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

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

Let us pray.

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

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable Richard Blumenthal led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The Presiding Officer, the clerk will please read a communication to the Senate from the President pro tempore (Mr. Inouye).

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,

To the Senate:
Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Richard Blumenthal, a Senator from the State of Connecticut, to perform the duties of the Chair.

Daniel K. Inouye,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER
The Acting President pro tempore. The majority leader is recognized.

EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2012—Motion to Proceed
Mr. Reid. Mr. President, I move that the Senate proceed to Calendar No. 396, H.R. 2072.

The Acting President pro tempore. The clerk will report the motion. The legislative clerk read as follows: Motion to proceed to calendar No. 396, H.R. 2072, a bill to reauthorize the Export-Import Bank of the United States, and for other purposes.

Mr. Reid. Mr. President, we are now on the motion to proceed to the Ex-Im Bank bill. We are working on an agreement to begin consideration of the bill. I don't know if we can reach that, but we are trying.

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

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

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

The last time the Senate considered this in legislation, it was offered by a Republican Senator and it passed by unanimous consent. What that means is it comes to the floor, sponsored by a Republican and everybody agrees and we don't even have a vote here. It is done by unanimous consent. So it is unfortunate that I had to file cloture again. I have filed cloture, cloture, cloture on so many different things. We
shouldn’t have to argue over bipartisan proposals such as this one. It should just pass as it has in the past. But I remain hopeful that we can find a way to work together on it.

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

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

Denying Ex-Im reauthorization will hurt manufacturers of every size and threaten thousands of U.S. manufacturing jobs. Small and medium-sized companies by matching credit support other nations provide, ensuring that our Nation’s manufacturers can compete based upon the price and performance of their products. It also enables small and medium-sized manufacturers to capture new market opportunities in emerging economies abroad. In 2010 the bank supported more than $41 billion in export sales from more than 3,600 companies, supporting approximately 300,000 jobs here—rather than the 290,000 I said—export-related American jobs.

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

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

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

I understand my Republican colleagues want to offer amendments to the bill. I have already said so. Their amendments generally would just eliminate the bank—not make it stronger. None of these measures, just gut the Export-Import Bank, and some just eliminate it altogether. Even if those amendments weren’t egregious, changing this legislation now would only waste more time. And we have been told the House isn’t going to accept any amendments. But why would we accept any amendment that gets rid of the bank?

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

Would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The acting President pro tempore. Under the previous order, the leadership time is reserved.

ORDER OF BUSINESS

The acting President pro tempore. At 4:30 p.m., under the previous order, the Senate will proceed to execute session.

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

The acting President pro tempore. The clerk will call the roll.

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

The acting President pro tempore. Without objection, it is so ordered.

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

The acting President pro tempore. Without objection, it is so ordered.

ARREST AND DETENTION OF NAMBARYN ENKHBAYAR

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

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

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

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

At the request of the Bush Administration, he dispatched Mongolian troops to fight alongside Americans in Iraq. Mongolia has held two summits with President Bush and concluded Mongolia’s Millennium Challenge pact in 2007.
Under his leadership, the Mongolian Government strengthened its international peace-keeping role with the United Nations, joined and then took a leading role in the Community of Democracies, provided humanitarian transit for refugees from Iraq and Afghanistan refugees through Mongolia, and developed important intelligence exchanges with American counterparts.

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

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

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

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

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

But it is equally important that those1 legitimate perfection avoid a sense of involvement in such practices themselves. Certainly, to say the least, the bringing of charges against a political leader in the midst of an important election campaign is unusual.

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

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

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

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

Only after his health was at risk, Mr. Enkhbayar was released on bail this morning so he could receive the medical treatment he so desperately needs. It is not enough to continue with his campaign for parliament.

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

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

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

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

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

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

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

It is equally true that once having lost one’s good reputation, it is almost impossible to restore it. There is still time for Mongolia’s authorities to correct a dangerous turn of events that are working very hard to identify and prevent terrorism from occurring, but leaks such as this occur, it undermine that effort tremendously. I thought the Senator from California did a very good job of pointing out how that is so and why we have to go after terrorist networks so hard. There are many friends abroad, including this Senator, who pray they will do so.

Moreover, it would be impossible for Mongolia’s friends in America and around the world in other democracies to continue speaking with the hope, promise, and optimism for the country’s future with which we have for the last two decades. Much is at stake in Mongolia now. Its political leaders and people have been wise and skillful in choosing the right course in many times of challenges and crises in the past.

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

Thank you very much, Mr. President.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

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

Mrs. FEINSTEIN. I can’t thank the Senator enough. I am very worried about this leak. I was reading the London news clips, and as the Senator knows, I chair the Senate Intelligence Committee. I believe I can speak for the leadership of both committees in saying we have a historic event. This has been very closely held because of the seriousness of the operation. And to see what is now in the papers, which
essentially endangers the asset, puts him in fear of his life, tells our allies we cannot be trusted to carry out a mission without leaking that mission and also thereby alerting al-Qaeda in the Arabian Peninsula that they need to intensify their efforts to prevent penetration—it is, I think, the serious leak certainly in the time I have been chairman of the committee.

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

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

UNEMPLOYMENT

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

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

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

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

In March, for example, there were about three people dropping out of the system for every one job created. That would be a rate of 3.3 dropouts per new job. So each month we are finding more and more people are simply not looking for work. They are dropping out of that group of people who wish to be employed and who are looking for work. They have stopped so they don’t show in the unemployment numbers.

In fact, in the month of April, 522,000 people dropped out of the labor force. Remember, last month 115,000 jobs were created and some people thought that was great. Well, it is nice that it was 115,000 and not none, but the reality is if 522,000 people dropped out of the labor force that same month, it shows there is not much to cheer about. That meant in terms of overall statistics was that a number that the Labor Department calls the labor force participation rate, which is how many of the people who could be working here are actually working, dropped 0.3 percent, which is the lowest level since 1981 when the Reagan administration was headed into a big recession at that time.

In other words, we have fewer people actually working in this country than a percentage of those who could than at any time since 1981.

James Pethokoukis of the American Enterprise Institute said:“If the size of the labor force as a share of the total population was the same as it was when Barack Obama took office—65.7 then versus 63.6 today—the unemployment rate would be 11.1 percent.

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

“If the participation rate just stayed where it was last month, the unemployment rate would have risen to 8.4 percent. So the unemployment rate is primarily a factor of how many people are still looking for work. And if they have given up, then they don’t show in these statistics anymore. This is very troubling because it also shows that Americans do not see their situation improving; they don’t have a sense of optimism that things are getting better. There is a resignation beginning to be created here that things are not going to get better and there is no work for them to do, and of course that has ramifications up and down the economy, a couple of which I will mention here.

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

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

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

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

The number of long-term unemployed has increased by 80 percent under the Obama administration. The people who have been out of work for a long period of time—at least 6 months and many of them more than a year. And all of this as the cost of living for middle-income Americans soars. For example, worker health insurance has gone up 23 percent, even after ObamaCare. Gas prices are now about $4 a gallon. They have doubled since President Obama took office. Home values nationwide have plunged by 14 percent in my State area productively, and in many places it is by 50 percent.

So instead of creating a to-do list for the Senate, as the President has done
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just 6 months before the election—asking us to vote on what a lot of people call show votes and dividing the country by pitting one group against another—I urge the President to make some real steps to steady the economy and reassure the job creators.

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

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

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

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

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

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

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

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

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

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

How about the third thing: American energy. We could be one of the most energy-wealthy countries in the world—if not the most—just taking advantage of our own resources. We would no longer have to be dependent on the Middle East for our sources of energy. But unfortunately, here, too, the President and Senate Democrats have repeatedly pursued tax increases on the oil and gas industries, raised the cost of gasoline, lowered American energy independence and much more expansive. It has resulted in an estimated 58.5 million annual paperwork hours, according to the Congressional Research Service—the non-partisan entity that looks into these things when we ask them.

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

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

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

The lame duck session is the time in between the election when new Members of Congress have been elected and the time they are sworn in—essentially at the end of the first week in November. But it is not like other sessions because of what we have, including approving the Keystone Pipeline.

