



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, MONDAY, MARCH 12, 2012

No. 40

## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, March 13, 2012, at 10 a.m.

## Senate

MONDAY, MARCH 12, 2012

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

### PRAYER

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

Let us pray.

Lord of mercy, we trust Your power and will not be afraid.

In these challenging days, give our lawmakers peace that comes from confidence in Your providential powers. When they feel pessimistic, remind them that You are able to keep them from stumbling and that deliverance comes from You. You are a gracious and merciful God, slow to anger and abounding in steadfast love. Help our Senators today to strive to do as much good as they can in as many circumstances and to as many people as they can.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS 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. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 12, 2012.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### RECOGNIZING CHAPLAIN BLACK

Mr. REID. Mr. President, we rarely acknowledge the Chaplain here in the Senate, and we should more often. We are so fortunate as a body to have this good man leading prayer virtually every day. He gives tremendous thought to his prayers and what he should say. His prayers are always very challenging and encompass the issues we are dealing with.

For those of you who are watching him and who don't know anything about this man, he is a role model for what America is all about. He was raised by a single mother, and she would give him a few pennies each day that he would memorize a verse of Scripture. I have seen the man and his

ability to speak volumes. The way he pulls up things he has in his brain reminds me of Senator Byrd, who for many years sat right here behind where I am, and who had a remarkable ability to remember what he read or studied. Admiral Black is the same.

So I speak for the whole Senate—not Democrats or Republicans but for this body—in expressing our appreciation for the good work he does, not only the prayers he offers here but the counseling he does on a daily basis here in the Senate.

### JUDICIAL NOMINATIONS

Mr. REID. Mr. President, each day the Senate begins its workday with a solemn ritual, and we just did. We pledge allegiance to our flag. Each day we rededicate our loyalty to this flag and to the fundamental pillar for which it stands—the right to justice for all. Unfortunately, for tens of millions of Americans, that right to equal justice under law is at risk, and I am sorry to say it is at risk because of Republican ideology.

More than half the Nation's population—160 million Americans—live in parts of this country that have been declared a judicial emergency. What does that mean? It means that more than half the people in our country who seek justice in the courts and the judges find that the courts are strained to the breaking point under a backlog so intense an emergency has been declared.

The Presiding Officer is an expert on bankruptcy and knows how important filling those bankruptcy slots are. One

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



Printed on recycled paper.

S1559

reason we are slow in filling those bankruptcy spots is, of course, we need more bankruptcy judges, but the bankruptcy judges are chosen by our Federal judiciary, trial court judges. They have other work to do. They are so overwhelmed with work to do.

People who have businesses that they have problems dealing with because of Federal laws need to go to court and have those issues redressed. There could be injuries suffered that only the Federal system can relieve them of their responsibilities, such as discrimination because of age, gender, anti-trust cases, business rearranging.

Mr. President, you have heard the expression "What are you trying to do, make a Federal case out of it?" The reason people say that is the Federal court system is the place you go to be treated fairly. When I practiced law, I had great respect for the State court system, but it was in the minor leagues compared to when I had to go across the street to the Federal court—a much different setting.

One out of every 10 Federal judgeships is now standing vacant. Americans can no longer rely on fair and speedy trials. The courts where Social Security cases are heard, appeals are heard, and discrimination suits are tried—I went through the whole list—simply do not have enough judges to handle the cases brought before them. In these courts, our Federal judges are being forced to limit their time on the cases they have. We don't want these Federal courts to be like traffic court judges. They have different responsibilities. We want people to say: What are you trying to do, make a Federal case out of this? We want that to mean something. And families and businesses typically wait for years before their civil cases are heard.

There are some problems Congress can't solve, but this is not one of those problems. I repeat: This is not one of those problems.

The Senate could act tomorrow to put highly qualified judges on the Federal bench, judges who are supported by both Democrats and Republicans.

The Senate could act tomorrow to ease the backlog of cases, lighten the load of overworked judges, and shorten the time it takes to see justice done in our great country.

The Senate could act tomorrow to confirm 22 judges currently ready to serve but awaiting Senate action. These are 22 qualified, consensus nominees. The overwhelming majority of them received unanimous support from the Judiciary Committee. They have the support of the Republican Senators from their home States. Eleven of these nominees would fill vacancies designated as judicial emergencies. I will soon announce cloture on all of these to bring to a stop the filibuster being conducted on these good men and women who want to serve. We are going to file on the 17th. Eleven of these people whom we are trying to get confirmed are nominees from judicial

emergency States. Yet the Republicans refuse to allow us to vote on these qualified judicial nominees. Republicans have prevented the Senate from doing its constitutional duty, and that is what it is. The House doesn't have to deal with this because our Constitution says it is the obligation of the Senate to confirm or reject the nominations the President sends to us. We should have up-or-down votes on these.

The kinds of qualified consensus nominees that in years past would have been confirmed in days or weeks now languish for months and months with no action. There are judges on this list who go back to November of last year, not because we couldn't have done it—these could be confirmed in a matter of minutes. The vote should be routine.

There should not be a fight that delays action on important jobs measures. Creating jobs is the Senate's No. 1 priority. Republican obstructionism is the only thing standing in the way of moving forward with additional work to get our economy back on track. Unfortunately, Republicans have forced our hand. What else can we do? Their endless obstructionism has created a judicial emergency in this country time and time again. At the end of last year, the Senate Republicans refused to allow votes on even one of the 14 judicial nominees awaiting confirmation last year, breaking with the Senate's longstanding tradition of clearing the calendar of consensus nominees at the end of a session. Each of these nominees was well qualified and had bipartisan support.

President Obama's judicial nominations have waited an average of five times longer to be confirmed than those of President Bush. Look at this chart. These are days. President Clinton's were confirmed in a matter of about 5 or 6 days; President Bush's, 21 or 22 days. President Obama's are still skyrocketing. It is really unfair. It is unfair. It is not only unfair to the system, but it is unfair to these nominees. They are all well qualified. They received nearly unanimous support. They are all lawyers having to hold their practice back, waiting to see what is going to happen here. These are lifetime appointments. That is what the Founding Fathers established.

The long waits have nothing to do with the qualifications of these nominations. As I have indicated, after waiting months for the Senate to act on these judges, they are often confirmed almost unanimously. What does that say? It says that the wait is dilatory. It is delay for delay's sake. As we know, my friend the Republican leader said his No. 1 goal in this Congress is to defeat President Obama, and this is part of it.

President Thomas Jefferson said:

When one undertakes to administer justice, it must be with an even hand, and by rule; what is done for one must be done for everyone in equal degree.

When we have judicial emergencies all over this country affecting 160 mil-

lion people, what President Jefferson said doesn't work. President Jefferson's principle is as true in America's court system as it is anyplace in America, and it should be true in the Senate. One qualified consensus judicial nominee ought to be treated like another regardless of political party and regardless of who is President, quite frankly.

With the courts already in crisis, the Republicans could not have chosen a worse time to play politics with the confirmation process. So today I regret that I have to file cloture on a package of 17 district court judges. I hope we can move through these. I hope people are not going to be doing more dilatory tactics. If cloture is invoked, people have a right under our rules to hold up the next judge in line for 30 hours. That will show what this is all about. It will show that it is an effort to embarrass the President and not take into consideration 160 million people who don't have the ability to have their cases tried in an orderly manner.

The motion to end a filibuster only applies to district court judges and trial judges. So I hope Republicans won't continue to filibuster appellate judges, our circuit court judges. That would be wrong. We would have no alternative but to take action with that. There is a lesser number of those, but they are very important positions.

We have so much work to do in this body. We must complete action on that extremely important Transportation bill which will either save or create 2.8 million jobs. I will work with our Republican leader and finalize a path forward on a bipartisan small business jobs bill the House passed by a very large margin last week. We must consider postal reform legislation, cybersecurity legislation. We have gas prices we have to deal with, the reauthorization of the Violence Against Women Act, and other issues that are important to our country.

It is unfortunate that we had to move forward on something that is so glaringly wrong. Look at this. These are stats. These are not going to change. President Clinton's are not going to change. Whatever happened, happened. This is not going to change. Whatever happened, happened. Here, this number keeps going up. You can go back to a couple of judges in November, December, January, February, March. We are up to 5 months with some of these judges.

I note the absence of a quorum.

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

The legislative clerk called the roll.

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

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

#### RESERVATION OF LEADER TIME

Mr. REID. Would the Chair announce the business of the day.

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 4 p.m. with Senators permitted to speak therein for up to 10 minutes each.

The Senator from North Carolina.

#### ORDER OF PROCEDURE

Mr. BURR. Mr. President, I ask unanimous consent to speak in morning business for up to 40 minutes.

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

#### NATURAL GAS IN AMERICA

Mr. BURR. Mr. President, I thank the majority leader for his leadership on an amendment to the Transportation bill, the Menendez-Reid-Burr amendment. For short title purposes, it is called the NAT GAS bill. This is not a new bill. It is not a difficult bill to understand. It is a game changer as it relates to our energy policy in this country and, more importantly, the economic security of our country.

I wish to take these 40 minutes to walk through the bill. But before I do that, it is essential to say to my colleagues and to their staffs and to the American people: If for some reason you believe that in the next 18 months in America we are going to have massive tax reform—lower rates, no deductions, no credits, no subsidies—then I want you to do me a favor. Turn off your TV. Leave the gallery. I will never convince you this is the right move. In fact, if I believed we were going to do comprehensive tax reform, I would not be on this floor. I would not be offering this amendment. But the truth is, there is nobody in America who believes that is going to happen.

Let me say this to all of my colleagues, their staffs, and to the American people: If you believe some miraculous thing is going to happen and there is going to be peace in the Middle East—no civil wars, no nuclear advancements, no threats—then turn off your TV. Leave the gallery. I will never convince you nor would I be here today if I thought that was going to happen.

The truth is that as policymakers we are charged with doing things based upon the landscape and the framework we have in front of us. Today, in the absence of this body acting—the Congress of the United States—the American people will get exactly what they have gotten: escalation of energy costs; that is, to fill their cars, to fill their trucks, to heat their houses. It is felt through the increased costs of the busi-

nesses for which they work. This is about personal security. This is about the livelihood of every American.

Let me just say now, if you are still with me—if you haven't turned off the tube or left the gallery—the single most important reason we should do this is our national security. Our national security is vital to this country.

Let me just stop and pose a question to my colleagues: Who controls today our access to and our cost of energy? It is not us. In many cases it is people around the world who don't even like us who control whether we are going to have access to oil or what the cost is going to be. Today 70 percent of our oil is imported. So we have 30 percent that we have some ability to control and to access, but for 70 percent of it we are at the whims of other people. We are at the whims of the market. They don't like us, and they don't care what we pay. And, I might say, many of those countries use the dollars we send them to fund terrorism—to fund the very people we run into on the battlefield in Afghanistan, Iraq, and around the world. They aren't concerned with our economy. They aren't concerned with the future of our country or the future of our children. It is not a very comforting situation to rely on for our energy, especially with 70 percent reliance on what they have.

Let me suggest this requires U.S. dollars to be spent and U.S. lives to be put on the line to make sure that day in and day out this country has access to that 70 percent reliance on black gold. Look at the gulf: ships, sailors, marines, aircraft, all in the gulf to make sure somebody doesn't shut down the Strait of Hormuz; to make sure we have access to that oil. It certainly doesn't cap what we pay at the pump or the taxes we pay to assure that when we need it, it is going to be there.

Some claim speculators are the whole problem with the oil industry. I will admit I think around the edges—a couple of cents a gallon—it is speculation; futures traders probably do have a little bit of impact. But it is not significant, and speculators don't control our access to it. Our reliance on foreign oil is what judges whether we have access to it or not. We must admit our access today is a national security threat.

No. 2: Economic security. The Presiding Officer and I know a word that is called LIHEAP, which is the low-income heating program for seniors across this country and for individuals who can't afford home heating oil. We will spend \$5.1 billion this year to subsidize home heating fuel. This entire NAT GAS bill—which is a game changer relative to the cost of not just home heating fuel but diesel and gasoline—costs a little over \$3 billion, and the taxpayers aren't on the hook for one penny of it. I will get to that a little bit later.

The U.S. economy is starting to recover. We have seen signs not in every community and not in every sector of

our economy, but we see signs that it is moving in the right direction. But there is one common thread that all economists agree on: If energy costs go up, we stand the chance of cutting off that recovery. We stand the chance of freezing or increasing unemployment at above the rates they are today. How quickly we recover, how quickly Americans are hired, how quickly unemployment goes down, how this affects our balance of trade—we haven't even talked about the individual family budget.

Think of what a typical family is faced with today—the cost on a weekly basis to fill up that vehicle. Many families have accepted jobs not close to where they live but where jobs are available. They drive from one community to another. Some drive from one State to another because that is where the job is. We have had no increase in wages, we all know that, but we have seen food prices and gas prices and energy prices go up. Here is an opportunity for us to have a real impact on the family budget in America without charging the American people one penny to have us do it.

In my opinion, we should have started new exploration decades ago. Had we explored for oil and natural gas—onshore, offshore—had we built pipelines, we might not have this problem right now. For those who say we shouldn't do it now because it will be 10 years down the road before we feel the effects, we had this same debate 10 years ago, and we had it 18 years ago when I got to the House of Representatives. Today we are still talking about the same thing. The only thing that has changed is the price of energy in America.

I believe we ought to focus on America and North America, and we ought to tap those resources in a safe and environmentally friendly way, which is, in fact, where technology allows us to go today.

My third goal of this bill is energy security. This year we voted against pipelines. They would have provided some security. We have reduced some foreign demand, not much. Today we are reducing exploration; we are not increasing exploration at home. Who pays the bill? The American people. It is real simple. It is just passing through and pretty soon we get used to \$3.76, which is the national average. In some places in the country it is over \$4. But 3 years ago the price of gas was \$1.86.

I was rated as the seventh most conservative Member of the Senate. This year I bought a hybrid. I bought a hybrid because I was tired of paying people money who hate us. I was tired of paying an exorbitant amount for gasoline. I would personally do anything I could to make sure I reduced my consumption and my cost. But the only way I can affect every American family is to come to this floor and to change the policies we have in this country in a way that nobody is slighted, nobody is cheated, nobody loses.

Somebody said this bill picks winners and losers. Well, I have to admit it does. The winners are the American people and the losers are everybody internationally who produces oil. I think that is a pretty good pick. Let me suggest to my colleagues this must stop. It must stop, and my suggestion is it should stop tomorrow when we vote on this amendment.

We need an energy plan. We should explore. We should build pipelines. If we did, down the road we would benefit. One might think, well, all of this is an accurate depiction of where we are. What would a natural gas bill do to change our situation?

Well, let me suggest it is about our most abundant, clean, flexible fuel. And guess what. It is American. It is found right here at home. Why wouldn't we use as much as possible? Oh, by the way, did I say it is cheap? If we look at natural gas as an equivalent to a gallon of gasoline, natural gas ranges somewhere between \$1.60 and \$2.10 at today's rates. Imagine where diesel is. Imagine where home heating oil is. Why? Because technology has allowed us to reach reserves that we could never reach before. It has allowed us to do it in an environmentally friendly way. It has allowed us to do it at a pretty attractive production cost.

As a matter of fact, the word in the world is the United States is the Saudi Arabia of natural gas. But nobody looks at us and says: You are controlling our access because we can't even figure out what our policy is going to be. Let me suggest—and I think the Presiding Officer knows this—if we produce more than we consume, then we will aggressively build an infrastructure to ship it all around the world. But if we consume what we produce, there will be an effort to produce more and to produce more and to produce more. When that happens typically the price goes down.

So I guess the question in front of this body is, are we going to use it for the benefit of the American people or are we going to ship it to the rest of the world? Some in Congress will say that shifting natural gas usage through Federal legislation shouldn't be done. Let me be clear. I agree 100 percent.

The Federal Government is not the one that should be legislating how markets go. But when I consider the Federal Government, we are speaking for the American taxpayer because usually they are the ones who are the backup funder of everything we pass. This bill does not do it. This bill is a 5-year bill, and it sunsets. It goes away. It funds the roughly \$3.4 billion with a user fee on the exact people who are benefited by it—those natural gas users. You see, the American taxpayer has no skin in this game.

They also say the American taxpayers should not fund new credits or subsidies. I agree. These are the two criticisms this bill has received. I agree with them totally. Read the bill. That is not what we do. We fund it from the

people who benefit from the credits and from the subsidies.

