

are bringing home more in their paychecks, and businesses are using their savings to invest in their employees.

One of the most common remarks I hear from employers when I am in Texas is that they can't find enough qualified workers for the job openings that exist. That is their biggest challenge because of this booming economy.

In the days and months following the signing of the tax bill, companies began announcing how they would use the money that they would save because of the legislation to invest in their employees and their business. We heard from big companies like AT&T, which is headquartered in Dallas, which provided \$1,000 bonuses for more than 200,000 of its employees, including more than 32,000 who live in Texas. There was also Southwest Airlines, which gave all 550,000 of its employees a \$1,000 bonus. Plus Southwest Airlines donated \$5 million to charity, to boot.

We saw headlines in the major newspapers about how these and countless other big companies were using their savings, but the less read stories about local businesses in small town papers are just as important.

This week is National Small Business Week, an opportunity to celebrate small businesses that line Main Streets throughout America, but don't let the word "small" fool you. America's 30 million small businesses are an economic force unparalleled anywhere in the world. More than half of Americans either own or work for a small business—more than half. Small businesses are responsible for about two out of every three jobs created.

One of the reasons my State is doing so well economically is because we welcome small businesses with open arms. It is an ideal home for entrepreneurs because we believe in keeping taxes low and regulations at a rational minimum. According to the Small Business Administration, there are more than 2.6 million small businesses throughout the State of Texas, accounting for 99.8 percent of all Texas businesses. They employ more than 45 percent of the State's workforce and account for a massive portion of our State's economy. These are exactly the kind of folks I had in mind when I voted to pass the Tax Cuts and Jobs Act, because I knew it would lower rates for small businesses and allow them to use the savings to invest in their employees and their business.

After the legislation passed, just to make sure, I traveled the State and held roundtables with small businesses to learn more about how they were using the savings. One of the small business owners I heard from was Josh Agrelin, whose company, Re-Bath, specializes in bathroom remodeling. A few years ago, back in 2014, I spent a day with the crews at Re-Bath of Austin as part of the NFIB's Small Business Challenge Campaign. I got to try my hand at tiling and remodeling a bathroom, and while I will not be opening

my own contracting company any time soon, I had a great time learning about this Austin franchise and getting to know its employees.

When I saw Josh again at our roundtable last year, he told me he plans to use the savings from tax reform to grow the size of his workforce by adding two additional installation crews and purchasing new equipment.

For big businesses that might not sound like a lot, but for small businesses like Re-Bath, it makes a world of difference. It means they can offer more services and gain more business, grow the size of their business, and pay their employees even better. It was great to see how Joshua was looking forward to opportunities to grow his business and I am glad this legislation could help make that possible.

In Houston, I visited with Southland Hardware, a store that opened in 1935. This is an old-fashioned hardware store. You don't see many of those anymore. It has been a community staple, and it is appropriately dubbed "the store that has 'almost' everything." It is owned by Marty and Patricia O'Brien, and they were kind enough to host me and a couple of other businesses for a roundtable last spring.

Marty told me that because of the tax savings, they were able to provide bonuses and raises, hire another employee, and do some improvements on their property. For Marty, being able to invest more in his business, which was originally owned by his father-in-law and will one day be run by his children, is no small thing.

I also spent some time on the gulf coast, in Corpus Christi, speaking to Steve Raffaele, the president of American Bank. He told me the Tax Cuts and Jobs Act would likely provide them with \$12 million of additional capital savings. He said that for each dollar of capital saved, they are able to lend approximately \$10 in their market communities along the Coastal Bend region of our State. He estimated that over 5 years that equates to \$120 million of additional lending and investment. Given their average loan size, that means more than 500 small businesses could be positively impacted. That is a big deal for a community like Corpus Christi, but especially for one so severely impacted by Hurricane Harvey just about 1½ years ago.

Today small business optimism is at a record high. I hope that small businesses across the country feel empowered to take their businesses further because of these pro-growth policies. Small businesses are, as I said, the backbone of our economy and, of course, of each of our communities.

