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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Eternal Savior, like a shepherd lead us, much we need Your tender care. Lead our Senators today away from cautious complacency and from impulses which can bring regrets. Lead them toward the freedom that trusts Your providence and believes that in everything You work for the good of those who love You.

Lord, give us all, by Your grace, pure hearts that love only the highest and clean minds that seek only the truth. Let nothing deflect us from Your path so we will always follow You and never lose our way.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 17, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

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

THE FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 400.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 400, S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

Mr. REID. Mr. President, we are now on the motion to proceed to FDA user-fees legislation.

I ask unanimous consent that following my remarks and those of the Republican leader, the time until 10:30 a.m. be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

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

Mr. REID. Mr. President, at 10:30 a.m. today the Senate will proceed to executive session to consider the Stein and Powell nominations, both nominees to the Board of Governors at the Federal Reserve system. At noon, there will be two votes on the confirmation of their nominations. At this stage, there likely will be no more votes after that, but we will keep everyone advised as to what is going to happen.

Mr. President, when someone we love gets sick, the only thing on your mind is how to help them get well, how to get them the care they need.

But before every miracle drug or innovative new device comes to market, there is a rigorous approval process to make sure that device or that medicine is going to be safe. To get lifesaving drugs and devices to the patients who need them as quickly and efficiently as possible, Congress must give the Food and Drug Administration the tools it needs to review and approve these products. Today the Senate will begin consideration of legislation which gives FDA the resources to ensure medical devices, drugs, and treatments are safe and effective.

I applaud the work of my colleagues Senator HARKIN and Senator ENZI to bring this legislation to the floor. These two fine Senators have different political philosophies on things generally, but they work well on this committee and I am very proud of each of them. I consider them both friends. And bringing this bill to the floor in the manner they did is indicative of the work that needs to be done around here more often. So I hope to see the strong bipartisan effort these two Senators began continue as the Senate considers this important legislation.

The Food and Drug Administration Safety and Innovation Act authorizes the FDA to charge manufacturers of new medical devices user fees. These fees are used to ensure their products are reviewed quickly and thoroughly before they are approved. But this legislation does more than maintain the status quo; it also enacts crucial reforms that will prevent drug shortages

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

and bring the lifesaving medicines to market more quickly, it will save high-tech jobs in the medical field, make new treatments available to patients quickly, and preserve America's role as a global leader in biomedical innovation.

The legislation will expedite the processes of approving new drugs and medical devices—including many designed for children—while ensuring these products are safe for consumers. It will help spur the innovations that bring the next groundbreaking cancer or Parkinson's drug to market.

The bill will hold foreign manufacturers who sell drugs in the United States to the same high standards met by American companies. This is extremely important because of all the misleading attempts by these manufacturers to sell them on the Internet.

It will help prevent drug shortages by opening the lines of communication between manufacturers and the FDA. The Senator from Minnesota, Senator KLOBUCHAR, and the junior Senator from Pennsylvania, Senator CASEY, have been leaders in this drug shortage issue, and I applaud them. They are doing this to safeguard Americans' health. Every day hospitals across the country experience shortages of lifesaving FDA-approved drugs and treatments.

As most Senators know, my wife has been ill with cancer and she had 20 weeks of chemotherapy. Every week, we were worried that the drugs wouldn't be there on that Monday morning at noon when she got those treatments. Fortunately for us, they were. But that isn't the way it is with everyone around the country. People who need these lifesaving medications have found those medicines not available, and we have to do everything we can to stop that.

These shortages threaten public health and prevent patients from getting the care they need. The shortage of one drug used to treat a rare form of childhood leukemia—a drug that is an effective cure in 90 percent of those cases—has literally put young lives at risk by not having those drugs. And when I say a 90-percent cure rate, it is amazing. One of my high school buddies had a son who was playing Little League baseball. Running around the bases, he couldn't do it. This was a macho family with all these tough boys in the family, and they were concerned that he was not being as aggressive as he should be. He had leukemia, and this boy died. There was nothing they could do for him. He died. Now 90 percent of these cases are cured.

I have spoken on the floor before—others have—there is one form of leukemia that has been almost stopped in its tracks by the scientists discovering a bush called periwinkle, and they use the products from that little weed to cure cancer.

We need to do everything we can to make sure these lifesaving drugs are available. No mother or father should have to watch a child suffer as he waits for a lifesaving medicine. But as the number of drug shortages increases each year, more parents wait and worry; more husbands and wives and daughters and sons wait and worry.

In 2005, the FDA reported shortages of 55 medications. Last year, the number jumped to 231, including the leukemia drug I mentioned and some chemotherapy medicines. These shortages are caused by a variety of factors: problems with factories, limited manufacturing capacity, or lack of raw materials.

Another thing we have learned is the manufacturers of these products want to be able to sell everything. They don't want to waste valuable money on storing medicines. One of the big businesses that used to be in America is warehouses storing things. In Reno, NV, we were a big warehouse storage area because we had no tax on storage. But anymore, there is not as much being stored because manufacturers determined that is a waste of money. That is one of the things that happened with these pharmaceuticals.

Some, though, are caused by a lack of financial incentive—or profit motive is what it is. There is nothing wrong with that, but companies simply don't manufacture enough because they don't make enough money.

Public awareness and pressure have prompted drugmakers to voluntarily notify the FDA of any impending shortages, preventing almost 200 more shortages last year than I just talked about. But Congress can, and must, do more to improve communication with drugmakers, the FDA, and hospitals providing this crucial care.

Passing this legislation without delay will be a leap forward in that process. That is why last night I said—and I say today—I hope we don't have to file cloture on a motion to proceed to this lifesaving legislation. Let's get on this legislation. If we have to vote on cloture on this Monday, then we can't get on this until Wednesday and start legislating. How foolish.

We will have amendments. I have had a number of Republican Senators come to me and say, We want to be able to offer amendments, relevant amendments. Good. Let's do it. If someone has a problem with this bill, don't stop us from going to it; offer an amendment. If it is a worthy cause, we will vote with him or her and get rid of what is in that legislation. But don't hold up the legislation.

I would hope my Republican colleagues talk to one of the Senators who is holding us up and say, Don't do that; it is making us, the Republicans, look bad. And it does.

I hope we can get on this legislation and work to make the health care delivery system in America more effective and efficient.

Would the Chair announce the business of the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 will be equally divided between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Kansas is recognized.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as if in morning business.

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

SECOND AMENDMENT SOVEREIGNTY ACT

Mr. MORAN. Mr. President, our Nation's Founding Fathers amended the U.S. Constitution more than two centuries ago to guarantee a bill of rights for its citizens. Since then, our democracy has stood strong and Americans have enjoyed liberties and freedoms unparalleled in the world, including the fundamental right to keep and bear arms guaranteed by the second amendment to the U.S. Constitution.

Today our freedoms and our country's sovereignty are in danger of being undermined by the United Nations. To ensure our liberties remain for generations, today and for the future, I am offering legislation to protect the rights of American gun owners from the effects of any U.N. arms treaty.

In October of 2009, at the U.N. General Assembly, the Obama administration voted for the United States to participate in negotiating an arms trade treaty—a reversal of the previous administration's position. This treaty is supposedly intended to establish ''common international standards for the import, export and transfer of conventional arms,'' including tanks, helicopters, and missiles. However, by threatening to include civilian firearms within its scope, the arms trade treaty would restrict the lawful private ownership of firearms in our country. Whether that is true depends upon what the treaty actually says.

Less than 2 months from now, the U.N. Conference on Arms Trade Treaty will take place in New York, and that presumably will determine the language that is ultimately included as the treaty will be finalized for its adoption.

Given where the process stands today, I am concerned that this treaty will infringe upon the second amendment rights of American gun owners. I am also concerned it will be used by other countries that do not share our freedoms to wrongly place the burden of controlling international crime and terrorism on law-abiding American citizens.

Currently, proposals being considered by the preparatory committee at the U.N. would adversely affect U.S. citizens. I have several concerns with these proposals. First, there have been regular calls for bans or restrictions on the civilian ownership of guns Americans use to hunt, target shoot and defend themselves.

Second, by requiring firearms to be accounted for throughout their lifespan, the Arms Trade Treaty could

lead to nationwide gun registration. This despite evidence that the costly bureaucratic system has been a complete failure in solving any crimes or stopping criminals from getting access to guns everywhere it's been tried.

Third, other proposals could require the marking and tracking of all ammunition, including ammunition for civilian sale and use.

To make sure that our country's sovereignty and the rights of American gun owners are protected as the administration negotiates this treaty, I have sponsored S. 2205, the Second Amendment Sovereignty Act. This legislation is simple.

First, it says that the administration cannot use the ''voice, vote and influence of the United States'' to negotiate a treaty that in any way restricts the second amendment rights of American citizens. This is a commonsense requirement that even the Obama administration maintains.

In an August letter I received from the U.S. State Department, they wrote:

> The Administration will not agree to a treaty that will infringe on the constitutional rights of American citizens . . . We will not agree to treaty provisions that would alter or diminish existing rights of American citizens to manufacture, assemble, possess, transfer, or purchase firearms, ammunition, and related items.

This bill will hold them to that pledge.

Second, S. 2205 specifically prohibits the administration from seeking to negotiate a treaty that regulates the domestic manufacture, possession, or purchase of firearms and ammunition. In other words, this bill seeks to maintain the sovereignty of our laws within our borders. U.N. member states regularly argue that no treaty controlling the transfer of arms internationally can be effective without controls on transfers inside a country's own borders. This is unacceptable.

Again, the administration claims to agree, saying it ''will oppose any effort to address internal transfers.'' Congress should hold them to this pledge. At stake is our country's autonomy and the rights of American citizens protected under the Constitution.

More specifically, this legislation seeks to ensure that U.S. citizens will not be subjected to restrictions on the use or possession of civilian firearms and ammunition. It prohibits the administration from negotiating a treaty that would result in domestic regulations on civilian firearms like hunting rifles that are often mischaracterized as ''military weapons,'' ''small arms,'' or ''light arms.'' Civilian firearms must be excluded from the Arms Trade Treaty.

Preparatory committee meetings have made it clear that many U.N. member states aim to craft an extremely broad treaty that includes civilian firearms within its scope. For example, Mexico and several countries in Central and South America have called for the treaty to cover ''all types of conventional weapons (regardless of their purpose), including small arms and light weapons, ammunition, components, parts, technology and related materials.''

If those provisions were included in a treaty, that treaty would be incredibly difficult to enforce, and would pose dangers to all U.S. businesses and individuals involved in any aspect of the firearms industry, from manufacturers to dealers to consumers.

I urge my colleagues in the Senate to adopt this commonsense legislation. On July 22 of last year, 57 U.S. Senators joined me in reminding the Obama administration that our firearm freedoms are not negotiable.

We notified President Obama and Secretary of State Clinton of our intent to oppose ratification of a treaty that in any way restricts Americans' second amendment rights. Our opposition is strong enough to block the treaty from passage, as treaties submitted to the U.S. Senate require two-thirds approval to be ratified.

As the treaty process continues, the Second Amendment Sovereignty Act seeks to further reinforce to the administration that our country's sovereignty and firearm freedoms must not be infringed upon by an international organization made up of many countries with little respect for gun rights. America leads the world in export standards to ensure arms are transferred for legitimate purposes and my bill will make certain that law-abiding Americans are not wrongfully punished.

In the days ahead, I will continue to work with my colleagues to ensure an Arms Trade Treaty—if negotiations result in one—that undermines the Constitutional rights of American gun owners is dead on arrival in the Senate.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. 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.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today, as I have week after week since the President's health care law was signed, to talk as a doctor, someone who has taken care of patients all around Wyoming, someone who has run the Wyoming health fairs, giving low-cost medical screenings to thousands of citizens around our State, and someone who knows we need health care reform in a way that gives patients the care they need from the doctor they want at a cost they can afford. There were so many promises made with this health care law that I come week after week because there are so many broken promises.

Today I want to remind the body that the former Speaker of the House, NANCY PELOSI, once predicted that the health care reform ''will create 4 million jobs; 400,000 jobs almost immediately.'' It is now 2 years later, and we know that actually the exact opposite is happening. We continue with high unemployment. We continue with people out of work, unemployed, underemployed, and the promise both from the President of new jobs and of NANCY PELOSI of 4 million jobs is another broken promise. Instead of creating jobs, this new law is destroying jobs all across the country. You say, how is it they can actually be destroying jobs? That is exactly what we are seeing as a result of the health care law.

Recently, columnist George Will wrote about how the President's law will impact Cook Medical. It is the world's largest family-owned medical devices company. He explained in his column that the Democratic Congress ''included in the legislation''—and all the people on that side of the aisle voted for this—''included in the legislation a 2.3 percent tax on gross revenue''—that is not profits, that is gross revenue—''which generally amounts to about a 15 percent tax on most manufacturing profits—from U.S. sales in medical devices beginning in 2013.'' So it is something that is happening very soon. ''This will be piled,'' as he said, ''on top of the 35 percent federal corporate tax, and state and local taxes.''

Mr. Will went on to say that this 2.3 percent tax will be a $20 billion blow to an industry that employs more than 40,000 people, and $20 billion is almost double the industry's annual investment in research and development.

We want them to do research. We want development. We want new and innovative treatments that will actually help people. Instead, this administration—the Democrats in Congress in the House and the Senate and the President of the United States—put on a 2.3-percent tax, a $20 billion blow to those who do the research and the development. This tax is going to lead to ''fewer jobs but also fewer pain-reducing and life-extending inventions—stents, implantable defibrillators—which all have reduced health care costs.''

That is a quote from the article.

Cook Medical is not the only medical device company that is bracing for the President's new penalty on jobs and innovation. In fact, let's take a look at some of those.

Boston Scientific is planning for more than a $100 million charge against earnings in 2013. They recently built a $35 million research and development facility. This is called Boston Scientific—Boston. Where did they build their research center? Ireland. And they are building a $150 million factory called Boston Scientific in China. That is as a result of what we see with this health care law and the impact of what this administration is doing to jobs in America.

Stryker Corporation, based in Michigan, blames the tax for 1,000 layoffs.

Zimmer, based in Indiana, is laying off 450 and taking a $50 million charge against earnings related to this tax.

These are companies that, as an orthopedic surgeon, I say have made new advances in technologies, in artificial joints over the years I have practiced in Wyoming. These are companies that have longstanding reputations. Yet they are laying off people because of the new Medicare law—American workers.

Medtronic expects an annual charge against earnings of $175 million.

Other companies—Covidien, now based in Ireland, has cited the tax in explanation of 200 layoffs and a decision to move production to Costa Rica and to Mexico.

Once again, the column by Mr. Will makes it clear that the President's health care law is destroying jobs and is having a devastating impact on our economy.

In March, Senator COBURN and I released our third health care law oversight report. We entitled the report ''Warning: Side Effects, A Check-Up on the Federal Health Law.'' One chapter in our report is dedicated to the health care law's job-killing Medicare device tax. It is a tax the analyses predict will negatively impact job creation and also—incredibly important for people around this country—will stifle medical innovation.

As an orthopedic surgeon, I can tell you that I have seen firsthand how cutting-edge technology saves lives and also supports jobs across the country. Scientists have invented medical devices, such as pacemakers, defibrillators, and artificial joints, that have improved the quality of life for so many Americans. But now, today, because of this health care law, the future of the medical device industry in America is under attack. In September of 2011, the Manhattan Institute issued a report showing the devastating impact the President's device tax will have on industry. The Manhattan Institute's report shows the medical device tax will eliminate at least 43,000 American jobs. This number represents more than 1 out of every 10 jobs in the device manufacturing sector. It is not a record the Democrats should be proud of, but it is clearly a record caused by the other side of the aisle, the Democrats, and specifically the President who signed this bill into law.

Not only will this tax kill 43,000 jobs, workers are going to lose about $3.5 billion in wages. This is money these workers could have spent in their local communities to help the economy of those communities and, therefore, the Nation's economy.

So what does all this mean to U.S. device manufacturers? Well, these companies are more likely to close their plants in the United States. They will close the plants here and do what others have done: replace them with plants overseas. Foreign manufacturers will improve their competitiveness compared to American firms. This will severely threaten U.S. leadership in the device industry and in the world. Do we want to see plants closing at high-tech medical device research facilities in States such as Massachusetts, Pennsylvania, Minnesota, New Jersey, New York, and Wisconsin?

Finally, the President's medical device tax is going to increase costs to American consumers. These are the American consumers who said what they wanted with the health care law is care they need, the doctor they want, at a price they can afford. Yet this health care law is going to increase costs to American consumers. The Congressional Budget Office has warned that the health care law's tax imposed on medical device manufacturers and drug manufacturers and health insurance providers would be passed through to the consumers in the form of higher insurance premiums. Wasn't it the President who promised that under his health care law insurance premiums would lower by $2,500 a year? Is that a promise the President and Democrats in Congress have forgotten? The American people have not forgotten, which is why the health care law is even more unpopular today than the day it was signed into law.

The administration's own Medicare Chief Actuary, Richard Foster, came to the same conclusion. He estimated these taxes could be passed through to health care consumers in the form of higher drug prices, higher device prices, and higher insurance premiums.

If the administration wants to get serious—and I wonder if this administration wants to get serious—about reducing regulatory burdens and creating good jobs, then the President should start today by repealing his onerous medical device tax. Not only will this device tax suppress job creation and limit economic growth, it will also slow, and perhaps even stop, research and development into new lifesaving medical devices.

We must take action to repeal this anticompetitive, job-destroying device tax before it begins to take effect in 2013. If the White House wants to work with Republicans on progrowth policies, policies that support innovation, policies that get the Nation's economy moving again, then President Obama would support repealing this device tax.

Senator ORRIN HATCH has introduced legislation, S. 17, that would do just that. I am proud to be a cosponsor of that bill, and I believe the Senate should take up the Hatch bill and pass it.

As we are now 2 years after the passing and signing into law of the President's health care law, I will continue to come to the Senate floor because this is a health care law that is bad for patients, it is bad for providers, the nurses and the doctors who take care of those patients, and it is terrible for the American taxpayers. We need to repeal and replace this broken health care law.

Thank you, Mr. President.

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

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

The assistant legislative clerk called the roll.

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

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

The minority leader is recognized.

TIME TO ACT

Mr. MCCONNELL. Mr. President, yesterday in the Senate we got a vivid look at why the challenges we face in this country are so difficult to address. With a looming fiscal crisis some have called the most predictable in history, with a national debt at a level none of us ever even imagined, with millions unemployed and millions more underemployed, with the biggest tax hike in history looming at the end of the year, and with entitlement programs such as Medicare and Social Security drawing ever closer to insolvency, here is what Senate Democrats did yesterday: They ducked. They were presented with five different options for dealing with these problems and they voted against every single one of them.

No one was particularly surprised to see Democrats reject the Republican proposals. We hoped some of them would support them, but we weren't altogether surprised they didn't. But every American should be surprised that Democrats didn't offer a single plan of their own, and they didn't even support the plan offered by the President of their own party. But, sadly, that is what passes for leadership in the Democratic-led Senate these days: Oppose everybody else—including a President of your own party—and hope nobody notices you are not doing anything yourself. Most people would say it is the responsibility of the party in power to propose solutions, and they would be right.

The problems we face are simply too serious and too urgent to avoid any longer, and yet Democrats continue to duck any responsibility for addressing them. We certainly saw that yesterday. I would imagine there are some Democrats this morning who are having second thoughts about their party's performance yesterday. And if I am right about that, I would invite them to stand and work with us. Put aside what is politically safe and do what is right. The problems we face are too great to put off for another day. It is time for all of us to come together and to act.

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

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

The assistant legislative clerk called the roll.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. 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.

FEDERAL RESERVE NOMINATIONS

Mr. VITTER. Mr. President, I come to the Senate floor to debate and oppose the two Federal Reserve nominees President Obama has sent to the Senate. First, let me say I think it is very important, very good, very healthy that we are having this debate and we are having these votes. That is how the Senate should operate, particularly on very important Presidential nominations, and these certainly fit into that category.

The Federal Reserve is an extremely important body for all sorts of reasons, but I will mention three in particular. First of all, it sets monetary policy, and that is a very important economic tool and set of economic policies. Right now this Federal Reserve, under Chairman Bernanke, has an unprecedented policy of zero-interest rates—easy money for an extended period of time—which is historically unprecedented.

Secondly, the Federal Reserve is the primary regulator of our Nation's biggest banks, including Bank of America, Citigroup, Wells Fargo, and another that has been in the news quite a bit in the last few weeks, JPMorgan Chase. Obviously, all of these entities were involved in the recent economic crisis, so, again, the Federal Reserve is extremely important as those megabanks' primary regulator. We should be talking about that.

Finally, the Federal Reserve has other important authority and responsibilities, including in situations where they have taken action to bail out these megabanks. They have that authority. They also have authority to issue regulations under Dodd-Frank. All of these points are reasons why these two nominations are extremely important. That is why I demanded this debate and these votes.

Fundamentally, I demanded this debate and these votes for two reasons. First of all, I oppose these nominations. I am voting no. There was a UC promulgated, and that UC, had it been accepted, would have meant a ''yes'' vote for me. I couldn't vote that way for the reasons I will explain.

Secondly, more broadly, I think it is important we have this debate and we have these votes, and this used to be the norm in the Senate. Between 1994 and 2000, all but two nominations to the Federal Reserve Board were voted on by the Senate. Yet since 2001 that has flipped, for some reason. Since 2001, only two nominees have received votes and 10 nominees were confirmed to the Board of Governors without a recorded vote. I think that is unfortunate. I think this is the proper way for the Senate to do its business, particularly when such important issues are at stake.

Now let's talk about those issues.

First of all, monetary policy. The Federal Reserve's primary responsibility—one of its two huge mandates—is to set healthy, proper monetary policy for the United States. Personally, I think that should be its only mandate—there are efforts here in the Congress to move the law to that position—but it certainly is a major role of the Federal Reserve and is extremely important.

Once more, this Federal Reserve, under Chairman Bernanke, in this economy has set monetary policy in an unprecedented way, and that is not editorializing. That is a factual assessment, a factual description. Because this Federal Reserve has set essentially a zero-interest rate policy, an extremely easy money policy for an extended period of time, a very long period of time, without any end in sight, and that has never before happened.

There are many experts, economists, and commentators who think this is very dangerous policy, and I share their concerns. I do not pretend to be an expert, as they are. I do not pretend, quite frankly, to have the economic training and background of Chairman Bernanke and others. But many of those who do have grave concerns with this unprecedented easy money policy. Let me mention a few.

Dr. Allan Meltzer, a professor at Carnegie Mellon University, sees signs of this building up future inflation and a weakening dollar and believes the Fed did great harm in these categories with its Quantitative Easing 2, so-called QE2. Dr. Meltzer has read Fed minutes for years and has written the definitive ''History of the Federal Reserve'' and says the central problem is there is a lack of discussion of alternatives and consequences of their policies.

Federal Reserve Bank of Kansas City President Thomas Hoenig said the Fed's plan to push down long-term interest rates may produce very adverse accidental outcomes and policymakers risk creating real ''imbalances'' in the economy. He said:

> I have real concerns about trying to fine-tune and micro-manage the economy when monetary policy is a blunt tool.

Richard Fisher of Dallas said he believes the Federal Reserve's monetary policy has yet to show evidence of working. He is the Federal Reserve Bank of Dallas president. He says in particular, the Fed's plan to buy $400 billion of long-term bonds while selling the same amount of short-term debt is benefiting financiers and not aiding job creation.

Philadelphia Fed President Charles Plosser, in a speech on economic outlook to the Business Leaders Forum at the Villanova School of Business, expressed extreme skepticism with that so-called Operation Twist, trading long-term debt for short-term debt, and he did not think it would encourage business investment or consumer spending. He said:

> I dissented from these decisions because I believe that they will do little to improve the near-term prospects for economic growth or employment and they do pose risks.

So there are very legitimate, strong concerns which I share on the current monetary policy of this Federal Reserve, and it is very clear from the statements of these two nominees that these two nominees will support that policy, will support that direction for the foreseeable future, will not provide dissent, will not provide alternative viewpoints.

In addition, let me mention three other things about the Fed. As I mentioned, the Fed in general is the primary regulator of the megabanks, and, still, I believe we do not have adequate focus and adequate regulation in that category. I would only point to the recent disastrous announcement of JPMorgan Chase.

Also, the Fed, with five affirmative votes, passes regulations under Dodd-Frank under its authority. That process is ongoing right now.

Why are these two nominations significant in impacting the development of those Dodd-Frank regulations one way or the other? Well, it is pretty simple. Those Dodd-Frank regulations coming out of the Fed need five affirmative votes. Right now, there are five members of the Board of Governors, so they need to reach complete unanimity with regard to those regulations. When the possible negative impact of those regulations is such a threat, I think that required unanimity is actually very healthy and a real protection.

These two new members of the Fed change the map, change the requirement from needing five out of five to needing five out of seven. I think that will significantly push these regulations to the left, if you will, and require and therefore produce less consensus, which those with economic viewpoints such as mine wish to see continued.

In the same vein, the Fed is certainly significant in not only regulating the megabanks but, in instances like 2 years ago, bailing out the megabanks. They have that authority and they have that role. Just as with Dodd-Frank regulations, that requires five affirmative votes of the Fed Board. Again, right now, before these two confirmations, that would need five out of five. It would require unanimity. I think that is healthy, actually, with regard to such an extreme measure as huge taxpayer-funded bailouts, as we have seen in the last 3 years.

If these two new nominees to the Board are confirmed, that math, again, would change in exactly the same way: The requirement would move from five out of five to five out of seven. It would shift the outcome to the left, if you will. It would make it much more likely that the Fed would act sooner to bail out megabanks with taxpayer funds.

I have all of these concerns about these nominations. These two nominees are fine, decent men. They are smart. They are qualified in the professional sense. However, they clearly also support the current direction of Chairman Bernanke and the Fed. For that reason, I cannot support the nominations, and I have real concerns.

But, in closing, let me say that at least I think it is positive we are having this debate and we are voting. As I cited, that used to be the norm in the Senate, including with regard to Federal Reserve Board of Governors nominations. These are very important nominations because of monetary policy, because of their regulatory authority, because of bailouts, and Dodd-Frank, and all the rest. It is more important—now more than ever—because of the unprecedented nature of Chairman Bernanke's and the Fed's monetary policy and because of the history of the last 3 years.

We need this debate. We need these votes. I do not think spending about 2 hours on it on the floor of the Senate is too much to ask, so I am glad I asked for that. I am glad I demanded that. With that opportunity, I will be voting no.

Mr. President, I yield back my time. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold his request?

Mr. VITTER. I will.

EXECUTIVE SESSION

NOMINATION OF JEREMY C. STEIN TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

NOMINATION OF JEROME H. POWELL TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Jeremy C. Stein, of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System and Jerome H. Powell, of Maryland, to be a Member of the Board of Governors of the Federal Reserve System.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 90 minutes of debate in the usual form.

Mr. SCHUMER. Mr. President, 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. CORKER. 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.

Mr. CORKER. Mr. President, I wanted to speak for a moment today about the vote we are going to have this afternoon on the Federal Reserve Board members who have been nominated. I have met both of these individuals, and I plan to vote for them today at noon. But I want tell you why I am going to do that. I am very concerned about the overly accommodative efforts that are taking place right now at the Federal Reserve. I think these low interest rates over long periods of time will create inflation in our country. I believe the Fed has been proactive in recent times in ways that make me nervous. As soon as QE2 was announced, I immediately called the Chairman of the Federal Reserve, and we had a meeting in our office to talk about the concerns he had and the concerns we in our office have.

I would love to see the Federal Reserve have a single mandate like the European Central Bank has and the Bank of England has, where their sole purpose is really price stability. I would also love to see Congress act responsibly and deal with many fiscal and other kinds of issues that are holding down our economy. I think sometimes the Federal Reserve feels as though it is the only entity that is actually acting to try to stimulate our economy. I understand the position they are in, having a dual mandate, which I think is inappropriate and hopefully over time will change.

These two nominees, candidly, do not represent the kind of a more hawkish position I would like to see the Federal Reserve take where they are concerned about price stability over the long haul. At the same time, both of these gentlemen are qualified. I don't think there is any question that someone would say that these two individuals are qualified. We do have Fed Presidents from around the country who typically, as far as monetary policy on the Federal Reserve Board, do act in more hawkish ways and probably more represent the way that I would view things as they ought to be in some of the accommodations the Federal Reserve has continued to make.

I hope we do not get into a situation where we end up having—you can actually call it QE4. Some people might call it QE3. I hope that does not happen and that we will continue to press the Federal Reserve towards that end in any way we can.

I also know that there is going to be an election in November and that whoever the next President is—obviously, as you would expect, I hope there is a change in occupancy at the White House this November, someone who will actually try to solve the problems our Nation has. But whoever the next President is, they will have the opportunity to appoint the next Chairman of the Federal Reserve very soon and also the next Vice Chairman of the Federal Reserve.

So I guess what I would say in closing is that I am going to support these nominees because they are qualified. I do hope they will press the Chairman of the Federal Reserve to be more concerned about price stability, especially into the future. But I do not want to vote no today because I think it sets a precedent of saying that, look, these guys are qualified—I do not think there is any question about that. And I want the next President—who I hope, again, is someone different than we have today—to have the opportunity with my colleagues on the other side of the aisle—if a change is to occur and if the President has the opportunity to appoint a new Federal Reserve Chairman and a new Vice Chairman and he deems them qualified and this body deems them qualified, I hope we are going to have the opportunity to fill those positions.

So, again, I plan to vote for these nominees in an effort to continue to cause this place to focus in the way I think it should. They are not ideal, from my perspective, but they are qualified.

I might remind friends on my side of the aisle that we did have someone who was nominated several months ago who was not in the mainstream. This person was not in the mainstream of thinking, and this person did not become a member of the Federal Reserve Board. So we have ended up having two nominees who are more middle of the road. They are not as hawkish as I would like to see them be. They are not as focused—they possibly will not be as focused on price stability as I would like to see them be. But they are qualified. They are not out of the mainstream. And I do plan to support them.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Mr. President, at noon the Senate will be voting on two of President Obama's nominees to the Federal Reserve Board. These are important positions. They have long terms. They come at a time when our economy is in trouble and doing its best to recover. In these votes, the Senate will be acting in the way it should, and let me say why I am saying that.

On Tuesday of this week, someone most of us know—Marty Paone, who was the Democratic secretary in the Senate for 13 years, until 2008—wrote an article in the Hill, a Capitol Hill newspaper. The headline is ''Senate rule changes come with risk,'' but all I want to refer to today is a description of the Senate that is on our Senate Web site. Marty describes our own Web site in the article and says:

> . . . [t]he legislative process on the Senate Floor [as] a balance between the rights guaranteed to Senators under the standing rules and the need for Senators to forgo some of these rights in order to expedite business.

Mr. President, I ask unanimous consent to have printed in the RECORD the article I just referred to following my remarks.

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

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, what is reflected on the Senate Web site is the action the Senate is about to take at noon today.

There has been at least one vacancy—and sometimes two—on the Federal Reserve Board since 2006. That is 6 years ago. That is one whole Senate term. The Federal Reserve Board has seven Governors nominated by the President and confirmed by the Senate. So during that whole 6 year-period, it has had one or two of those seven positions vacant. And this has been during a time—since 2008—of the greatest economic crisis we have had since the Great Depression.

The President tried once to nominate someone to that position who wasn't accepted by the Senate. So in January the President took the unusual step of nominating a well-qualified Republican, Jay Powell, as well as a well-qualified Democrat.

There is a good deal of unease in the Republican caucus—as I am sure was reflected in some of the comments on the floor—about the response the Federal Reserve Board has taken to the economic crisis since 2008. Senators on this side of the aisle who have those concerns have a perfect right to filibuster, to object, and perhaps to kill these two nominations. But the Republican Senators have realized that if we were to do that to President Obama's nominees today, then if there were a President Romney after the first of the year, the Democrats very likely would say: We will object to President Romney's nominees, and there would still be vacancies on the Federal Reserve Board at a time of economic crisis.