Now, you might ask, where do we disagree? Policy can, and I think it should, accelerate the usage of natural gas. Some have said there is no need to do this; it is happening all by itself. I agree; another point of agreement. It is happening every day in communities across this country. Ten years from now we might look back on it, and we might have made a little bit of progress. We have an opportunity right now, without taxpayer funding, to accelerate this move in 18-wheel vehicles, in fleet vehicles, in municipal trucks and automobiles. So I think we can, and I think we should, accelerate it.

Again, natural gas is the only flexible mobile fuel we have. It is not like there are other options out there we can accomplish this with. I believe if credits or subsidies are paid by the users—those who benefit—this a good result, and it is good policy.

Think about it for a moment. If you took all of our 18-wheel vehicles in America and put them on natural gas, you would reduce consumption of foreign oil by one-third. Do you want to know how to bring down the price of gasoline and diesel? There it is. Take one-third of the demand and shift it over to natural gas.

Fleet vehicle companies—FedEx, UPS; I can sort of name all of them, the in-and-out-every-day companies—they go out in the morning, come back in the afternoon, they have one fueling station, and they are running to go to natural gas. They do not need the incentive. But look how fast they could change their entire fleet if it was there—again, without one penny of taxpayer money.

Municipalities. There is not a municipality in America today that is not challenged from the standpoint of their annual budget. They have cut parks and recreation. They are trying to figure out how to do education. Every community is faced with the same thing, decreasing property values; therefore, the flow of revenues is less than they were last year and the year before.

Where is the game changer for municipalities in a natural gas bill? It is very simple. There are 500,000 buses in America, and there are 26 million kids who get on a bus every day. If we can reduce by one-third or more the cost by switching to natural gas, we should be doing everything we can to get every school system in America to have a natural gas engine in their schoolbus so the one-third they save goes back into the classroom to educate our children; where nobody is faced with trying to decide whether they are going to buy textbooks or have a teacher's aide; where every classroom is designed not based upon how much money we have available but what the educational requirements are for that next generation.

For those who suggest this bill does not do anything, I will tell you one

point alone is enough to get up and vote yes when it comes up. It is a game changer. It is a game changer to local budgets. More importantly, municipalities get to devote the money to the right places.

Why is a credit needed? It is very simple. It costs money to switch an engine. A typical natural gas engine is going to cost somewhere between \$25,000 and \$40,000 more than the equivalent diesel engine in an 18-wheel vehicle today. But as more and more and more get built, what we are going to find is that the diesel engine is more expensive, and the natural gas engine is cheaper. Wouldn't we accelerate this as fast as we could so we could get the benefits of that production shift?

Everybody is geared to do it today. As a matter of fact, it is so compelling a reason that Chrysler, Ford, and General Motors have all announced in their light-duty pickups they are going to come from the factory with natural gas. But for a consumer to fuel their vehicle with natural gas, they are going to have a little compressor at home, for compressed natural gas, hooked right up to their natural gas line. For an 18-wheel vehicle going from North Carolina to California, it is not that easy. It means we have to have the infrastructure across the country that enables that to be a feasible business decision for a company.

What does part of the NAT GAS bill do? It creates a credit, a subsidy, so the infrastructure that is needed is out there. Oh, by the way, we still have the credit in place for individual consumers who want to have fueling stations.

We are not recreating the solar or wind subsidies or credits. We are not recreating an ethanol subsidy for gasoline that Americans have just had a huge distaste for. We are taking not a technology of the future and investing in it, we are taking a technology that is here today and saying let's create the incentive for this to explode, for this to be a game changer in the global balance of trade.

Why don't some want this? Some do not want this because they use natural gas and they do not want the price to go up. We are sitting on a 100-year supply of natural gas right now if we do not drill another well. We have companies that are in the business today that—because of where the price point is and because of where the demand is—are thinking about plugging, shutting in natural gas wells because they cannot move it out of the country and they cannot sell it here. Yet we are on the cusp of being able to create an incentive that is paid for by the users that not only keeps those wells open but gives the reason for those companies to actually produce more.

America has always proven: If we will buy it, they will build it. Look at the automobile industry. We would buy them, and today we are going everywhere in the world to find the gasoline it takes to put in them. Well, my belief

is, if we accelerate the use of natural gas in trucks, fleets, and municipalities, what we are going to have is another explosion of natural gas finds. We are going to increase supply. If anything, we may see prices drop even further. But without the demand, I can assure you, the future is very predictable.

We have this fuel at home. It is on land. There is some offshore, but the majority of the finds are on land. More importantly, this has happened exactly where we need it: Pennsylvania, Ohio, North Dakota, Oklahoma—and, yes, probably North Carolina and Virginia. The fact is, none of us know today because some areas geologically have never been explored.

What are the realities? Well, if we can outproduce what we consume, one of two things will happen. One, we will build an infrastructure to sell it all around the world or, two, we will slow the exploration. In both cases the price will go up. Isn't that why people are against this bill, because they are scared the price will go up? In fact, this bill is the only thing that will keep natural gas prices at a historically low cost. Anything less than this would cause devastation throughout the marketplace.

Many say let the markets drive what happens. That is what I am doing. It is exactly what I am doing. This legislation says: Produce as much as possible. Shift as much from petroleum as technology will allow us. It is sort of like saying: Let's give the Federal Government a 5-hour energy drink. Let's put this policy on steroids to shift as much as we technologically can from gasoline and diesel and home heating oil over to natural gas.

What is the impact on the American people if we do not do this? It would be higher gas and diesel prices. It would be higher costs for all the goods we buy. Sometimes we do not think about the fact that when that trucker pays \$4.20 a gallon for diesel—and they have seen their price double in the last 12 months—it is not too long before we feel it in the cost of groceries or in other consumer goods or in everything we purchase in the United States. If the energy costs go up for the warehouse that product is stored in, we get it there. If the cost to produce it goes up because the manufacturing process costs a little bit more, it goes up there. This is how inflation happens.

Here is a great opportunity for us to get our teeth into inflation and cut the primary driver of inflation. I think the byproduct of it would be that we would have almost a magnet in America of capital attraction to fuel job creation and to put Americans back to work. See, there is a lot more to an energy policy bill than whether there are winners and losers.

What else would the American people be impacted by if we do not do this? Higher property taxes. There is no way around it. There is absolutely no way around it if, in fact, we want the next

generation to be educated. We have an opportunity to take one-third of that transportation cost to a municipality and to pump it back into the budget.

Well, let me suggest there is another loser. I think the Acting President pro tempore knows this. If we fail to use this as a flexible mobile fuel, most of it is going to be used to generate electricity. They are going to take the easy way out—\$50 million to build a natural gas generation facility. It is cleaner burning. That makes it very attractive to them. The only problem is, we are going to get 30 years down the road, when most of us are going to be looking back—if we are still here—at our children, saying: I cannot believe we made this mistake. I cannot believe we locked you in to one fuel for the generation of all of America's electricity.

One of the beauties of America is that we have a mix, and we are constantly changing that mix between coal and natural gas and nuclear. Well, we would make a huge mistake if we just left it to today's economics to say: Let's do it all in natural gas. If we did that, we would not have a bridge fuel, we would not have the flexible mobile fuel that natural gas provides us. We would be locked in to betting that technology would allow us to run it on solar or something else in the future. I am not sure I can bet on that for my children and my grandchildren. I am not sure we are there. I am not sure we are smart enough.

I am going to pose a question to the Senate. What if I am wrong? I have been wrong before. What if I am wrong? What if this does not happen? What if there is not an explosion of transition from gas and diesel over to natural gas? It is real simple: The user fee goes away. But we tried something. There is no downside. It is not as if we are locked into something that cost the American people money. If we do not need as much, then we do not need the user fee. It has not impacted, up or down, fuel costs if, in fact, we have not pushed things over from where we are today. No damages; no downside.

What if I am right? What if I am right and this is a game changer? Well, we continue to grow our production of gas. That creates tens of thousands of jobs all across the country. We reduce our need for foreign petroleum—game changer in the security of this country. We stabilize or reduce the current price of gas, diesel, home heating fuel.

The more natural gas we leverage, the more dollars we have in our pockets as Americans. The environmental impact is significantly better than diesel or gasoline. Our economy grows because fuel costs are predictable and more investments are made hiring more Americans. Communities and companies can budget. They can budget better because we, not somebody who hates us, have control of our future costs.

Prices come down because fuel costs are less and do not go up. The less of

the family budget goes to fuel, less community budgets go to buses, more goes to our children. I realize this is bold. And, boy, has America become risk averse. This is not something I stumbled on yesterday. I have been promoting this for 3 years. This is the first chance to come to the Senate floor and have a vote. You know what. It probably is not going to pass. That is the disappointing part of it. It will probably fail tomorrow unless my colleagues or their staff, who stayed after my first two comments and listened to this, understand that there is not a downside to doing this.

Why in the world would we not take this bill and implement it in hopes that for the first time we have a piece of energy policy in America? I said at the beginning that if this was done by pulling the money from taxpayers in America, I would never be up here offering this bill. But this is the time. It is now. Look at the global landscape. Look at the cost of energy. There has never been a more important time for a piece of legislation that drastically changes the future of this country.

I too have been disgusted with government investing our dollars and picking winners and losers—mostly losers—in technologies that have not proven to be effective. This is not that. This is using dollars we collect from user fees to accelerate technology that is there today. It is just accelerating its use. It is making sure that the future is radically different. It is using existing technology to be a game changer. It affects the lives and the livelihood of every American, the communities we live in, and, more importantly, our children.

Maybe this is too simple. Maybe Members of Congress can only get difficult things now. This is easy. It is easy to understand. It is easy to see the picture of what it affects. It is easy to understand the impact on the American people. And it is all positive. If you implement it, it has no downside. Why would we not try it and see what happens?

If passing this amendment might accomplish what I have described, why would we not do it? We represent the American people. It may be that their voice needs to be heard before tomorrow when votes happen. This requires vision. I have to admit, it is something that Congress has shown very little of of late. This legislation benefits only one thing—only one thing—the future of this country, the United States of America, the opportunities of our children, the prosperity of the greatest country in the world.

If that is important to you, then you ought to support this bill. It is important to me, and that is why I am here on a day when the Senate has no business, has no votes, because it was the one time I could come here uninterrupted, without the distractions of all the visitors and all the claims, to set

the record straight about this legislation. It is simple. It is easy to understand. It impacts everybody in America. It does pick winners and losers. It says: America is going to win, and the people who are not our friends are going to lose.

I am not sure you can say it any clearer than that. It does not cost the taxpayers a dime. The beneficiaries are the ones who pay the tab. If it does not work, there is no downside. If it does work, it is a game changer from the standpoint of our energy policy and, more importantly, our future.

The bill sunsets after 5 years. We have a 100-year supply of natural gas today if we did not drill another well. We import 70 percent of our petroleum, and that costs \$25 billion a month that we send there. Imagine what that \$25 billion could create in jobs here if, in fact, we made this simple policy change.

I thank you, Mr. President, for your attention and your patience and the patience of my colleagues since I ran over a little bit. But I will conclude with this. A bill that roughly costs \$3.4 to \$3.8 billion and is funded by user fees is not a big bill in Washington. But the potential impact of this legislation will not only be big in America, it will change the landscape of the world. It will put us back in control of our national security, of our economic security, and, more importantly, of our energy security. This will be a day that Congress will either be proud or disgusted at the outcome of a policy such as this.

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

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

The legislative clerk proceeded to call the roll.

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

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

---

#### ORDER OF PROCEDURE

Mr. SESSIONS. Mr. President, I ask unanimous consent that Senator JOHNSON from Wisconsin and I be able to conduct a colloquy.

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

---

#### HEALTH CARE

Mr. SESSIONS. Mr. President, it has not been that long since the President's health care proposal has been passed. If we recall, it was passed on Christmas Eve, after a long battle. We were told: Don't worry what is in it; we will have to pass it first to find out what is in it. I remember Senator BROWN was running in the State of Massachusetts, a liberal State. He said, If you elect me—and he was running in the special election—I will vote against

it and provide the vote that kills it. But the matter was delayed—his appointment and confirmation, after he won his election. It was put off and the interim Senator cast a vote for the bill and it passed by a single vote and the result was 60 to 40. I think it was a dangerous step for America.

I am the ranking Republican on the Budget Committee and the Senator from Wisconsin is a member of that committee. We have serious concerns about what is in this bill now that we are beginning to read it and beginning to apply it and see what might happen. Senator JOHNSON is a successful businessman who ran for the Senate and joined us just a little over 1 year ago. He came here to do something. I have been exceedingly impressed with his approach to business. He had looked at these numbers and challenged the Secretary of Health and Human Services, Secretary Sebelius, on some numbers last week. The situation was quite troubling.

Maybe Senator JOHNSON can tell us about his concern and what he raised last week—the economic impact of what happened with jobs, the American economy, and the debt of our country. Maybe we can begin our discussion with where he is coming from and what he observed from his exchange last week.

Mr. JOHNSON of Wisconsin. First of all, I thank the Senator for his kind comments. He mentioned that Speaker PELOSI famously stated we needed to pass this bill in order to figure out what is in it. I know the Senator from Alabama and I are dedicated to making sure the Obama administration doesn't make sure this law is fully implemented before we understand the true cost of the bill. We simply cannot afford to have the American people and Members of Congress not understand the true cost of the health care law.

I remind everybody that, back in 1965, when they passed the Medicare bill, first of all, the entire bill was less than 300 pages. That is interesting. The provision that applied to Medicare alone was about 124 pages. That compares, of course, with the 2,600- or 2,700-page bill that the Patient Protection and Affordable Care Act was. There are 10,000 pages of regulations just to try to implement this bill.

When they passed Medicare, they estimated it out 25 years and said that in 1990, Medicare would cost \$12 billion. In fact, in 1990, Medicare cost \$110 billion, which is more than nine times the original cost estimate.

I am new here, but I have been watching this town pretty carefully over the last few decades. I don't believe Washington has gotten any better at projecting and estimating figures—particularly on new entitlements that people want around here. They always tend to underestimate spending in order to pass legislation, particularly a bill such as the health care bill, which was done in partisan fashion, without any kind of support and input from our side.

The point of my question to Secretary Sebelius last week was to try to lay out the broken promises that are occurring, when we have only begun to implement the law. The first broken promise I asked her about was the very famous guarantee of President Obama, who said: If you pass this health care law, every single family in America will see their annual insurance premium go down by \$2,500 by the end of his first term. The Kaiser Family Foundation has already conducted a study and has said that, on average, premiums have gone up about \$2,200 per year. That is a \$4,700 difference in the first 3 years of his administration or only 2 years after it was originally passed.

Mr. SESSIONS. The Senator has been in the real world, having to make a payroll and manage a company. If he, as a CEO, made a representation that this was going to reduce the cost of insurance for your employees by \$2,500, and it increases by 2,200, that would be a stunning event, would it not? Does it bother the Senator, as a person from the real world—and this is the first time he has been in elected office—to have people walking around with numbers that are so divergent, promising to reduce health care costs, and they actually are driving costs up?

Mr. JOHNSON of Wisconsin. Had I made that guarantee to my shareholders and management—and that is basically what the President did; he made that guarantee to the shareholders of America—I would not want to face the appropriations committee meeting, where I would have to explain that away. Secretary Sebelius was in a very unenviable position to have to explain how the President promised a \$2,500 reduction and there was an increase.

Mr. SESSIONS. The Senator is right. I was here. There was a promise made to achieve passage of the bill. A lot of Americans didn't believe these promises and thought they were inflated to begin with, and this promise—a fundamental promise—has already been proven to be wildly inaccurate. And thank you for raising that.

Mr. JOHNSON of Wisconsin. Of course, that is only the first promise. I have a couple more.

The administration also famously said this health care law would not add one dime to the deficit. In fact, the original projections were that it would save \$143 billion in the first 10 years. Well, thankfully, the administration has recognized that the CLASS Act was, as Budget Committee chairman KENT CONRAD said, a Ponzi scheme. It was simply not financially workable. So they are not implementing it. Because they are not implementing it, they are not going to get \$86 billion worth of revenue, so that will eat away at that \$143 billion of deficit reduction.

Of course, a couple of weeks ago when President Obama presented his fiscal year 2013 budget, included in that budget was a \$111 billion request—or I

guess cost estimate—on the mandatory spending of the health care exchanges. If you add the \$111 billion to the \$86 billion, that gives you \$197 billion of reduced deficit reduction, if that makes sense.