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

First of all—why not make the decisions about the future of the country, but because all of these things are piling up, I will be one of the people here making these decisions for the future of our country. I don’t mind being here, but it will be very bad for the country if we pile up all of these things and expect to get them done smartly in the 5 or 6 weeks around Thanksgiving and Christmas.

What are some of these things? First of all, just funding the government—the appropriations bills. Nobody expects we are going to complete work on all of the appropriations bills to run the government, as a result of which we will have to, at the end of the year, pile a whole bunch of bills into what have been called Omnibus appropriations bills—“omnibus” meaning we are not making the critical decisions about dropping this and adding that that would provide more sensible funding of our Federal Government.

The problem with that, coupled with the fact that the Senate hasn’t approved a budget in 3 years and won’t approve a budget this year, presumably, is that nothing is prioritized; it is just basically a continuation of the spending from years past. So we are not making the critical decisions about dropping this and adding that that would provide more sensible funding of our Federal Government. So that is the first thing we ought to be doing; and that leads me to the second thing.

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

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

We need to save $1.2 trillion, which is the actual amount required by law, over 10 years. When we subtract interest, that comes out to about $898 trillion or $918 billion—I have forgotten which—each year. So some of us have introduced legislation to pay for this $900-plus billion for next year, to offset with spending reductions the cost of this sequestration. “Sequestration” is a fancy word for across-the-board spending cuts. Half of them go directly to the Department of Defense, and the other half are spread all across the other programs in our budget, from education, if you name it, even does it make sense to just take a meat ax and lop off the top 10 percent or top 12 percent or whatever it might be of the spending in all of these different programs? Would we want to buy four-fifths of an airplane in the military? Does that make sense or does it make more sense to save $10 here so we can spend $10 over here? Obviously, it makes more sense to do that.

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

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

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

There are others as well. The payroll tax holiday expires, and there are many others we need to do as part of our business as Representatives and Senators. It should be done first of the year. Everybody knows we are going to have to keep the government running, the things we promised our constituents in legislation that we would do.

So another suggestion is let’s start working on these big problems. Many of us who will be in a lameduck position are putting a letter together to our leadership asking them to please tackle these big problems. We should not be voting on a lot of these things after the election. Everybody knows we are going to have to keep the government running, the things we promised our constituents in legislation that we would do.

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

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

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

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

This is supposed to be all about. You make the tough decisions. You stand for election. The people either say yes or no. Then, by the way, they hold you in account. After you are elected, they continue to look at you. Now you have to decide whether they want to vote for you again. But in this day and age, we are playing hide the ball from the American people: Let’s do not bring anything up until after the election. That way the American people will not see how we feel about these things. Some of these are tough votes, I acknowledge. It is hard to figure out how to effectuate savings. If you have to come up with $100 billion in savings over 10 years, some people say, So you cannot promise everything to everybody. You actually have to find $100 billion in savings somewhere.

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

I will tell you the way we would do it. You can save $100 billion by doing something. When people work on government employment, instead of hiring somebody to replace them, we would hire two people for every three who leave. The Bowles-Simpson Commission says only hire one for every three who leave. So we are a little more liberal than Bowles-Simpson. We say, every time three people leave the government, let’s only hire two back. I bet we could get by as a country doing that. The other thing is, the President froze increases in Federal salaries, and two years and a half has to go. There are other ways to do it. There are hundreds of billions of dollars to be
Mr. JOHNSON of Wisconsin. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE BUDGET

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

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

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

"Today I am pledging to cut the deficit we inherited in half by the end of my first term in office. This will not be easy. It will require us to make difficult decisions and face challenges we have long neglected. But I refuse to leave our children with a debt that they cannot meet. Taking responsibility right now in this administration—getting our spending under control—would be $20 billion. I realize the people in the gallery probably cannot see that line on the chart, but it is obviously not enough to stabilize the debt and deficit.

"What I have said is that this is a very simple principle of fairness, if applied to somebody making $50 million a year. And I think the basic principle of fairness, if applied to our tax code, could raise enough money that not only do we pay for our jobs bill—"

And here is the key quote:—would also stabilize our debt and deficits for the next decade.

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

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

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

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

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

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

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

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

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

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

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

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

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

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

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

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

The VICE PRESIDENT pro tempore. The Senator from Texas.

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

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

Every one of us knows we are looking at hitting the debt ceiling again—over $1.6 trillion this fall, because this administration will not even consider lower taxes and lower spending levels. So I look at all of us on the Senate floor right now who have been in business, who have run a business, who have met that payroll, who have met the regulatory environment, and I think: Why on Earth don't we listen to the small businesspeople of this country and in this body and do what they do every year—pass a budget?

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

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

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

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

This is what my colleague is hearing from Texas as well.

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

So I would ask my friend from Tennessee—because he has been pure on this issue, being the deficit hawk he is—how would we be able to solve the spending problem of this country with the increased Social Security, Medicare and Medicaid—mandatory spending—which will be at 75 percent of the budget in 10 years if we continue at this rate?

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

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

The average American worker earns $43,500 today. So in a two-wage-earner family, that is $87,000. Over their lifetime, in today's dollars, that family will pay into the Medicare Program $119,000, and that includes the part the employer pays on their behalf. So before they retire, they are actually getting value for the money they send to Washington is that combined amount of money for the average American family is $119,000 in today's dollars. That same family, if they retired, would take out of the system, over their lifetime, $337,000. Now think about that. That is in today's dollars. Again, $119,000 going into Medicare on their behalf and $337,000 coming out of Medicare.

I think most people in this body—even people who haven't been in business—realize we cannot make that up
with volume. Yet volume is on the way. There are 20 million more Americans over this next decade who are going to be part of that same formula—$119,000 in and $357,000 out.

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

Mrs. HUTCHISON. I want to ask the Senator from Tennessee, because he brought this up, not only is it so clear there is more going out than coming back, but he said the fact we also—not, because he, along with myself and the Senator from Wyoming—voted against the Obama health care bill, but interestingly, with those numbers the Senator just quoted, that bill cuts $580 billion more out of Medicare to pay for that overdraft the Senator is talking about. He was talking about a generational change as well. Oh, my goodness.

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

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

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

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

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

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

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

I am going to turn to the Senator from Wyoming because he is one of the two actual physicians in the Senate, and he knows more about the Obama health care system is going to Medicare—cutting it 3½ trillion—and then this Social Security issue we have discussed, the overall Medicare issue the Senator from Tennessee addressed, the Senator from Wisconsin has brought out in his charts—and he has been the real hands-on, most recently experienced small businessperson—I would ask the real doctor in this body: What is going to happen if the Senate approves this? What doesn’t save America by throwing out the individual mandate on constitutional grounds and we actually have the implementation of ObamaCare, with the taxes and fines that are going to come in on January 1 of next year if we don’t act? Where are we going to be in health care in this country?

Mr. BARRASSO. I would tell my colleague and friend from Texas, who is a wonderful student of this as well, if we look at what the Obama health care system is doing to Medicare—cutting it 3½ trillion—and then this Social Security issue we have discussed, the overall Medicare issue the Senator from Tennessee addressed, and what the Senator from Wisconsin has brought out in his charts—and he has been the real hands-on, most recently experienced small businessperson—I would ask the real doctor in this body: What is going to happen if the Senate approves this? What doesn’t save America by throwing out the individual mandate on constitutional grounds and we actually have the implementation of ObamaCare, with the taxes and fines that are going to come in on January 1 of next year if we don’t act? Where are we going to be in health care in this country?

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

We are talking about the true cost of the health care law. When this was passed—and I actually grossed up these numbers, these are the things that cost about $590 billion in taxes, fees, and penalties, and then $655 billion in reductions in Medicare, Medicaid, and Medicare Advantage.

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

If we move the budget window forward, the true cost of ObamaCare over a 10-year window is $2.4 trillion, and that is a very minimal estimate. That is very conservative. If we don’t impose Medicare cuts, and we only grow the taxes, fees, and penalties—about $816 billion—that leaves a $1.6 trillion deficit risk over 10 years.