Just as the President took a step toward making government work by nominating a well-qualified Republican to one of these two Federal Reserve Governor positions, I want to acknowledge the fact that Republican Senators who feel strongly about this issue have taken a step forward and forgone—in the words of our Senate Web site—some of their rights so that we can move straight to a vote today, up or down, at 60-votes, on each of the two nominees.

The article to which I referred said that sometimes in the Senate, even though we all have many rights, we have to forgo some of those rights in order to make the place work. That has been happening more lately. Republican Senators in the minority have been occasionally forgoing some of our rights to slow down a bill coming to the floor or to insist on an amendment that is not relevant. The majority leader has on some occasions forgone his right to block our amendments. We would like for him to do that more often, but it has been happening more lately.

I think of the scheduling difficulty Senator REID and Senator MCCONNELL had on district judges a few weeks ago. Instead of letting that issue blow up the Senate, they met privately and agreed they would proceed at a schedule the two of them determined. As a result, we have been considering and confirming district judges at a regular rate.

Their agreement permitted us to move to a jobs bill, which benefitted startup companies, to move ahead. The House Republicans had already passed the bill, then we passed it, and the President of the United States then signed it into law.

The Senate moved forward on the FAA authorization bill after many efforts and failed attempts to do so.

We have a 2-year highway bill which the Senate has passed and which is now in conference. I would like for it to be a 7-year bill, but we have made progress and passed a 2-year bill.

The Senate had a big debate on the Postal Service. I would have liked to have seen a stronger bill come out of the Senate, and I hope the House will send us back a stronger bill. But we had 39 relevant amendments to that bill considered, we worked on it, and we are moving toward dealing with the big debt the Postal Service has.

This week we considered an extension of the Ex-Im Bank and took up a bill passed by the Republican House. We offered and voted on five relevant amendments to the Ex-Im Bank bill and disposed of the bill that same day.

The majority leader says we have the FDA bill coming up—very important because it affects medicines that Americans everywhere depend on. Senator ENZI and Senator HARKIN have worked that bill through the HELP Committee. It has broad support on both sides of the aisle. The majority leader may allow it to come up only with relevant amendments, and we may be able to consider it and pass it.

Earlier this year several of us came to the floor and complimented Senator REID, the majority leader, and Senator MCCONNELL, the Republican leader, for saying that they want to do their best to pass all the appropriations bills this year. That is the basic work of the Senate—paying our bills and doing our oversight. Only twice since the year 2000 has the Senate passed every single appropriations bill.

I don't want to make too much of this progress, but it is a little progress, and it is an example of the Senate working the way the Senate is supposed to work.

Now, let's be honest about the fact that this is a more partisan country than it was even 10 years ago, and that partisanship is reflected in the Senate. By any definition there is a narrower range of views on the Republican side of the aisle and a narrower range of views on the Democratic side of the aisle. But we still have our job to do. Our job is not just to stand and express our views. If our job was to only stand and express our views, each one of us would always be right and we wouldn't get anything done. The second part of the job is to take our views, put them together, and see if we can get a result.

Some people say: Well, you are interested in bipartisanship.

I am not so interested in bipartisanship. That interests me very little, to tell you the truth. I am interested in results. I learned in the Maryville city schools how to count, and I can count to 60. I know that if it takes 60 votes to get anything done in this Senate, it is going to have to take some on that side and some on this side to get to 60. And I know the American people are expecting results—results on the debt, results on tax reform, results on fixing No Child Left Behind, results on finding a place to put used nuclear fuel. I want to be a part of getting those results. We have too many problems to solve for us to think we have finished our job simply by announcing our positions, stating our principles, and sitting down. We need to take those principles and put them together and see whether they can mesh and get a result.

It is not easy to get elected to the Senate. It is very hard to get here. Most candidates campaign for a long time, and their campaigns are intense for 2 years. They usually have terrific opposition, and people say things about them that they don't like. We end up with some very talented men and women among the hundred in the Senate.

It kind of reminds me of country music. A lot of the artists in Nashville I know play in every bar they can find and every State fair they can find for 20 years, and finally they might get invited to join the Grand Ole Opry. Well, being in the Senate for a lot of the last year was like being invited to join the Grand Ole Opry and not being allowed to sing. The majority leader would bring up a bill and block the amendments because he would say the Republicans were keeping him from bringing up bills. Our side would say: Well, we are not going to let you bring it up unless you let us have amendments. So we would be sitting around, twiddling our thumbs, and wasting time when there was a lot to do. That is why I am so glad to see some things changing here in the Senate over the last few weeks.

We all have our wishes about what will happen in the November election. I hope that after November we will see President Romney and that we will see more desks on this side of the aisle, a Republican majority. My friends on the other side expect and hope the President will be reelected, and they would like to enlarge their majority on the other side of the aisle. We don't know whether there will be a Republican or a Democratic President. We don't know whether there will be 51 or 52 Republican Senators or 51 or 52 Democratic Senators. We do know pretty well that there probably won't be many more than 51 or 52 or 53 Democratic Senators or 51 or 52 or 53 Republican Senators, and we all can count, and we all know that is not 60.

We also know we are going to get to the end of the year and we are going to have taxes to reform, debt to reduce, highways to deal with, nuclear waste to do something about, the payroll tax credit expiration, and the biggest tax increase in history facing us. We know the country's lack of confidence in the future will be greatly relieved if it has more confidence in the ability of Washington, DC, to govern this country.

We see what is happening in Europe. We can look at ourselves, and we know we have trillions of dollars sitting on the side lines of the United States. Part of the reason that money is sitting there is to wait to see whether the Senators can do our jobs. Well, doing our jobs may require forgoing some of our rights. That is what it says on our Web site—that we have the rights, that we can insist on them. And sometimes we will. But to get things done in the Senate, sometimes we will forgo some of our minority rights and the majority leader, we hope, will forgo some of his rights. Then we will be able to move to a bill, amend it, vote on it, and get some results. That is what the American people would like for us to do.

We are moving today to vote on a Democratic and a Republican nomination by the President. We are doing it without any obstruction by Republicans in the minority, who are very well aware and hope there will be a President Romney after January who will have a number of Federal Reserve appointments to make. And President Romney will hope his nominees are entitled to the same respect President Obama's nominees are.

If these two nominees are confirmed today, the Federal Reserve Board will have a full complement of seven for the first time since 2006. The Federal Reserve will have a full Board at a time of great economic crisis for our country and as we come up on the end of the year when we will have a fiscal cliff—according to the Chairman of the Federal Reserve Board—that will cause Congressional action to take care of.

So I am here today only to say that I admire the nominees. I know one of them well, Jay Powell, who was Under Secretary of the Treasury for the first President Bush, an administration in which I served. He has a fine reputation. He should be a fine member. I want to acknowledge the fact that the President chose to break the stalemate by nominating Mr. Powell, a Republican, as well as a Democrat. I want to acknowledge the fact that several of my Republican colleagues, who have deep concerns about the actions of the Federal Reserve Board during this economic crisis over the last few years, have forgone some of their rights and allowed us to have an up-or-down vote at noon.

That, taken with the other actions of the last few months, should give a little bit of confidence to the American people that we in the Senate are perfectly able to assert our principles, to stand on our principles, not to give up on our principles. But then, after we have made our speeches, to sit down and come to a result that may not be perfect, it may not be ideal to each of our principles, but will be good for our country.

EXHIBIT 1

[From the Hill, May 15, 2012]

SENATE RULE CHANGES COME WITH RISK

(By Martin P. Paone)

It's an election year, and the Senate can't agree on how to keep the student loan interest rate from doubling on July 1 from 3.4 percent to 6.8. While both sides agree that it should be done, how to pay for it is the stumbling block. A party-line cloture vote failure has once again brought calls for changing the Senate's rules by majority vote at the beginning of the next Congress, bypassing the two-thirds cloture requirement if there's opposition.

The Senate's membership has changed considerably in the last decade, but the Senate rules, with the exception of some changes that were enacted in the Ethics in Government Act, have not undergone any major changes since the Senate went on TV in 1986. While the House has its Rules Committee, which allows the majority to exert its will and control the flow of legislation, the Senate has a tradition of protecting the rights of the minority and of unfettered debate. Its own website describes ''[t]he legislative process on the Senate floor [as] a balance between the rights guaranteed to Senators under the standing rules and the need for senators to forgo some of these rights in order to expedite business.''

The Senate has for centuries functioned by this compact of selectively forgoing one's rights, but now that compact, to some, seems to have broken down—hence the call to enact rules changes at the beginning of the next Congress by majority vote. These calls have come from Democrats, but they are quick to admit that it should apply regardless of who is in the majority at the time.

Such changes can certainly quicken the process and allow for the majority to pass legislation and confirm presidential nominees with little hindrance. While the initial rules reforms will probably be limited to restricting debate on a motion to proceed and other less dramatic changes, eventually such majority rules changes at the beginning of a Congress will result in a majority-controlled body similar to the House. Once the Pandora's Box of granting the majority the unfettered ability to change the rules every two years has been opened, having seen how the current situation has escalated, tit for tat over the last 30 years, it is difficult to believe that strict majority rule would not be the ultimate result. Thereafter, a member of the minority in the Senate will be just as impotent as his or her House counterparts.

Filibusters and the forcing of a cloture vote have been repeatedly used to stop legislation and nominations and to waste time. This is why the number of successful cloture votes, many on noncontroversial nominations and on motions to proceed to bills, has gone up dramatically in recent years. By requiring the cloture vote and then voting for it, the minority has been able to waste considerable time and thus reduce the amount of time available to act on other items of the president's agenda.

The call for changing the Senate's rules by majority vote at the beginning of a Congress is not new; it was attempted without success in 1953 and 1957 and in 1959. When faced with such an effort, then-Majority Leader Lyndon Johnson negotiated a cloture change back down to two-thirds of those present and voting, but as part of the compromise he had to add Paragraph 2 to Senate Rule V, which states ''The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.''

So is it time to ignore the existing rules and change them at the beginning of the next Congress by a majority vote? Perhaps it is time—so many other changes have occurred in our lives in the recent past, why shouldn't the Senate change the way it does business? However, should that occur, one must be prepared to live with the eventual outcome of a Senate where the majority rules and the rights of the minority have been severely curtailed.

While I can sympathize with those demanding such changes, it's the manner of their implementation that keeps reminding me of the exchange between Sir Thomas Moore and his son-in-law, William Roper, in the movie ''A Man For All Seasons'':

Roper: ''So, now you give the devil the benefit of law!''

Moore: ''Yes! What would you do? Cut a great road through the law to get after the devil?''

Roper: ''Yes, I'd cut down every law in England to do that!''

Moore: ''Oh? And when the last law was down, and the devil turned 'round on you, where would you hide, Roper, the laws all being flat? . . . Yes, I'd give the devil benefit of law, for my own safety's sake!''

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Mr. President, I rise today with gratitude to thank and honor my good friends and esteemed colleagues Senator ALEXANDER and Senator JOHANNS. The willingness to vote on two of the President's nominees to serve as members of the Board of Governors of the Federal Reserve that they have expressed today is exactly the sort of bipartisan approach that has historically made the Senate work. I would like to honor their efforts to get us back to that proud tradition and thank them for their efforts to bring these two distinguished men to a vote.

Serving on the Banking Committee together, I know Senator JOHANNS to always do his due diligence when reviewing any proposed legislation or in this case nominees. I am grateful for it. I am also grateful my good friend Senator ALEXANDER is the ranking member of the Rules Committee. His hard work and insight were invaluable as we worked together to streamline presidential appointments and to pass a bill in the Senate to reduce the number of positions requiring Senate confirmation last year. He has always worked for the betterment of this body. Today is another example.

Yet despite our work last year, we face a backlog of nominations which

gridlocks other important legislative business. That is not how the process should work.

The Senate was designed to be a thoughtful and deliberative body. But the American public is harmed when we are not able to get qualified people confirmed to positions in a timely manner. Nominees of impeccable qualifications and indisputable support have been frozen out of the confirmation process. Thankfully that will not be the case today.

At a time when our economy is struggling to maintain forward momentum, and the Federal Reserve is faced with difficult decisions about how to help the recovery now without creating problems in the future, it is absolutely critical that we not leave the Fed undermanned. For months now, the Fed has been operating with only 5 of its 7 board members, while nominees languish in the Senate confirmation process. There is no real question that both of our nominees are qualified and bipartisan.

Jeremy Stein is a well-known Harvard economist, with strong expertise in monetary policy and financial regulation. In between two stints at Harvard, Stein was on the finance faculty at M.I.T.'s Sloan School of Management for 10 years. Stein's research has covered such topics as: the behavior of stock prices; corporate investment and financing decisions; risk management; capital allocation inside firms; banking; financial regulation; and monetary policy.

He is currently a coeditor of the Quarterly Journal of Economics, and was previously a coeditor of the Journal of Economic Perspectives. He is a fellow of the American Academy of Arts and Sciences, a research associate at the National Bureau of Economic Research, and a member of the Federal Reserve Bank of New York's Financial Advisory Roundtable. From February to July of 2009, he served in the Obama administration, as a senior advisor to the Treasury Secretary and on the staff of the National Economic Council.

Jerome Powell is a visiting scholar at the Bipartisan Policy Center here in Washington, where he focuses on Federal and State fiscal issues. He is also a former lawyer, with experience in investment banking and private equity who will bring valuable and broad private sector expertise to the Board. From 1997 through 2005, Powell was a partner at The Carlyle Group, where he founded and led the Industrial Group within the U.S. Buyout Fund. So he has broad experience working with manufacturing companies and other industries at the heart of the U.S. economy.

Powell has served on the boards of several charitable and educational institutions. He is currently a member of the board of directors of D.C. Prep, a charter school operator in Washington, DC; the Bendheim Center for Finance at Princeton University; and The Nature Conservancy of Washington, DC and Maryland.

There is no requirement that the President nominate governors from the other party, but Mr. Powell is also a Republican who served as Undersecretary of the Treasury for Finance under President George H.W. Bush, with responsibility for policy on financial institutions, the treasury debt market, and related areas. So this is not a partisan issue or ideological battle. We have one nominee who served in the Obama administration, one nominee who served in the Bush administration.

It is very good that we have come to an agreement. We hope it can set the tone for agreements well into the future, this year and in 2013 as well.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Jeremy C. Stein, of Massachusetts, to be a member of the Board of Governors of the Federal Reserve System?

Mr. ALEXANDER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The Clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Oregon (Mr. MERKLEY), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. WHITEHOUSE) would vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 70, nays 24, as follows:

[Rollcall Vote No. 102 Ex.]

YEAS—70

Akaka	Enzi	Mikulski
Alexander	Feinstein	Murkowski
Barrasso	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Begich	Grassley	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Blumenthal	Hoeven	Reid
Boxer	Hutchison	Rockefeller
Brown (MA)	Johanns	Sanders
Brown (OH)	Johnson (SD)	Schumer
Burr	Kerry	Shaheen
Cantwell	Klobuchar	Shelby
Cardin	Kohl	Snowe
Carper	Kyl	Stabenow
Casey	Landrieu	Tester
Coats	Lautenberg	Udall (CO)
Cochran	Leahy	Udall (NM)
Collins	Levin	Warner
Conrad	Lieberman	Webb
Coons	Lugar	Wicker
Corker	Manchin	Wyden
Crapo	McConnell	
Durbin	Menendez	

NAYS—24

Ayotte	Heller	Portman
Blunt	Inhofe	Risch
Boozman	Isakson	Roberts
Chambliss	Johnson (WI)	Rubio
Coburn	Lee	Sessions
Cornyn	McCain	Thune
Graham	Moran	Toomey
Hatch	Paul	Vitter

NOT VOTING—6

DeMint	Kirk	Merkley
Inouye	McCaskill	Whitehouse

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the nomination is confirmed.

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Jerome H. Powell, of Maryland, to be a member of the Board of Governors of the Federal Reserve System?

Mr. BURR. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 74, nays 21, as follows:

[Rollcall Vote No. 103 Ex.]

YEAS—74

Akaka	Durbin	Menendez
Alexander	Enzi	Merkley
Barrasso	Feinstein	Murkowski
Baucus	Franken	Murray
Begich	Gillibrand	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bingaman	Hagan	Portman
Blumenthal	Harkin	Pryor
Blunt	Hoeven	Reed
Boozman	Hutchison	Reid
Boxer	Johanns	Rockefeller
Brown (MA)	Johnson (SD)	Schumer
Brown (OH)	Kerry	Shaheen
Burr	Klobuchar	Shelby
Cantwell	Kohl	Snowe
Cardin	Kyl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Udall (CO)
Coats	Leahy	Udall (NM)
Cochran	Levin	Warner
Collins	Lieberman	Webb
Conrad	Lugar	Whitehouse
Coons	Manchin	Wicker
Corker	McCain	Wyden
Crapo	McConnell	

NAYS—21

Ayotte	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coburn	Johnson (WI)	Sanders
Cornyn	Lee	Sessions
Graham	Moran	Thune
Hatch	Paul	Toomey
Heller	Risch	Vitter

NOT VOTING—5

DeMint	Kirk	Mikulski
Inouye	McCaskill	

The PRESIDING OFFICER. The 60-vote threshold having been achieved, the nomination is confirmed.

The majority leader.

NOMINATION OF PAUL J. WATFORD TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

Mr. REID. Madam President, I now move to proceed to consider Calendar No. 552, the nomination of Paul J. Watford, of California, to be U.S. Circuit Judge for the Ninth Circuit.

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

The clerk will report the nomination.

The legislative clerk read the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

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 Paul J. Watford, of California, to be United States Circuit Judge for the 9th Circuit.

Harry Reid, Patrick J. Leahy, Jeff Bingaman, Christopher A. Coons, Carl Levin, Ron Wyden, Ben Nelson, Joseph I. Lieberman, Jeanne Shaheen, Richard Blumenthal, John F. Kerry, Kirsten E. Gillibrand, Barbara Boxer, Dianne Feinstein, Sheldon Whitehouse, Jeff Merkley, John D. Rockefeller IV.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

LEGISLATIVE SESSION

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

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

THE FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT—MOTION TO PROCEED—Continued

Mr. REID. Madam President, what is the pending business?

The PRESIDING OFFICER. The motion to proceed to S. 3187.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

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 motion to proceed to calendar No. 400, S. 3187, the Food and Drug Administration Safety and Innovation Act.

Harry Reid, Jeff Bingaman, Joseph I. Lieberman, Amy Klobuchar, Patty Murray, Mark Begich, Richard Blumenthal, Ben Nelson, Patrick J. Leahy, Kent Conrad, Tim Johnson, Sherrod Brown, Benjamin L. Cardin, Sheldon Whitehouse, John F. Kerry, Daniel K. Akaka, Tom Harkin.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. REID. Madam President, I have spoken before about the importance of the FDA bill. It is something we have to get done. Literally, people's lives depend upon it. It addresses so many things with the FDA to make it a better organization. We have to get this done. As I said before, if my Republican colleagues don't like the bill, offer an amendment—offer an amendment. Take that out. Put something in if you don't like it. But I hope we don't have to go through voting on cloture on this Monday night. We should be legislating on this on Monday. So I am stunned that once again, on a motion to proceed, when there has been an agreement that we would proceed to this with relevant amendments—everybody says that is what they want to do. It is not germane amendments, which is very narrow, it is relevant amendments. It gives people a lot of opportunity to change this legislation in many different ways. So I hope we do not have to have that cloture vote Monday night.

UNANIMOUS CONSENT REQUEST—H.R. 1905

Mr. REID. Madam President, I now ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 1905, the Iran Threat Reduction Act, and that the Senate proceed to its consideration; that the Reid-Johnson(SD)-Shelby substitute amendment, which is at the desk and is the text of Calendar No. 320, the Iran Sanctions, Accountability and Human Rights Act, as reported by the Banking Committee, be considered; that a Reid-Johnson(SD)-Shelby amendment, which is at the desk, be agreed to; that the substitute amendment, as amended, be agreed to; that the bill, as amended, be read a third time and passed; that the motions to reconsider be laid upon the table; that there be no intervening action or debate; and that any statements related to this matter be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, reserving the right to object, I would just note that this is a matter—and I appreciate the majority leader's desire to bring this to conclusion. It has been worked on now for quite some time. Unfortunately, the language that has just been presented to our side has not been widely shared. I have not actually read it yet. It was apparently brought over at 10:38 this morning. When I came to the floor, it was described to me. As described, it would be weaker than President Obama's policy.

Given the fact that this is a matter on which Democrats and Republicans and the administration and the Senate have been in pretty close accord in dealing with the country of Iran and its nuclear ambitions, I would hope we could ensure that the language is agreed to by all. There seems to be an important piece missing, and we certainly need the time to talk to folks to see why that is so, whether it can be put back in or, if it cannot, then to be able to discuss it because we certainly do not want something that is weaker than the administration's current policy.

So I would hope we could have some time over the weekend and perhaps on Monday, when enough of the Members can be apprised of what has actually been proposed here, and see if our colleagues on the other side would be willing to make the accommodation that we may need to have made here.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Madam President, reserving the right to object, I appreciate the leader's desire to get this done. I would like to get it done too. In fact, the original Iran sanctions language was drafted in my office when I was in the other body.

This is an issue I have been involved in for a long time. This morning I have had a chance to look at it only within the last half hour. I suppose I could have been here at 10:38, but even 10:38, for an issue such as this—and my view also is that it is not as strong as the Presidents's policy. It is not as strong as any other resolution on this topic we have ever passed. And the question that would logically be asked is, Why not? I would like to think that is an oversight in drafting, that we can work this out over the weekend and make this reflective of our national policy and the President's policy. But I would be very concerned about moving to this language today and would hope that we could work with the leader to have language that we could bring up as early as Monday and pass and send the message to the world that the Senate supports the stated policy of our government on this critical issue. Nobody wants Iran to be able to move forward and attain nuclear capacity, and I would be very concerned about moving forward on this language as it currently appears to me to be stated.

Mr. REID. Mr. President, is there an objection by either Senator KYL or Senator BLUNT?

Mr. KYL. Mr. President, for the reasons noted, I would hope we could work with our colleagues to fix the problem. Until we do, I would have to object.

The PRESIDING OFFICER (Mr. MANCHIN.) Objection is heard.

Mr. REID. This is such an interesting conversation here on the floor this afternoon. I did not have the papers. Now, I do not blame my friend from Arizona for not having the documents. I do not blame my friend from Missouri for only having a half hour to look at this. This was given to the Republican leader yesterday, midday. The language they are objecting to was in the base bill, so unless they did not read the base bill, they have a problem here. Now, they said they want to get it done—strange way of showing they want to get it done.

This has been a classic example of rope-a-dope. I try to be a patient man. I have been very patient with my staff working with Senator KIRK's staff, the minority leader's staff. I have tried to be as patient as I can be.

Mr. MCCONNELL. Would my friend yield?

Mr. REID. No, not right now. This is absolutely untoward, what is happening here. We have tried to get this done every day. Oh, it is just we have to do a little bit more. We have this agreement that was agreed to by all of the parties, but, of course, now there is no agreement.

I am deeply disappointed that my Republican colleagues are preventing the Senate from passing additional critical sanctions against Iran. If they want to embarrass the President, this is a strange way to do it. Two months ago I came to the Senate floor and said we needed to pass these sanctions immediately. The fastest way forward was to pass the bipartisan bill sponsored by Senators JOHNSON and SHELBY, which passed out of the Banking Committee unanimously. But Republicans then said no, as they are saying today. Republicans said they wanted to include ideas from Senator KIRK, Senator PAUL, and wished to move forward with S. Res. 380 on containment.

We heard their objections. We have tried mightily to address them, with the goal of getting this bill passed and protecting our own national security and that of our ally Israel. This deal includes a bipartisan managers' package sponsored by Senators SHELBY and JOHNSON, with items of importance to Senators MENENDEZ, KIRK, PAUL, and JOHNSON.

The American Israel Public Affairs Committee has expressed strong support for this package to Senator MCCONNELL and to me. In a letter today, AIPAC urged us to move forward with this package as quickly as possible. I ask unanimous consent that letter be printed in the RECORD.

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

THE AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE,
Washington, DC, May 17, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: We understand that you are bringing the Iran Sanctions, Accountability, and Human Rights Act of 2012 (S. 2101) to the floor for consideration. On behalf of the American Israel Public Affairs Committee, we would like to express our support for this critically important bipartisan legislation. We also want to take this opportunity to thank you for your ongoing strong efforts to thwart Iran's nuclear program, and for your overall leadership on behalf of a vibrant U.S.-Israel relationship.

In our view, this legislation has been further strengthened in important ways by a managers' amendment that reflects the views of a number of senators. We appreciate your leadership, together with that of Senators Johnson, Shelby, Menendez and Kirk in enabling this legislation to move forward to the floor and ultimately to conference with the House.

We understand that Senators Menendez and Kirk have additional valuable ideas to improve the bill being considered by the Senate but have graciously agreed to defer their amendments at this time to enable the bill to move forward as rapidly as possible. We applaud their efforts and, like them, want to see the strongest possible legislation enacted. We believe that their amendments fall within the scope of the conference committee, and urge you to ensure that they will be given appropriate consideration during the course of the conference deliberations.

We are deeply appreciative of the role played by the Senate under your leadership to do everything possible to stop Iran from using its nuclear program to further destabilize the Middle East. By its legislation and oversight, Congress has kept this issue in the forefront and forced Iran's leaders to face the choice between compliance with its international obligations and international opprobrium.

We look forward to working in support of your efforts.

Sincerely,

HOWARD KOHR,
Executive Director.
MARVIN FEUER,
Director, Policy & Government Affairs.
BRAD GORDON,
Director, Policy & Government Affairs.

Mr. REID. Mr. President, Democrats are ready to move forward and vote on an amended S. Res. 380, the bipartisan Graham-Casey-Lieberman legislation. This amendment would put the Senate on record, along with President Obama, ruling out a policy of containment on Iran. Yet Republicans have objected again. We cannot afford to delay these sanctions and slow them down any longer. On May 23 there is a round of international negotiations taking place with the Iranians on subjects related to this resolution we have.

Democrats are ready to move forward. We are ready to pass both the Iran sanctions bill and the containment resolution now—not later, now. We cannot afford any more delays. Sanctions are a key tool in our work to stop Iran from obtaining a nuclear weapon, threatening Israel, and jeopardizing the national security of the United States.

I am to the end of my patience. I usually never raise my voice with a Senator. I apologize to my friend from Arizona. I did a few minutes ago. The conversation was between him and me. But I am really upset about this. I feel that I have been jerked around—that is a pretty good understanding of the language people have—because we can never quite get there. The Republicans have kept us from moving forward on this for 2 months. We should have done what SHELBY and JOHNSON told us to do. So I hope something will happen on this in the near future, but I have to be honest with you, I do not have much faith that it will.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Do I have the floor now?

The PRESIDING OFFICER. You do.

Mr. MCCONNELL. I would say to my good friend the majority leader, this is an outrage I do not understand. My staff tells me we did not receive the draft amendment until late last night, and this morning we were told it was final. We got the draft late last night, and this morning we were told it was final.

Now, look, we have debates around here about a lot of things, but one of the things we have typically not been unable to reach an agreement on is the Iran issue. I do not know what the problem is here. A little communication ought to be able to bring us together behind something we can speak to unanimously, with a goal that I think we all have in this body—virtually everyone—which is to do everything we can to prevent Iran from becoming a nuclear-armed country.

So there is no reason in the world why we cannot resolve whatever minor differences we have and move forward. We certainly do not want to take a step backward. And there are Members on my side of the aisle who are concerned that the way the measure is currently crafted could actually be a step in the wrong direction. It could have been a drafting error. But what is wrong with sitting down on a bipartisan basis, looking at the language, and making sure we get it right and achieve the goals that I think virtually everybody in the room would like to achieve? There is nothing to get angry about. A proper response would be to work out our differences and to go forward.

Timeliness is an issue. We need to do this quickly. We can all agree to that on both sides of the aisle. I say to my friend, I don't think there is anything to be outraged about. Why don't we work out the differences and pass the resolution?

Mr. REID. Mr. President, when my friend indicates, why is there any problem, and that they agree—it is just like the issue of student loans when they

say they agree, except they will not let us legislate on that bill. They think this is a great thing to do, but we cannot do it. They say they need more communication. How about 2 months? How much more do they need?

I will not get into getting anyone in trouble, but the Republicans were given this in mid-afternoon. Maybe they were busy, but that doesn't matter. The point is we have tried to get something done, and we cannot get it done.

I think it is too bad for this institution. I am not outraged; I am upset because I feel I have been used as a tool to try to adversely affect the President in some way. I will continue to keep an open mind, but I have to say that I am terribly disappointed. It looks as though we are going to arrive at May 23—and the Iranians have people around who are watching this. They are laughing at us. We cannot even come up with a simple resolution. It has no force of law—I should not say that; it does have some. But they are laughing at us.

Here is the U.S. Senate quibbling over a sentence that has been in this resolution since it was drafted.

Mr. MCCONNELL. Mr. President, most people in America work 5 days a week. It is 1 o'clock on a Thursday. What is the problem? We have broad bipartisan agreement about the approach we ought to take with regard to the Iran sanctions issue. The leaders on my side are all standing on the floor of the Senate and are anxious to be involved in working out the language.

I say to my friend, he said it is a sentence in the resolution. A sentence can sometimes change the entire meaning. How this is crafted is not irrelevant. Rather than us standing out here on the Senate floor pointing fingers, it is only 1 p.m. on a Thursday afternoon; let's sit down and work out the differences and pass something we can agree on and try to make a difference.

Mr. REID. No matter how many times you say it, the language we are told they are complaining about was in the initial bill.

Mr. President, I appreciate my friend saying most people work 5 days a week. I work more than 5 days a week, and I have been working the last 2 months trying to get this done. Every time we tried to do it in the last few weeks—and Senator KIRK is ill, and I gave him every benefit of the doubt. Let's try to do what Senator KIRK thinks is a good idea. If we can agree, we will do it.

Mr. President, we have been trying to get this done for a long time. It is not just today at 1 o'clock; I wanted to move forward on this a long time ago. They say: Let's just give it another day or so and we will take care of this. But that is not how it has worked.

I yield to the Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I thank the leader for yielding. I want to applaud him for asking to bring the legislation that passed unanimously out of the Banking Committee to the floor because there is no one in this Chamber who has been stronger on pursuing sanctions on Iran and trying to defer Iran from achieving nuclear weapons. I support and am on Senator LIEBERMAN's resolution.

But time is of the essence. We must send to the Iranians a clear message that they cannot just forestall negotiations and have negotiations thinking that they are buying time. We must show them that notwithstanding their intentions to buy time, there are consequences.

The consequences of those sanctions on the Central Bank of Iran that are already moving forward and that the administration is fully seeking to enforce, and the continued perfecting sanctions that the Banking Committee sent out unanimously is incredibly important to send the Iranians a message.

I look at what the legislation will do in part. It, in essence, closes loopholes that the Iranians have figured out. It creates sanctions on the national Iranian oil company and the national Iranian tanker company, making them agents of the Iranian Revolutionary Guard and imposes sanctions on financial institutions that would facilitate transactions.

This is important. The Iranians are using this as a way to get around it. It has sanctions on satellite companies that impose human rights sanctions on those companies that provide satellite services to the Iranian regime but fail to prevent jamming by Iran of transmissions by others of the same satellite service company. It has sanctions on financial messaging services, and even though Swift, the largest of them, already pulled the plug on the Iranians, we don't want any other messaging service to fill that void. We want to make sure that noose is as tight as possible.

Mr. REID. Mr. President, if my friend will yield, I want to make sure the record is clear. When I talked about it having no force of law, we were talking about the containment resolution.

I ask this question to my friend from New Jersey: What does he think the Iranians are doing watching this performance today? How does he think they are feeling about what we are doing today—that we cannot pass this resolution?

Mr. MENENDEZ. Originally, when we sent a 100-to-0 vote out of here, they said: We are in trouble. But now they are saying to themselves: Well, buying time seems to succeed.

We cannot allow the Iranians to believe, as they head into these negotiations next week, that there is anything but a foot on the head of the snake and that we will continue to do that and drive every possible sanction and close every possible loophole, which is largely what the legislation the leader was seeking to pass accomplishes. That is why it passed unanimously out of the Banking Committee.

Even as we talk about the resolution, there is no reason to stop the very essence of what would send a message to the Iranians—that it will hurt them in their economy and undermine their ability to continue in Iran as a government, and that it is going to be the very strongest set of sanctions we can levy from one government to another. It will have a multilateral effect, which is when sanctions take place the best.

I am beside myself. Are there amendments that I might want to offer? Of course. But I find it far more important to move now and get passage and send this strong set of sanctions so that the Iranians will get the message rather than to linger and ultimately have those negotiations take place and not send a message.

I appreciate the majority leader's efforts. I applaud them. I am certainly for Senator LIEBERMAN's resolution. I don't believe in containment as a policy, but moving the set of sanctions to ensure that the Iranians don't do anything but come to the table and say they are ready to follow a course of disarmament in terms of their nuclear production is incredibly important.

Sometimes things can wait. This is not one of those times in which waiting produces the desired result. On the contrary, it produces a negative result because they believe we will not continue to pursue tightening the noose and closing every loophole and being of one mind. I hope we can achieve that before we leave.

Mr. REID. Before my friend leaves, I direct a question to him. Is it true that he is a member of the Banking Committee?

Mr. MENENDEZ. Yes.

Mr. REID. It is true that this resolution came from the Banking Committee?

Mr. MENENDEZ. Yes, the legislation came from the Banking Committee.

Mr. REID. The matter about which we talk, the Iranian sanctions legislation, came from the Banking Committee. It was reported unanimously from the committee, right?

Mr. MENENDEZ. That is correct.

Mr. REID. During the last 2 months, the Senator from New Jersey and his staff have been heavily involved in what is going on during the negotiations that have taken place; is that fair?

Mr. MENENDEZ. It is.

Mr. REID. Jessica Lewis, who is seated by me, my foreign policy adviser—is it true that she worked for the Senator from New Jersey?

Mr. MENENDEZ. She did until the majority leader took her from me.

Mr. REID. And it is true that we have worked over this period of time—our staffs, working with Republicans—very hard to try to get something done. I say to my friend, is it true that each time we were there, were not there the next few minutes, the next day—it has taken forever, 2 months, right?

Mr. MENENDEZ. We have thought at various times that we would be on the Senate floor and have it passed, and

there has always been an additional desire or objection. I just think what we have before us, especially in timing, doesn't mean we cannot continue to perfect it as we move to the future, as we are doing in this legislation.

But this legislation, now passed unanimously out of committee, is supported by the major advocates of those who share our vision that we cannot have a nuclear-powered Iran and an Iran with nuclear weapons, and believe that it is important to move now so we can achieve that goal and send a message to the Iranians.

So I think time, in this case, is of the essence. That is why I came to the floor to support the leader's efforts.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, this is a classic moment—unfortunately, too typical—where we all agree on the goal, but we want to pass another tier of sanctions against the Iranians to deter them from developing nuclear weapons. Our goal has been to get this done before the P5+1—five permanent members of the Security Council of the U.N., plus Germany—meet again with Iran in Baghdad this time, which is next Tuesday.

I understand the frustration of the majority leader. First, nobody has been more consistent and steadfast and sincere in their effort than the majority leader to have this body make very clear to everybody in the world—particularly the Iranians—that we will not accept them becoming a nuclear power, and we are prepared to use economic sanctions and, if necessary, certainly now the credible threat of force.

I also know the majority leader has been pushed and pulled back and forth over the last several weeks to get to a point where we can get this done before May 23. So I understand his frustration at this moment.

I hear my Republican colleagues, and I have looked at the language they are concerned about. They are concerned that in listing the economic sanctions as one way that can be used to stop Iran from developing nuclear weapons and not listing the credible threat, the option of military force, as President Obama and others have said, that somehow we are sending a message of weakness.

Frankly, my original hope was that the more important thing to do is to get this done and passed in the Senate by next Tuesday when all parties come to Baghdad. But the difference is not only small, it is nonexistent. We all agree we ought to try the sanctions, that we ought to make them tough, that they ought not be watered down before the Iranians agree to stop their nuclear weapons program. And we all agree we have to have the credible threat of force being used against the Iranian nuclear program if there is any real hope of the sanctions working.

I know the majority leader has to leave the Senate floor. Ideally, I wish we could agree on that sentence and get it done and passed today by consent, if we can. If we can't, I hope we can do it by Monday so we do send a message of unity, which we have, but the words, the procedures, the mood is standing in the way of us sending a unified message from the Senate to the rest of the world, and particularly to the Islamic Republic of Iran in Tehran, that we mean business. Right now we are not speaking with one voice.

I appeal to my colleagues. Let us step back, take a breath. Can we do it this afternoon? Maybe. I hope so. If we can't, let us get it done over the weekend and adopt it by Monday.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I wish to echo what my friend from Connecticut, Senator LIEBERMAN, has said. I wish to get this done so we can vote and send the appropriate signal. It is not so much we act before Tuesday, even though that is important, but that we let the Iranians and the world know what we mean when we speak.

I hope they are watching in Tehran. I don't know if they get C SPAN. They will probably find it odd that LINDSEY GRAHAM is now being easy on Iran. Trust me, I am not. Senator MENENDEZ has been a champion, along with Senator KIRK, of creating legislation we could all buy into 100 to 0. We can't agree we should take Sunday off 100 to 0. But what they achieved was remarkable.

I understand Senator REID has been pulled and torn. I appreciate it. I enjoy working with him. He thinks maybe somebody is doing him wrong. We are not. He should ask himself this question: Why would Senator GRAHAM be on the floor concerned about what we say if he genuinely did not believe we are making a mistake? I don't want to embarrass the President. I would say to the President: Keep it up with Iran. I hope sanctions work. And if you need to use military force to protect this Nation, if sanctions fail, I will be your strongest advocate.

But a couple of things have been said that need to be corrected. The managers' amendment is not what was in the base bill or we wouldn't need a managers' amendment. Section 102 in the base bill is approximately three paragraphs. Section 102 here is approximately 10 pages. The bottom line for me is that this section was added in the managers' amendment that didn't exist in the base bill:

> Nothing in this act or this amendment or the amendments made by this act shall be construed as a declaration of war or an authorization of the use of force against Iran or Syria.

That wasn't in the base bill. Where the hell did that come from? This is not a declaration of war. But when this sentence is in there, and the new amendment doesn't say one thing about the use of force to control the Iranian behavior—the President's own words are ''all options on the table.'' And the reason I am exercised is we are now producing a product that backs away from where the President has been regarding all options on the table. We end the new managers' package with the statement ''nothing here authorizes the use of force against Iran or Syria.''

It is all about sanctions in the bill, and the only time we mention force is to say we won't do it or we won't authorize it. All I am asking is what Senator LIEBERMAN mentioned. These sanctions are great. I hope they will change Iranian behavior. They haven't yet, and I don't think they ever will, but I am willing to go down this road. All I am asking is when we include in the legislation ideas or concepts that will change Iranian behavior that we include ''all options are on the table'' in the bill. Because this would be the first piece of legislation where that is ominously omitted.

To end, the whole concept of what we are trying to do with the declarative statement ''this is not a declaration of war or the use of force against Iran or Syria'' would make the Iranians believe, quite frankly, we are all about sanctions and that is it. I am all for sanctions, but if you are listening, Tehran, I want more on the table to make you change your behavior.

This summer is going to be tough for the world. The Iranians talk and enrich. There is nothing credible I have seen to make me believe they are not pursuing a nuclear weapons capability. I hope the talks next Tuesday will change their behavior.

I appreciate what Senator MENENDEZ has done, along with his colleagues on the Banking Committee, to give this President more tools, to make them even tougher than they are today. But the worst thing we could do before next Tuesday is to leave any doubt to anybody who is watching this debate that there is nothing more on the table than just sanctions; that on the table—and we hope to God we never have to use it to stop the Iranian nuclear program—is the use of force, if that is required.

That is all I want to say. I hope we never get there.

I agree with this last statement—I am not asking for a declaration of war against Tehran or Syria—but I will not vote for a document at this critical time in our Nation's history, with the existential threat we are facing from a rogue regime that denies the right of Israel to exist, that has killed over 2,000 Americans in Iraq, that has been a proxy for evil throughout the planet, whose own President doesn't believe the Holocaust existed. And to my friends at APACS, whom I agree with most of the time, if they think this is the right answer, I couldn't disagree with you more.

Add one simple line, that in addition to all the fine work of the Banking Committee, and my dear friend Senator MENENDEZ, that we in the Senate recognize what the President has been saying for months—that military force is also an option.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. First of all, we have two things on the floor that are being discussed right now, and I know this is confusing probably to the people in Tehran, but the fact is I agree that Senator MENENDEZ and Senator KIRK have done a great job. I am on the Banking Committee, and we voted this out unanimously. I do hope, with this managers' package being added, that we can work out the details here.

My sense, by the way, is that we will do that. My sense is we will do that by the end of the day. So on the sanctions bill, I hope it goes forward.

Now I wish to move to something called a resolution. As we saw a minute ago, Senator REID talked about something not having the force of law. We are not talking about the sanctions bill. It has the force of law and, hopefully, will become law soon. What doesn't have the force of law is S. Res. 380, and I ask unanimous consent to engage in a colloquy, if I may, Mr. President, with the Senator from Connecticut and the Senator from South Carolina.

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

Mr. CORKER. Sometimes what happens around here, Mr. President—and it happened in Libya, when we passed a resolution at 9 o'clock one night by unanimous consent and somebody over at the State Department decided that was an authorization for force. That was not the intent of that resolution. Again, we are talking now about the resolution, not about the sanctions bill.

I wish to engage in a colloquy with the cosponsors of S. Res. 380, because there is a clause 6 in here that says:

> . . . strongly supports United States policy to prevent the government of the Islamic Republic of Iran from acquiring nuclear weapons capability.

There are some wise people over at the State Department who could use that statement as a declaration of war, and I think they acknowledge that. But I don't think the authors of this resolution want that to be the case. So I wish to clarify that in the resolution—not in the sanctions bill—none of the language included in S. Res. 380 may be interpreted as congressional support for military operations in Iran.

I hope that should the administration decide kinetic activities are the only avenue available—we all hope that doesn't happen, but believe it can—that if kinetic activities are the only option available to achieve our policy objectives, they will come to Congress for authorization. This is not intended as an authorization of war.

I think these two cosponsors of the resolution agree, and if the President does want to go to war with Iran, it is his responsibility to come to Congress. Is that the agreement, I ask my colleagues?

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I am pleased to respond to my friend from Tennessee. I am actually very glad he raises the question, because I know at least one other Member of the Senate has similar concerns.

The interpretation of my friend from Tennessee of our intention in this resolution is exactly right, which is that there is nothing in this resolution that is intended to be an authorization for the use of military force in Iran by the President or government, military, of the United States of America.

This resolution's main focus is to essentially back up with a congressional statement the position President Obama has articulated; that no matter what happens, containment of a nuclear Iran is not an acceptable policy from the point of view of the security of the United States; that our policy is to prevent the government of the Islamic Republic of Iran from acquiring a nuclear weapons capability. That is exactly why clause 6 was put in there, to say we do not accept containment; that our policy is prevention of the Islamic Republic of Iran from acquiring a nuclear weapons capability.

But I want to be clear there is nothing in that language that Senator GRAHAM or I or Senator CASEY see as the authorization of the use of military force. If at any point circumstances in Iran require, in the judgment of the Commander in Chief, military action, then I expect—particularly if it lasts a period of time that would bring it within the purview of the war powers understandings—the President would come to Congress seeking explicit authorization for the use of military force.

This resolution supports the negotiations going on now between the P5+1 and Iran. It expresses our hope that it succeed so that the option of military force is not necessary. It is very significant in that it essentially says—and I will paraphrase it—we ought not to dial down the economic sanctions against Iran just because they have come to the table and maybe accepted one part of what we want them to do. They have got to show they have made a commitment for a verifiable end of their nuclear weapons program before we lift the economic sanctions. That is the real goal. And if they do not, they will face our policy of prevention, not containment. But this is not the authorization of the use of military force.

I thank my friend from Tennessee for raising the question and giving us the opportunity to respond, and I hope it reassures anyone else in the Senate who may have had that same concern.

With that, I yield for my friend from South Carolina.

Mr. GRAHAM. Senator CORKER asked a very good question, and I will answer it directly, as Senator LIEBERMAN did. The resolution is not designed to authorize the use of force where anybody in the State Department administration could say, we have the green light to go into Iran from Congress. That is not what we are intending to do. We are intending to echo a policy statement made by President Obama that the policy of the United States will be—if you are listening in Tehran—not to contain Iran if they obtain a nuclear capability.

I want to lodge an objection to my own resolution by my colleague RAND PAUL, who could not be here, so I am going to object on his behalf. He wants to strike two provisions of the resolution, although I don't think we can get there from here.

But in response to Senator CORKER, if he wanted to add a line into this resolution that it is not an authorization to use force, I will gladly do that so that nobody can mistake that. But here is what Senator PAUL suggested to me. What if they get a nuclear weapon. You know, we don't want to contain them. That is our policy. But what if we wake up one day and they explode a bomb out in the desert and they have already got it? What would we do then? Does that mean we would go after their nuclear program or would we try to contain them? It means, from my point of view, we should go after their program. So we have a difference.

If the Iranians think they can sneak through and get a nuclear weapon, and then we are going to contain them, it doesn't work that way. They need to know their regime survival is at stake if they go down this road. If by some accident of our intelligence being wrong—if that could be even conceivable, which I think it could be given this closed environment—they need to know we are not going to allow a nuclear-capable Iran, period.

But to this resolution not being an authorization to use force, I would say to Senator MENENDEZ that this last statement—which wasn't in the base bill—I don't object to that. This is not a declaration of war. I don't know why someone added Syria. We are not talking about Syria, but there are some people out there who want to limit the ability of the United States sometimes to defend itself. I want to put a sentence in your sanctions bill that all options are on the table, as they have been for months, if not years.

Mr. CORKER. To sort of end this colloquy—and I know Senator MCCAIN and Senator MENENDEZ wish to speak—I fully support every comment that has been made by the Senators from Connecticut and South Carolina. I am not associating myself with the comments of the Senator from Kentucky, which the Senator from South Carolina alluded to.

I would love for the Senator from South Carolina to insert that language into it, regarding the fact this is not an authorization for the use of force. But I want to say that is not because I don't support exactly the sentiments being laid out here. I do. I just want us to continue. I want the Senate to be a part of any action that might take place. Hopefully it won't. But if we end

up with kinetic activity, I want us involved in that so as a Nation we go forward—if that occurs—in a unified way. What I don't want is for us to end up where we have in the past, having partisan disputes.

With that, I yield the floor.

Mr. MCCAIN. Would the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Isn't it true that the President of the United States said that it was ''unacceptable'' for the Iranians to have a nuclear weapon?

I have a series of questions.

Mr. GRAHAM. Yes.

Mr. MCCAIN. So doesn't that mean the United States of America would reserve all options in case of an unacceptable situation where the Iranians continued—and we have seen no deviation from that path—toward the acquisition of a nuclear weapon?

Mr. GRAHAM. The Senator is correct.

Here is what President Obama said: All options are on the table when it comes to the Iranian nuclear program. Israel, I have your back. Containment is not an option.

I agree with the President. I think he has made the right statements, and I am just trying to reinforce them.

Mr. MCCAIN. So isn't it true that we are having this debate about whether this amendment or this legislation could be construed as an authorization or opening the door for military action; that the administration's policy is already very clear that it is unacceptable for Iran to have a nuclear weapon? And I am sure that, over time, the three of us could talk for a long time about the implications for the entire region of Iran, not just the threat to Israel but the entire region of an Iranian government which is, quote, going to wipe Israel off the map, which then, of course, would force other nations in the region to develop nuclear weapons.

Isn't it true that it has been a matter of national policy—both Republican and Democratic—that it is unacceptable? And that does not mean we automatically would use military force, but it does mean we would have to react to the development on the part of the Iranians of a nuclear weapon.

So this resolution we are considering is no different in any way—in fact, it is less specific than what the President of the United States has said and what I believe most every Member of the U.S. Senate is on record one way or the other saying: that the development of a nuclear weapon by Iran would be an unacceptable situation.

Mr. GRAHAM. Well, let me try to answer that.

Senator MENENDEZ and a group of us—Senators LIEBERMAN and CASEY and HOEVEN and myself—did the resolution in question today to echo the President's statement that we are not going to have containment as a policy.

There are some people—even Republicans, I might add, some very prominent Republicans—who believe you could contain a nuclear-armed Iran if you told them: If you ever use a nuclear weapon, we would wipe you off the face of the Earth.

President Clinton gave a very good answer to that situation. He said that the biggest fear he has is not that the Iranians would put a nuclear weapon on the top of a missile and hit Jerusalem and Tel-Aviv. That is a concern. His biggest fear is that they would share the technology with a terrorist organization. So that is why you can't ever let them get this capability.

So the resolution is basically echoing the statement of the President that containment is not an option. And it has 78 cosponsors.

Senator PAUL has the right to object, and he did. I don't think we can get there from here. I think he has a different view of what we are trying to do—honestly held, a good man, just an honest difference of opinion.

Back to the sanctions bill. Senator MENENDEZ did a great job, as he always does on things like this. The reason I found out about this and got so concerned is that section 603 is something that wasn't in the base bill. Again, it says: Nothing in this act or the amendments made by this act shall be construed as a declaration of war or an authorization for use of force against Iran or Syria.

One, nothing in here has anything to do with Syria, and I am OK with saying that. I don't want this to be a declaration of war or an authorization to use force; I want it to be a good sanctions bill. But if you don't have the other means available to stop the Iranian programs—as the President has indicated, all options on the table—that has to be said because we would be leaving a gap in our policy.

So to Senator MENENDEZ and Senator REID, all I am asking is that we insert a provision that basically echoes what the policy of this country is—all options are on the table, not just sanctions. And we will get a lot of votes for this.

Mr. MCCAIN. I know our friend Senator MENENDEZ is going to speak, but this is not any change in American policy toward Iran, both Republican and Democratic, and that is that there is an existential threat to the State of Israel and other countries in the region, other Arab countries in the region, that would be posed if the Iranians continued on their development of nuclear weapons.

So this resolution is an important statement on the part of the Senate and Congress, but to somehow say this is a major change in policy of any kind obviously flies in the face of the record of this President and previous Presidents as regards this issue.

I also would like to thank the Senator from New Jersey for his continued contributions to these national security issues.

Mr. GRAHAM. I would just close and yield the floor to Senator MENENDEZ. The Senator is right about the resolution. We are not coming up with a new idea; we are just reinforcing an idea put on the table by our own President—we are not going to contain a nuclear-capable Iran as a policy. It is not a declaration of war. It is not authorization of force. It is restating the policy at a time when it may matter.

Mr. MCCAIN. And if there were a need for military action, it is the view of all of us that we would come back to the Congress of the United States before any such action were contemplated.

Mr. GRAHAM. Well, here is my view about that. I think the President would be wise to include the Congress.

I am a conservative who thinks the War Powers Act is unconstitutional. I find it odd that our party for all of these years has railed against the War Powers Act until President Obama is in office, and all of a sudden we are great champions of the War Powers Act.

But what I would say is that it would be wise for the President to consult with the Congress and for us to be united. And if you do believe in the War Powers Act, he has to, within a period of time, come back to get our approval to continue. I think whatever the President needs to do to defend us against a nuclear-capable Iran is best made by the Commander in Chief consulting with the Congress. But you can't have 535 commanders in chief.

Back to the sanctions bill. The problem I have is that it is silent on a concept on which we all agree, and I don't want to create a document before the negotiations Tuesday that doesn't include something beyond sanctions to change the Iranian behavior that we all want to avoid. And this says: It is the sense of the Congress that the goal of compelling Iran to abandon efforts to acquire nuclear weapons capability and other threatening activities can be effectively achieved through—it goes through 10 pages talking about sanctions, and not once does it mention the possibility of military force, and that is what I want to add, that concept.

With that, I will yield the floor. I hope we can work this out.

To the Senator from New Jersey, I think he is a great guy, and I am sorry we are having this problem. But it is very important to me that we get this part of it right.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I appreciate the comments of both my colleague from South Carolina and my colleague from Arizona. They are leaders in this regard in terms of the national defense. And if I ever had a case, I would want Senator GRAHAM to argue it for me because he is a fine lawyer. I have seen that on the floor and I have seen it in his role as a reservist in part of, as I understand, the Judge Advocate General program. So he does a fantastic job.

Let me make some observations that I think are critically important.

No. 1 is that I share Senator GRAHAM's and Senator LIEBERMAN's concern and the desire to have the Senate on record as saying we do not and cannot accept an Iran that has nuclear power and nuclear weapons. That is why I signed on to their resolution. And I think their resolution moving exactly in tandem, parallel with the sanctions legislation that I played a significant role with the chairman of the Banking Committee, Chairman JOHNSON, and others to bring to the floor is incredibly important.

But let me make some observations.

First of all, in the committee itself, when it passed unanimously, all of our colleagues on both sides of the aisle had the opportunity to offer an amendment and/or language that would have done exactly what the Senator wants, and no one on either side of the aisle sought to do it because the focus was on the jurisdiction of the committee, which is economic sanctions—economic sanctions that have proven in their first iteration to begin to have real consequences to the Iranians: devaluing the rial by over 50 percent; creating challenges in their economy; closing the financial institutions they can deal with in the world; looking at their oil, having major discounts on their oil and finding it increasingly difficult to sell. And we have the opportunity to perfect that, to make it even stronger, even more viable before they head into negotiations and think they can buy time.

Now, it was silent when it came out of the Banking Committee. And, yes, in the managers' amendment there is that provision because, in fact, in order to deal with one of the objections of our colleague on the other side of the aisle, Senator PAUL, provisions saying that this was not a direct military authorization were included so that we could ultimately find the opportunity to pass it on the floor with unanimous consent—the same unanimity the Banking Committee had, the same unanimity we had when we passed the sanctions on the Central Bank of Iran. That unanimity sends an incredibly strong and powerful message to the Iranians.

So it was in the process of accommodating that Senator REID talked about over the last 2 months to try to get us to a point that we could pass legislation, that in the process of accommodating that, that language comes forward.

The concern is ultimately taken care of by Senator LIEBERMAN and Senator GRAHAM's resolution; that, in fact, the President has said, as the Commander in Chief of the country, that a nuclear-armed Iran is not an option; that containment of a nuclear-powered Iran is not an option.

This President has put all of the military assets that are necessary that did not exist before in the Persian Gulf to both respond to any incident or to initiate any action he thinks may be necessary. Therefore, those actions more than any words have made it very clear to the Iranians that is a real possibility if the national interests and security of the United States are ultimately challenged.

So I really think that insisting on the sanctions part of the legislation, that has the full force and effect of law and real consequences to the Iranians in their economy—which is the most significant way that we undermine their march toward nuclear weapons—is important to move, while you move independently the legislation that Senator LIEBERMAN and Senator GRAHAM have talked about, which is making the intentions or amplifying the intentions of the President crystal clear. But you should not hold hostage the sanctions legislation in order to accomplish a goal that should be taken care of by the Lieberman-Graham resolution, and you shouldn't hold it hostage when, in fact, you have a powerful tool to exercise before the next round of negotiations.

The Iranians must know that we are one of purpose, and that oneness comes by passing the sanctions unanimously through this Chamber and achieving, ultimately, their effects.

So that is the only point of disagreement with us. Don't hold the sanctions legislation hostage. None of our colleagues sought to include that language. And the language that is included is in response to a colleague from the other side of the aisle in order to be able to move the legislation. So you can't have your cake and eat it too. But we do need to have our ability to move the sanction before the Senate adjourns this week, and I think that will meet our collective interests as a nation.

There is only one piece of turf we should be fighting for; that is, the collective turf that is our country. That is what we can do by passing the sanctions legislation.

I hope Senator REID will have the opportunity to clear the way and to move it by unanimous consent and in doing so send a very powerful message on behalf of the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask consent the Senator from Delaware, Senator COONS, and I could have a colloquy for up to 15 minutes.

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

STUDENT IMMIGRATION

Mr. ALEXANDER. The Senator from Delaware is not yet on the floor but I know he is coming. Because I know other Senators wish to speak at 2 o'clock, I am going to go ahead with my remarks. When he comes I will let him go ahead with his.

Each year, approximately 50,000 foreign students receive advanced degrees from universities in this country in the areas of science, technology, engineering, and mathematics. We call those in shorthand STEM degrees—science, technology, engineering, and mathematics.

Of those 50,000 students, at least 17,000 go home to other parts of the world. These are some of the brightest men and women in the world. They are attracted to the best universities in the world. I always say our universities, our great research universities especially, are our secret weapons for job growth. Since World War II, many estimates by the National Academy of Sciences suggest that more than half of our new jobs have come from increases in technology. It is very hard to think of any important new innovation in biology or in the sciences that has not had some sort of government-sponsored research over that time. So our research universities are job factories and our advanced degree holders are the ones who come up with the great ideas.

As a former president of the University of Tennessee, which is a fine research university, I know that increasingly in the science, technology, engineering, and math programs in those universities many of the students are from other countries. These students line up in India and compete, hoping they will get a chance to come to the United States. They have done the same in China. They do this everywhere in the world. About 17,000 of those 50,000 who come for advanced degrees go home each year.

Yesterday, Senator COONS and I introduced legislation that would help those 17,000 students, and we hope more who may come, to come to the United States, get their advanced degrees in science, technology, engineering, and math, and then stay here and create jobs in our country instead of going home and creating them in other countries.

I will have to admit there is a value to students who go home. It is probably our best foreign diplomacy, to have someone come from another country, live here, learn our values, go home and explain those at home. But we want the next Google to be created here, not in China. We want the brightest people in the world. If we are going to attract them here and provide education for them, we want to give them every opportunity to come here. And today we make them go home because of our immigration policy.

The legislation Senator COONS and I introduced yesterday now has the support already of at least two other Senators, Senator LUGAR and Senator ISAKSON, who have asked to cosponsor. It would, No. 1, create a new student visa for citizens of other nations who want to come here and pursue a master's or doctoral degree in science, technology, engineering, and math. No. 2, once they get that degree, the new visa created in this bill would allow them to remain here for 12 months, to look for a job. And, No. 3, once they are employed, the bill establishes a procedure to allow students to change their immigration status and to receive a green card. Finally, these new green cards would not count toward any existing green card limit.

This idea is not new. It has as much support outside of the Senate Chamber as any idea I know about—from companies such as Microsoft, which tells us they have 2,600 jobs available that require computer science degrees that start at $104,000 a year. They would like to have these students work here and create jobs for us. We know from our own experience the importance of these green-card holders.

The Oak Ridge National Laboratory in Oak Ridge, TN, is probably the greatest engineering laboratory in the world. Who runs it? Dr. Jeffrey Wadsworth ran it. He had a green card from the United Kingdom. Dr. Thom Mason, who is there now, had a green card from Canada. Thomas Zacharia, the current Deputy Director at ORNL and the father of supercomputing, has a green card from India.

We want them here, not in India, not in the United Kingdom, not in Canada.

I greatly appreciate the leadership of Senator COONS of Delaware on this issue. He has worked hard on it. He has been a leader on it.

I only have one more thing to say about it before I step aside and let him talk about his ideas. In 2005, we began to work on something called the America COMPETES Act in this body. In 2007 we passed it. It was sponsored by the Democratic leader and the Republican leader. It had 35 Democratic sponsors and 35 Republican sponsors. It passed the House. It was reauthorized last year. We asked the best minds in our Nation to tell us what would be the 20 things we could do as a Congress to make sure we are competitive in the future so that we can keep this high standard of living we have come to enjoy. It is a very high standard of living. We have about 5 percent of all the people in the world. We have about 25 percent of all the wealth in the world that we produce each year. How can we keep doing that?

They gave us these 20 ideas and we passed many of them. It is one of the great successes of our Congress over the last several years, working together. One piece of unfinished business from the America COMPETES Act of 2005 and 2007 was to pin a green card on the foreign student who gets a graduate degree in science, math, technology,or engineering.

The legislation Senator COONS and I offered yesterday would do that. I greatly value his leadership and his approach. I hope we can work with our colleagues on both sides of the aisle to take this idea, turn it into a law, and give our country more of an opportunity to create new jobs as we move forward.

I already asked permission for the next 15 minutes that Senator COONS and I would be in a colloquy. I wish to defer to him for his comments at this time.

Mr. COONS. I thank very much Senator ALEXANDER. I cannot think of a better person to partner with, to seek advice and guidance and leadership from, on the issue of STEM immigration and education reform than Senator ALEXANDER, a national leader on education policy. Like me, Senator ALEXANDER is the son of a former classroom teacher, but also served as the U.S. Secretary of Education and president of a prominent university, the University of Tennessee. He knows firsthand of the challenges, of the opportunity lost when tens of thousands of foreign nationals, who come here and seek the opportunity to get STEM master's and doctoral degrees in some of our best universities, are then forced to return home to their nation of origin rather than being able to stay here, if they choose, to create jobs, grow businesses, and contribute to our country and our economy.

As someone who, before running for public office, worked with a highly motivated materials-based science company that employed over 1,000 researchers, I too have a sense of what great contributions immigrants have always made to this country, but particularly in these areas of innovation and how they can contribute to our competitiveness.

Senator ALEXANDER's closing comments about the America Competes Act is where we start this conversation. I came to this Senate knowing that my predecessor from Delaware, Senator Kaufman, had been a strong supporter of the America Competes Act, one of the few engineers to serve in the modern Senate. I was happy to take up the cause and press for its reauthorization in the waning days of the 111th Congress.

I met with Senator ALEXANDER last year and we talked about this as one of the most promising unfinished pieces of business in that critical report, ''Rising Above The Gathering Storm,'' and in that vital piece of legislation, the America Competes Act. As Senator ALEXANDER had referenced, the America Competes Act was passed with strong bipartisan support. That was the sort of thing that was focused on moving America forward by identifying strong ideas that had support across the whole country and a lot of different sectors and from both parties. It is my hope this is the beginning of building a strong bipartisan coalition on moving forward on immigration reform.

Let me talk for a minute, if I could, about our history and tradition of immigrants contributing to our country, being a strong part of job creation and growth here, and in particular immigrants who come to this country to be educated in STEM disciplines—science, technology, engineering, and math.

If you think about it, for most of the last century we had some of the strongest universities in the world. For much of the last 50 years, anyone who came here from a foreign land to get a doctorate in a STEM discipline, if they chose to go home, was going home to a country that wasn't a competitive environment. The United States—because of our advances in workforce and infrastructure and our legal system, our entrepreneurial culture, our capital markets—was the world leader in innovation and competitiveness. This is no longer the case. We still have the strongest universities in the world, 35 out of the top 50, but today those 17,000 STEM doctoral and master's graduates that Senator ALEXANDER referred to, when we force them to go home to their country of origin rather than allowing them to compete for those jobs here and contribute to the American economy, are finding open arms in nations such as India and China, which are vigorous competitors. They are providing the capital markets, the infrastructure and the workforce, the resources to take advantage of those opportunities. We need an immigration system that responds to the modern economy and the opportunities of a highly competitive modern world. Rather than hemorrhaging these highly skilled folks and having them return home, we should give them an opportunity to participate in being job creators here.

The numbers bear this out. If you take a look at the Fortune 500 companies today, more than 40 percent of them were founded by immigrants or their children. Folks who had come to this country recently from other parts of the world have established companies that employ more than 10 million people worldwide and have combined revenues of more than $4 trillion, a figure greater than the GDP of every country in the world except the United States, China, and Japan. Immigrant-founded startup companies created 450,000 jobs in the United States in the last decade, and collectively they have generated more than $50 billion in sales in a single year.

Let me give one example that has meant a lot to me. I became friends with the founder of Bloom Energy, KR Sridhar. In his native India he got his undergraduate degree, but he came to the United States to get his doctorate in mechanical engineering and then went on to be a researcher at NASA's Ames Center and made a critical invention in solid oxide fuel cells. He runs Bloom Energy, which has already created 1,000 jobs. Last week the Governor of Delaware and my senior Senator, TOM CARPER, joined others at the site of a former shuttered Chrysler plant for the groundbreaking of a facility that Bloom Energy will make possible.

Why would we want a capable, bright contributor to our economy like KR to be forced to go home to his country of India, rather than welcoming him here and giving him a chance to participate, to contribute, and potentially become not just an American business leader but an American citizen? We need to make it easier for the next generation of inventors and innovators to create jobs here.

This bill, as Senator ALEXANDER has laid out, is relatively simple. It creates a new class of visas for foreign students to pursue STEM master's and doctoral

degree programs, and allows us to continue a conversation about how do we recognize the longstanding central contribution to our economy, our culture, and our country of immigrants.

I believe there are other areas of immigration reform that have to be on the table, that we have to move forward on. I am eager to move forward on family-focused reform and on other areas as well, where I am a cosponsor of other immigration bills, but my hope is this legislation will get the attention it deserves, will get the broad support from Members of both sides of the aisle it deserves, and that it will form part of a compromise that will address the needs of all the stakeholders in immigration reform in a responsible and balanced manner.

This legislation is not the end of the road, but it is a critical step forward in making sure we continue a bipartisan, thoughtful, and constructive dialog on how do we deal with an immigration system that is broken and that doesn't make America as competitive as it could be.

If I could, I want to close by thanking Senator ALEXANDER for his leadership, for allowing me to work with him and to produce a bill that is streamlined, that is simple, that is accessible, and that I think can contribute to making America a land that continues to welcome and celebrate the real job creators, inventors, and innovators from all parts of the world.

Mr. ALEXANDER. Mr. President, Senator COONS is one of the most eloquent speakers we have in the Senate. He did a beautiful job in explaining the bill. I hope it attracts support from both Republicans and Democrats. He mentioned the fact there are other immigration issues—and there are. There are a number of ones I wish to work on and get something done. I was here when we tried to get a comprehensive immigration plan a few years ago. It had strong bipartisan support, but one of the lessons we learned in that effort was that we do not do comprehensive well here in the Senate. Sometimes it is better to go step by step. That has been true for a long time.

We remember Henry Clay as the Great Compromiser, but Henry Clay's greatest compromise was not passed by Henry Clay. He failed. It nearly ruined his health and he went to Massachusetts to recover from it. A Senator named Stephen A. Douglas, from Illinois, the home of our assistant Democratic leader, came to the floor and introduced the Clay compromise section by section and each section passed with a different coalition, with Senator Sam Houston being the only Senator who voted for each one of them. So my hope is that with the broad support we have for this very simple idea—pin a green card on the lapel of a gifted graduate of an advanced program in science, technology, engineering, and math, and allow them to stay here and create jobs here instead of forcing them to go home—I hope we have such strong support for this idea that we can go ahead and pass it, and then we can follow that up with the other necessary steps we need to take on immigration, and hopefully we can do that with a coalition that represents Democrats and Republicans as well. This is a great idea.

Somebody might say: Well, why don't they just do it the way we do it now? Right now, it is H 1B visas. As everyone who is an employer knows, they are complicated, burdensome, and there are not enough of them. This is simple. It is a new visa. They get it if they are admitted, and they get to stay 12 months while they look for a job. If they get a job, they get a green card, and there is no cap on the number, and that is the idea.

I thank Senator COONS for his leadership. I look forward to turning this good idea, this piece of unfinished business in the bipartisan America COMPETES Act, into law.

Mr. COONS. In closing, I will just say that the economics of this legislation are simple, but, as Senator ALEXANDER and I recognize, any step toward immigration reform is complicated. Making it easier for foreign-born, American-educated innovators to stay in the United States is just one aspect of many of the urgently needed steps to reform our outdated immigration system.

I see that Senator DURBIN has come to the floor. I am proud to cosponsor the Dream Act. I also support the Uniting American Families Act. There are other pieces of legislation that are essential to allow us to recognize and to strengthen the role immigrants play in the fabric of our country. I think this opportunity today to move forward on a bipartisan bill that focuses on this one area without caps, with a new class of immigration visa, is an important contribution to moving this discussion forward for all of us.

I thank Senator ALEXANDER.

Mr. ALEXANDER. Thank you, Mr. President.

I yield the floor.

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

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

POSTAL REFORM

Mr. DURBIN. Mr. President, today the Postmaster General announced that the Postal Service would begin the process of consolidating about 140 processing facilities around the country. Despite the harsh realities of this announcement from the Postmaster General, there are a few bright spots in Illinois.

The processing facilities in Springfield and Fox Valley, which the Postmaster General had originally slated for closure, will remain open. Additionally, I am glad that the Postmaster General has heeded our calls to keep Illinois jobs in Illinois and other jobs in the States where the processing facilities currently exist. The Postmaster General's original plan would have potentially sent over 500 Illinois postal jobs to surrounding States, along with the mail they have processed so efficiently for so many years.

Beyond the postal employees, the Postal Service supports tens of thousands of private sector jobs in Illinois, which is the center of the mailing and printing industry.

Certainly, today's announcements are difficult for my constituents who live in Quincy and Rockford, Carbondale and Centralia, Bloomington and Effingham. I have consistently insisted—and the Postmaster General assured me—that we are going to avoid layoffs and that all of the employees in these facilities will have the opportunity to pursue another role in the Postal Service or to accept, if they wish, early retirement incentives. I am told none of these facilities will close before the end of the year.

As I said, today's news is disappointing and difficult for many in my State, including postal customers, postal employees, and small businesses. Still, I think it is important to note how far we have come from the Postmaster General's original plan to where we are today. Originally he sought closure of 250 processing facilities nationwide—today's announcement, 140—and called for the closure of 3,700 mostly rural post offices.

In Illinois, the Postal Service originally targeted 9 plants for closure which employ over 1,800 people. After countless hours of meetings and hard work and a great deal of floor debate, we have moved off the potentially destructive path.

Let me say this too, Mr. President. You know this subject better than any other Member in the Senate. We met in my office with the Postmaster General—I believe in November or early December—sat down with him and said that his proposal to reduce the number of post offices and processing facilities could be the death knell of postal service as we know it today.

You will remember that we challenged them. We said: Mr. Postmaster General, do not make any of these changes until May 15. Give Congress an opportunity to come up with a way to save money for the Postal Service, to preserve the Postal Service, and to do it by way of legislation, which is why we were elected.

He reluctantly said he didn't want to do it. Reluctantly he gave us a letter and said: I won't do anything until May 15. I will give the House and the Senate a chance to do their work.

If you will remember, Mr. President, I called Senator LIEBERMAN, chairman of the administration committee—the government operations committee, and said to him: With this jurisdiction, we have to roll up our sleeves and get to work.

He said: We are ready. Senator COLLINS and I and Senator CARPER and others will work together to pass a Senate bill that achieves Postal Service reform in a fairer way.

And he did.

The same day, I called Chairman DARRELL ISSA, the California Republican chairman of the House committee with the responsibility for the Postal Service. I said to Chairman ISSA: We now have until May 15 to do our job, to pass a bill in the House and the Senate and get it to the President, and now the clock is running.

Mr. President, you will remember that we had a break over the holiday, and when we came back we were anxious. We didn't want to waste any time. Let the record show that at the end of the day, the Senate, on a bipartisan basis, passed the postal reform bill. Thirteen Republicans joined 49 on the Democratic side and passed a bipartisan bill.

Well, what happened in the House? The answer is nothing happened in the House. The House of Representatives failed to do their job. They failed to pass Postal Service reform. To my knowledge, they didn't bring a bill to the floor. And then May 15 came. The Postmaster General kept his word and waited, and then he made this announcement.

If the Senate bill that we passed had become the law of the land, today's announcement would have never taken place. We set up a process for post offices and processing facilities to be evaluated in terms of their efficiency and costs that I think was sensible, reasonable, and would have saved money. We didn't get to that point because the House failed to act. That is the harsh reality of why we face what we do today.

Only the Speaker of the House and his majority can explain why they didn't accept the challenge to legislate. My question to them is, If you are not here to legislate, why are you here? An issue of such national importance as the future of the Postal Service should have been done, as it was in the Senate, on a bipartisan basis in the House of Representatives. We did it here. We worked together. I cannot even remember how many amendments we considered, but we labored through every single one of them and got it done.

Now I look around my State and see six or seven major processing facilities closed, and it breaks my heart because what we did in the Senate would have avoided some of those. It would have at least put a process in place that was a lot fairer.

Well, my last word to the Members of the House is that it is not too late. It is not too late to accept the responsibility and to pass the Senate bill if you can't pass one of your own. Call our bipartisan Senate postal reform bill to the floor. At least give it a vote in the House of Representatives.

If they can pass it, let's send it to the President, and perhaps before the end of the year we can actually save some of these postal facilities.

I don't want to create false hope because I couldn't believe that May 15 would come and go and the House wouldn't act, but that is what happened. So let's hope that changes for the better.

I am going to continue to work with the Presiding Officer as well as the President of the United States and all of the committee members. The Postal Service is something special.

I will close by saying this. When they ask Americans what they think of people who work in the Federal Government, they don't always have the highest opinion—including Members of Congress. But when you ask them about what branch of the Federal Government they have particularly positive feelings about, it is the Postal Service. You know why, and I do too. It is that letter carrier who is looking in the window and waving at your mom to make sure she is OK each day, and she looks expectantly for the delivery of the mail even if it is just some circular. That is that visitor each day who keeps her in touch with the world and our Nation in touch with itself. That is the Postal Service.

I just went into the Springfield post office, my local branch, recently, and they couldn't have been kinder or more courteous, helping all the people who were there. Our postal employees are some of the best Federal employees in America, and I am proud of what they have done. I am sorry they are going through this change. It is not something we wanted to see happen.

We are going to do this in a way that is good for the future of the Postal Service. I hope the House will join us in this bipartisan effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

STUDENT LOAN INTEREST RATES

Mr. REED. Mr. President, I am joined by my colleague, Senator BROWN of Ohio. We are extraordinarily apprehensive that in 45 days the interest rate on subsidized student loans will double in the United States. Young people and middle-aged people who are struggling to educate themselves and reeducate themselves will be faced with a tremendous increase in the cost of college and postsecondary education. The interest rate will go from 3.4 percent to 6.8 percent. This is particularly ironic when the Federal Reserve routinely lends to large banking institutions huge sums of money at less than 1 percent. So this is a huge impact on middle-income Americans who are struggling with so many challenges: housing costs, employment problems—the whole plethora of issues they face.

It is estimated that more than 7 million students, including 43,000 in Rhode Island, will suffer because of this doubling that will take place. A lot of our colleagues have said: Of course we don't want to see this happen. I thought it was terribly ironic yesterday that they, with very few exceptions, voted consistently for budgets that would, in fact, double the student interest rate. In fact, one of the budgets they voted for previously, the Ryan budget from the House, would also eliminate the in-school interest subsidies for certain loans. So there is this incongruity between, oh, we are all for keeping interest rate low for students, but, of course, in our budget we double it.

There is another problem, and it has been reported in so many different national and local newspapers. There is a huge problem with student debt. We have reached the $1 trillion mark in student debt. This could be the next big, huge bubble we face financially. It certainly impairs the ability of young men and women when they graduate to go and take the job they want, to buy the house they want, because they are struggling with huge debts, and we are adding to that by doubling the interest rate.

This is a policy issue, but it is also an intensely personal issue. I received letters from many constituents about the potential impact, and I know Senator BROWN from Ohio has as well. I wonder if the Senator has some comments at this point.

Mr. BROWN of Ohio. I appreciate the work of the Senator from Rhode Island and Senator HARKIN. Of course, Senator REED has been working on this issue for months and months. I am still amazed that the Senate refuses time and again and the House refuses to do the right thing.

This started back in 2007. It was bipartisan with President Bush, with the Democratic House and the Democratic Senate. The Presiding Officer was involved, Senator REED and others, and we passed it. We did a 5-year freeze of interest rates. Now the bipartisanship seems to have gone, and repeatedly this body has either failed to step up or actually voted no or voted wrong in some cases to move forward on this.

As Senator REED has said, I, too, have tens of thousands of people—380,000 Ohioans—who are now in the Stafford subsidized loan program. It will mean about $1,000—as it will in Rhode Island—per student, per year if we fail to act by July 1.

I have been at four campuses just in the last month or so. I have been at a community college in Cleveland, the University of Cincinnati at the other end of the State, Wright State University in Dayton, and Ohio State University in Columbus. I saw students—one was from the Young Republicans on one of the campuses and others are Democrats—trying to find a way to pay their bills. They are working-class kids, middle-class kids, poor kids—kids who want to find a way to get ahead.

We hear the same stories over and over, but let me just share one. On my Web site people sign up and come to the Web site and tell their stories. I will just share one of them. I know Senator REED has been hearing from people in Providence and Warwick and all over his State also.

This comes from Dorothy in Mount Sterling, OH. She wants to be a special ed teacher. Dorothy says:

I never thought that student loans would have such a huge impact on my life. I am studying to be a special ed teacher. I really want to make a difference so that our youngest generations have an equal opportunity to succeed in life.

I rely on student loans to pay for my education and assist me in times of need in this harsh economic climate.

Higher interest rates mean that I will never be able to afford a home, a reliable vehicle. I will never be able to provide for my family, and I will always feel in debt for trying to make myself a better person and trying to be a better citizen for our country and the State of Ohio.

If given the chance for a better job opportunity outside my area of expertise, I would surely take it into great consideration. I know that in the years to come, I will desperately be looking to relieve myself from the cost of my college education.

I feel like I have been punished for wanting an education and wanting to better myself so that I can better the lives of others. I just wanted to make a difference and I am fighting against those who do not even realize what it means to truly struggle.

Please don't stop fighting for me.

We can hear the desperation. We can hear the focus she has on community service and public service, but we can also hear the view that she is being undercut by decisions we are making—or not making.

She also said something else that was pretty interesting. When we saddle these young people with loans, the average 4-year graduate in Ohio has about $27,000 in debt. When we pile more on Dorothy or somebody in Rhode Island or Vermont, it means they are less likely to buy a house, less likely to start a business, less likely to start a family. It is morally wrong to stand in their way or make it harder.

Think what it does to the economy too. I want people such as Dorothy to get an education without huge debt, to buy a home, to begin to provide and prosper and lift the whole community; people who are productive workers and who care about the community. We have no business taking that away from Dorothy and people like her and adding to her debt. That is why we have to do this first.

Mr. REED. Mr. President, if I could reclaim my time, the Senator has been a tremendous leader on this issue because he leads from the front. He is in Ohio. He is talking to students and families. He understands the personal ramifications that are involved.

Let there be no mistake. This is a program that benefits middle and lower middle-income Americans. Nearly 60 percent of the dependent students who qualify for subsidized loans come from families with incomes of less than $60,000. This is not a perk for the superwealthy. Nearly 70 percent of independent students—that is the term of art for those adults or older people who may have some previous training but they have to go back to the community college to get a certificate and are trying to transition from a job that was shipped overseas to one they think they can get here.

Nearly 70 percent of independent students borrowing these loans have incomes of less than $30,000 a year. So we are talking about people who cannot afford a doubling of the interest rate.

But there is another issue too. It is not just, as Senator BROWN pointed out, to fulfill legitimate and, in fact, admirable personal ambitions of establishing oneself in a community by buying a home or raising a family; this is about our future, our productivity as a nation, our ability to compete in an incredibly difficult international, global economy.

We have looked at the statistics at universities such as Georgetown University. Their Center for Education and the Workforce said over 60 percent of the jobs by 2018—a few years from now—will require some postsecondary education—60 percent. But in 2010, only 38 percent, roughly, of working adults held a 2-year or 4-year degree. So we have this gap, a 20-percentage point gap, between the skills we need through postsecondary education and the skills we have. We hear not just from analytical papers that are done by think tanks; we hear it every time we go back to either Ohio or Rhode Island because employers come up to us and say: I have jobs to fill, but I can't find people with the skills, the training that I need to give them a job.

Mr. BROWN of Ohio. Will the Senator yield?

Mr. REED. I am happy to yield.

Mr. BROWN of Ohio. Senator JACK REED from Rhode Island is one of the few graduates from West Point in this body and served his country in so many ways and still does. But I think about JACK REED when I think about what happened with the GI Bill after World War II. We want to help individual people with keeping these interest rates from doubling, but we know when we help lots of individual people we help society as a whole.

After World War II, literally millions of young men and women returned from fighting for our country, came back to the United States, and the government was farsighted enough in 1944 under President Roosevelt, who signed the GI Bill, to prepare for this huge wash of young men and women coming back from the war. We as a nation were smart enough back 65, 70 years ago to help millions of those young men and women one at a time with their education.

But here is what else it did: Those millions of students who benefited from the GI Bill gave so much to society. Perhaps our best times economically as a nation in the 1940s, 1950s, 1960s, and 1970s came out of the GI Bill because when government helps in partnership to give opportunity to thousands or hundreds of thousands or millions of people, it also helps the country as a whole, and that is part of our philosophy in public service in many ways.

So what these Stafford loans, these subsidized loans do, as do Pell grants—and we are seeing efforts to cut Pell grants by the House of Representatives too, which is just the stupidest thing ever in my mind because I don't understand the way some of them think—but when we provide opportunities for Stafford loans, subsidized loans, or Pell grants, it is helping people such as Dorothy and people in Rhode Island and Vermont. It is helping people in Mansfield and Toledo and Cleveland and Garfield Heights. I think it is one of those things that is hard to understand why we would not do this.

I wanted to ask Senator REED a question, if I could. He explained on the Senate floor one day how Republicans have said they are for this now, that they don't want to double the interest rate—although I am not sure of that from some of their activities. The Senator from Rhode Island has talked about the way we want to pay for this versus the way they want to pay for this.

I know the Senator talked about closing tax loopholes, and they talked about sort of playing college students against women needing mammograms by cutting health care—if the Senator could explain that to my colleagues.

Mr. REED. I would be happy to, reclaiming my time. First, let me echo what Senator BROWN said, how this is about being competitive. When he talked about the Pell grants, I have to reference my colleague and predecessor, Claiborne Pell, because he seized on the lesson of the GI Bill and said: Let's extend it broadly to college students. So Pell grants, Stafford loans, all of those vehicles were created. Frankly, I think that is not only the reason we have led the world and the Nation in creativity, but it is the reason America, as well as—and probably better than any other place in the world, was able to proliferate computers and technology, et cetera, because we have a literate, well-educated citizenry who first could invent these devices and then could use them properly. We are in danger, if we don't continue to support education, of losing our innovative edge and losing our capacity as a people to adopt innovation and technology and to continue to lead. For all of these reasons, our economic future is linked to continuing to support higher education.

There is another point I wish to make before I talk about the way we have proposed to pay for this; that is, there have been some on the other side who say the problem is that tuition is going out of sight, and we are contributing to those tuition hikes. Well, under the subsidized loan program, the maximum borrowing is $23,000. So this is not the driving force. Colleges have to recognize they have to rein in costs, but this is not the driving force. This is the way so many families are able to make it through college and make it into the economy and move up the economic ladder.

But what our colleagues have said is they are all for preventing this doubling. Of course, yesterday they voted consistently, with very few exceptions,

to double the interest on Stafford loans. So what they say and what they do sometimes are different.

But then they said the real dispute is how to pay for it. They want to pay for it by going after the money in the prevention fund, which is part of health care reform. But this prevention fund is absolutely critical. As Senator BROWN indicated, people need diagnostic tests. They need to be able to go to a medical facility and get advice, assistance, and tests so they can avoid problems. That is not only sensible for the individual; that is the only way we are going to get a handle on the proliferation of costs in the health care sector.

One of the ironies of our current health care system, pending the, we hope, implementation of the affordable care act, is that we have millions and millions of Americans who have no real access to health care, no access to preventive care, no access to simple things such as cheap pharmaceuticals to control cholesterol until they get to be 65 years old. Then they go into the doctor's office, and they have Medicare. But their problems are so much more expensive.

I was speaking to ophthalmologists in my office, and they said: You are absolutely right. We see people come in for the first time with health care under Medicare who have serious problems such as diabetes and glaucoma. If we had seen them 10 years ago—if a physician had treated them—through a prescription or another very inexpensive therapy, they could have avoided these tremendous costs. That is what they are going after.

By the way, that is, to me, another middle-class program because, frankly, if one is well off and well situated financially, one will get all the preventive care one needs. It is those people who are struggling in the middle class and moving into the middle class who need this prevention fund.

So what we have proposed—is not to attack another benefit, or a smart, wise, cost-effective approach to health care that would benefit middle-income Americans—instead we are going after a tax dodge, plain and simple. This is a tax dodge that has been called out by the Government Accountability Office as something that has been used to avoid over $23 billion in taxes on wages in 2003 and 2004—a huge gulf.

In 2005, Treasury Inspector General for Tax Administration called this loophole a ''multibillion employment tax shelter.''

Let me tell my colleagues how it works. An individual who is a professional—a lawyer, an accountant, a consultant, a lobbyist—and the skills of that individual represent what he or she does as a lawyer, an accountant, et cetera. They are personal skills. But instead of being paid by an employer directly, they substitute a subchapter S corporation so they are now an employee of the corporation. They take a minimum a salary, if you will, from the corporation, but then at the end of the year, the corporation gives the individual the surplus as a dividend, which is taxed much cheaper, so the person can avoid payroll taxes. It is legal, but it is a tax dodge. It is a loophole.

This loophole is so egregious that conservative columnist Bob Novak called it out, Sean Hannity of Fox News called it out, and the Wall Street Journal called it out saying it is a simple way to avoid paying payroll taxes, Medicare taxes, as well as other employment taxes.

Closing this loophole is sound policy. We should do this anyway. But when we do it in conjunction with this student lending, we actually are able to help struggling families and close an egregious loophole.

What some of our opponents have suggested is that this is just another tax increase. We have been very careful. We restrict these to professional endeavors. We also restrict the impact to those making over $200,000 a year. So this is not targeted at the mom-and-pop stores. This is not targeted at the local laundry or the local dry goods store or the local hardware store that is organized as a subchapter S. In fact, Politifact, one of the agencies that does independent analyses of various claims, clearly rejected this characterization as a tax increase on the mom-and-pop stores and on the small business companies and the job generators as false. So we have not only a sensible, but a compelling way to pay for this.

So everyone agrees we can't let this happen on July 1. We have an egregious loophole that should be closed anyway to pay for it, and I suggest we move on. Just, procedurally, let's bring this to a vote. If they want to put up the prevention fund for a vote, if they want to put up any other means to pay for it, fine.

Let's have our vote, and let's avoid the doubling of student loan interest rates on July 1.

I know the Senator from Ohio has some comments.

Mr. BROWN of Ohio. I thank the Senator.

I appreciate that explanation because this is a tax loophole that almost anybody who is fair-minded about this sees as a giveaway to some. They call it the Newt Gingrich-John Edwards tax loophole, to be bipartisan, where each of them benefited by tens of thousands of dollars. Again, they did not cheat; they did not break the law. They just took advantage of a tax loophole I would think everybody here would want to close because most people play it straight.

Their income is their income. They pay the Medicare tax on it. This is a case where they do not. We, I thought, believed in some fairness in taxation. But back to the individual people who will benefit from this. That is why Senator REED is involved. That is why the Presiding Officer and Senator SANDERS, I know, care about this issue.

Let me share, in closing, one last letter. This came from Courtney in Galloway, OH:

> I, like many other students, always had a college savings account. I remember putting birthday and holiday money in it every year, and I always assumed that it would pay my way through college.
>
> Before I even made it to high school, though, my grandmother fell gravely ill and my family had no other choice but to use my college savings to pay for her hospital bills, and eventually, the funeral.
>
> Since then, paying for college has been my own responsibility.
>
> All the loans are in my name, and it is a burden that is constantly hanging over my head. I am less than a year from graduating—likely with honors—from The Ohio State University with a degree in Social Work, but instead of being excited and looking toward my future, I am constantly worried about my loan debt and the possibility of rising interest rates.

If I could interrupt the letter for a second, think about that. She is about to graduate. She wants to serve the country. She wants to serve her community. She clearly grew up with the right values—putting money aside, not spending it on things she wanted to do—when she was mowing lawns or babysitting or whatever she did in her teens, putting money aside and then spending it on her grandmother's medical expenses, and now she is worried.

Upon graduation—a wonderful moment in her life—she is anxious about what this all means. In the life of a social worker, she is not going to make a lot of money, obviously. That is what she wants to do. Yet she is going to be facing these bills for years to come.

She said:

> I know that, as a future Social Worker, I will be not making as much money as people in other professions, but helping others is where my heart lies.
>
> Unfortunately, I may be limited in the positions I can take if my interest rates increase.
>
> Maybe even unable to work within the populations I am truly interested in helping—veterans, the homeless, and senior citizens if the pay would render me unable to pay off my student loans.
>
> I am very passionate about my education, and hold no grudges . . . for what needed to be done, but the threat of rising student loan interest rates has affected me in a very serious way, and I feel as though it is something that I have no control over, which is a very heartbreaking feeling.

She may not be able to pursue the public service she wants to do as a social worker because her loan debt is so heavy. How dare people in this body make a decision by inaction or make a decision by doing nothing to heap more burden, put more debt on Courtney's shoulders. How dare they and how shameful it is that we simply cannot get bipartisan agreement—which we had 5 years ago with President Bush—to move forward on this and close a tax loophole to pay for it.

Do not put Courtney up against somebody who needs an immunization or a breast cancer screening or a prostate cancer screening. Close the tax loopholes, move forward on this, take the anxiety off of Courtney and others

as much as we can and do the right thing.

I yield.

Mr. REED. Reclaiming my time, again, let me thank the Senator from Ohio for his leadership, for his passion, for his commitment. We are hearing from the other side that this is just about how to pay for this necessary legislation to prevent the doubling of the interest rate. We have offered a compelling way to pay for it in terms of closing this egregious loophole. They have, as Senator BROWN indicated, once again, put on the chopping block, if you will, preventive services for families across this country and potentially the most sensible way to begin to reduce our health care costs over time.

They have—when they have wanted to—completely ignored paying for things such as tax cuts. We have seen that. Just recently the House passed the so-called Small Business Tax Cut Act with no offsets. So to literally hold these students hostage to their unwillingness to bring the bill to the floor, to debate it vigorously—to vote on their proposal to pay for it and to vote on our proposal to pay for it—is, I think, unfortunate, if not unconscionable.

We have 45 days left.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

PDMRA PROGRAM

Ms. KLOBUCHAR. Mr. President, I rise today to urge my colleagues to join me in passing a critical bill that keeps the faith with the men and women of our Reserve Forces.

Representative KLINE, a Republican Congressman from Minnesota, has led this effort in the House. I am leading it in the Senate. It affects troops from all over the country, a promise that was made to them that must be kept.

My home State of Minnesota has no large Active-Duty bases, but we have a long and proud tradition of military service in our National Guard and our Reserves.

Throughout every military engagement since the Civil War—including the two wars we have fought over the past decade—Minnesota's National Guard members and reservists have served with courage and honor to defend our Nation overseas.

In fact, it was a ragtag group of workers and farmers who signed up for the precursor of the National Guard during the Civil War, who went to the Battle of Gettysburg and had the highest percentage of casualties of any unit in the Civil War. There is a big monument for them honoring the fact that they had that high rate of casualties. In fact, they held the line for troops to come in in the Civil War.

The wars in Iraq and Afghanistan have highlighted the importance of our brave citizen soldiers across the country and the unprecedented sacrifice they have been called upon to make. The National Guard and Reserves were not built to serve as an active-duty force for prolonged periods. Yet at times as many as 40 percent of the American forces fighting in these wars have been Guard and Reserve troops. I say to the Presiding Officer, I know you know that, being from Vermont, where you have many National Guard troops who have served our country.

Just last month, about 3,000 members of Minnesota's National Guard First Brigade Combat Team—our Red Bulls—returned home from a year of service in Kuwait assisting the drawdown in Iraq. Some of these men and women were not serving for their first, second, or third time. I met these soldiers. Some of them were serving for their fourth time, for their fifth time, some even for their sixth time.

The repeated mobilizations and overseas deployments of Guard and Reserve units have profoundly affected families and communities in Minnesota and across the Nation. That is part of the reason we pushed so hard to bring those troops home from Iraq. That is also why, in 2007, in recognition of the extraordinary sacrifices our servicemembers and their families have made, the Department of Defense created the Post Deployment/Mobilization Respite Absence—or PDMRA, as it is called—Program.

The PDMRA Program awards extra leave days to servicemembers who deploy beyond the standard rotation cycle. The motivation is simple: Troops who serve multiple deployments above and beyond the call of duty—who are basically being deployed as Active Duty even though they are not; folks who have raised their hands and stepped forward time and time again to volunteer and support our country—deserve leave time at home with their families as some compensation.

When they signed up to serve, there was not a waiting line. When they come home to the United States of America and they need a job or they need health care or they need an education or they want some time with their families, they should have that.

Well, one can imagine the concern the Red Bulls felt and I felt too when we learned all of a sudden the leave benefits our troops were promised under the program were being reduced as they were serving overseas. They were promised one thing when they left, and the program changed when they were gone.

Here is what happened. Until last fall, members of the Reserve Component who served more than 1 year out of 6 could be awarded up to 4 extra PDMRA leave days for each extra month of service. Then on September 30, 2011, the Defense Department changed the policy, reducing the 4 days down to 1 or 2, depending on the location of service.

But here is the problem: Instead of grandfathering in the troops who had been promised the 4 days of leave under the old policy, the Defense Department implemented the change immediately, applying it to all troops on the ground.

I can understand having a new policy, I really can. But do not do it to the troops who have already been promised one thing. That meant in the middle of their deployment, 49,000 reservists deployed around the world, who had been promised up to 4 days of leave for their service each month and who had earned that leave, were told, with little warning, that the days they were promised under the PDMRA Program were going to be cut, starting October 1, 2011.

Well, as you can imagine, this was a real setback for our troops, and for many reasons. First of all, it means they would get less time at home with their families, whom they have not seen—their kids, their spouses, their parents.

Second, it means our troops and their families are forced to cope with unexpected financial challenges as their leave benefits are cut without warning.

Finally, the change has meant that our reservists—who, unlike the Active Component, do not necessarily have a job to come back to when they separate from duty—are faced with an increased and unexpected urgency to find employment.

Well, our economy is on the mend, it is stable, but we are still seeing, as the Presiding Officer knows, record numbers of unemployment among our veterans of the past two wars. Now is not the time to cut the leave benefits of people who have been promised the leave and push them out to find their own way.

When the men and women of our armed services signed up, they did it for the right reasons. They are patriotic. They put their lives on the line for our country. The least we can do is keep the promises we made.

That is why my colleague in the House of Representatives, Congressman JOHN KLINE—himself a decorated veteran—and I introduced legislation that makes a simple fix to this program.

Our bill does not reverse the new policy change that the Department heads made after careful review of the program. Our bill simply grandfathers troops deployed under the old policy so they receive the leave benefits they were promised.

I want to take a few moments to share just a few key points about this bill.

First, it has bipartisan support in both the Senate and the House of Representatives. In fact, it passed in the House on Tuesday night with the support of all Representatives.

Second, the cost of this bill is fully offset. No new spending is created in this bill.

Finally, this bill is now supported by Secretary Panetta himself. It is supported by the Department of Defense, after they realized what the effect of this policy would have if troops were not grandfathered in.

This is a country that believes in patriotism, and patriotism means wrapping our arms around those who have served and sacrificed for our country. I

think all of my colleagues here today agree that nobody needs and deserves our support more than the men and women who have offered their lives in defense of our Nation.

For 10 years, the men and women of our National Guard and Reserves have done their duty. Now I believe it is for us in Congress to do our own duty to make sure our troops receive the benefits they are due.

Mr. President, I yield the floor.

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

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

Mr. HARKIN. Madam President, I have high hopes that in the days immediately ahead the Senate will proceed to the consideration of the Food and Drug Administration Safety and Innovation Act of 2012.

I am pleased to report to my colleagues that the Health, Education, Labor, and Pensions Committee has produced an excellent bill, the product of nearly a full year of bipartisan collaboration and good-faith negotiation. The bill reauthorizes critically important FDA user-fee agreements and systematically modernizes FDA's medical product authority to help boost American innovation and ensure that patients have access to the therapies they need.

In this era of often extreme partisanship and legislative gridlock, this bill is truly a refreshing exception. That is why I am hopeful and confident that there will be no objection on the Senate floor to moving to this bill next week.

Frankly, all of us on the Health, Education, Labor, and Pensions Committee are proud not only of the bill but of the remarkable bipartisan process that produced it. I am especially grateful to the committee's ranking member, Senator MIKE ENZI, for his own insistence on a bipartisan process, and for his leadership in moving this very complex legislation forward.

This afternoon I will review the bipartisan process—at every step marked by openness and transparency—that produced this legislation.

More than 1 year ago, beginning in early 2011 for some issues, my office and the office of Ranking Member ENZI convened six bipartisan HELP Committee working groups. Each working group was tasked with developing consensus policy proposals on key issues, such as drug shortages and the integrity of the drug supply chain.

These bipartisan working groups met weekly and, in many cases, biweekly, over the whole course of 2011, discussing and developing draft consensus proposals.

While this consensus process was ongoing, my staff would often meet many times a week with staffers representing both Democratic and Republican members of the HELP Committee.

As I said, every single working group was bipartisan, and staff from my office worked closely with Senator ENZI's office to solicit priorities from other members of the committee. In many cases, we invited all HELP offices to join the groups.

We even invited staff of noncommittee Members who have been leaders in a particular policy area to join the groups. For example, our bipartisan drug shortage working group had staff members from 18 Senate offices, including the staffers for two Senators who are not even members of the committee.

While developing the consensus drafts, each of these bipartisan working groups met with key stakeholders throughout the year to solicit their input. For example, the drug supply chain integrity working group met with more than 40 stakeholders over a period of 9 months.

In addition to the working group meetings, beginning in late 2011, my staff met twice a week for almost 18 weeks with all Democratic HELP offices to brief them on the reauthorization process and update them on the progress of all of the policy proposals.

To further engage committee members, the administration, stakeholders, and the public, we held a total of five full committee hearings on the user-fee reauthorization over the last year. After our first public hearing in July of 2011, we held three hearings on distinct policy issues surrounding user fees, as well as a hearing on the actual user-fee agreements.

As a result of the excellent work of these bipartisan working groups, in March of this year my staff and Ranking Member ENZI's staff released five bipartisan consensus drafts and solicited further stakeholder input. Bipartisan staff conducted stakeholder briefings on the release of each draft, and the drafts were available on the HELP Web site for more than 3 weeks prior to markup.

In response to the five discussion drafts released to the public, our staffs received more than 160 comments and held more than 30 stakeholder meetings on a bipartisan basis over 3½ weeks.

Bipartisan staff worked to incorporate stakeholder feedback into the drafts, and then the committee publicly released a managers' package on Wednesday, April 18, 1 week before markup.

On April 25 of this year, the committee met to consider the bill. Committee members voted nearly unanimously, by voice vote, to send the bill to the full Senate.

As I said, this entire process has been a model of bipartisanship, openness, and transparency. Believe me, it was tough to achieve consensus on many of the complex and controversial provisions in the bill. At every step, it required difficult and sometimes painful compromise. Even as the committee chair, I did not get some of my highest priority proposals, since I could not get consensus among members and stakeholders.

Compromise and sometimes sacrifice were essential. I was acutely aware, as were other members of the committee, that it is imperative that we pass the user-fee agreements in this bill. We were determined not to allow partisanship to slow this package down or to jeopardize our goal of consensus.

As I said, the end result is an excellent bill. In addition to authorizing the critically important FDA user-fee agreements, this legislation makes it possible for the FDA to keep pace with the ever-changing biomedical landscape.

Here are some of the major provisions of the FDA Safety and Innovation Act, which will be on the floor next week:

It authorizes key user-fee agreements to ensure timely approval of medical products. It streamlines the device approval process, while enhancing patient protections. It modernizes FDA's goal of drug supply chain authority. We spur innovation and incentives for drug development for life-threatening conditions. The bill reauthorizes and improves incentives for pediatric trials. It helps prevent and mitigate drug shortages. It increases FDA's accountability and transparency.

With this bipartisan bill, I think we have a bill, I hope, we can all support and that we can move forward on expeditiously. Neither Democrats nor Republicans got everything they wanted. On every issue, we sought consensus. Where we could not achieve consensus, we didn't allow our differences to deflect us from the critically important goal of producing a bill that everybody could support. As a result, this is a truly bipartisan bill, and it is broadly supported by the patient groups and industry.

This is the chart showing over 100 different associations and groups, patient groups, consumer groups, pharmaceutical groups, and research organizations all over America that have come out in support of this legislation. So everyone from the pharmaceutical industry, your drugstores, research institutions, and consumer organizations have all now supported this bill to reauthorize our user-fee agreements.

I am also very pleased that today the Obama administration issued an official statement of administration policy asserting that ''the administration strongly supports passage of S. 3187.''

Lastly, I will mention that the CBO scored the bill as fully paid for and estimates that the legislation would reduce the deficit by $363 million over the next 10 years. Again, not only are we enhancing patients' rights and protections, we are ensuring better integrity for the drug supply chain. As we know, more than 80 percent of the products that go into our drugs manufactured in this country come from

abroad. There have been many stories written, and many television investigative stories included, on problems in that drug supply chain. Well, this bill enhances our ability to ensure the integrity of that drug supply chain from where they get the raw materials to where they put it together in this country.

This bill, as I said, not only does good for our patients, we enhance FDA's authority to streamline and make sure that we bring drugs to market in more rapid order. We save $363 million over 10 years doing it.

I look forward to bringing the FDA Safety and Innovation Act to the floor in a few days. The House has had a similar bipartisan process, and they are also scheduled to take up their version of the bill next week. If the Senate acts quickly, I am confident we can go to conference and get a final bill on the President's desk this summer.

To that end, I am hopeful and confident we can move without objection to consideration of the bill. It is important that we do so. This is absolutely must-pass legislation. It is critically important to the FDA, to the industry, and to our patients to get this done.

I urge all of my colleagues to join in the bipartisan spirit of cooperation we have engineered and witnessed in the HELP Committee over the last year. Let us come together, Democrats and Republicans alike, and get this legislation on the floor and pass it because of its critical importance to the American people.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

GLOBAL WARMING

Mr. INHOFE. Madam President, I ask that I be recognized for up to 15 minutes as if in morning business.

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

Mr. INHOFE. Madam President, today I want to expose a far-left environmental agenda that is being imposed upon the Department of Defense by President Obama and a lot of his allies, and it comes at the same time that the Obama administration is focusing on dramatically reduced cuts in the military.

As ranking member of the Senate Committee on Environment and Public Works, and as a senior member of the Armed Services Committee, stopping the radical global warming agenda, as well as President Obama's devastating cuts to our military, have been my top priorities, and that is all I have been talking about for the last couple of months. I have had a growing concern about how President Obama's global warming agenda is harming our military, but the remarks recently made by Secretary Panetta have led me to come and make a few statements.

First, let me say this about Secretary Panetta: I served with him for 5 years in the House, and a number of years ago he and I became very close friends. In fact, I rejoiced when he was nominated and we confirmed him as Secretary of Defense. So I was extremely disappointed to see that he was wasting his valuable time perpetrating the President's global warming fantasies and his war on affordable energy, which occurred, no less, at a gathering of radical environmentalists. That is where the statement was made. Secretary Panetta said:

> In the 21st century, reality is that there are environmental threats that constitute threats to our national security.

He also vowed that the Pentagon would take a leading role in shifting the way the United States uses its energy. Every talking point Secretary Panetta used in his speech, from rising sea levels to severe droughts to the so-called plight of the polar bear, all of these—I will not go into them one at a time—these all came out of Al Gore's science fiction movie, and they have all been totally rebuked.

In reality, it is President Obama's war on affordable energy that is having a dramatic impact on our national security, a war that is further depleting an already stretched military budget and putting our troops at risk.

Secretary Panetta made another revealing statement in justifying the President's green agenda. This was about two editions ago in the Hill magazine:

> As oil prices continue to skyrocket, the department 'now [faces] a shortfall exceeding $3 billion of higher-than-expected fuel costs this year,' according to Panetta. In order to dig its way out of that financial hole, DOD has no choice but to look to alternative fuel technologies. Pentagon officials plan to invest more than $1 billion into developing those technologies in fiscal year 2013.

I might add, that is $1 billion that would otherwise be spent on defending America. That is right, energy prices have skyrocketed, we understand that—precisely because of the politics of this administration. Remember, they have openly admitted this.

Secretary of Energy Steven Chu said:

> [S]omehow we have to figure out how to boost the price of gasoline to the levels in Europe.

We all know why he made that statement. That was way back in 2008.

It was Obama's statement that said under his cap and trade—which is what they have been talking about—''electricity prices would necessarily skyrocket.''

Now, because domestic energy prices have skyrocketed under his administration, just as they wanted them to do, Secretary Panetta wants the military to go green. Instead of spending scarce resources greening the military, the commonsense solution is simple—to begin developing our own vast supply of energy resources.

Secretary Panetta's comments came just 2 weeks before the Senate Armed Services Committee is to begin the markup of this coming year's Defense authorization bill. So I will be taking this opportunity to work with my colleagues on the committee to put the spotlight on President Obama's forcing his costly green agenda on the Department of Defense while he is taking down the budget for the defense. I look forward to introducing a number of amendments that will put a stop to this nonsense and help ensure that Secretary Panetta has the tools he needs. I can assure you—because I know him well—this is a script this came off of.

As part of that effort, I am also releasing a document put together by the Congressional Research Service that puts a pricetag on how much the Federal Government provides global warming policies, and I will be discussing this.

With President Obama running for reelection and pretending to be for an ''all of the above'' energy approach, Secretary Panetta's comments are surprising. But they are still also illuminating. President Panetta's commitment of $1 billion for alternative fuels makes clear that despite the President's recent change in rhetoric for his reelection campaign, he remains fully determined to implement his all-out attack on traditional American energy development, and the military is one place where he can force that experiment. We are talking about a green experiment using our military.

To show just how egregious this whole thing is, let me spend just a second documenting how badly President Obama wants to take down the military for the benefit of his green agenda. Over the past 4 years, DOD has been forced to drastically cut its personnel, the number of brigade combat teams, tactical fighters, and airlift capabilities. It is eliminating or postponing programs such as the C 27, the Global Hawk Block 30, the C 130 avionics modernization package, which we desperately need, and the advancement of the F 35. These are programs we have had on the drawing board, and it is very important we carry these through to fruition.

Even more concerning, these cuts could go even deeper. Because the subcommittee failed to report legislation last fall—and we all remember this—that would have reduced the deficit by at least $1.2 trillion over the next 10 years, the Pentagon's budget could be cut by an additional $495 billion between 2013 and 2021. That is very interesting because during that period of time we are talking about two things—not just degrading the military, but over the next 10 years taking $½ trillion out. If sequestration should come in that would be another $½ trillion, and everyone realizes that would be devastating to the military.

Secretary Panetta has rightly warned us that such drastic cuts would be a threat to national security. He said:

Unfortunately, while large cuts are being imposed, the threats to national security would not be reduced. As a result, we would have to formulate a new security strategy that accepted substantial risk of not meeting our defense needs. A sequestration budget is not one I could recommend.

That is a quote by Secretary Panetta.

General Dempsey, Chairman of the Joint Chiefs of Staff, weighed in also and said:

The impact of the sequestration is not only in its magnitude. It's in what it does . . . we lose control. And as we lose control, we will become out of balance, and we will not have the military this nation needs.

When they talk about accepting risk, we are talking about lives. That is what that means; risk equals lives. What are you willing to do for this green agenda?

The remarks by the top DOD officials make Panetta's recent global warming speech at odds with solving our military's budget problems. Even as Secretary Panetta expresses concern about the impact of these cuts on national security, he is openly supporting President Obama's forcing DOD to expend large amounts of scarce resources on expensive alternative fuels. This doesn't make any sense, and that is why I believe Secretary Panetta's global warming remarks were written by someone in the White House to appease the radical left and not Secretary Panetta. I am absolutely convinced of that. After seeing how severe these cuts to DOD would be, how could anyone justify this so-called greening of the military?

Consider, for example, the Navy's plan to sail its Green Fleet, a strike group powered by alternative fuels, by 2016. The success of this Green Fleet is predicated upon biofuel—much of it algae based—becoming practical and affordable. So they are assuming that is going to happen, which I don't think it is going to happen.

In 2009 the Department of the Navy paid $424 a gallon for 20,000 gallons of biodiesel made from algae, which would set a record for all-time cost of fuel. That is per gallon—and that is when it was on the market for $4 a gallon—and it is $424 a gallon.

In December 2011 the Navy purchased 450,000 gallons of biofuel for $12 million, which works out to be about $26 a gallon. This purchase is part of a larger deal in which the Navy has pledged taxpayer funds of $170 million as their share of a $510 million effort to construct or retrofit biofuel refineries in order to create a commercially viable market. This biofuel will be mixed with conventional fuels by a 50 50 ratio to yield a blend that will cost roughly $15 a gallon—roughly four times what we should have to be spending.

Keep in mind this is at the same time we are rejecting systems that were in our plans, and have been for a long period. And as if the services are not already stressed by serious budget cuts, the Secretary of the Navy also directed the Navy and Marine Corps to produce or consume one gigawatt of new renewable energy to power naval installations across the country.

Everyone agrees energy efficiency in the military is a worthy goal. In fact, I have been a strong supporter of the DOD's alternative energy solutions that are affordable and make sense, including the initiatives on nonalgae biofuels and natural gas. In fact, in my State of Oklahoma we are working, through the major universities and the Noble Foundation and others to take that leadership role. But forcing our military to take money away from core programs in order to invest in unproven technologies as part of a failed cap-and-trade agenda is not only wrong, it is reckless.

I am not alone in saying this. My good friend, Senator MCCAIN agrees with me on this point. Just last month Senator MCCAIN criticized earmarks for alternative energy research in the Defense appropriations bill which cost the taxpayers $120 million. Senator MCCAIN said:

We're talking about cutting the Army by 100,000 people, the Marines by 80,000 people, and yet we now have our armed services in the business of advanced alternative energy research? The role of the armed forces in the United States is not to engage in energy research. The job of energy research should be in the Energy Department, not taking it out of Defense Department funds.

That is where it belongs, and I agree with Senator MCCAIN's statement.

The CRS report is significant. Largely due to my concern about green spending in the military, I recently asked the CRS to figure out how much money—how much of taxpayers' dollars—is actually being used to advance the green agenda. The amount came out that since 2008, $68.4 billion has been used to advance a green agenda.

Just to name a few options, if we didn't do that, we could add $12.1 billion to maintain DOD procurement at fiscal levels of 2012 and allow our military to continue to modernize its fleet of ships, its aircraft, and its ground vehicles. We could avoid a delay in the Ohio-Class Ballistic Missile Submarine Replacement Program, and it goes on and on, which I will have as a part of the RECORD.

Instead of funding these priorities, the Department of Defense has been forced to spend valuable resources on research relating to climate change and renewable energy.

In the stimulus package, each branch of the Armed Services and the Pentagon itself was given $75 million, for a total of $300 million, to research, develop, test, and evaluate projects that advance energy-efficiency programs. In total, since 2008, DOD has spent at least $4 billion on climate change and energy-efficient activities. The same $4 billion could have been used to purchase 30 brandnew F 35 Joint Strike Fighters, 28 new F 22 Raptors, or completely pay for the C 130 Aviation Modernization Program that we have been working on for a long period of time.

Now, just for a minute I will turn to the argument that President Obama and the far left have been using to justify this mission to go green. They always say we need a transition away from fossil fuels. One thing we do know—and it is a fact, and I don't think there is anyone out there who is disagreeing or arguing with this—we have more recoverable reserves in oil, gas, and coal than any other country in the world. When you stop and think what we have been talking about on this war that this administration has had on fossil fuels, it has been that on domestic energy.

One thing, if people understand, there is not a person in this body or anyone else I have found in America who did not learn back in elementary school days about supply and demand. We have all this vast supply but the government will not let us develop our own supply. It is ludicrous. We are the only country in the world where that is a problem.

In addition to the fact that we cannot use our resources, develop our own resources, we keep hearing over and over what people are saying: If we were to even open our public lands to development, to drilling and to producing, it would take 10 years before that would reach the pump.

I know my time is real short here so I am having to shortcut this, but I am talking to one of the top guys producing today, Harold Hamm. He is from Oklahoma. He actually is up in North Dakota right now and he is doing incredible things, developing shale and developing gas and oil to run this country.

I asked him a question. I said: I am going to use your name in quoting. How long would it take, if you were set up in New Mexico and all of sudden they would lift the ban, in order for that to reach the pump? Do you know what his answer was? He said: Seventy days. It would take 2 months to get the first barrel of oil up and then 10 days to go through the refining process and reach the pumps.

It is supply and demand. We have that. We should not be using our military to advance the green agenda by this President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

ORDER OF PROCEDURE

Mr. WHITEHOUSE. May I interrupt for 1 moment?

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I wanted to confirm the order of proceeding would be Senator FRANKEN is going to speak and then I will speak for a few moments after Senator FRANKEN. I know the Presiding Officer is to be excused very shortly.

Mr. FRANKEN. The Senator wishes to speak now?

Mr. WHITEHOUSE. I ask consent I follow Senator FRANKEN. We will see to it the Presiding Officer is relieved timely, at 4 o'clock.

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

STUDENT LOAN INTEREST RATES

Mr. FRANKEN. Madam President, last week my colleagues on the other side of the aisle blocked a vote that would have eased the burden of debt for millions of college students in Minnesota and across the country. My Republican friends disagreed with us about the best way to pay for this legislation, so a minority of Senators kept us from helping millions of families and taking a step toward keeping our Nation's workforce globally competitive. But this debate is not just about helping students pay for college. I want to talk a little bit about the two competing proposals to pay for this critical legislation. I wish to talk about our national priorities and our national values.

On one side, the Democratic proposal would close a loophole that allows some of the wealthiest Americans to avoid paying taxes they should owe to the Federal Government. This fix, our fix, would only apply to Americans making over $250,000 a year and would not create any new taxes on businesses or individuals. It would close a loophole that allows high-income people to get out of paying taxes everyone else in America is already expected to pay. This is what it is.

You see, some people making a lot of money talk to their accountants and tax lawyers who have figured out that the law was written in such a way that you could use an S corporation to get around paying some of your payroll taxes. Payroll taxes are your Social Security taxes and your Medicare taxes.

S corporations are basically a pass-through. Whatever profits your company makes, you at the end of the year pass it through to you and claim it as income—and you pay regular income taxes on it. It is income. But although the law was never intended to allow this, this is the loophole: You can pay yourself an artificially low amount of money sometime earlier in the year and call that a salary, say, $40,000. Thus you will pay enough to qualify for Social Security later when you retire. You will only pay FICA on this amount. But then at the end of the year you take the rest of the business's profits as income. Remember, this is considered income—but you do not pay FICA taxes on the amount. That is the loophole. You still pay income tax on it because it is income but, because of an accident in the way the law is written—this was not intended—you avoid paying FICA taxes on the part you did not initially call salary.

All of the money you pocketed, both the so-called salary and the profit at the end of the year, again, is income. It is income. It is not capital gains so you should be paying, like everybody else, Medicare taxes on all of it and Social Security taxes on income up to $110,000, like everyone else. There is simply no excuse, no reason for not paying taxes, paying your FICA taxes on the $110,000 Social Security, and all the rest for Medicare, except for an anomaly that was accidentally written into the Code.

This is exactly the type of loophole we should be closing. It is not something that Congress created intentionally, for a reason—to help people buy homes or to encourage investment in research and development. There is no reason this loophole exists. There is no purpose to it. There is no reason to keep it there.

The Democratic legislation would close that loophole for those individuals making more than $250,000 in a year and we would use that savings to prevent the doubling of interest that students pay on Stafford subsidized loans.

By contrast, the Republican proposal which passed the House a few weeks ago, would eliminate the Prevention and Public Health Fund, which is our national investment in preventive health care. This proposal would undermine the health of our Nation by cutting funding for cancer screenings, child immunizations, and diabetes prevention, among others. It would be fiscally irresponsible to boot, since according to a study for the Trust for America's Health, every dollar invested in proven community-based disease prevention programs yields a return of $5.60.

My home State of Minnesota leads the country when it comes to providing high-quality low-cost health care. When I was elected to represent the people of Minnesota, I put together a series of roundtables with experts around Minnesota to learn more about our health care system. I heard the same thing from leading national experts at the Mayo Clinic, the University of Minnesota, from providers, from doctors and people in public health and rural health, insurance—everyone said the same thing: An ounce of prevention is worth a pound of cure.

There is no question that if we catch cancer early the patient will be much more likely to make a full recovery. If every child has access to immunizations, we will prevent outbreaks of infectious diseases and our kids will grow up stronger and healthier. And if we can prevent someone from getting diabetes they will be healthier than if we wait until they have it and then treat them for the rest of their lives.

Not only will people be healthier if we prevent disease but we will save a lot of money too. That is why the health care law included the Prevention and Public Health Fund. The fund already is investing in community-based programs such as the diabetes prevention program, a program that DICK LUGAR and I fought to include in the health care law. This program was pilot-tested by the Centers for Disease Control and Prevention in Saint Paul, MN, and in Indianapolis. It involves structured nutrition classes for 16 weeks and 16 weeks of exercise at community-based organizations such as the YMCA, with people who have prediabetes.

Guess what. The program, the diabetes prevention program, has been shown to reduce the likelihood that someone with prediabetes will be diagnosed with full-blown type 2 diabetes by nearly 60 percent. Those are pretty good odds.

The program doesn't just make people healthier, it also saves everyone money. The diabetes prevention program, the program I just described, costs about $300 per participant, as compared to treating type 2 diabetes which costs more than $6,500 every single year.

That is why United Health, the largest private insurer in the country—that happens to also be headquartered in Minnesota—is already providing the program to its beneficiaries. In fact, the CEO of United Health told me that for every dollar they invest in the diabetes prevention program they save $4 in health care later on. The money in the Prevention and Public Health Program in the affordable care act is there to scale up this program around the country so everybody in the country, every person who has prediabetes, can have availability to it. It can be available to them.

This homegrown program is exactly what the Prevention and Public Health Fund was designed to support. It is not the only one like it. In Minnesota the fund has gone to support tobacco cessation programs. It has helped prevent infectious diseases. It has expanded our desperately needed primary care workforce. I think we can all agree these are worthwhile investments.

Unfortunately, many of my friends on the other side of the aisle are trying to end this important work, calling the Prevention and Public Health Fund a waste of money or worse. Last week, one of my colleagues on the floor inaccurately claimed that ''a health clinic was using the fund to spay and neuter pets.''

Let me take this opportunity to set the record straight. That is not true. The Department of Health my friend accused of using prevention funds to pay to spay pets has not and will not spend prevention fund money for this purpose. I ask that in these debates we confine ourselves to facts.

This all comes down to priorities. My friends on the other side of the aisle would rather cut the Prevention and Public Health fund than close a tax loophole for wealthy Americans which serves absolutely no purpose. In fact, they would rather keep us from voting on a bill to ease the burden of debt for students across the country than close this loophole. I hear them sometimes talking about closing loopholes so we can bring the marginal rate down. If you cannot close this loophole which has no purpose, I don't see any loophole we can possibly agree to close.

I ask my friends on both sides of the aisle one favor: Talk to your constituents. Talk to the people who have been saved from the affliction of diabetes or who have quit smoking or who have

immunized their children because of the Prevention and Public Health Fund. Talk to your State and local departments of health which are working to prevent outbreaks of the next dangerous strain of flu thanks to the infectious disease prevention fund. Stand with me in support of the Prevention and Public Health Fund.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, let me thank my colleague from Minnesota for his courtesy in allowing this time for me when I would otherwise be presiding.

I wanted to respond to the remarks that preceded Senator FRANKEN's remarks, remarks by Senator INHOFE of Oklahoma, suggesting that the military's investment in green technologies was an unwelcome imposition on them, and against their wishes, by outside political forces and on the basis of outside political considerations.

I just held a hearing in the Environment and Public Works Committee on the subject of our Defense Department's investment and interest in alternative technologies. We had witnesses from all of the services, and the testimony was pretty clear and diametrically opposed to the point of view just expressed by the Senator from Oklahoma.

I can certainly appreciate the enthusiasm of my friend from Oklahoma for fossil fuels since fossil fuels are a big home State industry in Oklahoma. But the testimony at the hearing was that the military was pursuing alternative fuels for reasons of its own, for reasons that related to protecting the troops, to be more efficient and to protect the strategic posture of the United States around the world.

Perhaps the most striking testimony they gave was that over 3,000 American soldiers gave their lives between 2003 and 2007 protecting our fuel convoys in Iraq. When we get in theater and we have a heavily fossil-fuel-based military presence, the price we pay for that is paid in the blood of soldiers who die protecting the fuel convoys—3,000 young men and women between 2003 and 2007. So to the extent we can do things like the Cooley company in Rhode Island and invest in tents that have their own solar capture built right into the fabric so that the cooling within the tent in the blazing heat of the Middle East can be done without having to truck that fuel in and without having to cost those soldiers their lives—that is not something that is being imposed on the military; that is something they very much want to accomplish as part of their core mission.

In Newport, RI, the Naval War College has a facility, and they are building wind turbines there. They are building wind turbines there because they have calculated that over time they will save money by putting up those wind turbines compared to buying electricity. It is not an imposition from outside. It is not some green agenda coming from Washington or anyplace else. It is the Newport Naval Station saying we save money for our budget by doing this. And when we save that money, we can put it into these other uses such as fighter aircraft, tanks, bullets, bandages, and boots.

The third piece of testimony had to do with the strategic posture of the country internationally, which is something the military is concerned with in a very deep and profound way. They made a couple of points.

The first was that the less dependent the United States is on the international oil market, the fewer vital interests we have to risk shedding our blood and spending our treasure to protect. So it is in our national strategic interest to get off of our fossil fuel dependency and into a broader portfolio of energy sources.

The second is the emerging dangers of climate change, in which we are immersed all around us if we look at the obvious evidence in front of our faces, which creates profound risks for social and civil unrest and violence in other parts of the world as things change, as estuaries flood and are no longer productive agriculturally, as relatively dry areas turn to desert and can no longer sustain life, as the great glaciers in the high mountains dissipate and change the flow patterns of rivers on which economic life for individuals depends.

All of those things create conflict and strife, and the American military is aware that where there is conflict and strife abroad, very often they are called in, and they feel the responsibility to try to avoid that.

I take time every week to speak a little bit about climate change for a number of reasons. As I said, there are a lot of folks in Washington who would like to ignore this issue and it is presently being ignored, which is unfortunate and, in fact, shameful. The messages about climate change we are getting are coming through loudly and clearly and we ignore them at our peril.

Every week for the past 15 months, as the Presiding Officer knows, I have distributed in our weekly caucus an update on some of latest climate science bulletins, the news that is fresh that week. This week the stories are that the National Oceanographic and Atmospheric Administration in the weather statistics for the month of April 2012 reported warmer-than-average temperatures engulfing much of the contiguous United States during April with the nationally averaged temperature at 55 degrees Fahrenheit, 3.6 degrees Fahrenheit above average and the third warmest on record.

Warmer-than-average temperatures were present for a large portion of the Nation for April. Six States in the central United States and three States in the Northeast had April temperatures ranking among their 10 warmest in history.

Above-average temperatures were also present for the Southeast, upper Midwest, and much of the West. No State in the contiguous United States had April temperatures that were below average.

April 2012 came on the heels of the warmest March on record for the lower 48. January to April 2012 was the warmest such period on record for the contiguous United States with an average temperature of 45.5 degrees Fahrenheit, 5.4 degrees above the long-term average. Twenty-six states, all east of the Rockies, were record warm for the 4-month period, and an additional 17 States had temperatures for the period among their 10 warmest.

These rising temperatures can lead to a number of concerns. For instance, snowpack, and thus drinking water, could be drastically reduced in California and surrounding western States. The Scripps Institution of Oceanography presented a study to California's Energy Commission last month explaining that the warming of 1.5 to 3 degrees Fahrenheit between now and midcentury will reduce today's snowpack by one-third. By 2100, at those temperatures snowpacks would be reduced by two-thirds. That makes a big difference to the agricultural communities that depend on that water downstream of those snowpacks.

Meanwhile, Science Daily reported yesterday that ozone and greenhouse gas pollution such as black carbon are expanding the tropics at a rate of .7 degrees per decade. Said the lead scientist, climatologist Robert J. Allen, assistant professor at the University of California, Riverside:

> If the tropics are moving poleward, then the subtropics will become even drier . . . impacting regional agriculture, economy, and society.

People are noticing the changes around them. Outside of the Halls of Congress—where we have blinders on to this obvious issue—regular people see the changes, and they are concerned about them. The United States Geological Survey recently polled more than 10,000 visitors to the Nation's wildlife refuges, hunters, fishermen, and families alike, and found that 71 percent of those polled said they were ''personally concerned'' about climate change's effects on fish, wildlife, and habitats. Seventy-four percent said that working to limit climate change's effects on fish, wildlife, and habitats would benefit future generations.

These special interests who deny that carbon pollution causes global temperatures to increase—and who have such a profound and maligning effect in this Chamber—deny that melting icecaps will raise our seas to dangerous levels, denying that all of these visible changes are taking place.

The myth that these special interests propagate in the face of so much evidence is that the jury is still out on climate change caused by carbon pollution so we don't have to worry about it

or even take precautions. This is false. It is plain wrong.

Virtually all of our most prestigious scientific and academic institutions have stated that climate change is happening and that human activities are the driving cause of this change. They say it in powerful language, particularly for scientists who are specific about what they say and guarded in the way they say it.

The letter said:

Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver. These conclusions are based on multiple, independent lines of evidence—

And here is the final crescendo—

and contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

That is an awfully nice way to say it, but in a nutshell they are saying anybody who disagrees is making it up.

These are serious organizations: the American Association for the Advancement of Science, the American Chemical Society, American Geophysical Union, American Meteorological Society, American Society of Agronomy, and on and on.

It is not just them. It is also the military services—as I mentioned at the beginning of my remarks—it is also the intelligence organizations of the country, it is also most of our electric utilities, many of our biggest capitalists and investors, and of course it is our insurance industry that has to pay for the damage that ensues. A recent article said: The worldwide insurance is huge, three times bigger than the oil industry.

Right now these companies are running scared. Some are threatening to cancel coverage for homeowners within 2 miles of the coast where hurricanes are on the increase, and in drying areas of the West where wildfires have wreaked havoc. Marsh and McClennan, one of the largest insurance brokers, called climate change ''one of the most significant emerging risks facing the world today,'' while insurance giant AIG has established an office of environment and climate change to assess the risks to insure us in the years ahead. The industry's own scientists are predicting that things could get a lot worse in the years ahead.

I am indebted to the Presiding Officer, the junior Senator from Minnesota, for the following observation, which is that 97 percent of the climate scientists who are most actively publishing accept that the verdict is in on carbon pollution causing climate and oceanic changes. The example he and I have discussed—and I can't help, since he is presiding right now, referring to it again—we are being asked in this body to ignore facts that 97 percent of scientists tell us are real. Now, translate that into our personal lives. What if a child of ours was sick and we went to a doctor and said: Is there something I need to do about it? Is there a treatment that is necessary? What is the deal here? And we got an opinion, and then we said: I am going to be a cautious, prudent parent because a treatment might be expensive. I want to make sure I am going down the right path, so I am going to get a second opinion, and the parent gets a second opinion. Then the parent got a third opinion. You are a really prudent parent, and you got a third opinion. Let's say you kept going. You got a fourth opinion, a fifth, a 15th, a 45th, a 75th, a 95th—you got 100 opinions. People would think that was a little odd, but never mind. And then let's say that 87 percent of those professional opinions came back saying: Yes, your child is ill and needs this treatment. Would you then responsibly say: The jury is still out on the question of why my child is sick. Let's not take any action now. These 97 percent of the doctors might be alarmists. We don't really want to go there, and, after all, it will cost money to buy the medicine.

Would any responsible parent do that? No. It is a ludicrous proposition, and that is just how ludicrous the proposition is that climate change is not real.

The underlying facts are ancient ones. The guy who discovered that climate change is caused by the release of carbon dioxide into the atmosphere, John Tyndall, discovered this in 1863, at the time of the Civil War, 150 years ago. This is not a novelty. This is old established science, and it has become clear since then that there is a change that is happening.

We pump out 7 to 8 gigatons a year. A gigaton is a billion—not a million, a billion—metric tons. We pump out 7 to 8 billion metric tons a year of carbon dioxide, and that adds to the carbon load in the atmosphere. This isn't something that is a theory, it is something that is a measurement now.

For 8,000 centuries mankind has existed in an atmospheric bandwidth of 170 to 300 parts per million of carbon dioxide—170 to 300—for 8,000 centuries, 800,000 years. We have been an agricultural species for about 10,000 years, to give my colleagues an idea. For 800,000 years we were picking things off of bushes. Our entire history as a species falls essentially in that 800,000 years. All of our development as a species has happened in the last probably 20,000 years. So it has been a long run in that safe bandwidth of 170 to 300 parts per million. We have shot out of it. We are at 390 parts per million and climbing. The record in history as to what happens on this planet when we spike out of that range is an ominous one. It is a bad trajectory. It takes us back to massive ocean die-offs that are in the geologic record. So this is something we need to be very careful about and we need to take action.

The suggestion that it is not happening is false. The suggestion that we can wait it out is imprudent, reckless, and ill-advised. And the notion that our professional career military who have lost 3,000 men and women defending fuel convoys in Iraq are engaged in trying to get off fossil fuels because of some outside political agenda that they don't share is a preposterous allegation to make about the men and women who run our military, who make these decisions for our military, and who are seeking to defend the soldiers out in the field against these consequences.

With that, I yield the floor, once again thanking the distinguished Presiding Officer for allowing me this time, and I would have otherwise been sitting there and presiding. So with appreciation to Senator FRANKEN, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

REPRESENTATION FAIRNESS RESTORATION ACT

Mr. ISAKSON. Mr. President, I apologize for keeping the Presiding Officer and the rest of the staff here a little later than they might want, but I have an important message that will be brief.

I introduced legislation not too long ago called the Representation Fairness Restoration Act, S. 1843. It was a reaction to the NLRB's decision in the specialty health care case, where a group of nurses within specialty health care asked for permission to unionize and organize within that unit. The NLRB granted that, and that became the first microunion that has ever existed in the United States of America.

Today it is my understanding that the NLRB has approved the following: the second floor designer shoes department and the fifth floor contemporary shoes department at Bergdorf Goodman in New York—the two combined have 45 employees out of 370. They have granted them the right to organize.

This is a gigantic leap that differs from 75 years of settled labor law. Microunions within any retail establishment, medical establishment, or any other type of business prevents cross-training, causes discord, and is a way to upset an organization that otherwise is not upset.

Labor law in this country has been settled for a long time. Last year 70 percent of all the union calls in the United States of America passed on their vote. There is not a problem with unions being able to organize. But there is a huge problem if we continue to tear down the firewalls that have had the playing field level.

Just recently the courts have twice thrown out rulings of the National Labor Relations Board—one on ambush elections where they tried to reduce the average period of time from 58 days

to 10, which is totally unrealistic, and, even more importantly, on the posting rule where the employers were asked to post proorganization posters within the break rooms in their companies. Both times the courts threw them out and said the NLRB has reached too far.

It is my hope the same thing would happen here again. But in the meantime, I want to encourage the Senate to allow us to bring S. 1843 to the floor and have this debate. In the free enterprise system, in the tedious economy we have today in this country, the last thing we need is to begin changing labor law and pitting organized labor against management in an adversarial type of way.

This example at Bergdorf Goodman today is an example of the National Labor Relations Board doing in regulation what we ought to be doing in legislation on the floor of the Senate. My biggest concern is that now it seems as if the administration's leadership in every Department has determined if we can circumvent the legislative body and through regulation do what we cannot do on the floor, we will forget about the House, we will forget about the Senate, and it will be the executive and judicial branches that run the United States of America. That is not good for our country, and that is wrong.

So I am going to call on the Senate and ask our leadership to let us bring this bill to the floor, to let us debate it and see if we want to change 75 settled years of labor law and unbalance the playing field between management and labor. I do not think we do.

I am sorry to rush to the floor after just hearing this information, but I think it is so important we nip it in the bud; that we let the playing field remain balanced, and we not turn over the operation of settled labor law to an NLRB that, quite frankly, seems to have run amok as far as I am concerned.

Mr. President, I appreciate the opportunity to speak and yield the floor.

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.

MORNING BUSINESS

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

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

Mr. MCCONNELL. Mr. President, today I wish to honor the Pikeville Medical Center for its continued commitment to providing superior medical care to the people of Kentucky. Pikeville Medical Center has been named National Hospital of the Year, making it the only repeat winner of this prestigious award. The 261-room hospital has over 2,000 employees, including more than 270 physicians and residents, and its superior facilities, equipment, and staff have drawn in qualified medical professionals from around the country.

In January 2011, Pikeville Medical Center became affiliated with Cleveland Clinic's Heart Surgery Program, which has been ranked number one among heart programs in the United States for 16 years. This recent affiliation has allowed PMC to provide cutting-edge technology and treatments to its patients.

Prior to receiving this award, Pikeville Medical Center was named 12th in the Nation of Top 100 Best Places to Work by Modern Healthcare Magazine and first on the Best Places to Work in Kentucky list by the Kentucky Chamber of Commerce. Individual units of the Medical Center have also received recognition. The Heart Institute is one of the first 10 hospitals in the United States and the first in Kentucky to reach the highest distinction awarded by the Society of Chest Pain Centers, and the Stroke Center is one of 10 Kentucky recipients of the American Heart Association/American Stroke Association's Get with the Guidelines—Stroke Gold Plus Quality Achievement Award. Along with this, the Leonard Lawson Cancer Center was awarded the ''Outstanding Achievement Award'' 2 years in a row.

While the Pikeville Medical Center has much to be proud of, it continues to strive for excellence. The hospital recently completed a $10-million emergency department expansion and renovation, and is currently undergoing a $100-million construction project to provide new offices and outpatient surgery units. This is all part of the organization's mission to ''provide quality regional health care in a Christian environment.''

Mr. President, I would like to ask at this time for my colleagues in the Senate to join me in recognizing the Pikeville Medical Center. There was recently an article published in eastern Kentucky's local periodical magazine, the Sentinel-Echo: Silver Edition, highlighting the center's many successes. I ask unanimous consent to have printed in the RECORD said article.

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

[From the Sentinel-Echo: Silver Edition, Nov. 2011]

PIKEVILLE MEDICAL CENTER

Pikeville Medical Center, now affiliated with Cleveland Clinic Heart Surgery, is the nation's only repeat winner of the National Hospital of the Year. President and Chief Executive Officer Walter E. May has always encouraged PMC employees to dream big and big things will happen. After winning the award, he aid, ''It doesn't get much bigger than this. This is like winning the Super Bowl, the NCAA Final Four or the World Series for a hospital.''

As a true leader and innovator in the health care industry, Pikeville Medical Center continues to raise the bar of excellence. Currently employing more than 2,000 people, PMC has hired over 550 employees just during the past year. PMC is a 261-bed facility, and a $100 million construction project is under way, producing 1,500 temporary jobs and 100 permanent jobs. The new medical office building will house nine floors of office and clinical space for outpatient surgery, exam rooms and primary and specialty care physicians, and the enclosed parking garage will have space for more than 1,000 cars.

The combination of first class facilities, the best equipment available and a highly motivated support staff has enabled Pikeville Medical Center to recruit some of the nation's most qualified physicians. More than 270 credentialed professionals—physicians and residents—are authorized to practice medicine at Pikeville Medical Center, and the number continues to grow. Over the past year we have recruited over 30 physicians and added six new services. Among the newer service lines are: gynecological oncology, otolaryngology, rheumatology, pediatric endocrinology, hand surgery and nephrology.

THE HEART INSTITUTE

According to the American Heart Association, heart disease is the #1 killer of Americans, making heart health a top priority for Pikeville Medical Center. In January 2011, Walter E. May addressed a standing room only crowd during a special called press conference and announced Pikeville Medical Center is now affiliated with Cleveland Clinic's Heart Surgery Program.

The Cleveland Clinic heart program has been ranked #1 in the nation for the last 16 years by U.S. News and World Report. The affiliation has enhanced PMC's opportunities to provide new treatments and therapies to patients and has accelerated Pikeville Medical and Cleveland Clinic's mutual accomplishments in leading cardiac surgery care. Currently, PMC staff is attending training at Cleveland Clinic and enhancing their abilities to deal with complex medical situations, while utilizing new technologies and innovations, The two facilities are also sharing surgical outcome data and research.

In addition to the affiliation with Cleveland Clinic's heart surgery program, PMC continues to make great strides in heart care:

One of the first 10 hospitals in the nation and the first hospital in Kentucky to be designated a Level III Accredited Chest Pain Center, the highest distinction given by the Society of Chest Pain Centers

THe cath lab has celebrated the 10th anniversary of the first cath procedure performed at PMC.

Median ''door-to-balloon'' time averages around 65 minutes (well below the standard of 90 minutes set by the American Heart Association and the Joint Commission).

The heart team is comprised of Cardiologists, Interventional Cardiologists, Cardiothoracic and Vascular Surgeons and an Electrophysiologist. PMC's Heart Institute operates offices throughout the region in Pike, Mingo and Johnson Counties.

STROKE CENTER

Pikeville Medical Center has received the American Heart Association/American Stroke Association's Get With The Guidelines®-Stroke (GWTG-Stroke) Gold Plus Quality Achievement Award. Only 10 hospitals in KY have earned this accreditation, and no other KY hospital east of Lexington has earned this prestigious distinction.

The award recognizes PMC's commitment and success in implementing excellent care

for stroke patients, according to evidence-based guidelines. To receive the award, PMC achieved 85 percent or higher adherence to all GWTG-Stroke Quality Achievement indicators for two or more consecutive 12-month intervals and achieved 75 percent or higher compliance with six of 10 GWTG-Stroke Quality Measures, which are reporting initiatives to measure quality of care.

''With a stroke, time lost is brain lost, and the Get With the Guidelines-Stroke Gold Plus Quality Achievement Award demonstrates PMC's commitment to being one of the top hospitals in the country for providing aggressive, proven stroke care,'' said Dr. Naveed Ahmed, Medical Director of Pikeville Medical Center's Stroke Unit. ''We will continue to provide care shown in scientific literature to quickly and efficiently treat stroke patients with evidence-based protocols.''

LEONARD LAWSON CANCER CENTER

Once again, Pikeville Medical Center's Leonard Lawson Cancer Center received the ''Outstanding Achievement Award'' from the Commission on Cancer of the American College of Surgeons. PMC is one of only three hospitals in the state of Kentucky to ever achieve this award, and is the only hospital in Kentucky to be honored twice and consecutively.

PMC has been recognized by the Commission on Cancer of the American College of Surgeons for offering: The full scope of multi-disciplinary services required to screen, diagnose, treat, rehabilitate and support patients with cancer and their families; A high quality, comprehensive team approach by cancer care professionals; Complete range of state-of-the art services and equipment; Access to information about new treatment options and ongoing cancer trials; Access to prevention and early detection programs, cancer education and supportive services.

The cancer center has also instituted program enhancements and improvements including opening a new Paintsville Oncology Clinic, offering genetics counseling and opening a gynecological oncology service.

''The Cancer Center at Pikeville Medical Center is not just a group of employees, they are a team. They continually strive to provide excellent quality care. One of their goals is to provide a special kind of friendship along the way. A friendship that starts with a disease as serious and devastating as cancer and evolves, during their time at PMC, into a special relationship we refer to as the PMC family,'' said Roxanne Hale. Director of the Cancer Center.

EMERGENCY DEPARTMENT

In preparation for achieving Level II Trauma Center certification, Pikeville Medical Center has completed a $10 million emergency department expansion and renovation. This new facility encompasses nearly 23,000 square feet, includes two trauma bays, three triage bays, provides physiological monitoring and a 32″ flat screen tv in every room and has CT scanning and digital x-ray onsite.

Over the past year, PMC's ED patient satisfaction scores have reached nearly 100%, and while the new facility is impressive, it's PMC's employees who make this recognition possible.

THE JOURNEY OF EXCELLENCE CONTINUES

Pikeville Medical Center's employees are guided by the mission statement ''to provide quality regional health care in a Christian environment.'' ''This is more than just a slogan,'' said Chief Operating Officer Juanita Deskins, ''it is a prescription for the work lives of our employees.'' It is primarily because of this work ethic that PMC regularly receives recognition and awards, such as: 12th in the nation of the top 100 Best Places to Work by Modern Healthcare Magazine (the second year in a row PMC made the top 100 list); the number one hospital in the state on the Best Places to Work in Kentucky list, compiled by the KY Chamber of Commerce; three employed physicians listed among the nation's Best Doctors; for the third consecutive year PMC' has been selected as a Hospital of Choice; Patient Satisfaction Award from the Pike County School District Superintendent; the prestigious Excellence Award from the Kentucky Center for Performance Excellence, following the strict criteria set forth by the nationally-acclaimed Malcolm Baldrige Award; the Insight Award fur outstanding service in Inpatient Oncology and Inpatient Rehabilitation; the gold seal of approval from the Joint Commission for Primary Stroke Centers.

While those accolades are impressive, Pikeville Medical Center will not rest on its laurels. There is always room for improvement and our institutional vision has not yet been fully realized—our journey is not over.

Pikeville Medical Center will continue to improve and grow, and will always pursue excellence. Technology will evolve and we will continue to recruit the country's best doctors and add specialty services to assure the best health care possible for our patients. In the words of Walter E. May, ''We aren't trying to provide health care that's 'as good as' anyplace else . . . we're working to provide health care that's better than these patients could get anywhere else. At Pikeville Medical Center, we're proud to say . . . we're still the one!''

VIOLENCE AGAINST WOMEN ACT

TRANSPORTATION COSTS

Mrs. SHAHEEN. Mr. President, I ask permission to engage in a colloquy with the Senator from Vermont, Mr. LEAHY. I would like to address a problem that affects many women who are victims of domestic violence. We have addressed a variety of important concerns with the Senate's recent passage of the Violence Against Women Act, and I hope the House will promptly pass that important, bipartisan bill. A major barrier for women seeking services in New Hampshire and across the country is lack of transportation. As chairman of the Judiciary Committee and author of the Violence Against Women Reauthorization Act, you may have encountered this issue also.

Mr. LEAHY. I thank the Senator from New Hampshire for bringing attention to this important issue and for all her hard work addressing issues of domestic and sexual violence. As a Senator and a prosecutor, I have found that transportation is a particular problem for victims of domestic and sexual violence who live in rural areas.

Mrs. SHAHEEN. You know well the issues facing rural communities in Vermont, as I do in New Hampshire. Domestic violence occurs as frequently in rural areas as it does in cities, and many women in rural settings do not have access to a car or public transportation.

Mr. LEAHY. This presents a real safety risk for women.

Mrs. SHAHEEN. It does. When you are a woman in a violent situation, not having access to transportation is more than an inconvenience, it can be life threatening. One woman in Atkinson, NH, called the local crisis center for transportation because her husband would not let her have access to the car keys and controlled the family's finances entirely. She was simply trapped.

Mr. LEAHY. Would you agree that the availability of transportation is critical to making sure all women have access to the services provided by crisis centers, shelters, and other service providers?

Mrs. SHAHEEN. Yes, that is exactly right. The Violence Against Women Act provides support for important services like medical treatment, counseling, shelter, and legal assistance to seek protective orders. Clearly women need to be able to get to these centers in order to take advantage of these important resources.

Mr. LEAHY. Have you found that transportation is something that crisis centers are currently able to provide?

Mrs. SHAHEEN. Many crisis centers that receive grants from VAWA do use their general funds to assist women with transportation costs who could not otherwise afford them. I believe that is a use of funds consistent with the intent of Congress to expand services to all women and families who are victims of domestic violence. Do you agree?

Mr. LEAHY. I agree that helping women access these services is absolutely consistent with the intent of the Violence Against Women Act.

Mrs. SHAHEEN. And I thank the Senator for including language in the reauthorization of VAWA recently passed by the Senate that further clarifies that transportation services are an acceptable use of VAWA funds. The bill adds language in the new victim services definition in section 3 to include ''other related supportive services'' and in section 102(a) adds ''other victim services'' to the victim services purpose area in the grants to encourage arrest policies and enforcement of protection orders. Both of these changes would provide even more ability than under current law for VAWA grants to cover crucial transportation services.

Mr. LEAHY. I agree that this language is intended to cover a variety of crucial victim services including transportation services.

Mrs. SHAHEEN. I also appreciate the bill's new language emphasizing the importance of providing services to women in rural or geographically isolated areas. Identifying this particularly vulnerable population will be helpful for those centers which focus services on women and families in these isolated areas. I believe this provision makes clear the intent of Congress to supplement the costs of reaching these women and bringing them to safety.

Mr. LEAHY. I agree that is one of the intents of section 202, which focuses on enforcement of domestic violence,

stalking and child abuse laws for victims and families in rural areas. Transportation is a necessary component of enforcing these laws and protecting vulnerable women. I am concerned, as I know you are, about what women do when they are in a dangerous situation and do not have transportation to get away.

Mrs. SHAHEEN. That is a real problem. Many women initially rely on the police or an ambulance to remove them from unsafe situations, but their problems continue once they reach a shelter or crisis center. They have no way to get to court for hearings related to protective orders, child custody and divorce. One of the directors of the crisis center in Berlin in the North Country of New Hampshire spends at least 25 percent of her time taking women to and from court. Due to recent State budget cuts, the closest courthouse is 45 minutes away. That is a significant investment of time and money.

Mr. LEAHY. It certainly is. And the Violence Against Women Act aims to provide financial support for communities that need it most so they can continue to keep women safe.

Mrs. SHAHEEN. I thank the Senator from Vermont for engaging in this colloquy to address the importance of providing transportation services to women and families in need. I thank him, too, for his leadership on the reauthorization of the Violence Against Women Act. It has helped so many women over the years, and I know it will continue to save the lives of women in New Hampshire and across the county.

FACEBOOK'S TAX DEDUCTION

Mr. LEVIN. Mr. President, tomorrow will be a day in tax history—when Facebook goes public, it will get a $16 billion tax deduction, which is the largest tax deduction ever taken by any corporation exploiting the stock option tax loophole.

Facebook's recent filings in anticipation of its upcoming stock offering provide new facts about its plans to use stock option tax deductions, not only to help it avoid future taxes for years and years to come, but to get a refund of taxes it has already paid.

Facebook's recent registration statement shows that, due to hundreds of millions of stock options handed out to its founders and top executives, it plans to claim stock option tax deductions worth a whopping $16 billion. That is more than twice as much as estimates a few months ago, and many, many times larger than the stock option expenses shown on Facebook's ledgers.

Facebook is a booming, successful company. Its securities filing boasts of double-digit increases in Facebook's average revenue per user, citing a 32-percent increase in 2010 and another 25-percent increase in 2011, with ''growth across all regions.'' Despite trumpeting those revenue increases to investors, Facebook is planning at the same time to tell Uncle Sam it has no taxable income, offsetting its revenues with stock option tax deductions.

Facebook's $16 billion stock option tax deduction is so huge, it will enable Facebook to claim a $500 million refund of taxes paid over the prior 2 years and wipe out this year's tax bill. The company says it will also use its deduction to create a ''net operating loss'' that can be used to eliminate its profits and its taxes for up to 20 years into the future.

As with so much of our Tax Code, it is not the law breaking that shocks the conscience, it is the stuff that is allowed. For years, my Permanent Subcommittee on Investigations has identified this stock option tax loophole and tried to explain its cost, its unfairness, and why the loophole should be closed. Facebook's $16 billion tax deduction brings the issue into sharp focus.

This profitable corporation will stop paying any Federal corporate income taxes, simply because it gave hundreds of millions of stock options to its executives. It will go from a corporate citizen that paid its taxes, to one that not only pays no taxes to Uncle Sam on its profits, but gets a tax refund.

Some Facebook defenders claim the company's nonpayment of taxes is offset by the taxes paid by its executives. But first of all, Facebook demands and receives government services that its executives don't—from patent protection to cybersecurity to trade enforcement. Second, the fact that executives pay taxes doesn't mean corporations shouldn't pay taxes. Facebook should be paying its fair share, and it is only through a tax loophole that it won't be. Adding insult to injury is that one of its founders recently renounced his U.S. citizenship just to avoid paying his taxes.

Facebook is an American success story. Its ability to use a stock option loophole to zero out its U.S. tax bill, despite ample profits, makes no sense. It also isn't fair to the rest of American taxpayers who will have to pay more because Facebook pays nothing.

In these tough economic times, Congress needs to make choices about where to spend taxpayer dollars. The stock option tax deduction, as demonstrated by Facebook, fuels excessive executive pay, shifts the tax burden from corporations to other taxpayers, and enables profitable corporations to get out of paying a dime toward the country that helped make their success possible.

What could our Nation do with the billions of dollars it will lose when Facebook uses the stock option loophole? Well, we could reduce the Federal deficit. Or we could pay for programs to help kids go to college or programs that protect our seniors and veterans, put cops on the beat or teachers in classrooms.

The stock option loophole should have been closed long before Facebook's stock option bonanza. But surely the case of Facebook illustrates to the Senate, to the Congress, and to the American people why we should close this loophole. If Congress were to enact the Levin-Sherrod Brown bill, S. 1375, it would close an unjustified corporate tax loophole that boosts executive pay at the expense of everybody else.

150TH ANNIVERSARY OF USDA

Mr. BAUCUS. Mr. President, I rise today to celebrate the 150th anniversary of the Department of Agriculture.

I believe Thomas Jefferson said it best in a letter to George Washington in 1787. Jefferson wrote: ''Agriculture is our wisest pursuit, because it will in the end contribute most to real wealth, good morals, and happiness.''

In 1862, the 37th Congress and President Lincoln established the U.S. Department of Agriculture, and 150 years later, agriculture is still a pillar of the American economy.

From wheat fields in Montana, to dairy farms in Wisconsin, to grocery stores in New York City, 1 in 12 jobs is linked to agriculture and forestry. In Montana it is one in five for agriculture alone.

Agriculture is one of the few U.S. business sectors to boast a trade surplus of $34 billion last year.

Because of our Federal farm policies, Americans have access to the safest and most affordable food in the world. Americans spend less than 7 percent of their disposable income to feed their families, compared with almost 25 percent in 1930 or as high as 28 percent in Russia today.

The farm bill, which is set to expire this September, provides a responsible risk management system that ensures American farmers and ranchers can keep putting food on our tables even in times of drought, flooding, and other disaster. It provides conservation tools to protect the land we love and depend on for generations to come. It focuses resources to help beginning farmers and ranchers get their foot in the door, promotes U.S. products overseas, invests in research, and helps struggling families put food on the table.

Last month, the Senate Agriculture Committee passed the Agriculture Reform, Food and Jobs Act of 2012 with a bipartisan vote of 16 to 5.

I want to underscore the word ''reform.'' Times are tough. We cannot afford business as usual anymore.

After spending the last year talking directly with Montana farmers and ranchers about their priorities, I can tell you no one understands this better than they do.

So the Senate Agriculture Committee worked directly with producers to strengthen what works and cut out what doesn't. Together we came up with a responsible plan to cut spending by $23 billion while still providing a strong risk management program for farmers and ranchers. That is right,

the Senate Agriculture Committee's farm bill reduces the deficit by $23 billion. It eliminates more than 100 duplicative programs to make government leaner and more effective. It strengthens accountability to make sure we are giving a hand up where it is most needed and not wasting taxpayer dollars where it's not. And, perhaps most importantly, this farm bill supports more than 16 million American jobs. That is why I led a letter to leadership with 43 of my colleagues this week urging quick action. Moving this farm bill is the right thing to do for our farmers and ranchers, the right thing to do for American taxpayers, and the right thing to do for jobs.

So as we say happy birthday to the U.S. Department of Agriculture, I think the best gift Congress could give is passing the farm bill.

IMPORTANCE OF SENATE BIPARTISANSHIP

Mr. CARPER. Mr. President, over this past weekend, while reading the News Journal, Delaware's only statewide newspaper, I came across a column written by my good friend and our former colleague, Ted Kaufman. He was writing about an issue that is troubling to me and to many of our colleagues—the narrowing scope of bipartisanship in the U.S. Senate today.

As you know, Mr. President, our longtime colleague Senator RICHARD LUGAR faced a difficult primary contest last week in Indiana. While he put up a good fight, he ultimately lost the primary to someone who openly espouses an aversion to bipartisanship. In recent days a number of our colleagues, including Senators DURBIN and KERRY, have stood in this Chamber to lament the parting of Senator LUGAR. Like them, I, too, am disappointed that Senator LUGAR will not be part of the Senate in the future.

Though I haven't always agreed with him on every issue, Senator LUGAR has been and remains a deeply respected colleague and statesman. He understands that national unity and patriotism should always trump partisan bickering, and he believes that working with colleagues on both sides of the aisle is critically important for the welfare of our country.

In his article last weekend, Ted Kaufman wrote, ''If candidates like Mike Castle and RICHARD LUGAR are defeated because they are willing to consider bipartisan solutions, the gridlock can only get worse.'' I couldn't have said it better myself. DICK LUGAR is the type of Senator we need more of, not less of. With his departure, the Senate will lose someone who was willing to put progress ahead of party and willing to favor compromise over conflict.

Senator LUGAR, as mayor of Indianapolis and as Senator from Indiana, you have served your State and your country with distinction. I have no doubt that as this Congress and your time in the Senate come to a close later this year, you will choose to finish strong. I expect that as you do, my colleagues and I will have the opportunity to work with you, in a bipartisan way, on a number of critically important issues for our country. There will be much work to do, together.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of Senator Kaufman's article as a testament to the importance of bipartisan cooperation in the Senate.

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

[From the News Journal, May 12, 2012]

LUGAR PROVED 'BIPARTISANSHIP' SERVES PRINCIPLES WELL

(By Ted Kaufman)

I have spent the last 40 years of my life working in and teaching about the U.S. Senate. Right after then-Senator Biden and I came to Washington, he told me something I have always kept in mind when dealing with its members. ''There is a reason the citizens of each state picked each individual senator,'' Senator Biden said, ''and it is worth looking for what that is.''

The Senate has always been a partisan place. The arguments are fierce. Strongly held beliefs collide. No matter how much I disagreed with the positions taken by senators on the other side of the aisle, I could respect and even admire nearly all of them.

One of the senators I disagreed with on many issues but came to greatly admire was Richard Lugar. Last week, in the Indiana Republican primary, he lost his bid for a sixth term. He will be sorely missed in the next Senate.

For many years, I watched as he and Senator Biden passed the gavel back and forth on the Foreign Relations Committee, where they traded positions as chair or ranking member. As partisan a conservative Republican as he was on most domestic issues, Senator Lugar deeply believed in the approach to foreign policy articulated in the early 1940s by Michigan's Republican Sen. Arthur Vandenberg: ''To me, bipartisan foreign policy' means a mutual effort, under our indispensable, two-party system, to unite our official voice at the water's edge so that America speaks with one voice to those who would divide and conquer us and the free world.''

Throughout his Senate career, Senator Lugar was a driving force in maintaining this approach to foreign policy. He did not grandstand. In his quiet, intelligent way, he became one of our most knowledgeable experts on an issue that wins few votes but is literally a matter of life-and-death for the planet—nuclear proliferation.

Perhaps his greatest accomplishment was the joint effort with former Democratic Sen. Sam Nunn that established the Cooperative Threat Reduction Program, which provides U.S. funding and expertise to help former Soviet countries safeguard and dismantle their nuclear and chemical arsenals. The program has deactivated thousands of nuclear warheads, chemical weapons, and their delivery systems. It has eliminated all the nuclear weapons in Ukraine, Kazakhstan, and Belarus. Senator Lugar, as much as any single person alive, is responsible for greatly reducing the threat of nuclear proliferation into the terrorist world.

There were many reasons why Senator Lugar lost his bid for re-nomination. But among the criticisms raised against him by his opponent was that he supported the Strategic Arms Reduction Treaty. It is hard to understand how this vote could be characterized as anti-Republican when Lugar was joined in his support of START by the Secretaries of State for the last five Republican Presidents.

I smile when I see Senator Lugar being portrayed in the media as a ''moderate.'' His voting record on domestic issues has been consistently conservative. The American Conservative Union gives him a 77 percent lifetime rating. But that, it seems, is not conservative enough. His victorious opponent, Richard Mourdock, ran a campaign that was openly dismissive of any kind of bipartisanship. Right after Mourdock won the nomination, he explained, ''I have a mindset that says bipartisanship ought to consist of Democrats coming to the Republican point of view.''

Wherever I go, the most common thread in talks I have with many different groups of people is their frustration with the lack of compromise and gridlock in Washington. If candidates like Mike Castle and Richard Lugar are defeated because they are willing to consider bipartisan solutions, the gridlock can only get worse.

I could not agree more with what Senator Lugar said in his typically thoughtful concession speech: ''Bipartisanship is not the opposite of principle. One can be very conservative or very liberal and still have a bipartisan mindset. Such a mindset acknowledges that the other party is also patriotic and may have some good ideas. It acknowledges that national unity is important, and that aggressive partisanship deepens cynicism, sharpens political vendettas, and depletes the national reserve of goodwill that is critical to our survival in hard times.''

INTERNATIONAL FOOD SECURITY

Mr. CARDIN. Mr. President, I rise today to express my enthusiastic support for our efforts to elevate international food security commitments through the G8, which is being held this weekend in Maryland.

I understand that President Obama has invited the Presidents of Benin, Ghana, Ethiopia, and Tanzania to participate in the summit and strategize on ways in which we can all work together to accelerate progress on food security. With over 1 billion poor and hungry people around the world, there is no time to wait.

Just 3 years ago, in L-Aquila, Italy, G8 leaders committed to support developing-country plans for agriculture to the tune of $7 billion a year over 3 years. African governments also committed to allocating 10 percent of their budgets to support agriculture, because they recognize that three-fourths of Africans make a living from agriculture.

This week we expect the G8 leaders to focus on private sector investment, donor coordination, innovation, and partnership. I see this as a natural next step in which we strive to amplify the truly historic commitments that we have made to ending world hunger.

As Secretary Clinton said in 2009, ''We have the resources to give every person in the world the tools they need to feed themselves and their children. So the question is not whether we can end hunger. It's whether we will.''

We must harness the good will of the private sector, do a better job of coordinating among ourselves in the

donor community, and show the American people that we are doing development better. With such a limited foreign assistance budget, getting the most out of every dollar that we spend is vital if we are going to beat global hunger and human suffering.

To that end, I am very pleased that the U.S. will be following up on not only what the members of the G8 committed but what they actually delivered. In order for our new food security initiative to succeed, all pledges must have clear accountability mechanisms.

I believe that our own Feed the Future Program, our global hunger and food security initiative, does just that. Feed the Future focuses on small farmers, particularly women. It helps countries to develop their agriculture sectors to generate opportunities for broad-based economic growth and trade, which in turn support increased incomes and help reduce hunger. It is strengthening strategic coordination to align the efforts of the private sector, civil society, and multilateral institutions. And it is delivering on sustained and accountable commitments through robust monitoring and evaluation systems. I look forward to hearing more about the Feed the Future success stories in the months to come, as USAID officials develop and release their accountability reports.

There are a few other elements of the program that I would just like to underscore as someone who cares very deeply about the status of women. First, Feed the Future developed and launched the Women's Empowerment in Agriculture Index, a research method which measures the quantity and quality of gender integrated programs. This is essential is we are to continue designing better development programs.

Second, Feed the Future has launched a fund to advance innovative approaches to promote gender equality in agriculture and land use and integrate gender effectively into agricultural development and food security programs. And third, Feed the Future has harnessed the capabilities of other U.S. Government partners such as the Department of Agriculture to develop science-based solutions to many of the problems faced by women farmers.

Feed the Future is already working with the private sector in Africa; just recently USAID announced a unique trilateral partnership between PepsiCo, USAID, and the World Food Program. Through this partnership they will provide a nutritionally fortified feeding product while helping to build long-term economic stability for smallholder chickpea farmers in Ethiopia by involving them directly in PepsiCo's product supply chain.

Ending global hunger is a monumental task. But when the leaders of France, Germany, Italy, Japan, the United Kingdom, Canada, Russia, and the United States join together with our African partners and the most powerful private sector and civil society organizations in the world, I believe it is one that we can achieve.

BUDGET RESOLUTION VOTES

Ms. KLOBUCHAR. Today I wish to discuss a series of votes we took yesterday on five different budget resolutions offered by my colleagues.

I ultimately voted against the budget resolutions offered by my colleagues because they were simply not in line with what I believe our priorities for this country should be.

Like my colleagues, I am very concerned about our long-term fiscal situation. That is why last year I helped pass the Budget Control Act of 2011. This legislation caps spending levels for 2012 and will reduce our deficit by at least $2.1 trillion over the next 10 years.

In many ways, the Budget Control Act is even more extensive than a traditional congressional budget resolution. Unlike a budget resolution that is not signed by the President, the Budget Control Act has the force of law. It also set discretionary caps for 10 years, instead of the 1 year normally set in a budget resolution.

Believing we should go further, I also voted for a constitutional balanced budget amendment offered by Senator UDALL of Colorado and cosponsored bipartisan legislation to give the President line-item veto authority to go after wasteful spending.

The key difference between the Budget Control Act and the budget resolutions that were offered yesterday is that the Budget Control Act did not achieve its savings on the backs of the middle class while at the same time giving more tax breaks to the wealthiest Americans.

In 2010, I worked with 14 Senators to block a statutory increase of our national debt limit until the Senate agreed to set up the bipartisan National Commission on Fiscal Responsibility. While I do not agree with every single recommendation included in the final report, I have made clear through my support for the bipartisan efforts in the Senate to advance this framework and I believe it provides a good starting point for the work we must do to reduce our debt.

This framework would put in place a long-term plan to responsibly reduce the deficit by achieving at least $4 trillion in debt reduction through a balance of revenue and spending cuts. This is the balanced approach I hear Minnesotans asking for every day, and it is the approach I will continue to insist we take.

ADDITIONAL STATEMENTS

2012 TOP COPS

● Mr. HELLER. Mr. President, today I wish to recognize five police officers from my home State of Nevada for being honored with the prestigious National Association of Police Officers, NAPO, 2012 TOP COPS award for their acts of heroism during a routine fraud call that turned into a deadly shooting. Las Vegas Metropolitan Police Department officers John Abel, Michael Ramirez, Corey Staheli, Beaumont Hopson, and David Williams' overwhelming courage in the line of duty epitomizes the best of what America's police officers have to offer. I am honored to recognize this group of Nevadans whose efforts to go above and beyond their oath to serve is a testament to the strength of our law enforcement community.

This year marks NAPO's 19th annual TOP COPS Awards ceremony to honor members of the law enforcement community for their heroic actions. I stand with NAPO in their dedication to raising public awareness concerning the contributions made by our law enforcement officers to the welfare of our communities. Officer Ramirez literally stood in the line of fire to protect shoppers at a Las Vegas WalMart while attempting to apprehend a criminal. His colleagues bravely answered the call to duty and fatally shot the assailant after he shot Officer Ramirez several times in the arm and once in the chest. Fortunately, Officer Ramirez's bulletproof vest, along with the bravery displayed by his colleagues, saved his life. I am so honored to acknowledge these exceptional individuals who are being recognized for their commitment to the safety, protection, and well-being of the people and community of Las Vegas.

It is a privilege to recognize our law enforcement officers who put their lives on the line for our protection every day. Their dedication to upholding and enforcing the law is essential to the welfare of our communities and is not taken for granted. The citizens of Nevada are proud to honor John, Michael, Corey, Beaumont, and David as TOP COPS and thank them for serving and protecting the Silver State.●

TRIBUTE TO CARY M. MAGUIRE

● Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the remarks of Representative RALPH HALL be printed in the RECORD on the tenacity of Cary M. Maguire, founder, Chair and President of the Dallas-based Mcguire Oil Company and Maguire Energy Company.

The remarks follow.

Mr. HALL. Mr. Speaker, I rise today in recognition of Cary M. Maguire, a fellow Texan who exemplifies fortitude, American entrepreneurship, and community service.

Over the past twenty years, Cary's strength of character was tested and proven as he fought for justice in a property rights dispute against the Houston, Texas city government. Despite being dealt a bad hand, court after court, Cary never surrendered. He showed courage and faith that justice would prevail, and his perseverance was ultimately rewarded.

Cary is the founder, Chair, and President of the Dallas-based Maguire Oil Company

and Maguire Energy Company. In 1991, Cary's company was given a permit by the city of Houston to drill near the banks of Lake Houston. However, when his crew began the project a city officer patrolling the area stopped the team, citing a city ordinance that prohibited drilling within 1,000 feet of the shore. The city revoked Maguire Oil's permit, and a lengthy court battle began.

The case was shuffled around for fourteen years as courts argued over jurisdiction and how to proceed. In 2009, a Harris County court-at-law awarded Maguire $2 million in damages, plus $2.2 million in interest. The City appealed this ruling before agreeing on a settlement, settling a lawsuit that spanned two trials, four appeals and the administrations of four mayors.

While acknowledging that the amount spent in legal fees exceeded the amount of the settlement, Cary stated that he continued the case because he thought it was important to defend the principle that while government has the right to take property for the public good, it does not have the right to do so without compensating the property owner.

Cary proceeded to donate the settlement money to found the Center for Ethics and Public Responsibility that bears his name at Southern Methodist University (SMU) in Dallas, Texas, where he serves as Trustee Emeritus in recognition for his outstanding service to the University as a member of the Board of Trustees from 1976 to 2000.

In addition to his founding grant to create the Maguire Center for Ethics and Public Responsibility, Cary also endowed a university-wide professorship in ethics at SMU. He has provided additional funds for programs and facilities in SMU's Edwin L. Cox School of Business, including the Maguire Energy Institute, the Maguire Chair in oil and gas management, and the Maguire Building housing undergraduate programs in the Cox School.

In 1995 he and his wife, Ann, were among the first recipients of SMU's Mustang Award honoring individuals whose longtime service and philanthropy have had a lasting impact on the University.

His national leadership positions include service on The National Petroleum Council, the Executive Committee of Mid-Continental Oil and Gas Association, and membership of the Madison Council of the Library of Congress, where he funded the Maguire Chair in Ethics and American History.

Mr. Speaker, Cary Maguire's professional and philanthropic contributions will have a lasting value not only in the great State of Texas, but our nation. He embodies many outstanding qualities that define the American spirit. As we adjourn the House of Representatives today, let us do so in appreciation of this American leader, Mr. Cary Maguire.●

TRIBUTE TO CHARLIE EARL

● Mrs. MURRAY. Mr. President, today I wish to recognize Charlie Earl for his exemplary record of public service to the Washington State Board for Community and Technical Colleges and the people of Washington State.

Charlie Earl will retire on July 31, 2012, after more than 40 years of public service in the State's higher education system and a variety of government positions. He most recently served for 6 years as the executive director of the Washington State Board for Community and Technical Colleges and 7 years as president of Everett Community College. As the executive director, Charlie worked to increase public access to higher education while enhancing the quality of Washington State's career and technical education system. All the while, the past several years have seen the most difficult economic environment in Washington State's recent history. As our State budget tightened, spending on our community colleges decreased by 22 percent, but this did not stop Charlie from developing a vision for the State and leading toward it with energy, passion, and commitment.

While Charlie served as executive director, he propelled Washington's community and technical colleges to be among the most innovative in the country. Charlie's leadership supported the development and expansion of the Washington State student achievement performance award, opportunity grants, 4-year applied baccalaureate degrees, an open course library, and the Integrated Basic Education and Skills Training, I-BEST, Program. These changes allowed for many students to return to school to earn their diploma or certificate or learn new skills required of the 21st century workforce. The I-BEST Program challenges the traditional notion that students must complete all basic education before they can begin postsecondary education or training. This model allowed students to move through school, earn degrees, and join the skilled workforce faster and with less cost to the student, State, and Federal Government. I am not alone in seeing this as a revolutionary model in adult education. In 2011, the I-BEST Program was named a ''Bright Idea'' by Harvard's John F. Kennedy School of Government and is being replicated in 20 other States. All of this would not have been possible if not for Charlie's leadership, advocacy, and stewardship of the Washington State Board for Community and Technical Education and its staff.

During Charlie's tenure, enrollment increased at Washington's 34 colleges by 80,000 students. This was clearly no small feat. Washington State has also seen the largest increase in certificates and degrees since the community and technical college system began tracking this statistic. This was achieved not simply because more students are enrolling in career and technical education but because more students are reaching important academic goals and building momentum to finish their academic program. As you can clearly see, Charlie worked tirelessly to promote student access, and ensure all students are making timely progress towards their education and career goals. The achievements of the Washington State Board for Community and Technical Colleges during Charlie's tenure as executive director have been remarkable.

Charlie graduated from the University of Washington with a bachelor's degree in finance and from Washington State University with a master of arts degree in political science. He serves as chair of the National Council of State Directors of Community Colleges, is a past president of the Washington Association of Community and Technical Colleges, and has been a board member of the Washington Council on Aerospace, Workforce Training and Education Coordinating Board, Early Learning Advisory Council, Governor's Job Creation Subcabinet, and National Governors' Association Compete to Complete Advisory Group. Charlie's entrepreneurial spirit and unwavering commitment to student success will be sorely missed. I join with many in Washington State in congratulating Charlie on his achievements, and I look forward to seeing all that he will accomplish in his retirement.●

TRIBUTE TO HEATHER JELEN

● Mr. THUNE. Mr. President, today I recognize Heather Jelen, a legal intern in my Washington, DC, office, for all the hard work she has done for me, my staff, and the State of South Dakota over the past year.

Heather is a graduate of Bethel University in Saint Paul, MN. Currently, she is attending George Washington University Law School in Washington, DC. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Heather for all the fine work she has done and wish her continued success in the years to come.●

CONGRATULATING HUMAN EVENTS

● Mr. TOOMEY. Mr. President, Human Events, the nation's oldest conservative weekly publication, has been a staple of the post-war conservative movement. I want to congratulate Human Events on its many years of providing incisive coverage and on its recent relaunch. According to the publication's mission, Human Events ''looks at events through eyes that favor limited constitutional government, local self-government, private enterprise and individual freedom. These were the principles that inspired the Founding Fathers.'' These are the values that have made and will continue to keep America great.●

TRIBUTE TO MONSIGNOR JOSEPH C. ANSALDI

● Mr. SCHUMER. Mr. President, today I wish to honor the extraordinary, selfless, and faithful commitment of Monsignor Joseph C. Ansaldi to the Catholic Church. On Saturday, June 2, 2012, Monsignor Ansaldi will celebrate the 50th Anniversary of his ordination to the priesthood.

Monsignor Ansaldi attended both a Catholic grammar school and a Catholic high school where he learned the

value of such a wonderful religious education. He realized early on that he wished to devote his life to the Catholic Church and the community in which he grew up. Following his early education, Monsignor Ansaldi attended and graduated from St. Joseph Dunwoodie with bachelor's degrees in philosophy and theology and later received his master's degree in history from Fordham University.

Ordained in 1962, his first assignment was chaplain at Mt. Loretto's Girls' Division. He then spent 6 years at Cardinal Hayes High School, where he taught history, German, and religion prior to his appointment there as dean of students. He then was appointed academic dean to St. Joseph by-the-Sea, and then in 1982, then archbishop of New York, Terrence Cardinal Cooke, appointed Monsignor Ansaldi as principal of St. Joseph by-the-Sea. Finally, in 1990, Pope John Paul II named Josepha C. Ansaldi a monsignor, and in 1991, Cardinal O'Connor appointed Monsignor Ansaldi Vicar of the Staten Island vicariate.

Under Monsignor Ansaldi's tenure, enrollment at St. Joseph by-the-Sea rose by more than 25 percent to over 1,300 students. He also expanded the physical plant of the school to ensure that these students had the resources necessary to prosper. Many of his students became National Merit Scholar finalists and are forever grateful to the extraordinary leadership of their principal.

Monsignor Ansaldi reminds us all about the tremendous role that educators play in the lives of students. Thousands of students have gone to college due to the efforts of Monsignor Ansaldi and many have been inspired to follow in the footsteps of Monsignor Ansaldi.

The extraordinary vibrancy of New York is greatly enriched by its strong religious community. These communities owe much of their prosperity to the tireless efforts of religious leaders. Monsignor Ansaldi, who has served the people of New York for 50 years, is one shining example of the important role religious leaders can play in the lives of thousands of people. They have provided their communities infinite wisdom and counsel during times good and bad. Monsignor Joseph C. Ansaldi is a true leader who has selflessly and faithfully devoted his life to the betterment of the Catholic Church and to all mankind.

Mr. President, it is my honor to acknowledge the achievement and contributions of Monsignor Joseph C. Ansaldi on this 50th anniversary of his ordination to the priesthood in the Catholic Church.●

TRIBUTE TO NANETTE A. NADEAU

● Mr. UDALL of Colorado. Mr. President, today I wish to honor Mrs. Nanette A. Nadeau, who on June 3, 2012, at Peterson Air Force Base, CO, will retire after over 36 years of Federal civil service. Nanette is the Deputy Director of Legislative Affairs for the North American Aerospace Defense Command and U.S. Northern Command. She has been an enduring presence and focal point for all congressional matters and our interaction with the commands.

Legislative liaisons facilitate communication between their agencies and Congress, effectively bridging our organizational cultures. These professionals require expert, almost insider, knowledge of Congressional procedure, committee structure, and legislative process. My office depends heavily on the rapport we have with military liaisons for timely, transparent dialogue. Nanette has exemplified the best of what we have come to appreciate.

Nanette is a native of Jefferson, NH. She attended White Mountain Regional High School where she had the distinction of recruiting the band Aerosmith to play at her senior prom. While her high school accomplishments were legendary, it was on a day she was absent from school that would change her life's course—the day she met a young soldier, Douglas Nadeau. Doug had received a call that day from a young lady who wanted to skip class with a couple friends, but they needed a ride because the school was several miles from town. Nanette was one of the friends. They married in June of 1974 and headed out together as Doug continued to serve our country around the world.

In the military, there is an adage that ''home is wherever the service sends you,'' and over the years the Nadeaus called places like Germany, Georgia, and Virginia home. Like other military spouses, Nanette made sacrifices along the way as she bounced from one civil service job to the next, sometimes settling for a lower grade. She started her Federal service career as a General Schedule-2, sorting mail in the Post Office in Giessen, Germany. Finding her niche in legislative affairs, she earned a reputation for excellence and was promoted over time to General Schedule-14 . Despite enduring frequent moves, Nanette found time to earn her bachelor's degree from The College of William & Mary, graduating summa cum laude, and later added an MBA from the University of Colorado, Colorado Springs, also summa cum laude, all while working full time.

After having seen the world, the Nadeaus felt most at home in Colorado. Fort Carson was where Doug was stationed when they were married and they returned in 1987 for Doug's last assignment, eventually deciding to settle in the Colorado Springs area. During her tenure as a legislative liaison, Nanette has prepared countless pages of testimony and led numerous congressional visits. She has orchestrated visits for my staff and me to military installations in the local community, including Peterson and Schriever Air Force Bases and Cheyenne Mountain Air Force Station. A pinnacle moment for Nanette was being awarded the well-deserved honor of Civilian of the Year in 2006.

Around NORAD and USNORTHCOM, Nanette has become known for her discretion, interpersonal skill, and sharp sense of humor. She enjoys a level of trust with her colleagues that can only be earned over time. Nanette will leave an indelible mark on NORAD and USNORTHCOM and her institutional knowledge and savvy analysis of legislative activity will be hard to replace. However, she can take pride in the knowledge that she leaves her post better than she found it, and be confident that her legacy will endure through those she has mentored over the years.

On behalf of a grateful nation, I thank Nanette for her many years of faithful, selfless service and offer warm congratulations on the occasion of her retirement. May she and Doug enjoy a very bright future.●

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, treaties, and a withdrawal which were referred to the appropriate committees.

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

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13047 OF MAY 20, 1997, WITH RESPECT TO BURMA—PM 49

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to Burma that was declared on May 20, 1997, is to continue in effect beyond May 20, 2012.

The Burmese government has made progress in a number of areas including

releasing hundreds of political prisoners, pursuing cease-fire talks with several armed ethnic groups, and pursuing a substantive dialogue with Burma's leading pro-democracy opposition party. The United States is committed to supporting Burma's reform effort, but the situation in Burma continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Burma has made important strides, but the political opening is nascent, and we continue to have concerns, including remaining political prisoners, ongoing conflict, and serious human rights abuses in ethnic areas. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and to maintain in force the sanctions that respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, *May 17, 2012.*

MESSAGES FROM THE HOUSE

At 11:26 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H. R. 2621. An act to establish the Chimney Rock National Monument in the State of Colorado, and for other purposes.

H. R. 2745. An act to amend the Mesquite Lands Act of 1986 to facilitate implementation of a multispecies habitat conservation plan for the Virgin River in Clark County, Nevada.

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

ENROLLED BILL SIGNED

At 3:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4967. An act to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. UDALL of New Mexico).

MEASURES REFERRED

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

H.R. 2621. An act to establish the Chimney Rock National Monument in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2745. An act to amend the Mesquite Lands Act of 1986 to facilitate implementation of a multispecies habitat conservation plan for the Virgin River in Clark County, Nevada; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC 6123. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propylene oxide; Tolerance Actions'' (FRL No. 9346 8) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC 6124. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acetone; Exemption from the Requirement of a Tolerance'' (FRL No. 9344 2) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC 6125. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluxapyroxad; Pesticide Tolerances'' (FRL No. 9346 7) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC 6126. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Penflufen; Pesticide Tolerances'' (FRL No. 9341 8) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC 6127. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled ''Western Hemisphere Institute for Security Cooperation 2011 Report to Congress''; to the Committee on Armed Services.

EC 6128. A communication from the Acting Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to Department of Defense purchases from foreign entities for fiscal year 2011; to the Committee on Armed Services.

EC 6129. A communication from the Acting Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled ''Department of Defense Report to Congress on the Findings of the Logistics Management Institute Study 'Future Capability of DoD Maintenance Depots' ''; to the Committee on Armed Services.

EC 6130. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC 6131. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Enhancement of Electricity Market Surveillance and Analysis through Ongoing Electronic Delivery of Data from Regional Transmission Organizations and Independent System Operators'' (RIN1902 AE43) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Energy and Natural Resources.

EC 6132. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Fingerprint-Based Criminal History Records Checks for Individuals Seeking Unescorted Access to Non-power Reactors (Research and Test Reactors)'' (RIN3150 AI25) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Environment and Public Works.

EC 6133. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone'' (FRL No. 9671 4) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Environment and Public Works.

EC 6134. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Quality: Widespread Use for Onboard Refueling Vapor Recovery and Stage II Waiver'' (FRL No. 9671 3) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Environment and Public Works.

EC 6135. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oklahoma: Incorporation by Reference of Approved State Hazardous Waste Management Program'' (FRL No. 9652 9a) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Environment and Public Works.

EC 6136. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Permit to Construct Exemptions'' (FRL No. 9671 7) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Environment and Public Works.

EC 6137. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to the Control of Nitrogen Oxides Emissions from Industrial Boilers and Process Heaters at Petroleum Refineries'' (FRL No. 9671 9) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Environment and Public Works.

EC 6138. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware, New Jersey, and Pennsylvania; Determinations of Attainment of the 1997 Annual Fine Particulate Standard for the Philadelphia-Wilmington, PA-NJ-DE Nonattainment Area'' (FRL No. 9670 3) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Environment and Public Works.

EC 6139. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone:

Nonattainment Area Classifications Approach, Attainment Deadlines and Revocation of the 1997 Ozone Standards for Transportation Conformity Purposes'' (FRL No. 9667 9) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Environment and Public Works.

EC 6140. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Revocation of TSCA Section 4 Testing Requirements for One High Production Volume Chemical Substance'' (FRL No. 9350 2) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Environment and Public Works.

EC 6141. A communication from the Acting Deputy Under Secretary for International Affairs, Department of Labor, transmitting, pursuant to law, a report entitled ''Progress in Implementing Chapter 16 (Labor) and Capacity-Building under the Dominican Republic-Central America-United States Free Trade Agreement''; to the Committee on Finance.

EC 6142. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Mortgage Insurance Premiums'' ((RIN1545 BH84) (TD 9588)) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Finance.

EC 6143. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modifications to Definition of United States Property'' ((RIN1545 BK11) (TD 9589)) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Finance.

EC 6144. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual Price Inflation Adjustments for Contribution Limitations Made to a Health Savings Account Pursuant to Section 223 of the Internal Revenue Code'' (Rev. Proc. 2012 26) received in the Office of the President of the Senate on April 14, 2012; to the Committee on Finance.

EC 6145. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs: Reform of Hospital and Critical Access Hospital Conditions of Participation'' (RIN0938 AQ89) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Finance.

EC 6146. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Program: Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction'' (RIN0938 AQ96) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Finance.

EC 6147. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the 2011 annual report on voting practices in the United Nations; to the Committee on Foreign Relations.

EC 6148. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a Determination and Certification under Section 40A of the Arms Export Control Act relative to countries not cooperating fully with United States antiterrorism efforts; to the Committee on Foreign Relations.

EC 6149. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to amendment to parts 120 and 123 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC 6150. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to amendment to part 123 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC 6151. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed revision to part 121 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC 6152. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on Head Start Monitoring for Fiscal Year 2009''; to the Committee on Health, Education, Labor, and Pensions.

EC 6153. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Sterility Test Requirements for Biological Products'' (Docket No. FDA 2011 N 0080) received in the Office of the President of the Senate on May 10, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC 6154. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Loss Ratio Requirements under the Patient Protection and Affordable Care Act'' (RIN0938 AR41) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC 6155. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005 59, Small Entity Compliance Guide'' (FAC 2005 59) received in the Office of the President of the Senate on May 14, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC 6156. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Free Trade Agreement-Colombia'' ((RIN9000 AM24) (FAC 2005 59)) received in the Office of the President of the Senate on May 14, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC 6157. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Revision of Cost Accounting Standards Threshold'' ((RIN9000 AM25) (FAC 2005 59)) received in the Office of the President of the Senate on May 14, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC 6158. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Prohibition on Contracting with Inverted Domestic Corporations'' ((RIN9000 AM22) (FAC 2005 59)) received in the Office of the President of the Senate on May 14, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC 6159. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Second Quarter of Fiscal Year 2012''; to the Committee on Veterans' Affairs.

EC 6160. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; United States-Korea Free Trade Agreement'' ((RIN0750 AH69) (DFARS Case 2012 D025)) received in the Office of the President of the Senate on May 10, 2012; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Indian Affairs, with an amendment:

S. 676. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes (Rept. No. 112 166).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2554. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2017.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

James Xavier Dempsey, of California, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2016.

Elisebeth Collins Cook, of Illinois, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2014.

Rachel L. Brand, of Iowa, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2017.

David Medine, of Maryland, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2012.

David Medine, of Maryland, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2018.

Patricia M. Wald, of the District of Columbia, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2013.

Patricia M. Wald, of the District of Columbia, to be a Member of the Privacy and Civil

Liberties Oversight Board for a term expiring January 29, 2019.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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 Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 3196. A bill to establish the National Women's High-Growth Business Bipartisan Task Force, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 3197. A bill to reauthorize the women's business center program of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 3198. A bill to amend the Small Business Act to improve the entrepreneurial development programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. SCHUMER (for himself, Mr. BLUMENTHAL, Mr. BLUNT, Mr. COONS, Mr. HELLER, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. LEE, Mr. MANCHIN, Ms. MIKULSKI, Mr. RUBIO, Mrs. SHAHEEN, Mr. BROWN of Massachusetts, Ms. MURKOWSKI, Ms. AYOTTE, and Mr. RISCH):

S. 3199. A bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States and for other purposes; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 3200. A bill to require the Small Business Administration to submit a regular National Small Business Index to Congress to assess how policies provide incentives or impediments to small business development; to the Committee on Small Business and Entrepreneurship.

By Mr. REED (for himself and Mr. KYL):

S. 3201. A bill to reform graduate medical education payments, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. BURR, Mr. NELSON of Florida, and Mr. RUBIO):

S. 3202. A bill to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG (for himself and Mr. RUBIO):

S. 3203. A bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. JOHANNS (for himself, Mr. WARNER, Mr. CORKER, and Mr. TESTER):

S. 3204. A bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Mr. CASEY, Mr. BLUMENTHAL, and Mr. HARKIN):

S. 3205. A bill to amend the Internal Revenue Code of 1986 to provide that persons renouncing citizenship for a substantial tax avoidance purpose shall be subject to tax and withholding on capital gains, to provide that such persons shall not be admissible to the United States, and for other purposes; to the Committee on Finance.

By Mr. BOOZMAN (for himself and Mr. BEGICH):

S. 3206. A bill to amend title 38, United States Code, to extend the authorization of appropriations for the Secretary of Veterans Affairs to pay a monthly assistance allowance to disabled veterans training or competing for the Paralympic Team and the authorization of appropriations for the Secretary of Veterans Affairs to provide assistance to United States Paralympics, Inc., and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. INHOFE:

S. Res. 466. A resolution calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko; to the Committee on Foreign Relations.

By Mr. WHITEHOUSE (for himself, Mr. AKAKA, Mr. BLUMENTHAL, Mr. CARDIN, Ms. COLLINS, Mrs. FEINSTEIN, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. MURRAY, Mr. REED, Mr. SANDERS, Ms. SNOWE, and Mrs. BOXER):

S. Res. 467. A resolution designating May 18, 2012, as ''Endangered Species Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 438

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 438, a bill to amend the Public Health Service Act to improve women's health by prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 547

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 547, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. 595

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was withdrawn as a cosponsor of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 693

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 693, a bill to establish a term certain for the conservatorships of Fannie Mae and Freddie Mac, to provide conditions for continued operation of such enterprises, and to provide for the wind down of such operations and dissolution of such enterprises.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 1335

At the request of Mr. BROWN of Ohio, his name was added as a cosponsor of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors 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. 1989

At the request of Ms. CANTWELL, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1989, a bill to amend the Internal Revenue Code of 1986 to make permanent the minimum low-income housing tax credit rate for unsubsidized buildings and to provide a minimum 4 percent credit rate for existing buildings.

S. 1993

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1993, a bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement.

S. 2010

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

S. 2036

At the request of Mrs. GILLIBRAND, the names of the Senator from Indiana (Mr. COATS), the Senator from Utah (Mr. HATCH), the Senator from Idaho

(Mr. RISCH) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2036, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from New Mexico (Mr. UDALL) 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. 2179

At the request of Mr. WEBB, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2179, a bill to amend title 38, United States Code, to improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense, and for other purposes.

S. 2226

At the request of Mr. PAUL, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 2226, a bill to prohibit the Administrator of the Environmental Protection Agency from awarding any grant, contract, cooperative agreement, or other financial assistance under section 103 of the Clean Air Act for any program, project, or activity carried out outside the United States, including the territories and possessions of the United States.

S. 2234

At the request of Mr. BLUMENTHAL, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2234, a bill to prevent human trafficking in government contracting.

S. 2250

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2250, a bill to prevent homeowners from being forced to pay taxes on forgiven mortgage loan debt.

S. 2264

At the request of Mr. HOEVEN, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2264, a bill to provide liability protection for claims based on the design, manufacture, sale, offer for sale, introduction into commerce, or use of certain fuels and fuel additives, and for other purposes.

S. 2325

At the request of Mr. NELSON of Florida, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2325, a bill to authorize further assistance to Israel for the Iron Dome anti-missile defense system.

S. 2347

At the request of Mr. CARDIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 3083

At the request of Mr. RUBIO, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Kansas (Mr. MORAN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3083, a bill to amend the Internal Revenue Code of 1986 to require certain nonresident aliens to provide valid immigration documents to claim the refundable portion of the child tax credit.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 380

At the request of Mr. GRAHAM, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

At the request of Mr. DURBIN, his name was added as a cosponsor of S. Res. 380, supra.

S. RES. 399

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 399, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, crimes against humanity, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 3196. A bill to establish the National Women's High-Growth Business Bipartisan Task Force, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce S. 3196 and S. 3197. This legislation will strengthen the resources and support that we provide to women entrepreneurs, and to strengthen oversight of the SBA's technical assistance programs. The SBA's Entrepreneurial Development programs are a vital source of training and management support for entrepreneurs, and I am pleased to work with Chair LANDRIEU to improve these programs and ensure that the taxpayer dollars that support them are being utilized in the most efficient and effective way possible.

The Women's Small Business Ownership Act of 2012 builds upon our commitment to providing assistance to women entrepreneurs, whose firms have grown at ice the rate of other firms. The SBA's Women's Business Center, WBC, program provides critical assistance to economically or socially disadvantaged entrepreneurs, especially women. The bill I am introducing today with Chair LANDRIEU holds funding for the WBC program at current levels for the next three years, in recognition that now is not the time to grow Federal programs, including proven ones like the SBA's technical assistance efforts.

Our bill also makes necessary improvements to the WBC program, such as establishing a process and criteria that the SBA must follow in administering grants under this program, and expanding eligible entities that can host Women's Business Centers to include local economic development organizations and community colleges. It also improves the transparency of project funds to ensure that WBC hosts are not comingling their grant funds with those for separate purposes and initiatives.

To further strengthen growth in women-owned businesses, we are also introducing the National Women's High-Growth Business Bipartisan Task Force Act of 2012. This legislation would repeal the National Women's Business Council and replace it with a Women's High-Growth Business Bipartisan Task Force charged with developing and promoting initiatives, policies, and programs designed to encourage the formation of startups and high-growth small business concerns owned by women.

Under current law, the Council receives funding to employ an executive director and four additional employees, who may receive a maximum pay rate of GS 15. However, most other advisory committees across the government and SBA operate without staff, and under this bill we will save taxpayers nearly $1 million by transitioning the current Council into a Task Force, similar to the Interagency Veteran's Task Force at the SBA, which was established in 2008.

Additionally, this legislation places an emphasis on high-growth small businesses owned and controlled by women. Recently, the Kauffman Foundation, based in Kansas City, MO, researched the effects of startups as part of the American economy. These reports demonstrate the necessity of new and young start-ups to act as mechanisms for reviving the American economy; particularly those of high-growth entrepreneurs. In this rapidly growing area of high-growth firms, which often incorporate intellectual property endeavors, this bill ensures that women's small business concerns are being addressed, with an emphasis on achieving and maximizing high-growth potential.