This Small Business Week we celebrate the entrepreneurs and the job creators who had the courage to take an idea and build it into an opportunity for themselves, for their families, for their employees, and for their communities. These men and women are proof that the American dream is alive and well, and we are grateful to

each of them for the contributions they make to our communities and to our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

EX-IM BANK

Mr. TOOMEY. Madam President, later today I believe the Senate will be considering nominations of three Board members for the Export-Import Bank, and this is a very important and, I think, unfortunate development.

Since 2015, the Ex-Im Bank Board has not had a quorum. The confirmation of these three nominees will change that and give them a quorum, and that matters for a number of reasons. Perhaps the principle reason is that in the absence of a quorum, such as the way we have been operating for these last 4½ years, the Ex-Im Board cannot approve transactions without a quorum, and it requires Ex-Im Board approval to do a deal over \$10 million. So for these last 4½ years, the Export-Import Bank has been in existence and operating, but at a very much smaller level than what it had done previously, and what, I am afraid, it will again resume.

Let me explain why I oppose confirming this quorum to the Board of the Export-Import Bank. First of all, as I will explain, I think that with a quorum there is a very real risk that the Ex-Im Bank returns to business as usual, which is a form of crony capitalism and taxpayer subsidy of companies far and wide.

Historically, the fact is the Ex-Im Bank has used the American taxpayer to subsidize some of the largest and best connected companies in the world, including governments that are very unfriendly to the United States. So I want to describe my policy objections to the Ex-Im. I want to rebut some of the arguments that proponents of the Ex-Im Bank make. I want to walk through a little history to remind my colleagues about the folks who have blocked what I think are very common-sense efforts to make some meaningful reforms. Then, finally, I do want to discuss a path forward. So let me walk through my concerns, my objections to the way Ex-Im Bank has operated in the past when it is in full-blown operation mode and with a quorum on the Board.

First of all, it has been a series of risky bets for taxpayers. The Ex-Im has sometimes claimed it only takes risks that private lenders are unable or unwilling to take. Well, we should stop right there and ask ourselves, if private lenders are unwilling or unable to take a risk, why should taxpayers be forced to take that risk? Yet, at the same time, the Ex-Im Bank also claims it only makes safe bets. Well, it is impossible to do both.

The Bank cannot take only those transactions so risky that no one else will do it and at the same time be doing only safe transactions. It is pretty obvious. The fact is, Ex-Im Bank wins business by systemically underpricing the risk. That is why borrowers

go to the Ex-Im Bank, instead of any number of private lenders that would not offer deals on the same terms as the Ex-Im Bank. No, because they have shareholders to answer to—Ex-Im Bank, not so much.

Proponents of the Ex-Im Bank point out that the Bank isn't drawing any money from the U.S. Treasury so everything must be OK—not so clear. First of all, right now we have the best economy in decades. My goodness. I would hope they would not be drawing on Treasury with an economy booming the way it is.

As recently as 2014, the last year in which the Ex-Im Bank was fully operational, the CBO report suggested that the Ex-Im portfolio, their loans and guarantees on their books, were underwater by \$2 billion. Remember, we have heard this before. Remember, Fannie and Freddie, two other inventions of the Federal Government. They were very profitable until they weren't. Then they ended up costing the taxpayers \$200 billion.

Another objection I have is the fact that Ex-Im Bank necessarily picks winners and losers in our economy. I don't think any entity of the Federal Government ought to be doing it. It is a great deal for businesses that get the support of Ex-Im Bank, but it provides an unfair advantage to beneficiaries over companies that do not get that support. In the process, it can destroy jobs. This isn't just hypothetical; this is real. This has happened, and we know it because we have heard testimony. We have seen examples. One famous such example is a case where Air India, the national airline of the country of India, used Ex-Im Bank financing to subsidize its purchase of Boeing jets. That is very nice for Air India because they get lower cost financing on their biggest ticket item, the jets they fly. They were able to lower the fares they charge on flights from New York to Mumbai. That is great if you are Air India. It is not so great if you are Delta Airlines, an American company that employs Americans and happens to compete on that exact same route, but Delta could not get access to Ex-Im financing to buy its Boeing jets. Why would we do a thing like that, have taxpayers subsidizing a foreign airline that is competing directly against a U.S. airline? That is the kind of thing Ex-Im does. There is also a history of waste, fraud, and abuse.

