans who first put forth a real plan to reduce mercury emissions from powerplants.

In 2002 and 2003, Republicans were in the majority. At that time, I was the chairman of the committee that had regulation over the air, and we were working to pass the Clear Skies bill, which was the most aggressive initiative in history to reduce emissions of sulfur dioxide, nitrogen oxide, and mercury—SO_X, NO_X, and mercury. In fact, this bill would have reduced mercury emissions by 70 percent by 2018. So in just 6 years from now, we would already have had a 70-percent reduction in what I call real pollutants—SO_X, NO_X, and mercury.

Now, what happened? Why did it fail? It failed because they wanted to include greenhouse gases. They wanted to include CO_2. And at the expense of losing those reductions that were mandated in SO_X, NO_X, and mercury, they said: Well, if we can't have CO_2, we don't want it at all.

So why did Clear Skies fail in 2005? Then-Senator Obama served with me in the Senate Committee on Environment and Public Works, and it was his vote that killed the bill. As Senator Obama himself admitted:

> I voted against the Clear Skies bill. In fact, I was the deciding vote despite the fact that I'm a coal state and that half of my state thought I'd thoroughly betrayed them because I thought clean air was critical and global warming was critical.

That was then-Senator Barack Obama.

Clear Skies apparently didn't cause enough pain. It reduced real pollutants. It didn't address President Obama's pet cause of climate change. It did not achieve the goal they really wanted to impose; that is, ending coal.

So now, instead of having a reasonable and effective mercury reduction plan already in place and working for the American people, President Obama wants to implement EPA's Utility MACT in order to kill coal.

The bottom line is that we still need coal, and all those who dream of doing away with it will not be able to escape the reality that coal will continue to provide much of our electricity for the foreseeable future. So we need to be implementing policies that improve air quality without destroying coal and millions of good American jobs and imposing skyrocketing electricity costs on every American. That is why my resolution to stop Utility MACT is so crucial.

Contrary to what critics are saying, this resolution does not prevent the EPA from regulating mercury under the Clean Air Act. It simply requires that the EPA go back to the drawing board to craft a rule with which utilities can actually comply—a rule that

does not threaten to end coal in America and American generation but helps utilities to reduce emissions without having to shut their doors.

The House, led by Congressman FRED UPTON, recently passed bipartisan legislation to rein in the Utility MACT, with 19 Democrats supporting the measure. So now it is time for the Senate to act.

I would like to remind my colleagues that this resolution will probably be the vote for coal for the year, so this is our one chance. Many of my Democratic colleagues have gone on record saying that they want to rein in the Obama EPA. The senior Senator from Missouri is one of them. She said, back home, that she is determined to hold the line on the EPA. Does that mean she and other Senate Democrats who have made similar statements will vote to stop the centerpiece of Obama's war on coal? Apparently not.

Today I talked a lot about Utility MACT. Let's be sure we understand what it means. One more time: Utility MACT is a rule by the EPA to end coal in America and cause electricity rates to skyrocket. That is a statement that even the President said, that the electric rates would skyrocket. My resolution, S.J. Res. 37, will allow Members of the Senate to stop the Obama EPA. It is as simple as that.

I can remember when we passed the CRA, the Congressional Review Act. It is interesting because the Congressional Review Act was one which recognized that sometimes things are out of control, the EPA and other parts of the administration. So if it is something where you get a simple majority of Members saying: This is outrageous, and we need to stop it, we can do it by passing a CRA—a Congressional Review Act. That is what S.J. Res. 37 is, and that is our only chance to stop this.

So a vote on my resolution would clearly demonstrate to the American people which Senators will hold on and stand with their constituents for jobs and affordable energy and which Senators want to kill coal in favor of President Obama's radical global warming agenda that will be devastating to people. To borrow a phrase from Administrator Spalding: To choose the latter will be painful—painful every step of the way for their constituents. And I hope they make the right choice.

So I would just repeat that this is the last chance you have to stop the administration from killing coal. This is the vote of the year in terms of the effort to stop the killing of coal.

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

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

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

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. INHOFE. Mr. President, if there is no business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until Tuesday, June 5, 2012, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 4, 2012:

THE JUDICIARY

TIMOTHY S. HILLMAN, OF MASSACHUSETTS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS.