believe them or to offer justice. These survivors deserve better. They need Congress to act. We have to do the right thing. We have to be their voice. We have to stand for them. The bipartisan Campus Accountability and Safety Act does exactly that. Please, let's all do our jobs and pass the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

(The remarks of Mr. NELSON pertaining to the introduction of S. 2843 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. NELSON. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

## ATVM LOAN PROGRAM

Mr. TOOMEY. Mr. President, I rise to address an amendment that has been filed, and on which I hope we are going to have a vote. That is amendment No. 3814. It is called End Crony Capitalist Advanced Technology Vehicle Manufacturing Loan Program.

Let me describe what this is about. We are all watching this Presidential election campaign unfold, and a big theme on both sides of the aisle is about how the Obama economy is not working for so many millions of ordinary Americans—middle-income, middle-class, working-class Americans who are working as hard as ever and falling behind. It is true. It has absolutely been a fact that this economy is not anywhere near where it should be. Part of that and part of the theme is how Washington works for the well-connected—for the few who get to figure out how to get special benefits from taxpayers. But that doesn't apply if you are an ordinary man or woman who is just working hard to feed their family and take care of their family and who doesn't have the lobbyists and the connections to get special treatment. It is infuriating for people, and they are right.

One of the most egregious examples is the Advanced Technology Vehicle Manufacturing Loan Program. This is a program that forces taxpayers to lend money to especially preferred—very affluent, generally—and well-connected businesses. It was created in 2007, and it requires the Department of Energy to lend this money—up to $25 billion of taxpayer money—to private corporations that ought to be funding their activity privately.

Why should my constituents in Pennsylvania be made to take the risk for some company that has an idea they want to float? Why in the world should it be that my constituents and your constituents, Mr. President, have to subsidize a particular business because some politicians decide they like it? This is completely outrageous, and this program is particularly egregious.

So far this program has made five loans worth $8.4 billion. Of the five, two of them have already defaulted. Two have already gone under. Why should our taxpayers have to make these loans to companies that then fail, and the taxpayers end up holding the bag?

Fisker Automotive is one of them. They got a $529 million loan in 2010. It took less than 1 year for them to default. The Department of Energy—which is to say, our constituents, taxpayers—then took a $139 million loss, just on that one transaction.

The Vehicle Production Group got a $50 million loan in 2011. Two years later, they defaulted. Taxpayers lost almost all of it—$42 million.

But it gets even more absurd. In 2011, the Department of Energy, under this program, tried to make a $730 million loan to a company owned by a Russian oligarch so he could build a steel plant to compete with American steel companies and steelworkers that are already making this product. Why in the world should my constituents be forced to subsidize a Russian oligarch? This is ridiculous. And by the way, the plant had already been built. It was retroactively funding facilities that he already had the resources to build. This is just crazy. This is what drives people crazy.

The GAO has recommended three times that this program be terminated. They have estimated that if the program continues, they are going to lose another $400 million. So here we have Washington picking a handful of preferred companies to get huge taxpayer subsidies. It has proven it is a losing program. Why are we doing this in the first place?

So we have an amendment that would end this program. Senator COATS, Senator FISCHER and myself want to end this. We don't want taxpayers to continue to subsidize these companies. We don't think crony capitalism is the way our system should work. We think our economy should work for everybody who shows up and punches a clock and works hard, not the well-connected who can get a big subsidy from Washington. So we have an amendment that would end it.

Now, there is some controversy about whether we are even going to have a vote on this, which is really disturbing. I hope we can resolve this and have this vote. I will live with the consequences of this vote, as we all have to. But if there are people who like this program and think that our taxpayers should continue being forced to give away money and subsidize preferred special interests, OK, come on down to the floor and make the case. Argue for why we should continue this crony capitalism, and why it is that politicians ought to put their thumbs on the scale of our economy and divert taxpayer dollars to preferred interests. Come on down and make the case. At least have the courage of your convictions, and let's have a vote. That is all I am asking for.

So I am hoping we will get this. I am hoping we will have a vote and, of course, I am hoping we will end a terrible program that undermines the confidence the American people have in our government. We could take a step in the right direction of restoring some confidence that this town can figure out what to do and can take steps to help our economy be fairer, more open, and more successful for all Americans.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

## FILLING THE SUPREME COURT VACANCY

Mr. CARDIN. Mr. President, I recently had the opportunity to convene a roundtable at the University of Baltimore School of Law entitled: ''Why Nine? A Discussion on the Importance of a Fully Functioning Supreme Court.'' I want to particularly thank the dean of the University of Baltimore Law School, Ronald Weich, for moderating this roundtable and bringing his extensive experience to this discussion. Ron Weich is well known here. He is the former chief counsel to Senate Minority Leader REID and former Assistant Attorney General for Legislative Affairs at the U.S. Justice Department.

I want to share with my colleagues some of the comments that were made by the people who were at that roundtable discussion.

Caroline Frederickson, the president of the American Constitution Society, discussed the lengthy delays for trial and appellate court decisions. Lengthy delays in filling vacancies mean that justice delayed is justice denied. We have seen a growing number of judicial emergencies as a result of the Senate leadership's slow-walking of the consideration of judicial nominations, as I discussed recently on the floor of the Senate. One of these is my own State of Maryland's district court vacancy, in which Paula Xinis has been waiting for floor action now since she was reported out of the Judiciary Committee unanimously in September of 2015. She has waited over 7 months for action on the floor of the Senate.

Ms. Frederickson also noted the increasing number of 4-to-4 decisions being issued by the Supreme Court. She warned that a Court that is split on a tough 4-to-4 decision might be tempted to ''legislate'' a solution by asking the parties to reshape the legal questions before the Court and go beyond the narrow case or controversy that is properly before the Court. That is something all of us want to avoid. We don't want the Court legislating.

John Greenbaum, chief counsel and senior deputy director of the Lawyers' Committee for Civil Rights Under Law, told the group that if Republicans hold to their pledge to block the filling of the Supreme Court vacancy until a new President takes office, this vacancy would span and negatively impact two terms of the Court and could last more than a year.