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

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

The last graph I want to put up—and we haven’t talked about this yet—reflects what I really fear. If we take a look at the average borrowing costs for the United States from 1976 through 1999, when we were a far more credit-worthy nation, our debt’s GDP ratio ranged from about 40 percent to 67 percent. Our average borrowing cost as a nation was 5.3 percent over the last 3 years. In 2012, 2010, 2012, our average borrowing cost has been 1.5 percent because we have held rates artificially low.
If we just revert to that mean, that would actually be a 3.8 percent difference. Applied to our debt, that would be $600 billion to $700 billion per year in additional interest expense. Compare that to $1 trillion worth of discretionary spending, and that would totally wipe out our defense budget, for example, or if we maintain the defense budget, it would wipe out all discretionary spending.

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

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

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

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

I am hoping that somehow at least 60 percent of the folks in this body will be willing to pass a budget to then create a conference between the House and Senate to actually meet a budget and live within a budget, have dealt with government regulations. And the Senator from Texas mentioned our defense regulations. They are burdensome, they are expensive, and they are time-consuming. It is hard to budget when you don’t know what to expect. That is what the American people who create needs and wants—needs and wants predictability and some certainty so they can make wise decisions. And when you have a Congress led by the Democrats in the Senate who do not pass a budget, the predictability isn’t there, the certainty isn’t there. There is so much confusion and uncertainty that people have a hard time making the longer term decisions.

To my colleague from Wisconsin, I know that is what I saw in my medical office, and I think it is the same situation in Wisconsin.

I thank my colleague from Wisconsin as well as my colleagues from Texas and Tennessee for joining me. I know they have the same situation in Wisconsin.

I thank my colleagues from Wisconsin as well as my colleagues from Texas and Tennessee for their leadership and Tennessee for joining me. I would like to thank the Senator from Wisconsin. I appreciate those comments.

I will conclude.

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

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

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

The PRESIDING OFFICER. The Clerk will call the roll.

Mr. COONS. The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Arkansas.

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

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

Mr. PRYOR. Mr. President, my colleagues and I would like to extend a special birthday greeting to a former Congressman, John Paul Hammerschmidt.

So with the President’s approval, I will turn it over to Senator Boozman and let him lead off.

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

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

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

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

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

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

His words ring as true today as they did 11 years ago. His efforts to work with his colleagues in both political parties benefited Arkansas and Ameri- can citizens. He was a true bipartisian. Despite being in the House minority, he was able to achieve much success in Congress because he recognized that the key to good governing and good public service is that you take everyone fairly and set aside political differences. This ideology allowed him to be influential in a variety of different areas. He is credited with securing improvements for roads and infrastructure projects, including the I-540 and the Northwest Arkansas Regional Airport, protecting the Buffalo River under the designation as a national river, and setting the
example of exemplary constituent service that we strive to continue today.

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

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

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

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

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

John Paul also used his time in Congress to help northwest Arkansas expand its infrastructure to keep up with the region’s fast growth. It is one of the fastest growing sections of the country. As a member of the Public Works Committee, John Paul worked to secure bipartisan support on key infrastructure legislation. We could use a little of his magic today.

You can’t go far in northwest Arkansas without seeing his impact. We have the John Paul Hammerschmidt Highway, an access road to Carter Field near Rogers, an industrial park at Diamond City, JPH Plaza, the John Paul Hammerschmidt Business and Conference Center at Arkansas State University in Harrison, John Paul Hammerschmidt Lake at Fort Smith and the JPH Federal Building in Fayetteville.

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

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

It is fair to say that John Paul never actually retired. He remains involved in many civic organizations, including the Northwest Arkansas Council and March of Dimes. Higher education continues to hold a priority. John Paul is not only on the boards of trustees—the Board of Trustees at the University of the Ozarks and he is a Trustee of Arkansas State University. John Paul Hammerschmidt has spent decades serving others and giving back to his community. He has been given this opportunity to pay tribute to all he has achieved so far and to wish him a happy 90th birthday and many more years of health and happiness.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Vermont.

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

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

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

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

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

The legislative clerk read the nominations of George Levi Russell, III, of Maryland, to be United States District Judge for the District of Maryland, and John J. Tharp, Jr., of Illinois, to be United States District Judge for the Northern District of Illinois. The PRESIDING OFFICER. Under the previous order, there will be 60 minutes of debate equally divided in the usual form.

Mr. LEAHY. Mr. President, I ask unanimous consent that the time run until 5:30 p.m. on the nominees, which include two appointments in March, but that time be divided in the usual form.

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

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

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

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

The Ninth Circuit is still in dire need of judges. With nearly three times the number of cases pending as the next busiest circuit, we cannot afford to further delay Senate votes on the other two nominations to the Ninth Circuit. Paul Watford of California passed the Committee more than 3 months ago. Andrew Hurwitz of Arizona passed the Committee more than 3 months ago. The Senate Republicans to further delay votes on these Ninth Circuit nominees. The 61 million people served by the Ninth Circuit are not served by this delay. The circuit is being forced to handle more than double the caseload of any other circuit. The Senate Republicans need to decide whether they want to delay Senate votes on the other two nominees to the Ninth Circuit. The Senate should be expediting consideration of Paul Watford and Justice Andrew Hurwitz, not delaying them.
The Chief Judge of the Ninth Circuit, Judge Alex Kozinski, a Reagan appointee, along with the members of the Judicial Council of the Ninth Circuit, wrote to the Senate months ago emphasizing the Ninth Circuit’s “desperate need for judges,” urging the Senate to “vote to confirm judicial nominees without delay,” and concluding “we fear that the public will suffer unless our vacancies are filled very promptly.” The judicial emergency vacancies on the Ninth Circuit are harming litigants by creating unnecessary and costly delays. The Administrative Office of the United States Courts reports that it takes nearly 5 months longer for the Ninth Circuit to issue an opinion after an appeal is filed, compared to all other circuits. The Ninth Circuit’s backlog of pending cases far exceeds other Federal courts. As of the end of 2011, the Ninth Circuit had 14,941 cases pending before it, far more than any other circuit.

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

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

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

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

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

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

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

Senate Democrats opposed William Gerry Myers because he was an ideologue who spent over 20 years of his career as a preparatory school principal as an antagonist against long-established environmental protections. Mr. Myers’ advocacy often took positions that were legally unsupportable. Mr. Myers’ record as a partisan ideologue was not offset by other qualifications to be a court of appeals nominee: he received a partial not qualified rating from the American Bar Association, had never tried a jury case, nor had he served as counsel in any criminal litigation. The fact is, even after the Senate was forced to invoke cloture to overcome Republican filibusters of President Clinton’s nominations of Richard Paez and Marsha Berzon to the Ninth Circuit, the Senate proceeded to confirm seven of the nine Ninth Circuit nominees of President Bush. We reduced vacancies on the Ninth Circuit during President Bush’s first term. The Senate has acted to confirm 205 circuit and district court nominees. In May 2004, we reduced judicial vacancies to below 50 on the way to 28 that August. Despite 2004 being an election year, we were able to reduce vacancies to the lowest level in the last 20 years. At a time of great turmoil and political confrontation, despite the attack on 9/11, the anthrax letters shutting down Senate offices, and the ideologically driven judicial selections of President Bush, we worked together to promptly confirm consensus nominees and significantly reduce judicial vacancies.

In October 2006, another Presidential election year, we acted decisively 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 2006. We lowered vacancy rates more than twice as quickly as Senate Republicans have allowed during President Obama’s first term.

By comparison, the vacancy rate remains nearly twice what it was at this point in the first term of President Bush and has remained near or above 80 for nearly three years. Again, if we could move forward to Senate votes on the 19 judicial nominees ready for final
John ‘Jay’ Tharp is nominated to fill a judicial emergency vacancy on the District Court for the Northern District of Illinois. This is the second time Mr. Tharp has been nominated to that position, having also been nominated by President George W. Bush in July 2008. A former Captain in the Marine Corps, Mr. Tharp is currently a partner in the Chicago office of Mayer Brown LLP. He began his legal career as a Federal prosecutor in the Northern District of Illinois and clerked for Judge Joel Flaum on the U.S. Court of Appeals for the Seventh Circuit. The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Tharp well qualified, its following statement was ordered to be printed in today’s RECORD:

The legislative clerk proceeded to call the roll. Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

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

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

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

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

John Lee was my choice; Jay Tharp was Senator KIRK’s choice. We agreed, as I said to both of us, Senator KIRK and myself, and asked: Please move on these judges.

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

Unfortunately, for reasons hard to understand, this has dragged on for almost three months. Their nominations were both nominated on the same day. They appeared together at the hearing before the Judiciary Committee in January. Both were reported out of the committee in February—about 3 or 4 months ago—in a bipartisan voice vote.

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

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

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

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

He was born into a military family—he is very proud of it—as the son of a lieutenant colonel in the Marine Corps. Jay Tharp attended Duke University on an ROTC scholarship. He received his undergraduate degree summa cum laude and was commissioned as a second lieutenant in the Marine Corps.

He served on Active Duty with the Marines in the rank of captain and earning the Navy Achievement Medal and the Navy Distinguished Midshipman Award.

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

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

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

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

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

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

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

It is especially frustrating to hear the other side complain about the vacancy rate. The fact is the Senate is
doing its job. We are confirming the nominees who are sent to us. Of course, we cannot confirm nominees who are not up here from the White House. If there is a problem, then it rests with the President.

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

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

I could go on, but I do not intend to. I do not like to get into this back-and-forth if it is going to be little tiresome to hear the same misleading statements over and over. I want to set the record straight, and I have done that.

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

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

In 2007, then-Governor Robert Ehrlich appointed Judge Russell to be an associate judge on the Circuit Court of Maryland for Baltimore City. In November 2010, Judge Russell was elected to a 4-year term. Judge Russell has sat on each of the four dockets of this court: criminal, civil, family, and juvenile.

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

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

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

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

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

I yield the floor.

Mr. CARIDN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

The reason I talk about his civic engagement is that we want judges who do not live in a bubble. It is great to be a legal scholar, it is great to know the law inside and out, but a great judge knows people. This man, Judge George Russell III, by being out there—whether it is making sure the library is there for young people out of trouble, or working at the Community Law Center—he...
has involved himself in the gritty aspects of Baltimore City. He is a devoted public servant. He comes with a great background.

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

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

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

I rise today to urge the Senate to confirm Judge George Levi Russell III, of Maryland, to the United States District Court for the District of Maryland. Judge Russell was named by the Governor to serve as an assistant U.S. attorney for the District of Maryland. Judge Russell has strong roots, legal experience, and community involvement in the State of Maryland. He was born in Baltimore and has extended family who live in Baltimore. He served as a director and trustee of the board of the Enoch Pratt Free Library, which serves the disadvantaged throughout the State of Maryland. He was a member of the board of directors of the Community Law Center, which is an organization designed to help neighborhood organizations improve the quality of life for their residences.

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

Judge Russell is particularly concerned with addressing the drug, violence, and mental health problems that plague Baltimore City. Judge Russell comes from a very distinguished family in the legal profession of Maryland. Judge Russell’s father, George L. Russell, Jr., was also a groundbreaking African-American lawyer in Maryland. His son, George L. Russell III, served on the board of directors of the Community Law Center, which is an organization designed to help neighborhood organizations improve the quality of life for their residences.

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The nomination was confirmed.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. McCaskill), the Senator from South Carolina (Mr. DeMINT), the Senator from Kansas (Mr. Moran), the Senator from Texas (Mr. Cornyn), the Senator from Kentucky (Mr. Paul), the Senator from South Dakota (Mr. Thune), and the Senator from Mississippi (Mr. Wicker).

Further, if present and voting, the Senator from Texas (Mr. Cornyn), the Senator from North Carolina (Mr. Burr), and the Senator from Florida (Mr. Nelson) would have voted "yea" and the Senator from Kentucky (Mr. Paul), the Senator from South Dakota (Mr. Thune), and the Senator from Mississippi (Mr. Wicker) would have voted "nay.”

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

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

[Rollcall Vote No. 90 Ex.]

YEAS—86

Akaka—Hawaii
Alexander—Alaska
Ayotte—New Hampshire
Barrasso—Wyoming
Baucus—Montana
Beck—North Dakota
Bingaman—Nevada
Blumenthal—Connecticut
Boozman—Arkansas
Boxer—California
Brown (MA)—Massachusetts
Brown (OH)—Ohio
Cantwell—Washington
Cardin—Maryland
Carper—Delaware
Chambliss—Georgia
Coats—Indiana
Collins—Maine
Conrad—North Dakota
Coons—Delaware
Corker—Tennessee
Crapo—Idaho
Duckworth—Illinois
Durbin—Illinois
Eason—Georgia
Feinstein—California
Franken—Minnesota
NAYS—1

Luce—Iowa

NOT VOTING—13

Blunt—Missouri
Burr—North Carolina
Casey—Louisiana
Cornyn—Texas
DeMint—South Carolina
Kirk—Kentucky
Hagan—North Carolina

Legislative Session

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

The Senator from Ohio.

Export-Import Bank Reauthorization Act of 2012—Motion to Proceed—Continued

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I hear from the head of the Ohio Manufacturers Association and I hear from small business owners who want to expand and gain access to foreign
markets but can’t secure private financing due to the credit risk associated with some overseas investments. Export-supported jobs linked to the manufacturing sector already account for an estimated 7 percent of our total private sector employment. More than one-fourth of the manufacturing jobs in Ohio depend on exports for their jobs.

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

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

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

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

I move the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

SUPREME COURT REVIEW

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

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

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

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

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

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

The Chief Justice seemed to understand that deference to the elected branch is fundamental to the proper exercise of judicial review. I was struck that more than once he commented on the extreme arguments coming from the other side of the argument, including their predictions on how the Court will rule. I didn’t hear anything about the policy judgment that was made during the extended legislative process. That is not the purpose or proper exercise of judicial review. Acting out based on their personal views in this matter would be the height of conservative judicial activism.

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

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

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

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

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

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

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

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

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

Even though this law easily meets the tests established by the Supreme Court’s own precedent on the limits of the Commerce Clause and was signed into law, young adults in Vermont and around the country have seen some of the benefits of the Affordable Care Act. Seniors on Medicare who were in favor of ensuring personal responsibility to obtain private insurance in the marketplace or pay a tax penalty. What is telling about the partisan nature of these challenges is that the very ones who this case is unconstitutional are the very ones who proposed it. Senate Republicans were in favor of ensuring personal responsibility with an individual mandate until President Obama was for it, and now they are against it. Their views may have changed, their partisan interests may have shifted, but the Constitution has not.

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

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

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

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

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

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

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

TAIWAN’S PRESIDENTIAL INAUGURATION

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

Since he is our first Presidential elections in 1996, the people and Government of Taiwan have enthusiastically embraced democratic values and ideals. From extremely high rates of voter participation in elections to public and open political discourse and debate, such democracy can be seen throughout Taiwan’s society.

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

TRIBUTE TO MERLE J. SMITH, JR.

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

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

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

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

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

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

Displayed in the historical archive of the Coast Guard’s Web site, is a photograph of Commander Smith on the day of his graduation, proudly shaking the hand of his father, Colonel Merle J. Smith, Sr., and smiling at the camera. This image speaks of generational advancement, community, and hope. However, the weathered sepia of the photograph of father and son also reminds us that they cannot always stand together in times of progress from previous decades. We must always be ready, “Semper Paratus,” for progress. The theme of this year’s
Eclipse Week—"openness, inclusion, change"—is apt and inspiring for the work ahead.

REMEMBERING JOSEPH WILLIAM AUBIN

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

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

Since that day in 1966, Chief Warrant Officer Aubin and the three other men who perished during the mission—ATR2 Richard Carl Hunt from Guys Mills, PA; LT Walter Allan Linzy from Nashville, AR; and ATR3 Richard Dwanie Stocker from Jacksonville, AR—have been remembered as the “Lost Back End Crew.” Chief Warrant Officer Aubin’s body was never recovered, but he is no less deserving to be memorialized. Now, the entire Nation can visit the site of the Vietnam Memorial to honor him and his ultimate sacrifice.

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

ADDITIONAL STATEMENTS

RECOGNIZING JOHN T. CYR AND SONS, INC.

Ms. COLLINS. Madam President, today I wish to offer my congratulations to the Cyr family in their business’s centennial year and to thank them for their contributions to the State of Maine. I ask that the Maine Trails article be printed in the RECORD.

The article follows.

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

DRIVING THROUGH HISTORY

(By Kathryn Buxton)

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

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

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

FATHERS AND SONS

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

John T. Cyr is a fourth-generation Cyrs to work in the family business. “A lot of people figured we had already been here for 100 years,” said Mike Cyr, one of a fourth generation of Cyrs to work in the family business. “A lot of people figured we had already been here for 100 years.” For the Cyrs, a century of company history is inextricably meshed with the family history. Through the years many family members have left their mark on the business. Four of John’s five sons—Joseph, Albert, Arthur and Harvey—all worked for the company in its infancy (Clibby, a fifth son who worked in the wool mill when he became an Old Town firefighter). Albert, 19 and a weaver at the Old Town Wollen Mill in 1912, was a silent partner for many years, coming on board only after the business continued to grow through the 1920s. Arthur and Harvey, young children when their father and brothers founded the company, grew up in the business and eventually joined their brother Albert in running the company in the 1930s and 40s after their father and brother died unexpectedly in 1934. Harvey bought out Albert in 1951.

Today, the company is run by Harvey’s son, Joe Cyr. His brother, Pete, works in the company’s body shop. Joe’s son, Mike, oversees the company’s computer operations and manages information technology—everything from the company’s two-way radio system to its computer hardware and software. Daughters Robyn and Susan help with family business. Helping them these days, is general manager Rick Soules, who the Cyrs hired not quite two years ago. Bringing Rick in was a necessity, as the company had to be diversified, and as Joe, now 71, has begun to scale back the time he spends at the office.

Working with family has always been one of the great joys of the business, according to family patriarch and company president, Joe Cyr, with the business officially for nearly 50 years. Joe drove trucks for H.E. Sargent and worked as a surveyor for James W. Sewall.
during the summers before coming to work at Cyr with his dad. His memories of work- ing alongside family go even further back— all the way back to his office when he was still a toddler. Before owning a company, his dad, when he was 11, was washing buses as a kid. At 15, he was driving buses for the family concern. He also found time to get his degree from Bangor High School and to continue his study at University of Maine at Farmington and another year and a half at Husson Col- lege. He left school and joined the company full-time in 1962 when a cousin who had been the company bookkeeper died. For a while, Joe was not only the bookkeeper, he served as the company mechanic, secretary and payroll. But just a few years, Joe was running the company, and after his father Harvey died in 1967, he bought the business from his mother for $25,000.

Looking back, Joe said he has never re- gretted the decision to spend his professional life at the helm of the family firm and he al- ways has considered himself honored to work alongside his father, son, and other brothers and cousins. “Frankly, I feel pretty darn lucky,” said Cyr talking from his winter home in Daytona Beach Shores, Florida where he spends his winters with a small community of Old Town snowbirds. Joe started heading south in the winter 10 years ago, but he still main- tains close contact with Mike, Rick Soules—Cyr’s—-and Harvey’s—business phone and e-mail several times a day. And he re- lishes the memories of years gone by: “How many coaches? "22." How many square feet at the company’s head- quarters? "We’ve got about 20,000 under cover there," said Cye, stopping only to calculate the million expansions they have made at the 10- acre site since 1960.

MILESTONES AND CHALLENGES

The company has lived through good times and bad. It was 1961 when the family’s two male patriarchs died—John in May and Joseph in August. There were also two devast- ating fires at the company’s headquarters on French Island. The first was in the early 1950s and the company garage and its full fleet of eight busses were destroyed. The sec- ond fire hit in 1970, destroying the company garage. After the fire, the company bought one bus. In both cases, the family and em- ployees came together to get buses back on the road.

There were good times, as well. Nineteen hundred and twenty-two was an important landmark. That was when John and Joseph Cyr bought the last of the company’s horse cars—Studebakers—to transport Old Town children to school. Four years later, after housing the company fleet at several different locations in Old Town, Cyr consoli- dated its operations at a single location on French Island. The area was growing, and by the 1960s, there were no longer enough to transport all the students travel- ing to Old Town schools from Stillwater and Gillian Falls. So the city asked Cyr to buy a bus.

Cyr also had a taxi service, begun soon after the company’s founding, as well as freight hauling and storage services. By the late 1930s, brothers Albert, Arthur and Har- vey were also operating a regular bus service connecting Old Town, Great Works, Milford and Bradley, with special runs to locations including Trenton and Green Lake. By the mid 1940s, the company’s regular motor coach routes had expanded to include Old Town, Eddington, North Brewer and Bangor. The company operated a school bus service, and during the war transported Ger- man prisoners of war for the U.S. Govern-
Lorin Johnston’s acts of selflessness and heroism in the line of duty exemplify the meaning of true public service. As a former mayor of Chattanooga, I am particularly proud and grateful for the bravery and dedication of officers like Lorin Johnston who enter into harm’s way in order to keep us safe.

As we honor Officer Johnston, we also remember Sergeant Tim Chapin, a 26-year veteran of the Chattanooga Police Department, for paying the ultimate sacrifice. I am proud to join my fellow Tennesseans in congratulating Officer Johnston on this well-deserved honor and in remembering law enforcement officers across the country who go above and beyond the call of duty to keep our communities safe.

RECOGNIZING THE NEVADA MILITARY SUPPORT ALLIANCE

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

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

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

We cannot ever do enough for our nation’s veterans, but with the help of the Nevada Military Support Alliance, we can ensure that more assistance is provided. Their continued dedication to our active military, veterans, and their families is unparalleled and stands as an example for us all.

As the Nevada Military Support Alliance celebrates their Second Annual Gala this weekend, I want to thank them for everything they have given to Nevada’s men and women in uniform and for ensuring that support is provided for these heroes. We owe our veterans and their families a great deal of gratitude for their personal sacrifices.

On behalf of everyone who enjoys the freedoms that are unique to our great nation, thank you.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

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

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

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

ENROLLED BILL SIGNED

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

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

MEASURES PLACED ON THE CALENDAR

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

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

MEASURES READ THE FIRST TIME

The following bill was read the first time:

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mrs. HUTCHISON, and Mr. LATEST)
S. 3173. A bill to allow funds under title II of the Elementary and Secondary Education Act of 1965 to be used to provide training to school personnel regarding how to recognize child sexual abuse; to the Committee on Health, Education, Labor, and Pensions.

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

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

By Mr. WEBB (for himself and Mr. LEE):
S. 3176. A bill to provide that the President must seek congressional approval before engaging members of the United States Armed Forces in military humanitarian operations; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BEGICH (for himself and Ms. MURKOWSKI):
S. Res. 439. A resolution commending the 1st Stryker Brigade Combat Team, 25th Infantry Division upon its return from a deployment to Afghanistan in support of Operation Enduring Freedom; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

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

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

S. 957
At the request of Mr. BOOZMAN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 957, a bill to amend title 36, United States Code, to improve the provision of rehabilitative services for veterans with traumatic brain injury, and for other purposes.
At the request of Mr. Kerry, the name of the Senator from Massachusetts (Mr. Brown) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVG in the home.

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

At the request of Mr. Nelson of Florida, the name of the Senator from South Dakota (Mr. Johnson) and the Senator from New Hampshire (Mrs. Shaheen) were added as cosponsors of S. 1892, a bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market.

At the request of Mr. Nelson of Florida, the name of the Senator from Connecticut (Mr. Blumenthal) was added as a cosponsor of S. 1991, a bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement.

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

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

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

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

At the request of Mr. Reed, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of S. 379, a bill to make participation in the American Community Survey voluntary, except with respect to certain basic questions, and for other purposes.

At the request of Mr. Graham, the name of the Senator from Alaska (Ms. Murkowski) was added as a cosponsor of S. 389, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.
At the request of Mr. Whitehouse, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. Res. 401, a resolution expressing appreciation for Foreign Service and Civil Service professionals who represent the United States around the globe.

STATMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. Feinstein (for herself, Mr. Kyl, Mrs. Hutchison, and Mr. Lautenberg):

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

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

According to the National Child Abuse and Neglect Data System, 685,000 children were victims of maltreatment in 2010. Approximately 9.2 percent, or 63,940 children, were victims of sexual abuse; this is an increase from 7.6 percent in 2009.

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

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

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

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

I am proud that Senator Kay Bailey Hutchison, Senate Minority Whip Jon Kyl, and my colleague Senator Frank Lautenberg have joined me as original cosponsors on this bill.

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

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

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

S. 3173

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

SECTION 1. SHORT TITLE.

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

SECTION 2. TRAINING TEACHERS TO RECOGNIZE CHILD SEXUAL ABUSE.

(a) STATEMENT.—Section 213(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)) is amended by adding at the end the following:

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

(b) LOCAL EDUCATION AGENCY ACTIVITIES.—Section 2123(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6323(a)) is amended by inserting after paragraph (8) the following:

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

(c) ELIGIBLE PARTNERSHIP ACTIVITIES.—Subpart III of part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6351 et seq.) is amended—

(1) in section 2132(a) (B) in paragraph (2)(B), by striking the period at the end and inserting “; and”;

(2) in section 2134(a)—

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

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

and

(C) by adding at the end the following:

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

By Mr. KERRY:

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

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

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

I ask my colleagues to support this bill to help our young entrepreneurs and harness their great ideas today that will turn into jobs tomorrow.

By Mr. AKAKA:

S. 3175. A bill to amend subchapter III of chapter 84 of title 5, United States Code, to authorize certain employees to be automatically enrolled in the Thrift Savings Plan unless they opt out, with a default employee contribution rate of 3 percent of basic pay. This legislation would adjust the TSP’s automatic enrollment mechanism to allow it to automatically increase employee contributions, unless the employee chooses a different contribution rate. To accomplish this, the bill authorizes the Federal Retirement Thrift Investment Board, the agency that administers the TSP, to pair the current auto enrollment at 3 percent with automatic escalation of 1 percent per employee contributions, for at least 2 consecutive years following the first year of enrollment.

This promotes a goal of the Federal Employees’ Retirement System Act of 1986, often referred to as FERSA, which was designed to encourage Federal employees to save at least 5 percent of their pay in the TSP.

This “three plus one plus one” model closely mirrors the model Congress adopted for the Thrift Savings Plan Enhancements Act of 2009, which was enacted with support from large, bipartisan majorities in Congress. Under the Thrift Savings Plan Enhancement Act, new Federal employees are automatically enrolled in the TSP unless they opt out, with a default employee contribution rate of 3 percent of basic pay. This legislation would adjust the TSP’s automatic enrollment mechanism to allow it to automatically increase employee contributions, unless the employee chooses a different contribution rate. To accomplish this, the bill authorizes the Federal Retirement Thrift Investment Board, the agency that administers the TSP, to pair the current auto enrollment at 3 percent with automatic escalation of 1 percent per employee contributions, for at least 2 consecutive years following the first year of enrollment.

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This promotes a goal of the Federal Employees’ Retirement System Act of 1986, often referred to as FERSA, which was designed to encourage Federal employees to save at least 5 percent of their pay in the TSP.
prescribed for the private sector in the Pension Protection Act of 2006, which Mr. Boehner of Ohio introduced, the House and Senate passed with significant bipartisan support, and President George W. Bush signed into law. In enacting the Pension Protection Act, Congress endorsed pairing automatic enrollment with automatic escalation, by incentivizing companies to automatically enroll employees in 401(k) plans at no less than a 3 percent savings rate and automatically escalate that rate by at least 1 percent for at least 3 years.

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

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

This bill has a limited, targeted scope. It would increase the savings only of the small percentage of new employees who enroll in the TSP, but do not raise their contribution rate high enough to reach the goal Congress established with FERSA of having most Federal employees contributing at least 5 percent of basic pay. Under the Thrift Savings Plan Enhancement Act, an increased 97.2 percent of new Federal employees are enrolling in the TSP—82,632 Federal employees have been automatically enrolled in the TSP since the practice began in August 2006. Most of those employees increase their contributions to just 3 percent of their salary, avoiding all automatic increases in the TSP.

Many employees who contribute less than 5 percent are not even aware of the benefits of increasing the amount they save. A group reported they did not contribute 5 percent because they were unaware agencies matched contributions dollar-for-dollar on the first 3 percent of basic pay, and 50 cents on the dollar for the next 2 percent.

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

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

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

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

SEC. 1. SHORT TITLE.
This Act may be cited as the “Save More Tomorrow Act of 2012.”

SEC. 2. AUTOMATIC ESCALATIONS.
(a) In subparagraph (A), by striking “enrolled to make” and all that follows and inserting the following: “enrolled to— (i) make contributions under subsection (a) at the default percentage of basic pay; and (ii) increase the percentage of basic pay contributed under subsection (a) by the eligible individual during the first year following the year in which the eligible individual began making contributions under clause (i) and each year thereafter for not less than 2 years (which the Executive Director shall establish by regulation).”;

(b) in subparagraph (A)—
(A) in the matter preceding clause (i), by inserting “and have the contributions of the individual automatically increased’’ after “automatically enrolled’’; and
(B) in clause (i), by inserting “which shall terminate the automatic increases in the contributions of the employee under subparagraph (A)(ii)” after “automatic enrollment’’;

(c) in clause (ii), by inserting “and an automatic increase in contributions under subparagraph (A)(ii)” after “automatic enrollment’’.

SUBMITTED RESOLUTIONS

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

Mr. Begich (for himself and Ms. Murkowski) submitted the following resolution, which was referred to the Committee on Armed Services:

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

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

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

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

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

Whereas, while deployed in Afghanistan, the 1st Stryker Brigade Combat Team, 25th Infantry Division cleared more than 600 improvised explosive devices and more than 9,000 pounds of explosives;


May 14, 2012
Mr. BROWN of Ohio. Madam President, I understand that H.R. 5652 has been received from the House and is at the desk.

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

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

Mr. BROWN of Ohio. Mr. President, I rise to commend the members of the 1st Stryker Brigade Combat Team, 25th Infantry Division from Fort Wainwright, AK upon completion of their deployment to Afghanistan in support of Operation Enduring Freedom.

Resolved, That the Senate—
(1) commends the members of the 1st Stryker Brigade Combat Team, 25th Infantry Division for their exemplary service to the United States and the completion of their first deployment in support of Operation Enduring Freedom; and
(2) recognizes the service and sacrifice of the members of the 1st Stryker Brigade Combat Team, 25th Infantry Division and their families.

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

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

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

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

EXECUTIVE NOMINATIONS

Executive nominations received by the Senate:

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

There being no objection, the Senate, at 6:42 p.m., adjourned until Tuesday, May 15, 2012, at 10 a.m.

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

There being no objection, the Senate, at 6:42 p.m., adjourned until Tuesday, May 15, 2012, at 10 a.m.

NOMINATIONS

The following nominees have been received from the House and is at the desk.
The following named officer for appointment to the grade indicated in the United States Army under Title 10, U.S.C., Sections 531, 3064, and 716:

To be major

Nathanial V. Chittick

The following named officer appointment to the grade indicated in the United States Army under Title 10, U.S.C., Section 531:

Laurel M. Zike

The following named officer for appointment to the grade indicated in the United States Army under Title 10, U.S.C., Section 624:

Timothy A. Crane

To be major

Ryan L. Jerker

The following named officer for appointment to the grade indicated in the United States Army under Title 10, U.S.C., Section 624:

Amy F. Cook

To be major

Matthew R. Sun

The following named officer national guard of the United States officers for appointment to the grade indicated in the reserve of the Army under Title 10, U.S.C., Sections 6220 and 1221:

Lauren B. Bales

To be colonel

Amy F. Cook

The following named national guard of the United States officers for appointment to the grade indicated in the reserve of the Army under Title 10, U.S.C., Sections 6220 and 1221:

Richard L. Goldsberry

To be colonel

Nathaniel Jones, Jr.

The following named officers for appointment to the grade indicated in the United States Army as chaplains under Title 10, U.S.C., Sections 624 and 3064:

Michael L. Allen

To be lieutenant colonel

Stanley P. Allen

Jeffrey C. Botsford

Brian W. Chadsey

Harold E. Cling

Adolph G. Dusek, Jr.

Peter O. Farris

Richard D. Glaubry

Robert J. Glazener

Kenneth L. Haptorson

Paige K. Hoad

Kenneth J. Hurst

Dennis E. Hygom

Peter E. Johnson

Rajmund Kopyc

Charles W. Kuhlman

To be colonel

Paul D. Madej

Steven A. Maglio

Norman F. J. Charboneau

Barbara T. Hanna

Thomas J. Lambert

Waino J. Mutalainen

David L. Offenheim

Robert P. Schulhof, Jr.

Jonathan I. Shapiro

Paul G. Trifflett

Kevin F. Whitmore

The following named officers for appointment to the grade indicated in the United States Navy Reserve under Title 10, U.S.C., Sections 12203, 12204, and 716:

To be captain

Glenn R. Gaborek, Jr.

The following named officer for appointment to the grade indicated in the United States Navy Reserve under Title 10, U.S.C., Section 12203:

Roger L. Blank

The following named officers for appointment to the grade indicated in the United States Navy Reserve under Title 10, U.S.C., Section 12203:

Felix Sermon, Jr.

Randal H. Robison

Michael L. Reeves

Darin M. Powers

Tony S. Petros

Jimmy D. Nichols

Edward C. Martin

Steven A. Maglio

Paul D. Madej

Yo S. Lee

Rajmund Kopec

Peter E. Johnson

Kenneth L. Haftorson

Robert J. Glazener

Peter O. Ferris

Adolph G. Dubose, Jr.

Harold E. Cline

Brian W. Chepey

Stanley P. Allen

Michael I. Allen

To be captain

David H. Duttlinger

Willie F. Bay

Darcy J. Wolfe

Lauren D. Bales

Carl T. Bribien

Pamela D. Boswell

Cynthia L. Gibson

Jebby H. Hutchinson, Jr.

Pamela C. Miller

Clifford E. Riske

David A. Serafini

Christopher J. Corvo

Terrence W. Costello IV

Collette M. Gea

Mark F. Klein

Shannon R. Hoppin

Eva M. Lober

Johnny M. Nilsen

Thomas J. Welsh

The following named officers for appointment to the grade indicated in the United States Navy Reserve under Title 10, U.S.C., Section 12203:

To be captain

Maria L. Aguayo

Kevin J. Jackson

Phillip O. Cve

Jason B. Faunce

Douglas W. King

Timothy C. Liberaatore

Michael Monreal

Michael F. Ostereicher

Timothy J. Rogers

Andrew J. Schuman

The following named officers for appointment to the grade indicated in the United States Navy Reserve under Title 10, U.S.C., Section 12203:

To be captain

David O. Bynum

Hisricia D. Dickens III

Stanley W. Fornea

Michael W. Gore

Hieron D. Griffin, Jr.

Steven R. Moses

Timothy J. Oswald

Kimbrelly Sawatsky

Stephan J. Sim

Frank W. Sharen III

Thomas E. Steward

Melvin H. Underwood

The following named officers for appointment to the grade indicated in the United States Navy Reserve under Title 10, U.S.C., Section 12203:

To be captain

Douglas J. Cohen

Jov D. Danielis, Jr.

John P. Ellington

Matthew S. Garceau

Jason A. Golden

Barbara T. Hanna

Thomas J. Lambert

Waino J. Mutalainen

David L. Offenheim

Robert P. Schulhof, Jr.

Jonathan I. Shapiro

Paul G. Trifflett

Kevin F. Whitmore

The following named officers for appointment to the grade indicated in the United States Navy Reserve under Title 10, U.S.C., Sections 12203, 12204, and 716:

To be captain

Patrick J. Blair

Barbara A. Colburn

Glenwood B. Dillard, Jr.

Duane A. Higbee

Matthew W. Rehberg

Eric R. Hoffman

Brent M. Kellin

Brindi T. Melody

Marshall R. Montville

Samuel T. Olaya

Frank P. Pease

Michael C. Prinovoy

Michael D. Rosenthal

Edward J. Sullivan

Lee A. Vitatoe

Aaaron D. Webb

The following named officers for appointment to the grade indicated in the United States Navy Reserve under Title 10, U.S.C., Section 12203:

To be captain

James T. Albritton

Rogelio D. Alvarez

Paul A. Amadio

Stephen E. Armstrong

Albert R. Baker

Edwin F. Bogdanowicz

Kyle A. Boyan

Juanito E. Buckley

Edward T. Butcher

Richard C. Byrd

Timothy L. Daniels

Robert E. Darie

Sony I. Ehrig

David W. Rieger

Kristen B. Fabry

Frank W. Puterko

Gary Hayman

Daniel B. Hodgson

Timothy R. Jeff

David A. March

Andrew M. Matthews

Carla Meyers

Mark W. Morgan

Christopher D. Parker

Kerry L. Pearson

Gerald P. Rajah

Jeffrey T. Rathbun

John E. Theriault

Robert L. Williams, Jr.

The following named officers for appointment to the grade indicated in the United States Navy Reserve under Title 10, U.S.C., Section 12203:

To be captain

Veronica G. Armstrong

Dixie L. Auer

Norman F. J. Charboneau

Nancy K. Congdon

Ramon A. Domen

Scott A. Johnson

Sharon W. Kingsberry

May 14, 2012
CYNTHIA A. KUEHNER
AMY MCBRIDE
LISA M. MOBRES
LISA A. OSBORNE
SUZAN M. PENNERBECKER
EVELYN M. QUATTRONE
DEBORAH E. BOY
KARIN E. WARNER
MARY F. WHITE
MARIA A. YOUNG

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

To be captain
JULIANN M. ALTHOFF
FRANK M. BISHOP
JEFFREY W. BITTERMAN
DAVID L. BLAZES
JOHN F. BOGARD
TROY F. BOREMA
LISA M. CARTWRIGHT
ALEXANDER B. CHAO
JEFFREY C. CLEARY
DAVID R. CONGDON
TIMOTHY F. DONAHUE
KEVIN A. DORRANCE
TRENT D. DOUGIS
TERRY D. DOUGLAS
ANGELA S. EARLEY
ELIZABETH FERRARA
STEPHAN L. FERRARA
JERRY R. POLTZ
THOMAS G. FREYENDRICH
SAWAN GHRABANI
MARK T. GOUTH
PATRICK N. GROVER
DARRL R. HARMS
JAMES M. HARRIS
ERHIN R. HEINZ
MATTHEW J. HICKIEY
ELLEN M. HOKR
ROMEO C. IGNACIO
RONNY L. JACKSON

To be captain
REX A. KITELEY
BRIS L. LEE
CHRISTOPHER C. LUCAS
ROSEMARY C. MALONE
MICHAEL J. MATTEERI
MICHAEL J. MERER
TIMOTHY F. MOTT
JEFFREY D. GOSSEL
DAVID M. OLIVER
PIERRE A. PELLETIER
DAVID P. RIGGS
ERIC S. SAWYER
MERLY A. SEVERSON III
BRADFORD L. SMITH
BRIAN A. SMOLBY
BRUCE J. TAYLOR, JR.
ANNETTE M. VONTRICN
JEFFREY S. WEISS
NICKI L. WILLIAMS
GEOFREY A. WRIGHT
JOHN WYLAND

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 1220:

To be captain
CASEY S. ADAMS
ANITA C. BACHER
ANALIZA BENJAMIN
LYNNIE P. BLANKENREIKE
MICHAEL J. COFFEL
JUDY L. DYE
JOHN M. FLATTZ
DEBORAH A. FLANAGAN
KARLA D. HAYS
SANDRA J. JOHNSTON
JAMES R. MCMAHON
JESSICA D. REED
MARY M. RUSSELL
KIMBERLY M. SANDBERG
ANITA J. SMITH
RENICE A. WASHINGTON
KAREN G. YOUNG

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS AS MEMBERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 224:

To be commander
RUSSELL E. BOWMAN
To be lieutenant commander
JOSEPH D. BROWN
To be lieutenant
MIERean K. STEINHAUS

THE JUDICIARY

FRANK PAUL GERACI, JR., OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK, VICE DAVID G. LARIMER, RETIRED.
FRANKO M. OLGON, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE JACQUELINE H. NGUYEN, ELEVATED.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 14, 2012:

THE JUDICIARY

GEORGE LEVI RUSSELL, III, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND.
JOHN J. THARP, JR., OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.
EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 15, 2012 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

MAY 16

10 a.m.
Environment and Public Works
Children’s Health and Environmental Responsibility Subcommittee
To hold hearings to examine growing long-term value, focusing on corporate environmental responsibility and innovation.