So bottom line here is I think that is broken promise No. 2. I do not believe that in the first 10 years, this thing will actually reduce the deficit. And it is far worse than that. These are the small numbers. This is just the tip of the iceberg in terms of the revisions that will be occurring when we actually start finding out what the true cost of the health care law is.

Mr. SESSIONS. Well, the promise was that—and it was repeated here, and the President went on national TV, and I believe he said it at the State of the Union—this bill would not add one dime to the deficit. If you drop out the \$80 or so billion—and he estimated that his plan, if passed, would actually create \$143 billion in surplus, in extra revenue for the Treasury; it wouldn't cost anything, it would create more money. So you lose \$80 or so billion because the CLASS Act has proven to be the Ponzi scheme Senator CONRAD said it would be, and we just saw in the President's budget a request for \$111 billion more for the exchanges. Well, that already wipes out entirely, does it not, the promise that it wouldn't add to the deficit? Even before the bill is implemented, the projections are that it would cost money rather than make money for the Treasury. Is that the Senator's analysis so far?

Mr. JOHNSON of Wisconsin. Exactly. That is broken promise No. 2.

Of course, broken promise No. 3 is also—very famously this President said: If you like your health care plan, you will be able to keep your health care plan, period. No one will take it away, no matter what.

There are a couple of pieces of evidence that prove that is a broken promise. First of all, the CBO, in its initial cost estimate of the health care law, estimated that 1 million people would lose their employer-sponsored care and be put in the exchanges. By the way, that is a gross underestimate, and we will talk about that a little later. But also the Department of HHS has granted 1,200 to 1,700 waivers from basically some of the requirements of the health care law. That indicates that were it not for those waivers—basically employers saying: Listen, we need some relief here—my concern would be, and I think this is probably pretty true, those employers would be forced to drop coverage. And those waivers cover about 4 million Americans.

But let me describe a little bit why I believe the 1 million-person estimate is so understated. There have been surveys of employers conducted in the last year that indicate that employers, when they take a look at the whole cost equation of the health care law, 30 to 50 percent, in one survey conducted by McKinsey & Company, of employers,

when asked, plan on dropping their health care coverage shortly after implementation.

If that were to happen—180 million Americans get their care through an employer-sponsored plan. If 50 percent drop coverage, that could mean 90 million Americans—not 1 million but 90 million Americans—could lose their employer-sponsored care and then get put in the exchanges. We are trying to work with the CBO to find out exactly what that would cost, but in their initial estimate, they estimated that it would be about a \$7,000 average subsidy per person in the exchange.

If you deduct for the \$2,000 penalty and the deductibility of the health care cost, that subsidy could range anywhere from a \$4,000 to \$5,000 cost to the government times 90 million. Instead of \$95 billion a year, the health care law could cost us close to  $\frac{1}{2}$  trillion if 50 percent of the employers drop their coverage.

This is incredibly scary. And my colleague is fully aware, because he has been a real leader in terms of our debt and deficit, as Admiral Mullen has said, the greatest threat to our national security is our debt and deficit. We can't afford to increase our deficit on an annual basis by close to  $\frac{1}{2}$  trillion. If everybody were to lose their coverage—which, by the way, is exactly what I think this plan was designed to do: lead to a single-payer system, which is what I believe President Obama really wanted—that would cost us close to \$1 trillion a year. That represents a deficit risk that will absolutely ensure the final bankruptcy of this Nation.

Mr. SESSIONS. Well, Senator JOHNSON has been talking about this issue for some time, and it looks as though reports are coming along to validate his concerns. But the administration estimated that only 1 million would go into the exchanges, and these are the areas where, if you don't have employer-based health care, the government will subsidize your health care program for you, and it costs the Treasury money. This is how we get in financial trouble, when we make bad estimates.

The Senator thinks the numbers that go into the exchanges could dwarf 1 million. How many could it be, based on the reports the Senator has seen?

Mr. JOHNSON of Wisconsin. Well, I worked with former CBO Director Douglas Holtz-Eakin in trying to look at the numbers that are presented, and we don't have enough. We don't have enough information, which is why I am grateful for the fact that Director Elmendorf recognized that there is some credible evidence to cause the CBO to reassess that estimate of 1 million people. So they are working through those numbers right now. Hopefully, they will give us a very full accounting of that in the next couple of weeks. But the work I did with Douglas Holtz-Eakin showed that if 90 million get put in those exchanges, it could cost over \$400 billion a year.

Mr. SESSIONS. That is astounding.

Mr. JOHNSON of Wisconsin. That is astounding.

Mr. SESSIONS. Now, for example, \$400 billion a year over a 10-year window would be \$4 trillion. If the Budget Control Act that we worked on so hard last summer, which the President is already undermining, were to take place, it would only reduce spending over 10 years by \$2 trillion. And this would be an unexpected \$5 trillion, \$4 trillion added on top of that, would it not?

Mr. JOHNSON of Wisconsin. Exactly.

Mr. SESSIONS. And it is not baked into the numbers now. We are not assuming it is going to be \$4 trillion or \$5 trillion more under Obamacare, we are assuming only 1, I guess.

Mr. JOHNSON of Wisconsin. And, unfortunately, we are not even owning up to the current deficit projections. We are not seriously addressing that. So nobody really wants to take a look at the danger inherent in this. Of course, the administration doesn't want to talk about it or admit to it because they want to go full speed ahead to implement it so we will not be able to reverse it. That is the main point.

It is time to put the brakes on the implementation of the health care law before it bankrupts this Nation. We simply can't afford to fully implement it to find out what the true cost is. It will be disastrous for our deficit and debt.

Mr. SESSIONS. Well, is it too late? Is this a fait accompli, this health care law that was passed? Can we not reverse it or is it, in the Senator's opinion, practical at this point for us to pull back from this path?

Mr. JOHNSON of Wisconsin. It is essential that we pull back, and it is essential that we put the brakes on this. I guess we can all keep our fingers crossed and hope the Supreme Court rules the individual mandate unconstitutional, and there is no severability clause, so the entire law would be repealed, so we can then actually fix the problems in the health care system with patient-centered, free market-based reforms. That is the way to really address this.

Mr. SESSIONS. Well, the Senator raised these issues with Secretary Sebelius last week in the committee, and the exchange has been on the TV and on the Web and has become a bit of a sensation, really. People have been looking at it, and it has been very troubling.

Would the Senator tell us what troubles him about Secretary Sebelius's answers—or her lack of them—and what you think we should do next?

Mr. JOHNSON of Wisconsin. Again, I am an accountant. I have been in hundreds of budget meetings, and when you are presenting your budget to a budget committee, you are armed with the information and you are ready to answer questions.

I was surprised that the Secretary was unable to answer the questions, and particularly when I mentioned the

waivers, she seemed to have no idea what I was talking about. It is her agency, her department that is actually granting those waivers. So that troubles me.

So I appreciate the fact that the Senator has and we have sent a letter to Budget Chairman CONRAD requesting, to be fair to Secretary Sebelius, to give her a chance to be fully prepared to come before us and to explain what is this \$111 billion in additional requested funds for the exchanges. And I would like to really dig down and talk about this 1 million-person estimate and what is going to be the effect if the administration is wrong, if CBO has been wrong in the previous estimate and the McKenzie study is right and half the people very quickly after implementation get dropped from their employer coverage and put in the exchanges. What effect is that going to have on our budget?

I would love to give and I think it is appropriate to give Secretary Sebelius the opportunity to come before our Budget Committee and have a fair exchange in terms of her explanation for those parts of her budget.

Mr. SESSIONS. Well, a \$111 billion error is a big deal. You think about it. We brought in \$2,200 billion, and this is \$100 billion—about 5 percent of the entire estimated revenue we had in the government last year. To miss that on one part of one bill is very troubling to me. We are fighting every day, wrestling with a highway bill, and we came up \$2 billion short over 2 years. And the whole bill is held up, votes on it, points of order raised on it, and here, blithely, into the President's budget comes another \$111 billion. I am sure there can be some explanation for it, but I really do think the American people, don't you, are owed a prepared Secretary before the Budget Committee who can lay out explanations for what this is so we will know how much over cost we already are on this plan.

Mr. JOHNSON of Wisconsin. It is \$100 billion here, \$100 billion there, and it starts adding up to real money, doesn't it.

And so people don't think these 90 million people getting dropped from their employer coverage is a fantasy, it is not. It is realistic. I bought health care for the last 31 years, and the decision an employer is going to make is going to be easy. It is not going to be a complex management decision. Because of the health care law, an employer is going to be faced with saying: OK, I can pay \$15,000 for family coverage or I can pay the \$2,000 penalty. And because of the health care subsidies, they are not exposing their employees to financial risk, they are making them eligible for huge subsidies. If a household earns \$64,000, they will be eligible for a \$10,000 subsidy through those exchanges.

Now, I know that probably sounds pretty good, but the problem is, when we are already running \$1.3 trillion a year deficits, we can't afford to add an-

other \$½ trillion per year to those deficits, if that were to happen. We simply can't afford it.

Mr. SESSIONS. So you are an employer. You have employees, and you have been helping them, you have been providing health coverage, and you realize, well, I can cancel my employer contributions, let the employee go to the exchanges, and they will be subsidized by the American taxpayer.

Mr. JOHNSON of Wisconsin. That is essentially it.

Mr. SESSIONS. Where is the money coming from that will provide the extra money they will need to get full coverage?

Mr. JOHNSON of Wisconsin. And if you don't drop coverage, you are denying the people who work with you the chance of taking advantage of a \$10,000 subsidy.

We have created an incentive in this health care law for employers to drop coverage and a high-level subsidy to get coverage for the people who work with them. We have created that incentive, and when government creates incentives, when government dangles a huge subsidy in front of people, we know the history of how that works—people take advantage of those subsidies. And that is my concern.

Mr. SESSIONS. What about a new business—some small business starts up, and they are thinking about whether they are going to provide health care for their employees, and they have the option of the exchanges. Do you think a new business would be even more likely to not provide coverage and let the employee go to the subsidized exchange?

Mr. JOHNSON of Wisconsin. Sure. Because they know their cost is going to be \$2,000 per employee.

The Senator was telling me a story earlier about some employers in Alabama that because it is a low-margin business, they simply can't afford to offer health care. The result of the health care law—why doesn't the Senator tell the story.

Mr. SESSIONS. I had a number of people in a meeting I was at explain the realities of it.

They told us the whole fear of regulation and the health care bill and the revenue that is going to be extracted from them to pay for it would result in lesser employees, making it impossible for them to provide the coverage. One told me they could lose as many as 70 employees. I remember that figure.

Mr. JOHNSON of Wisconsin. Again, this law will cost jobs. It is going to blow a hole in our deficit, and we haven't even talked about the quality aspect; how it is going to harm the health care system, how it will lead to rationing, and the type of medical motivation.

The Senator heard the story about my daughter and these marvelous surgeons. When my daughter was first born with a serious congenital heart defect, one of these wonderful human beings came in at 1:30 in the morning

and saved her life. Then, 8 months later, when her heart was the size of a plum, they reconstructed the upper chamber of her heart so that now her heart operates backward.

We are going to limit those types of innovations that saved my daughter's life. We are not going to have that type of advancement in medicine if the government takes over control of our health care system.

So the effect on our budget—the uncertainty in terms of how it is going to destroy and explode our deficits versus the harm it is going to cause the quality of care—leads to rationing, lower innovation. When it is all put together, I think the greatest single priority we have to have moving forward is we have to make sure the brakes are put on this health care law, that it is repealed, and, again, replaced with patient-centered, free market-based reforms.

Mr. SESSIONS. It is not fully implemented yet. There are a lot of opportunities for us to get off this train before a disaster occurs. I truly believe it is not too late for us to alter the course.

I think the American people have never been happy with it. They have been told they wouldn't have to give up their health care. They were told it was going to bring down the cost curve and reduce the costs, and they were told it was going to pay for itself; there would be more money coming in than the bill would cost.

Would the Senator say all three of those promises have now already been proven false?

Mr. JOHNSON of Wisconsin. Absolutely. Look at the name of it, the Patient Protection and Affordable Care Act. It is not going to protect patients.

If we are going to lower the quality of care, if it is going to result in rationing, if it limits innovation, how does that protect patients?

The affordable care act, the Senator just ticked off the three reasons it is not going to be affordable: It is going to drive up costs. It is not bending the cost curve down. It is a fiction. The health care law is a fiction. I am so appreciative of the Senator's efforts at again making sure that, before this bill is fully implemented—we both are dedicated to making sure the American people fully understand the full, true cost of this health care law both on quality and the effect on our budget.

Mr. SESSIONS. I will add one more thought to the costs, and I have looked at this very carefully.

On December 23, the night before the bill passed, I got a letter back from the Director of the Congressional Budget Office, who also had stated it would create a surplus in the bill of \$143 billion based on conventional accounting procedures. I asked him: Were they not double counting the money, about \$400 billion? Were they not double counting it, counting it as income to Medicare and counting it as money available to fund the bill here, President Obama's ObamaCare? Weren't they using the money twice?



Think about that. Here we are on the eve of a vote, December 23, the vote is tomorrow morning, December 24, and we are not agreed on whether the money is being double counted. He wrote back and said it is being double counted, "although the conventions of accounting might suggest otherwise."

The way they scored this bill was carefully done by experts to get the score they got, that it would make a surplus of \$140 billion. But the money was Medicare money. They raised taxes for Medicare. They cut costs for Medicare. It created some money in Medicare, but the money was borrowed by the U.S. Treasury and spent on this new program. The money is owed to the Medicare trustees, who are trustees by law. They are holding debt instruments from the United States. But because it is an internal debt, it doesn't score. That may seem complicated, but it is not. Trust me, they borrowed this money. Sooner or later, when Medicare is going into deep financial distress, they will call their bonds from the Treasury and the Treasury is going to have to pay it, and they are going to borrow the money on the open market is what they are going to do so they can pay the Medicare trustees the money they borrowed from them. This is not a good way to do business. That is just one of the additional problems we have with this.

But, I thank Senator JOHNSON for focusing on all these issues but particularly for raising the cost of the exchanges. Because that, by any estimate—wouldn't the Senator agree—is a dangerous number. It could surge above the number we are at. Does the Senator think most any person, even if they thought it would be 1 million people, would have to admit it could be 5, 10 or 20 million people? Nobody knows for sure.

Mr. JOHNSON of Wisconsin. Exactly. That is why I am so thankful that CBO Director Elmendorf understands there is some pretty credible evidence to have the CBO revisit that estimate.

I spoke with him last week. It looks like they are working hard to provide us that information. I am looking forward to seeing that and seeing what their revised estimate is for the number of people losing their coverage, but even more important, to figure out what that per person cost is.

Maybe we will not agree. He might do a very economic analysis. Certainly, somebody such as myself who actually bought health care understands the mindset and the decision of an employer. But even if we disagree on the number of people, if we have that total dollar amount of cost per person in that exchange, we will be able to show that to the American people. So if he comes up with X and I say, no, it is X plus 30, 40, 50 million people, then at least the American people have that information, and they can judge for themselves what they think the realistic estimate is for people losing their coverage and getting their insurance

through the subsidized exchanges. That information is what the American people deserve, and that is why I am so appreciative of the Senator's efforts. I know he is going to be, just with me, making sure that, again, we know what the true cost of this health care law is before we implement it.

Mr. SESSIONS. We have to know that. We have a responsibility, as representatives of the people, to understand are we talking about another \$100 billion in cost over just 1 year's time that we weren't expecting.

I believe the Budget Committee is a good forum to have that. The Senator and I serve on that committee, and I hope Senator CONRAD can agree and would agree to give Secretary Sebelius an opportunity to state her view of the situation.

I have to say, I am more and more convinced that we cannot afford this health care bill. We cannot afford it. We don't have the money. We don't have the money. I think it will damage health care, and we have had a lot of debate and experts tell us that, and it will reduce the quality of care in America. But what I am saying to the Senator is, we can't afford it, and it threatens the financial viability of our future. We need to save Medicare and Social Security, the programs we have. It would be a terrible tragedy if we start off on another program. As the Senator talked about Medicare 30 years ago, 40 years ago, it surged way beyond any estimate they would ever have expected in terms of costs.

If we start on another program, I don't see how this country can sustain it. The entitlements we have today are now taking up about 60 percent of the entire budget of America: Social Security, Medicare, Medicaid. Over 50 percent, almost 60 percent of our entire spending goes for those three programs. To start another massive new program, when those are all unsound financially and in crisis and need to be fixed, is the height of foolishness, in my opinion.

I hope we can have a good hearing. I thank the Senator for his leadership; he is a great addition to the Budget Committee. I thank him for spending hours digging into these numbers, bringing his business and accounting skills to bear, and letting our lawyer bunch benefit from somebody who can actually add and subtract.

Mr. JOHNSON of Wisconsin. I thank the Senator for his leadership.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

## THE ECONOMY

Mr. KYL. Mr. President, I come to the floor today to respond to some arguments made in a recent opinion article by the chairman and ranking member of the Senate and House Budget Committees, respectively. It is entitled "GOP Budget Attacks Misguided." The crux of the piece is that President Obama has made great progress in improving the economic outlook, and it would improve even more if only Republicans would embrace his policies.

The first set of claims I want to respond to relates to the strength of the economic recovery. The authors write that "we've come a long way" since the peak of the recession thanks to "actions taken by the Obama administration" and have had "23 consecutive months of private-sector job growth."

To start, I don't think the 12.8 million unemployed Americans would agree we have come a long way. Indeed, it has been 2½ years since the recession technically ended, and we are still experiencing the weakest recovery since the Great Depression. Growth is anemic, and there are 700,000 fewer employed Americans today than when President Obama took office.

Although it has been 3 years since passage of the stimulus bill, unemployment has been above 8 percent for the last 35 months. Remember, this legislation was sold as a way to keep unemployment below 8 percent. These are some of the signs that "actions taken by the administration" are not working to get Americans back to work or improving the economy.

Regarding the claim that America has had 23 consecutive months of private sector job growth, the President has been citing this number on the campaign trail, averring that 3.7 million jobs were created during that time. But the claim doesn't stand up to scrutiny. Those who cite it don't account for the role new workforce entrants play in employment statistics.

Economists generally agree that for employment to hold even, about 150,000 jobs must be created each month to employ new entrants into the workforce. These people include those who recently concluded military service or family obligations and recent graduates. If we multiply 150,000 by 23 months, we get about 3.45 million jobs. That means even by the administration's own figures, only about 250,000 new jobs have been created in roughly 2 years.

Moreover, according to the Bureau of Labor Statistics, the net positive increase in payrolls was above 150,000 during just 9 of the 23 months to which the set referred. So, yes, it would have been nice to have 23 consecutive months of private sector job growth, but that is not what happened. Again, we need 150,000 just to stay even with the new people entering the workforce, and in only 9 of these 23 months did the economy produce that many jobs.

The second set of claims I want to discuss relates to supposed blame on

Republicans for the debt and the hampering of a stronger recovery. The authors of this op-ed claim that “while the deficit has remained high over the past 3 years, that is largely a result of the policies of the previous Republican administration.”

Let’s take a look at the actual deficit numbers. Labeling the last three deficits as “high” is quite an understatement. According to President Obama’s own budget numbers, in 2009 the deficit was \$1.4 trillion. In 2010 the deficit was \$1.3 trillion. In 2011 it was, again, \$1.3 trillion. The deficit this year is expected to top \$1.3 trillion.

At the end of the budget window, in 2022, the deficit is projected to be \$704 billion. The highest deficit under President Bush was \$458 billion, in 2008. Every deficit under President Obama has been almost three times that figure—more than double. But President Obama should not be accountable for the debt problem? How does that work?

The President and his supporters like to point out that the budget contains \$4 trillion in deficit reduction over the next 10 years. But most of this reduction is based on new taxes and gimmicks, such as alleged “savings” from actions that Congress has already taken or from ending operations in Iraq and Afghanistan.

As a USA Today editorial quoted today:

[The budget] relies on gimmicks and avoids some problems instead of tackling them. . . . Most glaringly, Obama takes credit for about \$850 billion in savings from winding down the wars in Iraq and Afghanistan, which were paid for with borrowed money in the first place.

These were not actual savings. The Committee for a Responsible Budget put it this way:

When you finish college, you don’t suddenly have thousands of dollars a year to spend elsewhere. In fact, you have to find a way to pay back your loans.

Regarding the supposed problem of Republican resistance to demand-based policies, there is a major misconception that consumption fueled by government spending actually creates jobs. This is the stimulus myth. It does not. It just inefficiently moves money around from one pocket to another or one taxpayer to another. That helps explain why the stimulus failed.

If Americans cannot spend enough money to stimulate more demand, how can the Government accomplish that for us? It is our money that is being spent. Simply put, demand policies do not work. There have been ample opportunities to prove otherwise in recent years. Let’s remember the President got everything he wanted from Congress during his first 2 years in office. He has been in office a little over 3 years. The first 2 years there was a Democratic House and a Democratic Senate. The 111th Congress passed all of the demand-based policies he asked for: spending, temporary tax credits, tax holidays, the stimulus. Yet here we are.

A better idea is to encourage economic activity and greater opportunity through the supply side of the economy. That means reducing government consumption of taxpayer dollars and not raising taxes on anyone, especially job creators.

That brings me to the third set of claims involving the notion of “balance.” The authors claim the budget “calls for a balanced approach . . . with everyone sharing responsibility for deficit reduction.” They also note that balance is “missing from the GOP approach.”

Balance in the Obama budget, of course, means higher taxes. I ask how is it balanced to tax job-creating small businesses even more than they are being taxed today?

According to the Joint Committee on Taxation, nearly 750,000 flow-through businesses—these are the small businesses, the businesses that pay their taxes as individuals—nearly 750,000 would be subject to the President’s proposed tax rate hikes that would take effect on January 1 of next year. One-quarter of our Nation’s workforce depends on these employers for a paycheck.

According to the National Federation of Independent Businesses, up to 25 percent of the workforce is employed by businesses that will be affected by the President’s proposed tax hikes. Perhaps job growth is so slow because these job creators are skittish because they do not have certainty, and they certainly have not for a long time. In fact, the only thing they can see is the President’s attempts to impose more taxes on them.

The specter of tax hikes has loomed for years and has inhibited job growth. If the tax increases actually occur, we can be sure any economic growth we might be perceiving will be killed.

Finally, the authors claim the President “has demonstrated that he was willing to go the extra mile to reach a bipartisan deficit reduction agreement.” I will note that the debt talks fell apart last summer because the President dug in his heels and insisted on harmful tax increases that Republicans, of course, opposed, for the reasons I just noted. When we had another opportunity to do something about the debt this fall, the President was not particularly helpful or encouraging. Often missing in action, he never participated in the process. The plan put forward by the Republican Senator from Pennsylvania at the time was the only balanced approach that put significant revenue on the table in the context of progrowth tax reform.

The majority whip called it a “breakthrough,” but it was never enough for the other side. So here we are, still debating this subject. So much for the President going the extra mile.

In conclusion, I would like to say the President’s budget is more of the same spending, taxes, and debt we have seen for the last 3 years. Last year the budget was so unpopular with the American

people that the Senate voted it down 97 to 0. Not a single member of the President’s party voted for his budget. The massive amounts of spending, taxing, and borrowing in his budget will hinder an economic recovery. In times like these we have to focus on growing our economy, not our Government and debt.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### UNANIMOUS CONSENT REQUEST— H.R. 3606

Mr. KYL. Mr. President, on behalf of the Republican leader, I ask unanimous consent, notwithstanding any other rule of the Senate, that immediately following the disposition of the pending Transportation bill, the Senate proceed to the consideration of H.R. 3606, a bill received from the House, which would increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; I further ask that the bill remain the pending business to the exclusion of all other business until it is disposed of.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, last week the House passed their jobs bill. The purpose of that bill was to loosen securities regulations for small businesses. It is what they call a jobs act. It is not going to create a lot of jobs, but it is important legislation. The House passed a bill 390 to 23 last Thursday. The White House issued a statement supporting the legislation.

This piece of legislation clearly needs to be brought before the Senate as soon as we can. We will work to get a consent agreement and provide for the consideration of a handful of amendments to the legislation. I would be more than happy to work with the Senator to get a short time agreement for its consideration.

One of the issues I alert my friends to is that we have been working diligently for a way to get the Import/Export Bank reauthorized. It is so important to do that. I met recently with the head of Boeing. It is so important for their business and many other businesses. It is a job-creating measure.

I am not going to have that hold up this legislation, but at least I am going to have a substitute we can dispose of

quickly if I can't get my friends to agree to do this, to have a vote on that. There are a few things we need to do.

I suggest to everyone I know how important this is to get finished. I don't need anybody to suggest we are not going to do that. We are. I wish to get it done this work period. In Senate time, that is pretty fast because we don't have the bill yet from the House. That is why I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, I appreciate what the majority leader said. He is right about the importance of the legislation approved by majorities of both parties of the House of Representatives. I join him in hoping we can bring this to the floor as soon as possible with an agreement so we can consider it and try to provide some economic growth so people can go back to work in America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 408, 441, 461, 462, 463, 464, 497, 509, 510, 528, 568, 569, 570, 571, 610, 612, and 613.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will state the nominations.

The assistant legislative clerk read as follows:

Gina Marie Groh, of West Virginia, to be United States District Judge for the Northern District of West Virginia.

David Nuffer, of Utah, to be United States District Judge for the District of Utah.

Michael Walter Fitzgerald, of California, to be United States District Judge for the Central District of California.

Ronnie Abrams, of New York, to be United States District Judge for the Southern District of New York.

Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia.

Miranda Du, of Nevada, to be United States District Judge for the District of Nevada.

Susie Morgan, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Gregg Jeffrey Costa, of Texas, to be United States District Judge for the Southern District of Texas.

David Campos Guaderrama, of Texas, to be United States District Judge for the Western District of Texas.

Brian C. Wimes, of Missouri, to be United States District Judge for the Eastern and Western Districts of Missouri.

Kristine Gerhard Baker, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

John Z. Lee, of Illinois, to be United States District Judge for the Northern District of Illinois.

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.

Jeffrey J. Helmick, of Ohio, to be United States District Judge for the Northern District of Ohio.

Mary Geiger Lewis, of South Carolina, to be United States District Judge for the District of South Carolina.

Timothy S. Hillman, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Mr. REID. Mr. President, I have cloture motions relative to each of these district court nominees at the desk, and I ask unanimous consent that it be in order for them to be filed now.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The cloture motions having been presented under rule XXII, the Chair directs the clerk to read the motions:

The assistant legislative clerk read as follows:

#### CLOTURE MOTIONS

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Gina Marie Groh, of West Virginia, to be United States District Judge for the Northern District of West Virginia.

Harry Reid, Joe Manchin III, Sherrod Brown, Tom Udall, Patty Murray, Mark Begich, Herb Kohl, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard Blumenthal, Benjamin L. Cardin, Christopher A. Coons, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, Joseph I. Lieberman, Charles E. Schumer.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of David Nuffer, of Utah, to be United States District Judge for the District of Utah.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Michael Walter Fitzgerald, of California, to be United States District Judge for the Central District of California.

Harry Reid, Joe Manchin III, Sherrod Brown, Tom Udall, Patty Murray, Mark Begich, Herb Kohl, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard Blumenthal, Benjamin L. Cardin, Christopher A. Coons, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, Joseph I. Lieberman, Charles E. Schumer.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Ronnie Abrams, of New York, to be United States District Judge for the Southern District of New York.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennett, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Miranda Du, of Nevada, to be United States District Judge for the District of Nevada.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Susie Morgan, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Gregg Jeffrey Costa, of Texas, to be United States District Judge for the Southern District of Texas.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of David Campos Guaderrama, of Texas, to be United States District Judge for the Western District of Texas.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Brian C. Wimes, of Missouri, to be United States District Judge for the Eastern and Western Districts of Missouri.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Kristine Gerhard Baker, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of John Z. Lee, of Illinois, to be United States District Judge for the Northern District of Illinois.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of George Levi Russell, III, of Maryland, to be United States District Judge for the District of Maryland.

Harry Reid, Patrick J. Leahy, Mark R. Warner, Barbara A. Mikulski, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Richard J. Durbin, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of John J. Tharp, Jr., of Illinois, to be United States District Judge for the Northern District of Illinois.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P.

Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Jeffrey J. Helmick, of Ohio, to be United States District Judge for the Northern District of Ohio.

Harry Reid, Patrick J. Leahy, Richard Blumenthal, Dianne Feinstein, Charles E. Schumer, Al Franken, Christopher A. Coons, Robert Menendez, Amy Klobuchar, Herb Kohl, Richard J. Durbin, Sheldon Whitehouse, Daniel K. Akaka, Jeff Bingaman, Tom Udall, Kirsten E. Gillibrand, Patty Murray.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Mary Geiger Lewis, of South Carolina, to be United States District Judge for the District of South Carolina.

Harry Reid, Patrick J. Leahy, Richard Blumenthal, Dianne Feinstein, Charles E. Schumer, Al Franken, Christopher A. Coons, Robert Menendez, Amy Klobuchar, Herb Kohl, Richard J. Durbin, Sheldon Whitehouse, Daniel K. Akaka, Jeff Bingaman, Tom Udall, Kirsten E. Gillibrand, Patty Murray.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Timothy S. Hillman, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Harry Reid, Patrick J. Leahy, Richard Blumenthal, Dianne Feinstein, Charles E. Schumer, Al Franken, Christopher A. Coons, Robert Menendez, Amy Klobuchar, Herb Kohl, Richard J. Durbin, Sheldon Whitehouse, John F. Kerry, Daniel K. Akaka, Jeff Bingaman, Tom Udall, Kirsten E. Gillibrand, Patty Murray.

#### LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent that the Senate now resume legislative session.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Illinois.

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

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

#### ORDER OF PROCEDURE

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

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

#### JUDICIAL NOMINATIONS

Mr. DURBIN. Madam President, I rise to speak about the issue of judicial

nominations. Our Nation faces a serious problem: 1 out of every 10 Federal judgeships is vacant. Yet we continue to see—unfortunately and sadly—unprecedented obstruction from the other side of the aisle when it comes to these nominations. Right now on the Executive Calendar of the Senate there are 22 judicial nominations pending. Twelve of these 22 were successfully voted out of the Judiciary Committee last year, 2 of them as far back as October, and 17 of the nominees currently on the calendar were voted out with strong bipartisan support. Additionally, 13 of the 22 nominees who are being held have the approval of the Republican Senator from the State where the nomination has been made.

Despite the fact these nominations are not controversial, that they passed by a bipartisan vote in the Judiciary Committee and out of the committee, they still languish on the calendar because of Republican objections.

I know people get tired and say: I wish you all weren't so partisan around here. Well, I hate to give a speech where most will say that is just a partisan speech, but we are talking about nominees who have bipartisan support, with a strong vote coming out of committee being held on the calendar. Despite the fact they are noncontroversial, there have been objections to up-and-down votes. All we ask for is to just give them a vote. It is not right. Unfortunately, it is a new development in the Senate.

It used to be when a noncontroversial district or circuit court nominee was reported out of the Senate Judiciary Committee with bipartisan support, that nominee would literally be approved on the Senate floor usually by voice vote within a matter of days. Even when there were battles over the controversial Supreme Court or appellate court nominees, the Senate never obstructed a noncontroversial nominee at the same time, especially at the district court level.

When President Obama took office, Senate Republicans adopted a new and disturbing strategy. They began refusing to give their consent to schedule votes on almost all judicial nominees. You say to yourself: Well, what is their strategy? It is very apparent. They are praying, of course, that a Republican will be elected President and they can fill the vacancies. They want them to continue to have empty seats on our judicial courts for the remainder of this year until the election. President Obama's nominees have been subjected to an unprecedented level of obstruction by the Republicans, more than any other President has received.

Listen to this: President Obama's district court nominees have waited an average of 93 days on the Senate Executive Calendar between a committee vote and a floor vote. How about George W. Bush? How long did his nominees sit on the calendar before Democrats would let them have a vote?

Only 24 days. So 93 days under the Republicans, 24 days under the Democrats.

President Obama's confirmed circuit court nominees have been forced to wait an average of 136 days for a floor vote. President Bush's circuit court nominees waited an average of 29 days. So 136 days, way over 4 months for the Obama nominees, and less than 1 month for the Bush nominees.

Overall, at this point in their terms, President Obama had 131 nominees confirmed at the Federal, circuit, and district court level compared to 172 for President Bush and 183 for President Clinton. It is so obvious the Republicans are stopping worthy bipartisan nominees for strictly political reasons.

Current judicial vacancies at this point in President Obama's term are 83, nearly double the 46 vacancies of President Bush's term. I know my Republican colleagues sometimes argue that President Obama is too slow to make nominations, but that argument doesn't explain what happens after the nominations have been made, cleared investigations, cleared the committee, and reached the Senate calendar.

Right now there are 39 judicial nominees pending either before the Judiciary Committee or on the floor of the Senate. Promptly confirming these numbers would bring President Obama's confirmation numbers close to President Bush's. But still the obstruction continues.

Some might argue that blocking judicial nominees is just another one of those silly partisan games in Washington. But, unfortunately, this obstruction has real impact across America. There are 35 judicial vacancies that have been designated judicial emergencies by the nonpartisan Administrative Office of the U.S. Courts. That means the Federal courts are so flooded with heavy workloads that the failure to fill the vacancies makes it even worse. It means justice will be delayed. And when justice is delayed, many times it is denied. When court systems suffer from lack of judges on the bench, the administration of justice suffers at every level, criminal and civil.

All Americans rely on the Federal courts to protect their constitutional rights, keep dangerous criminals off the streets, and resolve their disputes. When judgeships are vacant and judges remain overburdened, the American people may be denied their day in court.

Right now, the Northern District of Illinois—that would be Chicago, northern Illinois—is one of the districts where a judicial emergency has been declared. The chief judge of the district, Judge Jim Holderman, an appointee under a Republican President, recently sent a letter to me and my colleague Senator KIRK urging the Senate to move quickly on two nominees sitting on the calendar—John Lee, my nominee approved by Senator KIRK, and Jay Tharp, Senator KIRK's nomi-

nee approved by me. A bipartisan judicial selection committee chose these nominees, and both of us signed off on them. Isn't that what America wants, that we work together? So why are they sitting on a calendar? There is an emergency in the Northern District, the judge has asked for help, we have agreed on a bipartisan basis how to fill the vacancies, yet they languish on the calendar.

I wanted to take this opportunity to briefly talk about these nominees caught up in this backlog on the Senate floor. Both of them are extraordinarily well-gifted and talented.

John Lee is currently a partner in a major law firm in Chicago, where he practices complex commercial litigation. He is the son of a coal miner and a nurse. He immigrated to this country from Korea at a young age. From humble beginnings, he went on to college and law school at Harvard. He then worked as a trial attorney in the Justice Department, and he had a great record in community service in Chicago. When he is confirmed, he will be the first Korean-American article III judge ever to serve in my State.

Jay Tharp, Senator KIRK's nominee, of whom I approve, is a partner in another major law firm in Chicago, where he leads their securities litigation practice. He is a former captain in the Marine Corps with a distinguished military career. He attended Duke University and Northwestern Law School and clerked for a Federal judge on the Seventh Circuit. For 6 years he was an assistant U.S. attorney, a prosecutor, and he has received numerous recognitions for his work in private practice.

As part of our bipartisan selection process, Senator KIRK has chosen Jay Tharp and I have chosen Mr. LEE. We have done this in the most cooperative way possible. I think it is time for the Senate to move ahead with the floor votes on these two nominees and all of the nominees. If a Senator has an objection to one of these nominees, let's call it for a vote. They can vote no. And if they don't get a majority vote, they won't be approved. That is the way this Chamber is supposed to work.

Good, decent Americans such as John Lee and Jay Tharp shouldn't have to put their lives on hold when they have volunteered to be nominees to the Federal court. In most instances, those who step up and ask for this opportunity of public service are actually taking a cut in pay from what they could be paid in private practice. They are willing to make a sacrifice. Their families are willing to make it. But now we leave them in this limbo. They are caught in this political limbo created by the Republicans in an effort to stack up judges like cordwood on the calendar in the hopes that come November, they will get a Republican President who will fill these vacancies with true believers.

That isn't fair. It doesn't reflect the reality when President Obama was elected to serve and to fill these vacan-

cies in a meaningful way. The process is bipartisan. Certainly, the Senate's consideration of nominees should be bipartisan as well.

I see the Senator from Michigan on the floor. I wish to make one additional statement, if I might, relative to an issue in my home State of Illinois. I will be very brief, but it is something that means a lot to me and to my State.

#### ILLINOIS TORNADOES

Mr. DURBIN. Madam President, it was just about 10 days ago that a tornado struck Harrisburg, IL. This is a picture of some of the devastation. It doesn't tell the story.

I have been a child of Illinois and grew up in what we consider to be Tornado Alley. Being dragged out of bed in the middle of the night with the air raid siren blaring and my dad heading down into the basement was just one of the rites of passage. Luckily, our home was never hit, but we saw a lot of homes that were. They might have some shingles torn off and siding ripped away, windows broken, and maybe in the worst case a roof actually lifted off a house.

This case here was an extraordinary one. The picture can't even depict the story. It was a level 4 tornado—and level 5 is the highest—with 175 mile-an-hour winds, or winds more powerful than Hurricane Katrina, and it hit this little town of Harrisburg, IL, and about 20 miles away the town of Ridgway, IL.

I went down and took a look. I saw homes that had been torn off their slab foundations and tossed around like toys. Seven people died as a result of this tornado. There might have been more, but it was a tornado that struck at about 5 a.m., and many people were home. Had they been outside or shopping at one of the malls that were obliterated, many more people would have died. Fortunately, more didn't.

The heroic efforts by the local people at every single level really made me proud to represent that State and my family having roots in that part of the State. It was a great outpouring of caring, affection, and even bravery as people rescued those who were lost and covered by the debris. The Red Cross was on the scene right away. The Illinois Emergency Management Agency was there as well. Everybody pitched in, both in Harrisburg and in Ridgway.

We finished our job, and we heard, as I was leaving on Saturday—this was 10 days ago—that the Federal agencies were on their way this last Monday, a week ago today. I felt confident, Gov. Pat Quinn of Illinois felt confident, and our State emergency management director, Jonathan Monken, also felt confident that we would get the Federal designation. That is why it was absolutely stunning when we learned yesterday that FEMA turned down these communities.

Take a look at this shopping center that literally collapsed. Fortunately,

no one was in it at 5 a.m. The devastation from 175 mile-an-hour winds could be seen all over Harrisburg and the town of Ridgway, where the local Catholic church was devastated.

This decision by FEMA is out of touch with reality—the reality of the damage and the suffering and the reality of this notion that somehow the State and local governments can take care of this.

Historically we have said that when a storm reaches a certain threshold of damage, the Federal Government steps in. In my time in the House and Senate, I have never, ever questioned that decision. I have stepped up to help every State in the Union with disaster assistance, knowing that this could happen to my State.

Now, when FEMA says we don't qualify for Federal assistance, it means that the Small Business Administration is not likely to help businesses in the area with disaster recovery small business loans, for example. As we can see from the photos I have shown, disaster loans are going to be desperately needed by businesses in the area. Harrisburg is going to have a difficult if not impossible time coming back from this disaster without help.

Our State of Illinois can't do it on its own. Governor Quinn and Jonathan Monken have determined that the damage is just too severe for the State. I spoke with the Governor this morning. He is going to appeal the FEMA decision. We are joining him, on a bipartisan basis—Senator KIRK's office is joining our office—to appeal this FEMA decision. Come Wednesday, in my office here in the U.S. Capitol, we are inviting the Administrator of FEMA to come in and make the case as to why this devastation doesn't warrant Federal disaster designation. Sixteen thousand people in these small communities have been displaced from their homes. Local leaders and volunteers have turned up from everywhere, but they can't do it alone. We need to have the Federal Government providing its level of assistance to make sure these communities are made whole, put back together so life can go on. We can never, ever replace the seven lives that were lost, but let's replace the spirit of those communities with Federal, State, and local cooperation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, before I speak about an amendment I have on the Transportation bill, I wish to commend my friend, the Senator from Illinois, for fighting for his people. I understand what it is like to have devastation happen in a State, and I want to thank him and let him know the people of Michigan certainly stand with the people of Illinois and want to be supportive at a time like this because this could happen to any one of us. So I thank him for being such a champion for the people he represents.

#### ENERGY TAX EXTENDERS

Ms. STABENOW. Madam President, I rise today to urge my colleagues to support an amendment that will be coming up tomorrow for a vote—a very important amendment for the economy. It is my amendment No. 1812 that would stop a tax increase on American businesses that are creating clean energy jobs by extending the energy tax cuts. These energy tax credits have been so important to stimulating the diversity of opportunity for us in terms of energy sources, and things are beginning to move. It would be such an error to stop or slow this down at this point.

We have right now over 26 different national organizations that have endorsed this, and more are coming, but let me just mention a few. The National Association of Manufacturers, the U.S. Chamber of Commerce, the American Wind Energy Association, the Solar Energy Association, the Alliance for Clean Energy, Biotech Industry Association, Renewable Fuels—it goes on and on. A number of folks understand that this means jobs, including the United Steel Workers, as well as the Propane Gas Association, the National Electric Manufacturers, the National Wildlife Association, the Sierra Club, the League of Conservation Voters. The list goes on and on. This has broad bipartisan support, including industry workers and those who care very much from an environmental standpoint about what is happening to our country. All have come together to support this amendment to stop a tax increase on our businesses that are creating jobs through clean energy technologies.

All across the country businesses big and small are creating jobs and bringing manufacturing jobs back to America, building the technology that is powering our future. We all understand that part of the next round in terms of growing a strong economy really is around energy—all sources of energy. I am a let's-do-it-all person, but we have to make sure we have energy choices and opportunities for those businesses to grow.

We have entrepreneurs inventing new technology, building plants, hiring workers, producing cutting-edge new products that save consumers money and, importantly, reduce our dependence on foreign oil. Especially now, when gas prices are going through the roof—and believe me, as I drive around Michigan looking at the gas pumps, it is outrageous what is happening right now—when families are struggling more than ever to fill their tanks, we shouldn't be raising taxes on the innovators and the job creators who are helping to lower American families' energy bills, and that is what the vote tomorrow is about.

My amendment does a number of things. It extends current policy that puts in place this new ability to create jobs, energy, get us off the floor and going. It extends this extremely successful advanced energy manufacturing

tax credit that has been called 48C. This is something I was proud to author, working with our chairman of the Energy Committee, Senator BINGAMAN. We have 43 States where businesses have been able to get a 30-percent tax cut for companies that expand, reequip, and build new plants in the United States to produce clean energy technology.

I want to see "Made in America" again, and I know the Presiding Officer does too. This tax cut is what is helping to make that happen.

In Michigan, a number of innovative companies were able to use this tax cut to create jobs, building amazing new products. Here are just a few examples. I was just with the Dow CEO today, someone who is so focused on sustainability and creating energy alternatives. Dow is building solar shingles, among other things, along with new advanced battery technologies.

But the solar shingles are really something to see. They are called the "Power Shingle." You put them on your roof just like regular shingles. You roll it out and install it just like regular shingles, and they generate electricity for your home or business.

These are new technologies that are creating opportunities for suppliers and small businesses all around the Midland, Saginaw, and Bay City area in Michigan.

Ventower Industries builds huge towers for wind turbines. They just opened their plant down in the southeastern part of Michigan, in Monroe, MI. They expect to build as many as 250 wind turbine towers—the big towers—every year.

On the west side of the State, Energetx Composites used to manufacture luxury yachts. They have turned their facility and their big bays that made those yachts—thanks to the 48C manufacturing tax cut—into a facility that is now producing wind turbine blades and other advanced materials.

My amendment also extends the tax cut for companies that produce energy-efficient appliances; grants in lieu of tax credits; tax cuts for companies that install charging stations for our new, great electric vehicles; tax cuts for companies producing the next generation of cellulosic biofuels, and much more.

It also extends the extremely important production tax credit, this tax cut for wind energy, which supports businesses and utilities that produce electricity from wind.

There are more than 8 million households in the United States that rely on wind energy for their electricity. In South Dakota and Iowa more than 20 percent of their electricity is generated by wind. Nationwide more than a half million jobs are related to wind energy production so far. In my State of Michigan alone there are 31 facilities manufacturing components for wind energy and 6 more in the works. I might just add, one of those great big wind turbines has 8,000 parts, and we

can manufacture every single one of those in Michigan.

When I look at the opportunities around new clean energy manufacturing, I see jobs in every single part for wind, for solar, for electric vehicles. Any of the areas around clean energy creates thousands of jobs.

It is about the future. Now is not the time to raise taxes on these companies. If we do not extend these tax cuts, that is exactly what is going to happen.

Our economy is slowly coming back, as we know, and manufacturing and clean energy business owners have been leading the way. There are nearly 2.7 million people whose jobs depend on this new part of our economy—the clean energy economy. These are good jobs. This is part of moving our country forward so we can compete successfully in the global economy and keep jobs here.

Right now we are in a race with China and Germany and other countries that want to lead the world in clean energy production. They have made clean energy manufacturing a top priority in their tax policy, in their investment strategy. We know, in fact, in China alone they are spending hundreds of millions of dollars every single day trying to beat us in the clean energy production business.

We should not turn our back on the American businesses that are fighting to compete with countries such as China. We should not turn our back on the millions of people whose jobs depend on the strength of these businesses. We should not turn our back on the opportunity to truly diversify our energy sources so we can get off foreign oil and not have to worry about what that price sign is at the pump.

I strongly urge my colleagues to join together on this amendment, to support it tomorrow, to provide certainty for our businesses and our job creators. This has wide backing from business, from labor organizations, from the environmental and clean energy community. It is a chance to come together and create some certainty for a very important and exciting new part of our economy that is critical for us as we climb out of this recession and create jobs for our American citizens.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1813, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Pending:

Roberts amendment No. 1826, of a perfecting nature.

McCain modified amendment No. 1669, to enhance the natural quiet and safety of airspace of the Grand Canyon National Park.

Corker amendment No. 1785, to lower the FY13 discretionary budget authority cap as set in the Balanced Budget and Emergency Deficit Control Act of 1985 by \$20,000,000,000 in order to offset the general fund transfers to the Highway Trust Fund.

Corker amendment No. 1810, to ensure that the aggregate amount made available for transportation projects for a fiscal year does not exceed the estimated amount available for those projects in the Highway Trust Fund for the fiscal year.

Portman-Coburn amendment No. 1736, to free States to spend gas taxes on their transportation priorities.

Portman amendment No. 1742, to allow States to permit nonhighway uses in rest areas along any highway.

Coats (for Alexander) amendment No. 1779, to make technical corrections to certain provisions relating to overflights of National Parks.

Coats (for DeMint) amendment No. 1589, to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate.

Coats (for DeMint) amendment No. 1756, to return to the individual States maximum discretionary authority and fiscal responsibility for all elements of the national surface transportation systems that are not within the direct purview of the Federal Government.

Coats-Lugar amendment No. 1517, to modify the apportionment formula to ensure that the percentage of apportioned funds received by a State is the same as the percentage of total gas taxes paid by the State.

Blunt-Casey amendment No. 1540, to modify the section relating to off-system bridges.

#### AMENDMENT NO. 1826, AS MODIFIED AND AMENDMENT NO. 1812, AS MODIFIED

Mr. REID. Madam President, I ask unanimous consent that the pending Roberts amendment No. 1826 be modified with the changes at the desk and that Senator STABENOW be permitted to modify her amendment No. 1812 with the changes that are at the desk; further, that at noon tomorrow, March 13, the Senate proceed to vote in relation to the amendments listed under the previous order and the following two amendments be the first amendments acted upon, with all other provisions of the previous order remaining in effect: DeMint amendment No. 1756 and Bingaman amendment No. 1759.

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

The amendment (No. 1826) is modified as follows:

#### SEC. 1013. EXCLUSION.

Section 0101 and Section 0102 shall not apply to the North Atlantic Planning area.

Ms. STABENOW. Madam President, on Thursday I voted for the Collins amendment No. 1660 to send a message that it is extremely important that Boiler MACT rules be done right. I have heard from manufacturers, paper companies, and the forestry industry all across the State of Michigan who rely on boilers in their plants. While I strongly support efforts to limit air pollution, I am concerned about the

impact of the proposed rules as they are now written on manufacturing businesses and jobs in Michigan.

This amendment is certainly not perfect. I have serious concerns about certain provisions such as the changes to the health-based approach that EPA uses to set emissions rules. This amendment also did not reflect the positive changes that the EPA has already made to the proposed rules. It is my intent to continue working with the EPA as they write their final rules to address the concerns that have been raised by Michigan employers—large and small—and to give our businesses the time necessary to comply with these new emissions rules.

It is critical that the EPA draft rules that protect our environment while also protecting our jobs and our economy.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business.

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

#### MIDWEST STORMS

Mr. MCCONNELL. Madam President, I come to the floor again today to resume a conversation with my colleagues about the incredible wave of destructive storms and tornadoes that ripped through my home State of Kentucky, along with several other States in the Midwest, on Friday March 2.

As I have already stated on this floor, these were very severe tornadoes, with at least 11 funnel clouds confirmed to have touched down in the Bluegrass State by the National Weather Service, blowing at wind speeds up to 125 miles per hour.

We now know that these deadly storms claimed 23 lives in Kentucky, and more than 300 were injured. We have heard stories like that of Stephanie Decker, currently in stable condition at the University Hospital of Louisville, who raced home during the storm just in time to hurry her 8-year-old son and 5-year-old daughter into the basement of their three-story, brick-and-stone house.

She covered their tiny bodies with her own as the tornado crashed the house down on top of them. Stephanie has lost one leg above the knee and the other above the ankle, but her children survived without a scratch.

The weekend immediately after the storms I visited the part of Kentucky that was arguably hardest hit by them, the town of West Liberty. The town is home to just 3,400 people—and all 3,400 lives have been thrown into chaos, as virtually the entire population had to be evacuated.

Churches, homes, schools, and businesses are reduced to rubble. The town courthouse and city hall are both in ruins. Basically, this once-thriving,

happy little community is now barely there.

Scenes from West Liberty are replicated across the State in places like Magoffin, Menifee, Kenton, Morgan, Laurel, Lawrence, Martin, Pulaski, Johnson, and Trimble counties, which are among the hardest hit.

And too many Kentucky families are mourning what was taken from them by the storms that can never be replaced.

In Lawrence County, Joyce Chaffins, 65, and her granddaughter, 14-year-old Samantha Wood, died when a tornado struck their home. Samantha was a ninth-grader at Lawrence County High School, where she played in the band and was a member of the National Junior Honor Society.

The storm has also claimed James Gregory Brooks, 48, Donald L. Beemon, 78, and Linda Beemon, 73, of Kenton County.

In Johnson County, in Middle Fork, a tornado ripped the home of Gregory Perry, 20, right off its foundation and carried it over a 25-foot embankment into rushing creek rapids, where, according to the county coroner, the house “just disintegrated.”

Gregory was killed, along with Sean Shepherd, a 16-year-old boy from Prestonsburg who had the misfortune of visiting Gregory at the time.

More lives taken by this destructive force of nature include Sherman DeWayne Allen, 49, Debbie Allen, 49; Wilburn Pitman, 81, Virginia Pitman, 73, and Ethel Pruitt, 64, all of Laurel County.

In Morgan County, husband and wife Charles and Betty Sue Endicott, both in their early 50s, were caring for Charles’s mother, Elizabeth Endicott, 72, after her recovery from a stroke.

A tornado struck their trailer home, killing all three of them. Charles’s sister, Marita Moore, surveyed the scene of destruction and said this: “There’s not even a memory left down there.”

More Kentucky families who do not deserve such a painful loss include the families of Beverly Bowman, 47, Anita Smith, 53, and Vershal Brown, 79, all of Menifee County; and Alex Clayton Dulin, 86, Emma Dean Cecil, 87, and Wilmer Cecil, 90, all of Morgan County.

In Pulaski County, 74-year-old Helen Placke was found dead in her home. She had sought shelter from the storms inside a closet—but to no avail.

In Kenton County, in the town of Falmouth, Courtney Stephenson died when her car was suddenly lifted and catapulted across six lanes of traffic on I-75. She was 42 years old.

It is sobering and humbling, to think about the many wondrous technologies and abilities we have in this great country—from the medical advances that can place tiny tools into the smallest human capillaries, to our scientific discoveries that enable us to send cameras to the outermost edges of the solar system and actually take pictures of other planets and send them back to Earth.

And yet human life is still so fragile when confronted with the powerful forces of the natural world.

I would be remiss, if I did not conclude my remarks with a note of gratitude—and that is gratitude for the many brave and heroic first responders and other Kentuckians who have rushed to the aid of those hardest hit by these storms.

Over the last week, my office has been contacted by people throughout the country asking how they can help. We have pointed them to various places in the Commonwealth where the people on the ground have coordinated incredible assistance to those in need.

Volunteers from the Red Cross, the Salvation Army, Goodwill, the Kentucky Cattlemen’s Association, the United Way, and the business community have come together to provide food, blood, resources, and shelter to those in need. Many churches and civic organizations have taken up collection drives.

And many Kentuckians of good heart, without any prodding, have on their own simply loaded up their cars with bottled water, food, and whatever else they can spare and driven to scenes of tornado wreckage to ask, “How can I help?”

Government has a key role to play as well. FEMA is on the case. And my friend Senator PAUL and I have sent a letter to the President urging him to approve Governor Steve Beshear’s request for federal assistance.

The Kentucky State Police have played a vital role in collecting water, food, clothing, and other resources, and distributing them to the communities that need them.

And as always, the Kentucky National Guard is in the foreground of disaster relief. More than 220 members of the Kentucky National Guard and Air Guard were mobilized and deployed to 10 counties after Governor Steve Beshear declared a statewide emergency.

Even in the face of such tragedy, the burden on our hearts is eased by the good will and good works of so many Kentuckians willing to serve and come to the aid of their neighbors. It makes me proud to represent the people of Kentucky in this United States Senate.

#### REMEMBERING JIMMY LEE VANCE

Mr. MCCONNELL. Madam President, today I wish to pay tribute to a man who spent his life working to strengthen his local community and helping the citizens who reside there along the way. Mr. Jimmy Lee Vance of Corbin, KY, encompassed every aspect of a tried and true entrepreneur, and he had the special quality of a generous heart.

Mr. Vance was a religious man who cherished the words of the “red letters” in the Bible, words spoken by Jesus Christ. Those who knew him believe he exemplified the attributes that those letters described, and that it was a creed of love, forgiveness, and grace

by which he lived. Sadly, Jimmy Lee Vance left this world on December 20, 2011, due to complications from cancer. He was 70 years old.

Originally from Hart County, KY, Mr. Vance held an array of jobs before settling down in Corbin permanently. He served his country in the U.S. Navy, and later received a degree in accounting from Western Kentucky University on the GI bill. Jimmy took a job with the Internal Revenue Service’s office in Louisville, KY, and then purchased a Corbin CPA firm, which he spent the next few years building up before eventually selling it to Ms. Mary Lynn Long. Next, Jimmy set his sights on the areas of real estate and business management, and in these fields he would make his greatest contribution to the Commonwealth.

Jimmy honed in on the area surrounding Interstate 75 near Corbin. He and his friends put a major effort into breaking new ground and building from the ground up. After years of planning and construction lead by Mr. Vance, Corbin’s Exit 25 has become one of the most popular stops on I-75. The restaurants, movie theaters, shopping centers, and hotels just off of the exit bring in thousands of travelers each year, courtesy of Jimmy and his innovation and hard work.

Next came the billboards. Mr. Vance knew that in order to entice travelers to enter the city of Corbin, he had to let them know what was waiting for them. Jimmy was really the first man in the area to get into the billboard business. The billboards undeniably led to massive tourism in the area, and Jimmy knew this. It is amazing that advertising in its simplest form, along with Jimmy’s innovative imagination and hard work could combine for such a home-run success for the area’s economy.

Mr. Vance was instrumental in virtually every field of business in Corbin. He had help in large part from his wife Donna Barton, who was one of his best business assets. Together they owned and operated the Landmark Inn, and Donna was notorious for catering to the needs of all the Landmark Inn’s guests. The couple’s customer service was unmatched, and the family atmosphere they provided was an experience unlike any other to the people who would stay the night while traveling on I-75.

Along with hotels, Jimmy was responsible for bringing many different businesses to the area, which resulted in hundreds of new jobs for the residents of Corbin. But what truly stood out about Jimmy to the locals was his remarkable character. One Corbin-area leader said, “Sometimes when Jimmy and I had lunch, someone would come up needing money for a meal or pay bills, and Jimmy without any fanfare gave them help. Those were things about Jimmy you didn’t read in the papers.”

Jimmy Lee Vance was a humble servant of God, a beloved family man, and



a dear friend to many. All of us could learn a thing or two from Jimmy. His moral code and business skills were an inspiration to young entrepreneurs of all types. He lit a fire inside them, and that is what true leadership is all about. Jimmy's life may have come to an end, but his legacy will continue to live on; he inspired others to do great things.

At this time I would like to ask my colleagues in the Senate to join me in commemorating the life and times of Mr. Jimmy Lee Vance, a true American entrepreneur and philanthropist.

A news article was recently published in Corbin, Kentucky's own Times-Tribune newspaper, recognizing the achievements Mr. Vance made throughout his lifetime. I ask unanimous consent that the article be printed in the RECORD.

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

[From the Times-Tribune, Feb. 13, 2012]

JIMMY LEE VANCE—REMEMBRANCES OF JIMMY LEE VANCE

BORN SEPTEMBER 29, 1941—DIED DECEMBER 20, 2011

Jimmy Lee Vance was born in Hart County September 29, 1941, and raised on a small farm by his parents, the late Lee Walter and Eva Vance. He was preceded in death by his sister, Norma Reed. He graduated from Canmer High School and served in the U.S. Navy. He received an honorable discharge and used a military G.I. Bill scholarship and graduated with a BS degree in accounting from Western Kentucky University. Jimmy and his first wife, Mildred, had two children: Jason Vance (wife Kim) of Corbin, and daughter Kim (husband Shannon Rahn) of Richmond Hill, Georgia. Jimmy later married Donna Barton in 1990, and they were together until his death December 20. He left two step-children, Amber Noell and Kari Moore, and eight grandchildren, Erika Vance, Hunter Rahn, Wes Rahn, Lee Vance, Jaci Beth Noell, Lauren Moore, Jaken Noell, and Ryan Moore, and a sister, Virginia Patenaude and husband Pat of Canmer, Kentucky.

Jimmy worked for the Internal Revenue Service's Louisville office and later purchased Henry Martin's respected Corbin CPA firm. Jimmy continued the growth of the business and later sold it to Mary Lynn Long. Jimmy then focused his attention on real estate and business development. He and his partners transformed the land near Corbin's I-75 Exit 25 on Cumberland Falls Highway. This is one of the most formidable business areas off the I-75 Expressway, with the opportunity for continued growth. He was a business leader willing to take risks, with a vision of not just seeing how things are now, but how they could become with initiative and creativity.

A major Technology Center now managed by Corbin High School was one of Corbin's first major operations built on land Jimmy and his partners developed. Many meetings and training sessions have been conducted in this facility, including Chamber of Commerce luncheons, wedding receptions, and political events which have brought many people to our area. The Technology Center is impressive and will be a key asset to our area for many years.

The Corbin Arena rests on top of a mountain facing across Cumberland Falls Highway toward the Baptist Regional Medical Center and west to I-75 Exit 25. This majes-

tic entertainment center would never have happened if Jimmy and his partners and government leaders had not worked together to make it possible. The location of the arena on top of the mountain, right or wrong, can't be blamed on Jimmy. His group helped make this location for the arena possible. The challenge in making it a success rests on the shoulders of our local leaders and all of us.

Many of us enjoy visiting Applebee's or Dino's or Fiesta Mexicana for an enjoyable meal. Exit 25 has 40,000 cars and trucks pass by each day on I-75, and many stop off to eat, shop, buy gasoline, or stay in our motels. PT Pro's attractive Therapy Center adorns this property developed by Jimmy and his group. Several young business leaders such as Darryl and Mark Lawson told me, "Jimmy wasn't too busy to give us good suggestions on real estate, or tax issues, or good business ideas. He helped us so much." Sometimes when Jimmy and I had lunch, someone would come up needing money for a meal or pay bills, and Jimmy without any fanfare gave them help. Those were things about Jimmy you didn't read in the papers.

For years he and Donna owned and operated the Landmark Inn, which has been a key place for many travelers to stop for rest on tiring trips. A good Redhound buddy, Bob Coleman, who passed away last year, often came to Corbin from Bristol to see Redhound games and friends. Employees at Landmark took good care of Bobby. Jimmy and his family also owned at one time the Best Western Motel. Jimmy told me about Donna's knowledge in handling business decisions. Donna has been a valuable person in Jimmy's businesses program.

When Jimmy purchased the Holiday Inn in Williamsburg, he had a billboard on the property. It wasn't long until Jimmy was in the billboard business, and soon there were many billboards in our area. We take for granted that people will stop off the interstate and do business in our area. Jimmy's billboards brought many travelers off the interstate to businesses.

Jimmy purchased the Eagle Falls property, which could have been a great addition for Cumberland Falls State Park. Jimmy drove me on a tour of the Cumberland Falls State Park Camping and Recreation Vehicle area, and it was running out of space. Jimmy's property near the Falls area could have provided additional space to enhance the ability of Cumberland Falls to grow and offer more services. This dream of Jimmy's wasn't completed. Jimmy focused attention on the fact that Cumberland Falls State Park for years has not been promoted and expanded into the type of great attraction it could be. This beautiful and scenic place could become a major attraction for a large segment of the eastern part of our nation. It needs a golf course and some remodeling. Eighteen Kentucky State Parks have golf courses, but the big one closest to a highly travelled interstate highway, Cumberland Falls State Park, has no golf course. Some of Jimmy's close business partners have been Dr. Don Barton, David Myers, Harold Huddleston, David Rossi, Boyce Worley, Darrell Sanders, Becky Myers, and John Warren. Also included was the late Dave Hudson, who was a special friend with Jimmy.

Today many of us enjoy seeing movies at the Tri-County Cineplex, and Nelda Collings Barton, her daughter Suzie, and son-in-law Greg Razmus built this impressive complex on a site developed by Jimmy and his partners. Nelda and the Razmus family are a valuable entrepreneur team that has been so helpful in many ways to our community. It hurts when you lose entrepreneurs in local communities and areas. They create jobs in your own hometown. They help create other small business leaders who learn from them

and take on that same spirit. Jimmy, Donnie Witt and I had lunch each month and sometimes talked about the Bible. Jimmy said, "I love the 'Red' Letters in the New Testament because they are a simple message from Christ. They are words built on love, forgiveness, and grace."

Jimmy suffered a very damaging stroke in 2008, but with the help of his family was soon back working on his projects. Sometimes it was a struggle, but Jimmy kept going. A short time prior to his death, tests determined he had an advance problem with lung and bone cancer.

During Jimmy's last days in Baptist Regional Medical Center, he was well cared for by the medical staff and his family. Rev. Bobby Joe Eaton, Chaplain of the Medical Center, "ministered unto Jimmy with love and prayer." Bobby Joe is a wonderful blessing in our community.

Each time I visited Jimmy in the hospital in his last days, son Jason was by his side and Jimmy's daughter, Kim, came from Savannah to be with him. Frequently Jimmy's handsome red-headed grandson Lee was there giving support to his grandpa. Soon after Jimmy's death, Donna had a liver transplant and is recovering very well. The Barton family has shown great courage these last years as they have dealt with those difficult experiences in life we will all face at some time. Joan Barton has been an inspiration to all of us as she has recovered from a serious accident and has stood strong with her husband Don and their family.

In closing, there is an old song that sometimes comes to mind during times of sorrow and sadness. It is titled, "Jesus Walked this Lonesome Valley." The words of one verse remind us of a journey we will face at the end of our lives when we say goodbye to family and friends and cross over to a new life with God.

"We must walk that lonesome Valley,  
We have to walk it by ourselves.  
Oh, nobody else can walk it for us,  
We have to walk it by ourselves."

Our God walks that lonesome valley by our side and loved ones and friends give us comfort and love as we depart. God is with us as we begin our new life.

#### THE ONE-YEAR ANNIVERSARY OF 3-11

Mr. KERRY. Madam President, yesterday the world marked the anniversary of the triple tragedy—the earthquake, tsunami, and nuclear crisis—that struck Japan on March 11 of last year. I rise today to commemorate that heartbreaking day for our good friend and ally and to pay tribute to the remarkable resilience of the Japanese people in the face of this unprecedented series of catastrophic events. Even as Japan labors to rebuild devastated regions in the northeast, it continues to make enormous contributions to the international community, so let's take this moment to acknowledge the ambitious reconstruction effort underway in Japan and its indispensable role in world affairs.