Ex-Im Bank has not been very well run for a long period of time. Over many years, there have been a number of issues raised by the Office of the Inspector General. Ironically enough, supporters of Ex-Im Bank have blocked my efforts to get a new inspector general confirmed. Makes you wonder, why do these proponents not want an inspector general on the job inspecting the practices of the Ex-Im Bank? In 2015, an employee pled guilty to accepting bribes to push unqualified loan applications. Maybe one of the most fundamental reasons I object to the Ex-Im

Bank is our economy doesn't need the Ex-Im Bank.

Now, some Ex-Im supporters would have you believe that without the Ex-Im Bank, U.S. exports would just collapse. Well, the reality is, U.S. exports are higher today than they were in 2014, certainly, the last year when the Ex-Im Bank was fully functional. As a matter of fact, now, you know, 4½ years since the Ex-Im Bank was fully functional, we have the strongest economy of our lifetime, despite the fact that the Ex-Im can only do tiny transactions. This is no surprise because, even in its heyday, Ex-Im financed a very tiny percentage of all U.S. exports. Typically, it is less than 2 percent. So 98-point-something percent of all U.S. exports managed to get sold without Ex-Im financing, but yet we are to believe that without Ex-Im financing we cannot have exports?

Interestingly, even the companies that benefited the most from Ex-Im Bank haven't apparently suffered since it has been virtually closed. Consider the case of Boeing. According to a Mercatus study, Boeing was the biggest seller of exports financed with Ex-Im subsidies in 2014, the last year in which Ex-Im was fully functional, and nearly 40 percent of all Ex-Im deals by dollar value were used to finance Boeing aircraft.

Now, the Ex-Im proponents often argued that companies like Boeing would take a huge hit without a fully functioning Ex-Im. Instead, Boeing has consistently had record deliveries and multiyear back orders since Ex-Im stopped doing deals that would finance Boeing aircraft. In fact, during the years that Ex-Im Bank has been virtually closed, Boeing has recorded record sales.

In late 2018, prior to the recent problems they have had with one category of aircraft, the Wall Street Journal reported that Boeing suppliers could not keep up with the huge demand for Boeing aircraft, despite the fact that nobody could finance an aircraft from Boeing through the Ex-Im Bank. Now, why? Why is that? How could that be? It is because Boeing was making great products; demand was strong; and there is plenty of private capital available to finance great products being used for very productive purposes.

I think Boeing is proof that the Ex-Im Bank wasn't acting as the lender of last resort, filling in where private markets could not or would not. Ex-Im Bank was acting as the lender of first resort, crowding out the private sector lenders. As soon as the Ex-Im Bank's funding was constrained so it would not fund aircraft, well, private money came flooding into the market. Yet we still have proponents argue that Ex-Im Bank is the lender of last resort, steps in when private financing is unavailable, but, again, no matter how you look at it, this just doesn't add up. It doesn't add up in the example of Boeing, when we look at an American manufacturer that sells its products,

and, in the past, some of those purchases were funded through the Ex-Im Bank, but it also doesn't hold up if you look at it the other way around. Look at who, in 2014—again, the last year in which the Ex-Im Bank was fully functional—were the top recipients of the Ex-Im taxpayer subsidies, who was it that was borrowing the money so they could make these purchases? Well, it was all entities that have easy access to private money but some pretty surprising entities, nevertheless.

The No. 1 borrower, the No. 1 consumer of U.S. taxpayer subsidies through Ex-Im Bank was Petroleos Mexicanos, a state-owned oil company in Mexico. It is a huge company from a really large country that can easily access private markets.

Do you know who is No. 2? Kenya Airways. Kenya Airways, owned by the Government of, you guessed it, Kenya.

Do you know who is No. 3? Air China, of all places, a totally state-owned airline of a country that last time I checked is not terribly friendly to us, but it gets worse.