Health, Education, Labor, and Pensions
To hold hearings to examine identifying opportunities for health care delivery system reform, focusing on lessons from the front line.

Homeland Security and Governmental Affairs
Business meeting to consider S. 1910, to provide benefits to domestic partners of Federal employees, S. 1515, to permit certain members of the United States Secret Service and certain members of the United States Secret Service Uniformed Division who were appointed in 1984, 1985, or 1986 to elect to be covered under the District of Columbia Police and Firefighter Retirement and Disability System in the same manner as members appointed prior to 1984.

SD–406

SD–430

10:30 a.m.
Appropriations Department of Defense Subcommittee
To receive a closed briefing on proposed budget estimates for fiscal year 2013 for the Department of Defense.

SD–226

11 a.m.
Joint Economic Committee
To hold hearings to examine how the taxation of labor and transfer payments affect growth and employment.

SD–G50

2:30 p.m.
Commerce, Science, and Transportation
To hold an oversight hearing to examine the Federal Communications Commission.

SR–253

Foreign Relations
To hold hearings to examine the nominations of Peter William Bodde, of Maryland, to be Ambassador to the Democratic Republic of Nepal, Piper Anne Windsheim, of the District of Columbia, to be Ambassador to Mongolia, and Dorothea-Maria Rosen, of California, to be Ambassador to the Republic of Mozambique.

SD–419

United States Senate Caucus on International Narcotics Control
To hold hearings to examine drug threats in West Africa, focusing on drug trafficking and United States efforts to counter emerging narcotics-related threats.

SD–562

MAY 17

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine S. 2146, to amend the Public Utility Regulatory Policies Act of 1978 to create a market-oriented standard for clean electric energy generation.

SD–366

10 a.m.
Judiciary
Business meeting to consider S. 2564, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2017.

SD–226

To permit Federal officers to remove cases involving crimes of violence to Federal court.

2:30 p.m.
Appropriations Department of Defense Subcommittee
To receive a closed briefing on proposed budget estimates for fiscal year 2013 for European Command and Special Operations Command Programs.

SVC–217

Commission on Security and Cooperation in Europe
To receive a briefing on Ukraine’s upcoming elections, focusing on political parties, civil society and domestic observers ahead of the elections, the electoral framework, as well as the broader political context.

SR–253

Indian Affairs
To hold an oversight hearing to examine fulfilling the Federal trust responsibility, focusing on the foundation of the government-to-government relationship.

SD–628

Foreign Relations
To hold hearings to examine the nominations of Edward M. Alford, of Virginia, to be Ambassador to The Gambia, Mark L. Asquino, of the District of Columbia, to be Ambassador to the Republic of Equatorial Guinea, Douglas M. Griffiths, of Texas, to be Ambassador to the Republic of Mozambique, and David J. Lane, of Florida, for the rank of Ambassador during his tenure of service as U.S. Representative to the United Nations Agencies for Food and Agriculture, all of the Department of State.

SD–419

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
2:30 p.m. Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine national security, focusing on foreign language capabilities in the Federal government.
SD-342

MAY 22

9:30 a.m. Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee’s jurisdiction of the proposed National Defense Authorization Act for fiscal year 2013.
SR-232A

10 a.m. Energy and Natural Resources
SD-366

11 a.m. Armed Services
Readiness and Management Support Subcommittee
Business meeting to markup those provisions which fall under the subcommittee’s jurisdiction of the proposed National Defense Authorization Act for fiscal year 2013.
SD-G50

2 p.m. Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee’s jurisdiction of the proposed National Defense Authorization Act for fiscal year 2013.
SR-232A

3:30 p.m. Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee’s jurisdiction of the proposed National Defense Authorization Act for fiscal year 2013.
SR-232A

5 p.m. Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee’s jurisdiction of the proposed National Defense Authorization Act for fiscal year 2013.
SR-232A

10 a.m. Armed Services
Readiness and Management Support Subcommittee
Business meeting to markup those provisions which fall under the subcommittee’s jurisdiction of the proposed National Defense Authorization Act for fiscal year 2013.
SR-232A

2:15 p.m. Indian Affairs
To hold an oversight hearing to examine programs and services for native veterans.
SD-628

MAY 23

9:30 a.m. Armed Services
Strategic Forces Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee’s jurisdiction of the proposed National Defense Authorization Act for fiscal year 2013.
SR-232A

10 a.m. Veterans’ Affairs
To hold hearings to examine seamless transition, focusing on a review of the Integrated Disability Evaluation System.
SD-562

2:30 p.m. Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee’s jurisdiction of the proposed National Defense Authorization Act for fiscal year 2013.
SR-222

MAY 24

9:30 a.m. Armed Services
SR-222

2:15 p.m. Indian Affairs
To hold an oversight hearing to examine Universal Service Fund Reform, focusing on ensuring a sustainable and connected future for native communities.
SD-628

MAY 25

9:30 a.m. Armed Services
SR-222

JUNE 7

2:15 p.m. Indian Affairs
To hold an oversight hearing to examine Universal Service Fund Reform, focusing on ensuring a sustainable and connected future for native communities.
SD-628

JUNE 23

10 a.m. Health, Education, Labor, and Pensions
To hold hearings to examine creating positive learning environments for all students.
Room to be announced
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3107–S3135

Measures Introduced: Four bills and one resolution were introduced, as follows: S. 3173–3176, and S. Res. 459.

Measures Considered:

Export-Import Bank Reauthorization Act—Agreement: Senate resumed consideration of the motion to proceed to consideration of H.R. 2072, to reauthorize the Export-Import Bank of the United States.

A unanimous-consent-time agreement was reached providing that at 11:15 a.m., on Tuesday, May 15, 2012, Senate adopt the motion to proceed to consideration of the bill; that the only first-degree amendments in order to the bill be the following: Lee Amendment No. 2100; Paul Amendment No. 2101; Corker Amendment No. 2102; Vitter Amendment No. 2103; and Toomey Amendment No. 2104; that there be no amendments in order to any of the amendments prior to the votes; that there be no motions or points of order in order other than budget points of order and the applicable motions to waive; that there be up to two hours of debate to run concurrently on the amendments and the bill, equally divided, between the two Leaders, or their designees, prior to the votes on or in relation to the amendments in the order listed; that upon disposition of the amendments, Senate vote on passage of the bill, as amended, if amended; that there be two minutes equally divided prior to each vote; and all after the first vote be ten minute votes.

Subsequently, the motion to invoke cloture on the motion to proceed to consideration of the bill was withdrawn.

Nominations Confirmed: Senate confirmed the following nominations:

George Levi Russell, III, of Maryland, to be United States District Judge for the District of Maryland.
House of Representatives

Chamber Action
The House was not in session today. The House is scheduled to meet at 12 noon on Tuesday, May 15, 2012.

Committee meetings
No hearings were held.

Joint Meetings
No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, MAY 15, 2012
(Committee meetings are open unless otherwise indicated)

Senate
Committee on Appropriations: Subcommittee on Military Construction and Veterans Affairs, and Related Agencies, business meeting to mark up proposed budget estimates for fiscal year 2013 for Military Construction and Veteran Affairs, and Related Agencies, 11 a.m., SD–138.

Committee on Finance: to hold hearings to examine tax reform, focusing on what it could mean for tribes and territories, 10 a.m., SD–215.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Primary Health and Aging, to hold hearings to examine the cost of HIV/AIDS drugs and the Prize Fund alternative, 10 a.m., SD–430.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: to hold hearings to examine solving the long-term unemployment crisis for older workers, 2:30 p.m., SD–562.

Joint Meetings
Commission on Security and Cooperation in Europe: to receive a briefing on political prisoners in Central Asia, focusing on Uzbekistan, Turkmenistan, Kyrgyzstan, Tajikistan, and Kazakhstan, 2 p.m., 2203, Rayburn Building.
Next Meeting of the SENATE
10 a.m., Tuesday, May 15

Senate Chamber

Program for Tuesday: The Majority Leader will be recognized. It is the Majority Leader’s intention to continue consideration of the motion to proceed to consideration of H.R. 2072, Export-Import Bank Reauthorization Act. Senators should expect up to 6 votes on or in relation to the bill as early as 2:15 p.m.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
12 p.m., Tuesday, May 15

House Chamber

Program for Tuesday: To be announced.