Any one of these three events—a magnitude 9.0 earthquake that destroyed entire towns and villages, a tsunami that swept away thousands, and the ensuing nuclear crisis at the Fukushima Dai-ichi plant—would have been enough to overwhelm and paralyze any country, any government. To

have all three occur at the same time simply strains the imagination. Yet the Japanese Government and the Japanese people responded to these events with their characteristic resilience, both in the immediate aftermath when local first responders and Japan's Self-Defense Forces responded so heroically in the face of almost unimaginable destruction and today in rebuilding shattered lives and communities by seeking new opportunities for economic growth and innovation, including through new green energy initiatives.

And if there is a silver lining to the tragic events of 3/11, it is that the U.S.-Japan alliance once more proved its own strength and vitality, demonstrating the deep bonds of friendship and affection that tie our two nations together. Together, we launched the largest joint military operation in our history, with more than 20,000 Americans supporting the Japan Self-Defense Forces in Operation Tomodachi. The Department of Defense alone provided 24,000 personnel, 190 aircraft, and 24 Navy ships to assist with humanitarian and disaster relief operations. To this day, our country's joint efforts continue through public-private partnerships for reconstruction and through the TOMODACHI initiative. This program, spearheaded by our Ambassador to Japan—and my good friend—John Roos, is focused on partnerships and programs to empower Japan's next generation and to strengthen ties between Americans and Japanese.

Madam President, nations and relationships between nations often display their truest colors during times of stress, challenge, and tragedy. As we look back at the events of a year ago and pause in remembrance of those who lost their lives, let's also give thanks for the strength, health, and vitality of the partnership between the United States and Japan.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO DOUG NELSON

• Mr. KOHL. Madam President, I wish today to recognize and congratulate Mr. Doug Nelson on his retirement as President and CEO of the AIDS Resource Center of Wisconsin, ARCW. I am honored to have the opportunity to congratulate him on his extraordinary career and all that he has done to fight against AIDS. Under his leadership, Doug has helped ARCW provide support and care to countless individuals affected by HIV or AIDS. He has also brought awareness and advocacy to the forefront of the public sector and private philanthropy.

The AIDS epidemic remains one of the leading public health threats facing our Nation and the world today. When I was first elected to the U.S. Senate, Doug took the helm as president and CEO of ARCW. Since then, I have looked to Doug for his suggestions, insight and wisdom on how we can work

together to fight this disease, while providing assistance to those who have been diagnosed with AIDS or infected with HIV. I am proud to have been a cosponsor of the Ryan White Care Act in 1990, as well as its reauthorization, which has provided millions of dollars for the State of Wisconsin's AIDS drug reimbursement program. It is also why I fought hard in the Senate to ensure that the Ryan White Extension Act of 2009 would continue to provide these services to those in need.

Doug is a true agent of change. When he assumed his position as the second executive director, ARCW was among one of only a few small social service organizations committed to providing health care and support to individuals infected with HIV. Doug has played an integral role growing ARCW to become Wisconsin's largest provider of a broad range of medical, dental and mental health services for people living with HIV. Under his leadership, the ARCW Medical Center and pharmacy have provided thousands of individuals living with HIV and AIDS with the high quality medical care and support they need.

Over the last 24 years, Doug Nelson and I have worked in our respective roles and together to fight an historic epidemic. It is through his years of leadership that I am proud to say our State has provided high-quality care and support to those who are affected by this disease. In his retirement, Doug will not only leave a legacy of remarkable achievement at ARCW, but an unyielding hope for a brighter future. I want to take this opportunity to formally recognize Doug's many years of remarkable service and, on behalf of the people of Wisconsin, offer him the sincere thanks and appreciation he so deeply deserves. ●

#### 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 and a withdrawal which were referred to the appropriate committees.

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

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 3606. An act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

S. 2186. A bill to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or en-

forcing certain accessibility regulations relating to pools at public accommodations or provided by public entities.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 1925, a bill to reauthorize the Violence Against Women Act of 1994 (Rept. No. 112-153).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. DURBIN:

S. 2183. A bill to provide funding for the Fugitive Extradition and Apprehension Trust Fund; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. WHITEHOUSE, and Mr. BROWN of Massachusetts):

S. 2184. A bill to provide exclusive funding to support fisheries and the communities that rely upon them, to clear unnecessary regulatory burdens and streamline Federal fisheries management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM (for himself and Mr. THUNE):

S. 2185. A bill to authorize the Secretary of Health and Human Services acting through the Administrator of the Health Resources and Services Administration, to award grants on a competitive basis to public and private entities to provide qualified sexual risk avoidance education to youth and their parents; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEMINT (for himself and Mr. GRAHAM):

S. 2186. A bill to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities; read the first time.

By Mr. CARDIN (for himself and Ms. LANDRIEU):

S. 2187. A bill to remove the sunset date for amendments to the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KERRY (for himself, Mr. BAR-RASSO, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. LUGAR, Mr. CASEY, Mr. ENZI, and Mr. SCHUMER):

S. Res. 394. A resolution commemorating the 150th anniversary of Italian Unification and the beginning of warm and abiding relations between the people of the United States and Italy; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 214

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 214, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 215

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 215, a bill to amend the Internal Revenue Code of 1986 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 418

At the request of Mr. HARKIN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Massachusetts (Mr. KERRY) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 1069

At the request of Ms. CANTWELL, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Massachusetts (Mr. KERRY) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1069, a bill to suspend temporarily the duty on certain footwear, and for other purposes.

S. 1273

At the request of Mr. CASEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1273, a bill to amend the Fair Labor Standards Act with regard to certain exemptions under that Act for direct care workers and to improve the systems for the collection and reporting of data relating to the direct care workforce, and for other purposes.

S. 1409

At the request of Mr. CARPER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1409, a bill to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

S. 1454

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1454, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Alaska

(Ms. MURKOWSKI) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1773

At the request of Mr. BROWN of Ohio, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1773, a bill to promote local and regional farm and food systems, and for other purposes.

S. 1872

At the request of Mr. CASEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 2071

At the request of Mr. WICKER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2071, a bill to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2162

At the request of Mr. REED, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2162, a bill to provide for the redevelopment of abandoned and foreclosed-upon properties and for the stabilization of affected neighborhoods, and for other purposes.

S. 2172

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2172, a bill to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns, and for other purposes.

S. RES. 310

At the request of Ms. MIKULSKI, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and Congratulating Girl Scouts of the USA on its 100th anniversary.

S. RES. 376

At the request of Mr. WICKER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 376, a resolution commemorating the 225th anniversary of the signing of the Constitution of the United States and recognizing the contributions of the National Society of

the Sons of the American Revolution and the National Society Daughters of the American Revolution.

AMENDMENT NO. 1760

At the request of Mr. BROWN of Ohio, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 1760 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 2183. A bill to provide funding for the Fugitive Extradition and Apprehension Trust Fund; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I am introducing legislation today that will help address the serious problem of fugitives who commit violent crimes in the United States and then flee to foreign countries.

This problem was highlighted by a recent investigative series in the Chicago Tribune newspaper. The Tribune reported on a number of horrible crimes that were allegedly committed in Illinois by suspects who now live openly in foreign countries. The Tribune identified at least 129 criminal suspects who have fled from northern Illinois over the last decade who remain at-large abroad. This problem appears to be growing steadily as our world becomes increasingly interconnected. The stories in the Tribune series are heartbreaking.

Here is one example. In 2000, 19-year-old Alma Chavez was living in Pilsen with her family and studying to become a nurse. After she broke up with her boyfriend, Raul Andrade Tolentino, he came looking for her one early morning at her house. As he later confessed, Tolentino stabbed Alma several times with a knife. As she lay dying in her living room, Alma called 911, and the police responded and found Tolentino. After he was arrested, Tolentino was then released on a \$20,000 bond. Just over a month later, Tolentino fled Illinois and eventually went to Mexico.

Intent on bringing his daughter's killer back to the U.S. justice system, Alma's father Bonifacio Chavez repeatedly went to Mexico, spending his money to track down leads on Tolentino and interview informants to learn his whereabouts. Even though Alma's father eventually found Tolentino's new town in Mexico, and U.S. authorities issued an arrest warrant in 2007, Bonifacio Chavez died without seeing Tolentino face the murder charge in Illinois. To this day, Tolentino remains free, and the rest of the Chavez family is still waiting for him to be prosecuted.

This is just one of the many cases brought to light by the Tribune series. What has struck me most about these international fugitive cases is the deep

sense of injustice, prolonged grief, and sometimes fear that victims like the Chavez family experience. They suffer not just from the original crime, but also from the years they spend waiting, sometimes fruitlessly, for those responsible to face justice.

Illinois is not alone in experiencing a problem with international fugitives. This affects states across our country. In 2003, the Justice Department estimated that there were several thousand U.S. fugitives located abroad but only 1,413 were being sought for extradition. These numbers are unacceptable, and we must do more to ensure that these fugitives are captured and brought back.

When a criminal suspect flees across our country's border, it often requires the involvement of the local police or sheriffs, the local prosecutor, the U.S. Marshals, FBI, the Justice Department, INTERPOL, and usually some combination of these agencies, to track down and extradite the suspect. These proceedings can be complicated, lengthy, and expensive. And when the agencies involved do not cooperate effectively, information can get lost between them or the process can become stalled for years.

In January, I hosted a summit in Chicago to discuss ways to improve the apprehension and extradition of international fugitives. In attendance were Deputy Attorney General James Cole, U.S. Attorney Patrick Fitzgerald, U.S. Marshal Darryl McPherson, Cook County State's Attorney Anita Alvarez, Cook County Sheriff Tom Dart, and representatives from numerous other Federal, State and local agencies. With all of the stakeholders together in one room, we identified several key steps that would improve the situation, including more training for local agencies on handling fugitive cases; improved tracking of these cases; increased coordination between federal, state and local agencies; more resources dedicated to fugitive cases; and removing barriers to extradition with other countries.

It was a very constructive meeting. I am pleased to report that progress is being made on all of these fronts. This week the Justice Department will hold two International Fugitive Apprehension Trainings for Chicago-area law enforcement and prosecutors. The trainings, led by the U.S. Attorney's Office, will give guidance to local agencies on how to locate international fugitives and bring them to justice.

To track fugitive cases better, many of the Illinois law enforcement agencies and prosecutor offices have committed to reviewing their fugitive cases to ensure that their investigations and files are up-to-date. This will ensure that cases do not fall off the radar screen.

At the summit, I learned that local agencies were not sure which federal agency they should turn to first for assistance in a fugitive case. That question has now been answered by the Jus-

tice Department. The U.S. Marshals have been designated the first point of contact for Illinois agencies with fugitive cases.

Also, the summit highlighted how information-sharing and coordination between Federal, State and local agencies has been a problem in the past. But that is being improved. The Great Lakes Regional Fugitive Task Force, based in Chicago, is led by the U.S. Marshals and provides a major source of information, resources and support to local law enforcement agencies in Illinois. The Task Force also helps provide much-needed funding to our local law enforcement agencies to buy equipment such as cars and radios and to pay for overtime. This type of funding is critical to ensuring that agencies can devote the resources needed to investigate and prosecute complicated and expensive fugitive cases.

Right now, our Federal, State, and local law enforcement agencies are doing the best they can with limited budgets during these difficult times. Giving them a little extra help will go a long way towards improving their collaboration and their enforcement. We can provide this help at the federal level by increasing the funding for the primary agencies that take part or assist local agencies in the capture and extradition of international fugitives—the U.S. Marshals, U.S. Attorneys, and the Office of International Affairs.

The bill I am introducing today, the Bringing Justice to Fugitives Act, would allow the Attorney General to use the money from forfeited bonds in federal criminal cases for these agencies' fugitive apprehension efforts.

Under the bill, this money can be used by the U.S. Marshals to enhance their fugitive task forces and investigations. It can be used by U.S. Attorney's Offices to conduct trainings and pursue prosecutions. And it can be used by the Justice Department's Office of International Affairs to enhance extradition efforts.

The amount of money involved is not huge—around \$1-3 million per year is collected in federal bond forfeiture money. But a little money can go a long way in fugitive cases. Right now, the money from forfeited bonds is deposited into the Crime Victims Fund. It makes up just a tiny fraction of the total Fund. Dedicating these forfeited bond funds for fugitive apprehensions will help victims by bringing more perpetrators to justice without unduly sacrificing any of the programs which receive money from the Crime Victims Fund.

My legislation does not touch any of the other sources of funding for the Crime Victims Fund, and I will work closely with crime victim support groups to ensure that their efforts are not hindered by this legislation.

The bill also establishes an important principle that when criminal suspects flee, we will use their forfeited bond money to arrest them and bring them back. The victims of fugitive

crimes deserve that justice. Because most fugitives are prosecuted by states, this legislation also plays a critical role by serving as a model for states to follow.

I hope that the state and local jurisdictions will take similar action by pursuing steps to make bond forfeiture funds available for fugitive capture and extradition. The bottom line is that when people are hurt by violent crime, often one of their first wishes is to see their perpetrator go through the criminal justice process. The Bringing Fugitives to Justice Act will help these victims by guaranteeing that our law enforcement agencies will step up their efforts to capture more fugitives and bring them to justice.

Finally, I want to mention that I am working to remove barriers to extradition that the Tribune series highlighted. For example, the Tribune pointed out that our extradition treaty with Mexico should be revisited so that U.S. crimes like reckless homicide can be treated as extraditable offenses. We also need to address differences in the two countries' statute of limitations periods, which can limit extradition in some cases.

I met at the end of February with the Mexican Ambassador, Arturo Sarukhan, to discuss the need to work on these aspects of our extradition treaty. The Ambassador, and Mexico in general, have been constructive partners in our extradition efforts, and I am grateful for this positive relationship. I also urged the Ambassador to make sure that the cases highlighted by the Tribune were being pursued to the best of Mexico's ability. While I cannot share any details about specific cases, I am reassured that that message has been received.

In short, while international fugitive cases still pose many challenges, we are continuing to work to improve the system at the state, local, Federal and international level. We are making progress, and the legislation I am introducing today will help.

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. 2183

*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 "Bringing Fugitives to Justice Act".

**SEC. 2. FUGITIVE EXTRADITION AND APPREHENSION TRUST FUND.**

(a) FUGITIVE EXTRADITION AND APPREHENSION TRUST FUND.—

(1) IN GENERAL.—There is created in the Treasury a separate account to be known as the Fugitive Extradition and Apprehension Trust Fund (referred to in this section as the "trust fund"). There shall be deposited in the trust fund the proceeds of forfeited appearance bonds, bail bonds, and collateral collected under section 3146 of title 18, United States Code.

(2) USE OF FUNDS.—Amounts deposited in the trust fund pursuant to paragraph (1) shall be obligated and expended by the Attorney General for the following purposes:

(A) To the United States Marshals Service to enhance efforts to investigate and apprehend fugitives from justice.

(B) To the Offices of the United States Attorneys to enhance efforts to investigate and prosecute fugitives from justice.

(C) To the Office of International Affairs in the Department of Justice to coordinate the investigation and extradition or other legal rendition of international fugitives from justice.

(3) REALLOCATION.—Any portion of an amount available under this subsection which is not obligated by the Attorney General by the end of the fiscal year in which funds are made available for allocation, shall be reallocated for award in the next fiscal year.

(b) FISCAL YEAR.—Amounts shall be deposited in the trust fund established in subsection (a) beginning in fiscal year 2013.

### SEC. 3. AMENDMENTS TO THE CRIME VICTIMS FUND.

Section 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended by—

(1) striking paragraph (3); and

(2) redesignating paragraphs (4) and (5) as paragraphs (3) and (4).

By Mr. KERRY (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. WHITEHOUSE, and Mr. BROWN of Massachusetts):

S. 2184. A bill to provide exclusive funding to support fisheries and the communities that rely upon them, to clear unnecessary regulatory burdens and streamline Federal fisheries management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, today, along with Senator SNOWE, Senator WHITEHOUSE, Senator SCOTT BROWN and Commerce Committee Chairman ROCKEFELLER, I am introducing the Fisheries Investment and Regulatory Relief Act of 2012. In the House, I am very pleased that Congressmen BARNEY FRANK and FRANK GUINTA will be introducing similar legislation.

In Massachusetts, commercial fishing supports more than 77,000 jobs. Recreational fishing is also an important part of our maritime economy and our local research institutions are world-renowned.

However, today our fishermen continue to face economic peril and they are deeply frustrated by science and research they do not trust. We have to put the broken pieces back together and restore both trust in Washington and economic security for this industry and the brave fishermen who get up every day and go out on those boats to make a living for their families.

In short, we need a new path. It starts by remaking the scientific research process and transforming it into something that does a much better job of including our fishermen in the data collection that forms the foundation of the rules and regulations that can determine their future.