Do you know who ranks No. 4? No. 4 in terms of accessing Ex-Im financing in 2014—the last year in which they were fully operational—according to a study by the Mercatus Institute, the VNE Bank, state owned by the Russian Government, by the way, under sanctions now for bad behavior they have engaged in. So all four of these are state owned in States that have easy access to plenty of private lending, but, of course, they go to Ex-Im because Ex-Im will offer them a better deal, a subsidized deal.

No. 5 is a good one too. No. 5 is not a state-owned company. No. 5 is Roy Hill mining. Royal Hill Holdings owns mining. It is not state owned. Instead, it is owned by the richest woman in Australia, a multibillionaire. Are we to really presume that she cannot arrange for financing for part of her enormous conglomerate? Really, the richest woman in Australia? She is probably a really lovely woman. This is not a criticism of her; it is a criticism of us. We are going to allow U.S. taxpayers to take more risks underpricing and funding acquisitions by some of the richest people in the world and countries that are downright hostile to us.

Of course, all of these governments and all of these companies can finance their acquisitions privately, but who would not take a U.S. taxpayer subsidy if it is offered to you? The question is, Why are we OK with that? How can it be OK to force American taxpayers to take a financial risk for these entities, state-owned companies, including those owned by China and Russia? It is unbelievable.

My concern is, if we restore a quorum later today, we are going to go right back to this because we haven't enacted any reforms. We haven't insisted on any reforms as a condition of reestablishing this quorum.

We hear sometimes from the proponents that we just have to have Ex-

Im funding because it has to level the playing field. China has an export subsidy bank. They have used that aggressively, and so we ought to emulate the Chinese so we will have a level playing field.

Well, among the unbelievable ironies in this whole story, guess who is a big recipient of U.S. Ex-Im subsidies? It is the Chinese export bank. You cannot make this stuff up. That is a fact. It is not just Air China. It is not just the state-owned airline.

In 2014—again, the last year in which Ex-Im was fully operational, which apparently they are going to return to—there were 17 transactions where the primary borrower is the Export-Import Bank of China.

So here we are, we are funding the Chinese export bank, which we cite as the reason we need an export bank. It is unbelievable.

In 2014, the Ex-Im Bank also funded a deal with Huawei, which we have all come to appreciate is a very significant national security threat to the entire Western world, especially the United States. Of course, what more can you say about subsidizing Russian- or state-owned businesses? There were multiple deals back in 2014 where the Ex-Im Bank funded Russia. I already mentioned VNE Bank, now sanctioned, and two deals with Spur Bank, also sanctioned.

In any case, I think this whole argument, that if some other country is engaged in this behavior, therefore, we have to—I think that is a really weak argument. Think of all the things the Chinese Government does, intellectual property theft, forced technology transfer, bribery, and corruption. As a matter of fact, in Malaysia, the previous corrupt Government of Malaysia stole billions of money from an investment fund, and China offered to use their Ex-Im Bank to help cover up the graft, which indirectly we were facilitating by doing transactions with that Chinese Ex-Im Bank. I trust that supporters of the Bank do not want the U.S. to emulate all of these kinds of nefarious activities. I am sure they do not, but the same argument could apply.

So with all of these concerns in mind, I have been advocating for reform of the Ex-Im Bank since joining the Senate. Let me be clear. I would rather not have an Ex-Im Bank, but if we are going to have one, and if we are going to reconstitute a Board and allow them to do large-scale business, I think, at a minimum, we ought to make some sensible reforms. Unfortunately, proponents of Ex-Im Bank in this body and in the other body have blocked almost every effort to do so. One small reform that many of us have been clamoring for, for years, would be to have the administration, whatever administration, work to pursue a mutual disarmament. The argument that we hear most frequently is we need Ex-Im Bank because other countries have export-subsidizing banks. Well, OK, how

about having a mutual negotiation to phase these out, right? Well, the Obama administration did absolutely nothing about it, and we have a lot of trade talks going on right now under this administration. I have not heard one word about encouraging a wind down of everybody's mutually unfortunate export subsidy vehicles.

That brings me to the history of the nomination. A while back, President Trump nominated Scott Garrett, a very well qualified, bright, and capable guy, and an avowed reformist. He was a skeptic about Ex-Im Bank but was committed to executing his responsibilities as President under the charter and under the law but was going to insist on reforms.