We can take an important first step in improving the relationship between our fishermen and Federal regulators

by passing the Fisheries Investment and Regulatory Relief Act.

The cornerstone of this bill is returning the use of Saltonstall-Kennedy funds to our fishermen, as was the original intent of its creators. In 1954, Leverett Saltonstall and John F. Kennedy, Democratic and Republican Senators from Massachusetts, created the Saltonstall-Kennedy fund for fisheries research and development. Under their law, 30 percent of the duties on imported fish products was required to be transferred to a grant program to benefit the U.S. fishing industry. It was meant to be a permanent appropriation to promote science, research, and the development of American fisheries. But over years of tight budgets the use of these funds has gotten off track: to fund other priorities, the money has been going to places other than it was originally intended.

In 2010, the funds collected from the import of fishery products is estimated to be \$376.6 million. Thirty percent of that total is approximately \$113 million that should be used to improve science and help our fisheries. Unfortunately last year, only \$8.4 million of that \$113 million was used by National Oceanic and Atmospheric Administration—NOAA—for grants for fisheries research and development projects. The remaining funds were used by NOAA for their operations. This simply can not continue, especially given the current situation facing our fisheries. Our bill will restore the investment to help the fishermen and communities for whom Senators Saltonstall and Kennedy originally intended it to protect.

The New England fishing industry has been facing a serious crisis due to declining fish stocks and increasing Federal regulations. The transition to a new management plan has increased mistrust between fishermen and the Federal Government to the highest it has ever been during my 27 years in the Senate.

The Gulf of Maine cod crisis we are currently facing is emblematic of this distrust. Within 3 years of each other, two radically different stock assessments were released—the first assessment showed a species on the rise while the most recent survey shows a dramatic decline. Many of our fishermen do not believe in the new numbers because they have not been included in the process. This bill would provide local stakeholders with funding to help develop the accurate and credible science and stakeholder participation that we need.

By giving stakeholders the ability to determine how Saltonstall-Kennedy funds get spent, this bill would let New England decide what the unmet priorities in our fisheries research are and give them the funds necessary to do something about them. It could pay for things like side-by-side trawl surveys, done in cooperation with NOAA and our fishermen, so that we can find out if there are fish that are being missed by NOAA vessels and make sure that

data gets into the assessments. It would allow for money to go into figuring out if there are more advanced tools, like long-range sonar and other fish imaging capabilities, which could do a better job at determining how many fish are in the sea. And by giving preference to public-private partnerships, it can help rebuild trust between fishermen and Federal regulators.

Most importantly, it helps give our local fishing communities a bigger role in making these decisions.

We know that every region has specific priorities that they would like to see funded. Under this bill, money from the Saltonstall-Kennedy Act would be used to implement regional fishery investment plans, which would be developed by the Regional Fishery Management Councils, released in the Federal Register for public comment, and approved by the Secretary of Commerce. The priorities would include everything from more frequent stock assessments, better recreational data, to crucial habitat restoration.

This legislation will help give our fishermen a better chance to develop a clear, open dialogue with Federal regulators to determine we are up against and what we can do to fix it. It will help preserve our fishermen's livelihoods, their families' economic security and help ensure our fishing industry can survive for future generations. Most importantly, at a time of bitter division, it will restore trust—the rock upon which good governing has always been built.

I urge my colleagues to support this legislation.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 394—COMMEMORATING THE 150TH ANNIVERSARY OF ITALIAN UNIFICATION AND THE BEGINNING OF WARM AND ABIDING RELATIONS BETWEEN THE PEOPLE OF THE UNITED STATES AND ITALY

Mr. KERRY (for himself, Mr. BARBASSO, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. LUGAR, Mr. CASEY, Mr. ENZI, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 394

Whereas it has been 150 years since March 17, 1861, when the parliament of a united Italy proclaimed Victor Emmanuel II their king;

Whereas the story of the Italian Risorgimento, in particular Giuseppe Garibaldi's heroic adventures, have inspired generations of Americans;

Whereas, between 1880 to 1920, an estimated 4,000,000 Italian immigrants arrived in the United States to settle and help build our Nation;

Whereas today there are almost 18,000,000 Americans of Italian ancestry whose contributions to our society are diverse and profound;

Whereas Italy has been a loyal NATO ally and a major strategic partner for over 60 years;

Whereas Italian-Americans have made enormous contributions to the United States; and

Whereas Italy remains a steadfast partner in the defense of a shared vision of fundamental human rights and the preservation of democratic ideals: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 150th anniversary of the foundation of the modern state of Italy;

(2) celebrates the ties of kinship and shared democratic values that unite the two countries across the Atlantic;

(3) honors the service and sacrifice of Italy's soldiers, sailors, and airmen alongside United States forces most recently in Iraq, Afghanistan, and Libya; and

(4) reaffirms the friendship between the Government and people of the United States and the Government and people of Italy.

#### DESIGNATING 2012 AS THE "YEAR OF THE GIRL" AND CONGRATULATING GIRL SCOUTS OF THE USA

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from S. Res. 310 and the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 310) designating 2012 as the "Year of the Girl" and Congratulating Girl Scouts of the USA on its 100th anniversary.

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

Mr. BROWN of Massachusetts. Mr. President, as a cosponsor of Senate Resolution 310, which designates 2012 as the "Year of the Girl," I rise today to celebrate not only the centennial anniversary of the Girl Scouts of the USA but the efforts of the Girl Scouts of Massachusetts.

The Girl Scouts, a non-profit organization founded in 1912 by Juliette Gordon Low, has a longstanding dedication to empowering girls to become the leaders of tomorrow. From Daisies to Ambassadors, Girl Scouts have been learning, through hands-on activities, the importance of community service, goal-setting, and personal development for 100 years. Our two councils, the Girl Scouts of Eastern Massachusetts and the Girl Scouts of Central and Western Massachusetts, must be honored for their exemplary success and dedication to providing generations of girls with the tools they need to succeed in our rapidly changing world.

Throughout the Bay State, the Girl Scout program has provided over 50,000 girls with the opportunity to develop leadership skills, including in science, technology, engineering, and math. Girl Scouts in Massachusetts have partnered with educational institutions in the Commonwealth and the Society of Women Engineers to create activities that would encourage girls to pursue education in science and technology. For example, Girl Scouts teamed up with an engineer to build a

looping roller coaster using household items. Additionally, Junior Scouts designed a space station and launched mini-rockets. Such learning experiences are essential to inspiring future generations of our State's innovators.

Mr. President, on behalf of the Commonwealth of Massachusetts, I ask my colleagues to join me in congratulating Girl Scouts in Massachusetts on their accomplishments. On their 100th anniversary today, it is an honor and a pleasure to recognize the valuable contributions that Girl Scouts have provided in Massachusetts, across the Nation, and across the world. I wish their continued success in empowering our Nation's future leaders.

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

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

The resolution (S. Res. 310) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 310

Whereas, for more than 100 years, Girl Scouts of the USA (referred to in this preamble as "Girl Scouts") has inspired girls to lead with courage, confidence and character;

Whereas the Girl Scout movement began on March 12, 1912, when Juliette "Daisy" Gordon Low (a native of Savannah, Georgia) organized a group of 18 girls and provided the girls with the opportunity to develop physically, mentally, and spiritually;

Whereas the goal of Daisy Low was to bring together girls of all backgrounds to develop self-reliance and resourcefulness, and to prepare each girl for a future role as a professional woman and active citizen outside the home;

Whereas, within a few years, there were nearly 70,000 Girl Scouts throughout the United States, including the territory of Hawaii;

Whereas Girl Scouts established the first troops for African-American girls in 1917 and the first troops for girls with disabilities in 1920;

Whereas today more than 50,000,000 women in the United States are alumnae of the Girl Scouts, and approximately 3,300,000 girls and adult volunteers are active members of the Girl Scouts;

Whereas Girl Scouts live in every corner of the United States, Puerto Rico, the territories of the United States, and more than 90 countries overseas;

Whereas Girl Scouts is the largest member of the World Association of Girl Guides and Girl Scouts, a global movement comprised of more than 10,000,000 girls in 145 countries worldwide;

Whereas the robust program of Girl Scouts helps girls develop as leaders and build confidence by learning new skills;

Whereas the award-winning Girl Scout Leadership Program helps each girl discover herself and her values;

Whereas the Girl Scout Leadership Program leadership model helps girls develop skills such as critical thinking, problem solving, cooperation and team building, conflict resolution, advocacy, and other important life skills;

Whereas core programs around Science, Technology, Engineering and Math (referred to in this preamble as "STEM"), environmental stewardship, healthy living, financial literacy, and global citizenship help girls develop a solid foundation in leadership;

Whereas STEM programming, first introduced in 1913 with the "electrician" and "flyer" badges, offers girls of every age science, technology, engineering, and math activities that are relevant to everyday life;

Whereas the award-winning STEM program helps girls build strong, hands-on foundations to become future female leaders and meet the growing need for skilled science and technology professionals in the United States;

Whereas healthy living programs—

(1) help each Girl Scout build the skills necessary to maintain a healthy body, an engaged mind, and a positive spirit; and

(2) teach girls about fitness and nutrition, body image, self-esteem, and relational issues, especially bullying;

Whereas through the 100th Anniversary Take Action Project, "Girl Scouts Forever Green", Girl Scouts is honoring the commitment of Juliette Low to the outdoors by engaging families, friends, and communities to improve the environment and protect the natural resources of the United States;

Whereas the financial literacy programming of Girl Scouts, most notably the iconic Girl Scout Cookie Program, helps girls set financial goals and gain the confidence needed to ultimately take control of their own financial future;

Whereas the beloved tradition of the Girl Scout Cookie Program has a proven legacy in the United States, as more than 80 percent of highly successful businesswomen were Girl Scouts;

Whereas Girl Scouts has also helped millions of young girls become good global citizens through international exchanges, travel, "take action" and service projects, and newer programs such as "twinning" (where girls in the United States connect with girls in other countries) and virtual Girl Scout troops;

Whereas Girl Scouts has helped girls advance diversity in a multicultural world, connect with local and global communities, and feel empowered to make a difference in the world;

Whereas the Girl Scout Gold Award, the highest honor in Girl Scouting, requires a girl to make a measurable and sustainable difference in the community by—

- (1) assessing a need;
- (2) designing a solution;
- (3) finding the resources and the support to implement the solution;
- (4) completing the project; and
- (5) inspiring others to sustain the project;

Whereas the Gold Award honors leadership in the Girl Scout tradition because Gold Award recipients have already changed the world as high school students;

Whereas two-thirds of the most accomplished women in public service in the United States were Girl Scouts;

Whereas research by Girl Scouts shows that Girl Scouts alumnae—

- (1) have a positive sense of self;
- (2) are engaged in community service;
- (3) are civically engaged;
- (4) have attained high levels of education; and
- (5) are successful according to many economic indicators;

Whereas, in addition to the outstanding programs that Girl Scouts offers, Girl Scouts has evolved into the premier expert on the healthy growth and development of girls;

Whereas, since the founding of the Girl Scout Research Institute in 2000, the Institute has become an internationally recognized center for original research, research

reviews, and surveys that provide significant insights into the lives of girls;

Whereas the research conducted by Girl Scouts not only informs Girl Scout program development and delivery, but also helps bring the voice of girls to key issues in the public sphere;

Whereas, by bringing greater attention to the health, education, and developmental needs of girls, Girl Scouts provides a voice for girls with policymakers, business leaders, educators, and all other stakeholders who care about the healthy growth and development of girls;

Whereas Girl Scouts ensures that issues such as STEM education, bullying prevention, unhealthy perceptions of beauty as portrayed by the media, and many other important issues—

(1) are brought to the attention of the public; and

(2) are addressed through public policy at the national, State, and local levels; and

Whereas Girl Scouts of the USA is recognizing its 100th anniversary by designating 2012 as the “Year of the Girl”: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the importance of empowering girls to lead with courage, confidence, and character;

(2) congratulates Girl Scouts of the USA on its 100th anniversary; and

(3) designates 2012 as the “Year of the Girl”.

COMMEMORATING THE 150TH ANNIVERSARY OF ITALIAN UNIFICATION

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 394, submitted earlier today.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 394) commemorating the 150th anniversary of Italian unification and the beginning of the warm and abiding relations between the people of the United States and Italy.

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

The PRESIDING OFFICER. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 394) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 394

Whereas it has been 150 years since March 17, 1861, when the parliament of a united Italy proclaimed Victor Emmanuel II their king;

Whereas the story of the Italian Risorgimento, in particular Giuseppe Garibaldi's heroic adventures, have inspired generations of Americans;

Whereas, between 1880 to 1920, an estimated 4,000,000 Italian immigrants arrived in

the United States to settle and help build our Nation;

Whereas today there are almost 18,000,000 Americans of Italian ancestry whose contributions to our society are diverse and profound;

Whereas Italy has been a loyal NATO ally and a major strategic partner for over 60 years;

Whereas Italian-Americans have made enormous contributions to the United States; and

Whereas Italy remains a steadfast partner in the defense of a shared vision of fundamental human rights and the preservation of democratic ideals: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 150th anniversary of the foundation of the modern state of Italy;

(2) celebrates the ties of kinship and shared democratic values that unite the two countries across the Atlantic;

(3) honors the service and sacrifice of Italy's soldiers, sailors, and airmen alongside United States forces most recently in Iraq, Afghanistan, and Libya; and

(4) reaffirms the friendship between the Government and people of the United States and the Government and people of Italy.

MEASURES READ THE 1ST TIME—  
H.R. 3606 AND S. 2186

Mr. REID. Madam President, I understand there are two bills at the desk due for their first readings.

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

The legislative clerk read as follows:

A bill (H.R. 3606) to increase American job creation and economic growth by improving access to public capital markets for emerging growth companies.

A bill (S. 2186) to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities.

Mr. REID. Madam President, I now ask for a second reading but object to my own request on both these measures.

The PRESIDING OFFICER. Objection having been heard, the bills will be read for the second time on the next legislative day.

ORDERS FOR TUESDAY, MARCH 13, 2012

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until Tuesday, March 13, at 10 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following

morning business, the Senate resume consideration of S. 1813, the highway bill; further that following the vote in relation to the Bingaman amendment, the Senate recess until 2:15 tomorrow for our weekly caucus meetings.

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

PROGRAM

Mr. REID. Madam President, there will be two rollcall votes tomorrow at noon.

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:05 p.m., adjourned until Tuesday, March 13, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

DOROTHEA-MARIA ROSE, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATED STATES OF MICRONESIA.

NATIONAL SCIENCE FOUNDATION

ARTHUR BIENENSTOCK, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2016, VICE LOUIS J. LANZEROTTI, TERM EXPIRED.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

SURAVI GANGOPADHYAY, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2016, VICE JEFFREY PATCHEN, TERM EXPIRED.

LUIS HERRERA, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2014, VICE KATINA P. STRAUCH, TERM EXPIRED.

SUZANNE E. THORIN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2015, VICE SANDRA PICKETT, TERM EXPIRED.

UNITED STATES POSTAL SERVICE

KATHERINE C. TOBIN, OF NEW YORK, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2016, VICE CAROLYN L. GALLAGHER, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

*To be rear admiral upper half*

REAR ADMIRAL (LH) DANIEL B. ABEL  
REAR ADMIRAL (LH) FREDERICK J. KENNEY, JR.  
REAR ADMIRAL (LH) MARSHALL B. LYTLE III  
REAR ADMIRAL (LH) FRED M. MIDGETTE  
REAR ADMIRAL (LH) KARL L. SCHULTZ  
REAR ADMIRAL (LH) CARL B. THOMAS  
REAR ADMIRAL (LH) CHRISTOPHER J. TOMMEY

IN THE ARMY

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

*To be lieutenant general*

MAJ. GEN. DAVID D. HALVERSON

IN THE AIR FORCE

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

*To be lieutenant colonel*

KERRY L. LEWIS

*To be major*

MINGGEN T. KUO  
LYNN M. MILLER

IN THE ARMY

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

*To be colonel*

JOHN B. HILL  
KENNETH A. NAVA  
STEPHEN M. RADULSKI

IN THE NAVY

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

*To be captain*

RAYMOND J. HOUK

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 12, 2012 withdrawing from further Senate consideration the following nomination:

CARLA M. LEON-DECKER, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING AUGUST 2, 2017, VICE GIGI HYLAND, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON OCTOBER 20, 2011.