By the way, had Scott Garrett been confirmed, Ex-Im would probably be up and running now. But the proponents of the Bank didn't want the reforms, apparently, so they scratched Scott Garrett's nomination.

Despite that, I continued to try to find a reasonable way forward. One of the things I proposed was confirming Kim Reed as President. Let me say a word about Kim. I think she is a very capable person. She is very intelligent, very knowledgeable, and has a terrific reputation and great integrity. My proposal was to confirm Kim Reed because she has committed to the kinds of meaningful reforms the Bank needs.

She and I and my staff walked through six very specific categories of reform. We did that privately in my office. We did that publicly at the Banking hearing. We talked about adding transparency to how the Ex-Im Bank operates. We talked about taxpayer protections that would be implemented to reduce the risks taxpayers currently take. We agreed that we should move in the direction of protecting domestic companies, such as the example I gave where Delta was put at a competitive disadvantage against Air India. We agreed we should encourage private financing to be first in line rather than the Ex-Im Bank. We agreed that we should be cracking down on any bad actors. We also agreed that there should be a mutual reduction in reliance on credit export agencies globally.

On that basis, I was willing to confirm Kim Reed and give her a chance to implement some of these reforms and prove they are actually being implemented, at which point I would support restoring a quorum so that a reformed Ex-Im would be back in business. But that deal was blocked by proponents of the Ex-Im Bank here in this body. It is very hard to conclude anything other than that those folks never want these reforms to take place.

I am still open to working with the new President when she is confirmed, and the new Board. We have a reauthorization that is presumably on the agenda for later this year. But I am going to oppose all the nominees today because we are going ahead and putting the cart before the horse. We are reopening Ex-Im Bank on a full scale

without first implementing the reforms, and that is backward.

I appreciate the conversations I have had with Kim Reed, and I trust that she actually sincerely does want to implement some of these reforms. I hope she can. I look forward to working with her to make sure that if we do, in fact, go through a reauthorization process, it codifies the reforms that require codification. But I feel very strongly that we are doing this backward. That is the reason I am going to vote against all the nominees today.

The Ex-Im Bank, unreformed, is an example of crony capitalism that puts U.S. taxpayers at risk and subsidizes some pretty unsavory characters. I am pretty disappointed that we are moving ahead with this today. I hope that at least we will be able to codify the necessary reforms in the reauthorization.

I yield the floor.

THE PRESIDING OFFICER (Mr. ROMNEY). The Senator from New Mexico.

#### VIOLENCE AGAINST WOMEN ACT

Mr. UDALL. Mr. President, thank you for the recognition. It is good to see you today.

I am going to be joined by a number of my Senate colleagues to talk about reauthorization of the Violence Against Women Act. We have many who are very concerned that we need to move this reauthorization, so they will be joining me here today.

The first chart we are putting up here is of Hanna Harris, who is a member of the Northern Cheyenne Tribe. Here she is with her son just months before she was brutally murdered on the Northern Cheyenne Reservation. Hanna was all of 21 years old, and her son was only 10 months old. We now honor Hanna and all murdered and indigenous women and girls each year on Hanna's birthday, May 5, as a national day of awareness.

It is fitting to remember and honor these women and girls, and it is critical that we understand the magnitude of violence that Native women face. Eighty-four percent of Native women have experienced violence in their lifetime. That is four out of five. In some Tribal communities, Native women are murdered at rates more than 10 times the national average—10 times. One out of three Native women has been raped.

Behind these statistics are thousands of faces, thousands of lives disrupted, shattered, and cut short—faces like that of Ashley Loring Heavy Runner. This is a photo of Ashley. Ashley was an outgoing 20-year-old Native college student during the summer of 2017 when she went missing on the Blackfeet Reservation in Montana. Last December, I heard firsthand about the devastating impact of Ashley's disappearance when her sister, Kimberly Loring Heavy Runner, came before the Indian Affairs Committee to ask Congress to take action. Kimberly told us:

We are going missing, we are being murdered. I am here to stress to you . . . we are loved and we are missed. We will no longer be . . . invisible people . . . we have worth.