Finally, I am pleased to join Chair LANDRIEU in introducing the Strengthening Resources for America's Entrepreneurs Act. This legislation aims to improve oversight and coordination among the SBA's existing entrepreneurial development, ED, programs, including the Women's Business Centers, WBC, the Small Business Development Centers, SBDC, and the Service Corps of Retired Executives, SCORE, by setting performance measures, reducing duplication, and increasing partnerships with local entrepreneurial training providers to make them more effective and responsive to the needs of small businesses.

Importantly, this legislation makes several changes to the SBA's entrepreneurial development programs at no cost to taxpayers. The bill instructs the SBA to develop a plan outlining how to use ED initiatives to create new jobs over the next 2 years, improves cross-program coordination to maximize use of program resources, establishes a consistent data collection process for all of its technical assistance programs, and ensures that someone is available to assist small businesses at all SBA district offices. By requiring the SBA to collect data will provide important insights into the strengths of the ED programs and highlight where there is room for improvement.

Now, more than ever, we in Congress must do everything within our power to help small businesses drive our Nation's economic recovery, and the SBA programs we are reauthorizing today are critical elements of that support. In the coming weeks, I look forward to working with the Chair and my colleagues on both sides of the aisle to move these bills through the full Senate.

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. 3196

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 ''National Women's High-Growth Business Bipartisan Task Force Act of 2012''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''Task Force'' means the National Women's High-Growth Business Bipartisan Task Force established under section 3; and

(3) the term ''small business concern owned and controlled by women'' has the meaning given that term in section 3(n) of the Small Business Act (15 U.S.C. 632(n)).

SEC. 3. NATIONAL WOMEN'S HIGH-GROWTH BUSINESS BIPARTISAN TASK FORCE.

(a) ESTABLISHMENT.—There is established the National Women's High-Growth Business Bipartisan Task Force, which shall serve as an independent source of advice, research, and policy recommendations to—

(1) the Administrator;

(2) the Assistant Administrator of the Office of Women's Business Ownership of the Administration;

(3) Congress;

(4) the President; and

(5) other Federal departments and agencies.

(b) MEMBERSHIP.—

(1) NUMBER OF MEMBERS.—The Task Force shall be composed of 15 members, of which—

(A) 8 shall be individuals who own small business concerns owned and controlled by women, including not fewer than 2 individuals who own small business concerns owned and controlled by women in industries in which women are traditionally underrepresented;

(B) 2 shall be individuals having expertise conducting research on women's business, women's entrepreneurship, new business development by women, and high-growth business development; and

(C) 5 shall be individuals who represent women's business organizations, including women's business centers and women's business advocacy groups.

(2) APPOINTMENT OF MEMBERS.—

(A) OWNERS OF SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.—Of the members of the Task Force described in paragraph (1)(A)—

(i) 2 shall be appointed by the Chairperson of the Committee on Small Business and Entrepreneurship of the Senate;

(ii) 2 shall be appointed by the Ranking Member of the Committee on Small Business and Entrepreneurship of the Senate;

(iii) 2 shall be appointed by the Chairperson of the Committee on Small Business of the House of Representatives; and

(iv) 2 shall be appointed by the Ranking Member of the Committee on Small Business of the House of Representatives.

(B) OTHER MEMBERS.—The members of the Task Force described in subparagraphs (B) and (C) of paragraph (1) shall be appointed by the Administrator.

(C) INITIAL APPOINTMENTS.—The individuals described in subparagraphs (A) and (B) shall appoint the initial members of the Task Force not later than 90 days after the date of enactment of this Act.

(D) GEOGRAPHIC CONSIDERATIONS.—In making an appointment under this paragraph, the individuals described in subparagraphs (A) and (B) shall give consideration to the geographic areas of the United States in which the members of the Task Force live and work, particularly to ensure that rural areas are represented on the Task Force.

(E) POLITICAL AFFILIATION.—Not more than 8 members of the Task Force may be members of the same political party.

(3) CHAIRPERSON.—

(A) ELECTION OF CHAIRPERSON.—The members of the Task Force shall elect 1 member of the Task Force as Chairperson of the Task Force.

(B) VACANCIES.—Any vacancy in the position of Chairperson of the Task Force shall be filled by the Task Force at the first meeting of the Task Force after the date on which the vacancy occurs.

(4) TERM OF SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term of service of each member of the Task Force shall be 3 years.

(B) TERMS OF INITIAL APPOINTEES.—Of the members of the Task Force first appointed after the date of enactment of this Act—

(i) 6 shall be appointed for a term of 4 years, including—

(I) 1 member appointed by the individuals described in each of clauses (i), (ii), (iii), and (iv) of paragraph (2)(A); and

(II) 2 members appointed by the Administrator; and

(ii) 5 shall be appointed for a term of 5 years, including—

(I) 1 member appointed by the individuals described in each of clauses (i), (ii), (iii), and (iv) of paragraph (2)(A); and

(II) 1 member appointed by the Administrator.

(5) VACANCIES.—A vacancy on the Task Force shall be filled not later than 30 days after the date on which the vacancy occurs, in the manner in which the original appointment was made, and shall be subject to any conditions that applied to the original appointment. An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(6) PROHIBITION ON FEDERAL EMPLOYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no member of the Task Force may serve as an officer or employee of the United States.

(B) EXCEPTION.—A member of the Task Force who accepts a position as an officer or employee of the United States after appointment to the Task Force may continue to serve on the Task Force for not more than 30 days after the date of such acceptance.

(7) COMPENSATION AND EXPENSES.—

(A) NO COMPENSATION.—Each member of the Task Force shall serve without compensation.

(B) EXPENSES.—The Administrator shall reimburse the members of the Task Force for travel and subsistence expenses in accordance with section 5703 of title 5, United States Code.

(c) DUTIES.—The Task Force shall—

(1) review and monitor plans and programs developed in the public and private sectors that affect the ability of small business concerns owned and controlled by women to obtain capital and credit and to access markets, and provide advice on improving coordination between such plans and programs;

(2) monitor and promote the plans, programs, and operations of the Federal departments and agencies that contribute to the formation and development of small business concerns owned and controlled by women, and make recommendations to Federal departments and agencies concerning the coordination of such plans, programs, and operations;

(3) develop and promote initiatives, policies, programs, and plans designed to encourage the formation of startups and high-growth small business concerns owned and controlled by women;

(4) advise the Administrator on the development and implementation of an annual comprehensive plan for joint efforts by the public and private sectors to facilitate the formation and development of startups and high-growth small business concerns owned and controlled by women; and

(5) examine the link between women who own small business concerns and intellectual property, including—

(A) the number of patents, trademarks, and copyrights granted to women; and

(B) the challenges faced by high-growth small business concerns owned and controlled by women in obtaining and enforcing intellectual property rights.

(d) POWERS.—

(1) HEARINGS.—The Task Force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out its duties.

(2) TASK GROUPS.—The Task Force may, from time to time, establish temporary task groups, as necessary to carry out the duties of the Task Force.

(3) INFORMATION FROM FEDERAL AGENCIES.—Upon request of the Chairperson of the Task

Force, the head of any Federal department or agency shall furnish such information to the Task Force as the Task Force considers necessary to carry out its duties.

(4) USE OF MAILS.—The Task Force may use the United States mails in the same manner and under the same conditions as Federal departments and agencies.

(5) GIFTS.—The Task Force may accept, use, and dispose of gifts or donations of services or property.

(e) MEETINGS.—

(1) IN GENERAL.—The Task Force shall meet—

(A) not less than 3 times each year;

(B) at the call of the Chairperson; and

(C) upon the request of—

(i) the Administrator;

(ii) the Chairperson and Ranking Member of the Committee on Small Business and Entrepreneurship of the Senate; or

(iii) the Chairperson and Ranking Member of the Committee on Small Business of the House of Representatives.

(2) PARTICIPATION OF FEDERAL AGENCIES.—

(A) PARTICIPATION ENCOURAGED.—The Task Force shall allow and encourage participation in meetings by representatives from Federal agencies.

(B) FUNCTIONS OF REPRESENTATIVES OF FEDERAL AGENCIES.—A representative from a Federal agency—

(i) may be used as a resource; and

(ii) may not vote or otherwise act as a member of the Task Force.

(3) LOCATION.—Each meeting of the full Task Force shall be held at the headquarters of the Administration, unless, not later than 1 month before the meeting, a majority of the members of the Task Force agree to meet at another location.

(4) SUPPORT BY ADMINISTRATOR.—The Administrator shall provide suitable meeting facilities and such administrative support as may be necessary for each full meeting of the Task Force.

(f) REPORTS.—

(1) REPORTS BY TASK FORCE.—

(A) REPORTS REQUIRED.—Not later than 30 days after the end of each fiscal year, the Task Force shall submit to the President and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report containing—

(i) a detailed description of the activities of the Task Force, including a report on how the Task Force has carried out the duties described in subsection (c);

(ii) the findings and recommendations of the Task Force; and

(iii) the recommendations of the Task Force for—

(I) promoting intellectual property rights for high-growth small business concerns owned and controlled by women; and

(II) such legislative and administrative actions as the Task Force considers appropriate to promote the formation and development of small business concerns owned and controlled by women.

(B) FORM OF REPORTS.—The report required under subparagraph (A) shall include—

(i) any concurring or dissenting views of the Administrator; and

(ii) the minutes of each meeting of the Task Force.

(2) REPORTS BY CHIEF COUNSEL FOR ADVOCACY.—

(A) STUDIES.—

(i) IN GENERAL.—Not less frequently than twice each year, the Chief Counsel for Advocacy of the Small Business Administration, in consultation with the Task Force, shall conduct a study of an issue that is important to small business concerns owned and controlled by women.

(ii) TOPICS.—The topic of a study under clause (i) shall—

(I) be an issue that the Task Force determines is critical to furthering the interests of small business concerns owned and controlled by women; and

(II) relate to—

(aa) Federal prime contracts and subcontracts awarded to small business concerns owned and controlled by women;

(bb) access to credit and investment capital by women entrepreneurs;

(cc) acquiring and enforcing intellectual property rights; or

(dd) any other issue relating to small business concerns owned and controlled by women that the Task Force determines is appropriate.

(iii) CONTRACTING.—In conducting a study under this subparagraph, the Chief Counsel may contract with a public or private entity.

(B) REPORT.—The Chief Counsel for Advocacy shall—

(i) submit a report containing the results of each study under subparagraph (A) to the Task Force, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives; and

(ii) make each report submitted under clause (i) available to the public online.

(g) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 4. REPEAL.

(a) FINAL REPORTS.—Not later than 90 days after of the date of enactment of this Act—

(1) the Interagency Committee on Women's Business Enterprise shall submit to the President and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the information described in paragraphs (1), (2), and (3) of section 404 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7104), as in effect on the day before the date of enactment of this Act; and

(2) the National Women's Business Council shall submit to the President and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the information described in subparagraphs (A), (B), and (C) of section 406(d)(6) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7106), as in effect on the day before the date of enactment of this Act.

(b) REPEAL.—The Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended by striking title IV (15 U.S.C. 7101 et seq.).

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 8(b)(1)(G) (15 U.S.C. 637(b)(1)(G)), by striking ''and to carry out the activities authorized by title IV of the Women's Business Ownership Act of 1988''; and

(2) in section 29(g) (15 U.S.C. 656(g))—

(A) in paragraph (1), by striking ''women's business enterprises (as defined in section 408 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note))'' and inserting ''small business concerns owned and controlled by women''; and

(B) in paragraph (2)(B)(ii)—

(i) in subclause (VI), by adding ''and'' at the end;

(ii) in subclause (VII), by striking the semicolon at the end and inserting a period; and

(iii) by striking subclauses (VIII), (IX), and (X).

(d) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall take effect 90 days after the date of enactment of this Act.

By Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 3197. A bill to reauthorize the women's business center program of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. 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. 3197

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 ''Women's Small Business Ownership Act of 2012''.

SEC. 2. DEFINITION.

In this Act, the term ''Administrator'' means the Administrator of the Small Business Administration.

SEC. 3. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

(a) IN GENERAL.—Section 29(g) of the Small Business Act (15 U.S.C. 656(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)—

(i) in clause (i), by striking ''in the areas'' and all that follows through the end of subclause (I), and inserting the following: ''to address issues concerning the management, operations, manufacturing, technology, finance, retail and product sales, international trade, Government contracting, and other disciplines required for—

''(I) starting, operating, and increasing the business of a small business concern;''; and

(ii) in clause (ii), by striking ''Women's Business Center program'' each place that term appears and inserting ''women's business center program''; and

(B) in subparagraph (C), by inserting before the period at the end the following: '', the National Women's Business Council, and any association of women's business centers''; and

(2) by adding at the end the following:

''(3) TRAINING.—The Administrator may provide annual programmatic and financial examination training for women's business ownership representatives and district office technical representatives of the Administration to enable representatives to carry out their responsibilities.

''(4) PROGRAM AND TRANSPARENCY IMPROVEMENTS.—The Administrator shall maximize the transparency of the women's business center financial assistance proposal process and the programmatic and financial examination process by—

''(A) providing public notice of any announcement for financial assistance under subsection (b) or a grant under subsection (l) not later than the end of the first quarter of each fiscal year;

''(B) in the announcement described in subparagraph (A), outlining award and program evaluation criteria and describing the weighting of the criteria for financial assistance under subsection (b) and grants under subsection (l);

''(C) minimizing paperwork and reporting requirements for applicants for and recipients of financial assistance under this section;

''(D) standardizing the programmatic and financial examination process; and

''(E) providing to each women's business center, not later than 60 days after the completion of a site visit to the women's business center (whether conducted for an audit, performance review, or other reason), a copy of any site visit reports or evaluation reports prepared by district office technical representatives or officers or employees of the Administration.''.

(b) CHANGE OF TITLE.—

(1) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(A) in subsection (a)—

(i) by striking paragraphs (1) and (4);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(iii) by inserting before paragraph (4), as so redesignated, the following:

''(2) the term 'Director' means the Director of the Office of Women's Business Ownership established under subsection (g);'';

(B) by striking ''Assistant Administrator'' each place that term appears and inserting ''Director''; and

(C) in subsection (g)(2), in the paragraph heading, by striking ''ASSISTANT ADMINISTRATOR'' and inserting ''DIRECTOR''.

(2) WOMEN'S BUSINESS OWNERSHIP ACT OF 1988.—Title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101 et seq.) is amended—

(A) in section 403(a)(2)(B), by striking ''Assistant Administrator'' and inserting ''Director'';

(B) in section 405, by striking ''Assistant Administrator'' and inserting ''Director''; and

(C) in section 406(c), by striking ''Assistant Administrator'' and inserting ''Director''.

SEC. 4. WOMEN'S BUSINESS CENTER PROGRAM.

(a) WOMEN'S BUSINESS CENTER FINANCIAL ASSISTANCE.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a), as amended by section 3(b) of this Act—

(A) by inserting before paragraph (2) the following:

''(1) the term 'association of women's business centers' means an organization—

''(A) that represents not less than 51 percent of the women's business centers that participate in a program under this section; and

''(B) whose primary purpose is to represent women's business centers;'';

(B) by inserting after paragraph (2) the following:

''(3) the term 'eligible entity' means—

''(A) a private nonprofit organization;

''(B) a State, regional, or local economic development organization;

''(C) a development, credit, or finance corporation chartered by a State;

''(D) a junior or community college, as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)); or

''(E) any combination of entities listed in subparagraphs (A) through (D);'';

(C) in paragraph (4), by striking ''and'' at the end;

(D) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(E) by adding after paragraph (5) the following:

''(6) the term 'women's business center' means a project conducted by an eligible entity under this section.'';

(2) in subsection (b)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), and adjusting the margins accordingly;

(B) by striking ''The Administration'' and all that follows through ''5-year projects'' and inserting the following:

''(1) IN GENERAL.—The Administration may provide financial assistance to an eligible entity to conduct a project under this section'';

(C) by striking ''The projects shall'' and inserting the following:

''(2) USE OF FUNDS.—The project shall be designed to provide training and counseling that meets the needs of women, especially socially and economically disadvantaged women, and shall''; and

(D) by adding at the end the following:

''(3) AMOUNT OF FINANCIAL ASSISTANCE.—

''(A) IN GENERAL.—The Administrator may award financial assistance under this subsection of not less than $100,000 and not more than $150,000 per year.

''(B) LOWER AMOUNT.—The Administrator may award financial assistance under this subsection to a recipient in an amount that is less than $100,000 if the Administrator determines that the recipient is unable to make a non-Federal contribution of $100,000 or more, as required under subsection (c).

''(C) EQUAL ALLOCATIONS.—If the Administration has insufficient funds to provide financial assistance of not less than $100,000 for each recipient of financial assistance under this subsection in any fiscal year, the Administrator shall provide an equal amount of financial assistance to each recipient in the fiscal year, unless a recipient requests a lower amount than the allocated amount.

''(4) CONSULTATION WITH ASSOCIATIONS OF WOMEN'S BUSINESS CENTERS.—The Administrator shall consult with each association of women's business centers to develop—

''(A) a training program for the staff of women's business centers and the Administration; and

''(B) recommendations to improve the policies and procedures for governing the general operations and administration of the women's business center program, including grant program improvements under subsection (g)(4).'';

(3) in subsection (c)—

(A) in paragraph (1) by striking ''the recipient organization'' and inserting ''an eligible entity'';

(B) in paragraph (3), in the second sentence, by striking ''a recipient organization'' and inserting ''an eligible entity'';

(C) in paragraph (4)—

(i) by striking ''recipient of assistance'' and inserting ''eligible entity'';

(ii) by striking ''such organization'' and inserting ''the eligible entity''; and

(iii) by striking ''recipient'' and inserting ''eligible entity''; and

(D) in paragraph (5)—

(i) in subparagraph (A), by striking ''a recipient organization'' and inserting ''an eligible entity''; and

(ii) by striking ''the recipient organization'' each place it appears and inserting ''the eligible entity''; and

(E) by adding at end the following:

''(6) SEPARATION OF PROJECT AND FUNDS.—An eligible entity shall—

''(A) carry out a project under this section separately from other projects, if any, of the eligible entity; and

''(B) separately maintain and account for any financial assistance under this section.'';

(4) in subsection (e)—

(A) by striking ''applicant organization'' and inserting ''eligible entity'';

(B) by striking ''a recipient organization'' and inserting ''an eligible entity''; and

(C) by striking ''site'';

(5) by striking subsection (f) and inserting the following:

''(f) APPLICATIONS AND CRITERIA FOR INITIAL FINANCIAL ASSISTANCE.—

''(1) APPLICATION.—Each eligible entity desiring financial assistance under subsection (b) shall submit to the Administrator an application that contains—

''(A) a certification that the eligible entity—

''(i) has designated an executive director or program manager, who may be compensated using financial assistance under subsection (b) or other sources, to manage the center on a full-time basis;

''(ii) as a condition of receiving financial assistance under subsection (b), agrees—

''(I) to receive a site visit by the Administrator as part of the final selection process;

''(II) to undergo an annual programmatic and financial examination; and

''(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site visit or examination under subclause (I) or (II); and

''(iii) meets the accounting and reporting requirements established by the Director of the Office of Management and Budget;

''(B) information demonstrating that the eligible entity has the ability and resources to meet the needs of the market to be served by the women's business center for which financial assistance under subsection (b) is sought, including the ability to obtain the non-Federal contribution required under subsection (c);

''(C) information relating to the assistance to be provided by the women's business center for which financial assistance under subsection (b) is sought in the area in which the women's business center is located;

''(D) information demonstrating the experience and effectiveness of the eligible entity in—

''(i) conducting financial, management, and marketing assistance programs, as described in subsection (b)(2), which are designed to teach or upgrade the business skills of women who are business owners or potential business owners;

''(ii) providing training and services to a representative number of women who are socially and economically disadvantaged; and

''(iii) working with resource partners of the Administration and other entities, such as universities; and

''(E) a 5-year plan that describes the ability of the women's business center for which financial assistance is sought—

''(i) to serve women who are business owners or potential business owners by conducting training and counseling activities; and

''(ii) to provide training and services to a representative number of women who are socially and economically disadvantaged.

''(2) ADDITIONAL INFORMATION.—The Administrator shall make any request for additional information from an organization applying for financial assistance under subsection (b) that was not requested in the original announcement in writing.

''(3) REVIEW AND APPROVAL OF APPLICATIONS FOR INITIAL FINANCIAL ASSISTANCE.—

''(A) IN GENERAL.—The Administrator shall—

''(i) review each application submitted under paragraph (1), based on the information described in such paragraph and the criteria set forth under subparagraph (B) of this paragraph; and

''(ii) to the extent practicable, as part of the final selection process, conduct a site visit to each women's business center for which financial assistance under subsection (b) is sought.

''(B) SELECTION CRITERIA.—

''(i) IN GENERAL.—The Administrator shall evaluate applicants for financial assistance under subsection (b) in accordance with selection criteria that are—

''(I) established before the date on which applicants are required to submit the applications;

''(II) stated in terms of relative importance; and

''(III) publicly available and stated in each solicitation for applications for financial assistance under subsection (b) made by the Administrator.

''(ii) REQUIRED CRITERIA.—The selection criteria for financial assistance under subsection (b) shall include—

''(I) the experience of the applicant in conducting programs or ongoing efforts designed to teach or enhance the business skills of women who are business owners or potential business owners;

''(II) the ability of the applicant to begin a project within a minimum amount of time;

''(III) the ability of the applicant to provide training and services to a representative number of women who are socially and economically disadvantaged; and

''(IV) the location for the women's business center proposed by the applicant, including whether the applicant is located in a State in which there is not a women's business center receiving funding from the Administration.

''(C) PROXIMITY.—If the principal place of business of an applicant for financial assistance under subsection (b) is located less than 50 miles from the principal place of business of a women's business center that received funds under this section on or before the date of the application, the applicant shall not be eligible for the financial assistance, unless the applicant submits a detailed written justification of the need for an additional center in the area in which the applicant is located.

''(D) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this subsection for not less than 7 years.''; and

(6) in subsection (m)—

(A) by striking paragraph (3) and inserting the following:

''(3) APPLICATION AND APPROVAL FOR RENEWAL GRANTS.—

''(A) SOLICITATION OF APPLICATIONS.—The Administrator shall solicit applications and award grants under this subsection for the first fiscal year beginning after the date of enactment of the Women's Small Business Ownership Act of 2012, and every third fiscal year thereafter.

''(B) CONTENTS OF APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit to the Administrator an application that contains—

''(i) a certification that the applicant—

''(I) is an eligible entity;

''(II) has designated a full-time executive director or program manager to manage the women's business center operated by the applicant; and

''(III) as a condition of receiving a grant under this subsection, agrees—

''(aa) to receive a site visit as part of the final selection process;

''(bb) to submit, for the 2 full fiscal years before the date on which the application is submitted, annual programmatic and financial examination reports or certified copies of the compliance supplemental audits under OMB Circular A 133 of the applicant; and

''(cc) to remedy any problem identified pursuant to the site visit or examination under item (aa) or (bb);

''(ii) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women's business center for which a grant under this subsection is sought, including the ability to obtain the non-Federal contribution required under paragraph (4)(C);

''(iii) information relating to assistance to be provided by the women's business center in the area served by the women's business center for which a grant under this subsection is sought;

''(iv) information demonstrating that the applicant has worked with resource partners of the Administration and other entities;

''(v) a 3-year plan that describes the ability of the women's business center for which a grant under this subsection is sought—

''(I) to serve women who are business owners or potential business owners by conducting training and counseling activities; and

''(II) to provide training and services to a representative number of women who are socially and economically disadvantaged; and

''(vi) any additional information that the Administrator may reasonably require.

''(C) REVIEW AND APPROVAL OF APPLICATIONS FOR GRANTS.—

''(i) IN GENERAL.—The Administrator shall—

''(I) review each application submitted under subparagraph (B), based on the information described in such subparagraph and the criteria set forth under clause (ii) of this subparagraph; and

''(II) whenever practicable, as part of the final selection process, conduct a site visit to each women's business center for which a grant under this subsection is sought.

''(ii) SELECTION CRITERIA.—

''(I) IN GENERAL.—The Administrator shall evaluate applicants for grants under this subsection in accordance with selection criteria that are—

''(aa) established before the date on which applicants are required to submit the applications;

''(bb) stated in terms of relative importance; and

''(cc) publicly available and stated in each solicitation for applications for grants under this subsection made by the Administrator.

''(II) REQUIRED CRITERIA.—The selection criteria for a grant under this subsection shall include—

''(aa) the total number of entrepreneurs served by the applicant;

''(bb) the total number of new startup companies assisted by the applicant;

''(cc) the percentage of clients of the applicant that are socially or economically disadvantaged; and

''(dd) the percentage of individuals in the community served by the applicant who are socially or economically disadvantaged.

''(iii) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to make a grant under this subsection, the Administrator—

''(I) shall consider the results of the most recent evaluation of the women's business center for which a grant under this subsection is sought, and, to a lesser extent, previous evaluations; and

''(II) may withhold a grant under this subsection, if the Administrator determines that the applicant has failed to provide the information required to be provided under this paragraph, or the information provided by the applicant is inadequate.

''(D) NOTIFICATION.—Not later than 60 days after the date of each deadline to submit applications, the Administrator shall approve or deny any application under this paragraph and notify the applicant for each such application of the approval or denial.

''(E) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this paragraph for not less than 7 years.''; and

(B) by striking paragraph (5) and inserting the following:

''(5) AWARD TO PREVIOUS RECIPIENTS.—There shall be no limitation on the number of times the Administrator may award a grant to an applicant under this subsection.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(A) in subsection (h)(2), by striking ''to award a contract (as a sustainability grant) under subsection (l) or'';

(B) in subsection (j)(1), by striking ''The Administration'' and inserting ''Not later than November 1 of each year, the Administrator'';

(C) in subsection (k)—

(i) by striking paragraphs (1), (2), and (4);

(ii) by redesignating paragraph (3) as paragraph (5); and

(iii) by inserting before paragraph (5), as so redesignated, the following:

''(1) IN GENERAL.—There are authorized to be appropriated to the Administration to carry out this section, to remain available until expended, $14,500,000 for each of fiscal years 2013, 2014, and 2015.

''(2) USE OF FUNDS.—Amounts made available under this subsection may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section.

''(3) CONTINUING GRANT AND COOPERATIVE AGREEMENT AUTHORITY.—

''(A) PROMPT DISBURSEMENT.—Upon receiving funds to carry out this section for a fiscal year, the Administrator shall, to the extent practicable, promptly reimburse funds to any women's business center awarded financial assistance under this section if the center meets the eligibility requirements under this section.

''(B) SUSPENSION OR TERMINATION.—If the Administrator has entered into a grant or cooperative agreement with a women's business center under this section, the Administrator may not suspend or terminate the grant or cooperative agreement, unless the Administrator—

''(i) provides the women's business center with written notification setting forth the reasons for that action; and

''(ii) affords the women's business center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.'';

(D) in subsection (m)—

(i) in paragraph (2), by striking ''subsection (b) or (l)'' and inserting ''this subsection or subsection (b)''; and

(ii) in paragraph (4)(D), by striking ''or subsection (l)''; and

(E) by redesignating subsections (m) and (n), as amended by this Act, as subsections (l) and (m), respectively.

(2) PROSPECTIVE REPEAL.—Section 1401(c)(2) of the Small Business Jobs Act of 2010 (15 U.S.C. 636 note) is amended—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) by redesignating paragraph (6), as added by section 4(a)(3)(E) of the Women's Small Business Ownership Act of 2012, as paragraph (5).''.

(c) EFFECT ON EXISTING GRANTS.—

(1) TERMS AND CONDITIONS.—A nonprofit organization receiving a grant under section 29(m) of the Small Business Act (15 U.S.C. 656(m)), as in effect on the day before the date of enactment of this Act, shall continue to receive the grant under the terms and conditions in effect for the grant on the day before the date of enactment of this Act, except that the nonprofit organization may not apply for a renewal of the grant under section 29(m)(5) of the Small Business Act (15 U.S.C. 656(m)(5)), as in effect on the day before the date of enactment of this Act.

(2) LENGTH OF RENEWAL GRANT.—The Administrator may award a grant under section

29(l) of the Small Business Act, as so redesignated by subsection (b)(5) of this Act, to a nonprofit organization receiving a grant under section 29(m) of the Small Business Act (15 U.S.C. 656(m)), as in effect on the day before the date of enactment of this Act, for the period—

(A) beginning on the day after the last day of the grant agreement under such section 29(m); and

(B) ending at the end of the third fiscal year beginning after the date of enactment of this Act.

SEC. 5. STUDY AND REPORT ON ECONOMIC ISSUES FACING WOMEN'S BUSINESS CENTERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a broad study of the unique economic issues facing women's business centers located in covered areas to identify—

(1) the difficulties such centers face in raising non-Federal funds;

(2) the difficulties such centers face in competing for financial assistance, non-Federal funds, or other types of assistance;

(3) the difficulties such centers face in writing grant proposals; and

(4) other difficulties such centers face because of the economy in the type of covered area in which such centers are located.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study under subsection (a), which shall include recommendations, if any, regarding how to—

(1) address the unique difficulties women's business centers located in covered areas face because of the type of covered area in which such centers are located;

(2) expand the presence of, and increase the services provided by, women's business centers located in covered areas; and

(3) best use technology and other resources to better serve women business owners located in covered areas.

(c) DEFINITION OF COVERED AREA.—In this section, the term ''covered area'' means—

(1) any State that is predominantly rural, as determined by the Administrator;

(2) any State that is predominantly urban, as determined by the Administrator; and

(3) any State or territory that is an island.

SEC. 6. STUDY AND REPORT ON OVERSIGHT OF WOMEN'S BUSINESS CENTERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the oversight of women's business centers by the Administrator, which shall include—

(1) an analysis of the coordination by the Administrator of the activities of women's business centers with the activities of small business development centers, the Service Corps of Retired Executives, and Veteran Business Outreach Centers;

(2) a comparison of the types of individuals and small business concerns served by women's business centers and the types of individuals and small business concerns served by small business development centers, the Service Corps of Retired Executives, and Veteran Business Outreach Centers; and

(3) an analysis of performance data for women's business centers that evaluates how well women's business centers are carrying out the mission of women's business centers and serving individuals and small business concerns.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study under subsection (a), which shall include recommendations, if any, for eliminating the duplication of services provided by women's business centers, small business development centers, the Service Corps of Retired Executives, and Veteran Business Outreach Centers.

By Mr. REED (for himself and Mr. KYL):

S. 3201. A bill to reform graduate medical education payments, and for other purposes; to the Committee on Finance.

Mr. REED. Mr. President, today I introduce the Graduate Medical Education, GME, Reform Act, along with my colleague Senator KYL. This legislation is a continuation of my longstanding efforts to support our future health care workforce and improve patient care.

While there are a variety of initiatives to support the education and training of physicians, none are more substantial than the GME funding provided by Medicare. This program either directly or indirectly supports every single physician trained in this country. No other Federal or State program can claim this credit.

Unfortunately, the size of the program has led some to propose its funding be cut and redirected toward deficit reduction. The President's Fiscal Commission, the Domenici-Rivlin plan, and even some Members of Congress have made this recommendation. Reducing GME funding by the levels specified in these proposals could be devastating to training programs.

These proposals stem from an assertion by the congressionally authorized Medicare Payment Advisory Commission, MedPAC, that teaching hospitals are overpaid for the education and training they currently provide residents, and that GME funding should be better used to align residency training with key improvements in our health care delivery system. However, the Fiscal Commission and the Rivlin-Domenici plan ignored the latter aspect of MedPAC's recommendation. MedPAC did not recommend removing GME funding from the system. Instead, MedPAC suggested Congress should make teaching hospitals more accountable for the GME funding they currently receive. In MedPAC's proposal, all GME funding would stay in the system to help support and improve medical education and training.

The legislation we are introducing today aligns closely with MedPAC's proposal for greater accountability by teaching hospitals and enhanced effectiveness in the use of GME funding, but with some key changes. One such change would enable hospitals to compete for additional GME funding in order to provide a greater incentive for teaching hospitals to improve their programs.

Teaching hospitals incur higher costs than other hospitals. They invest in the newest technologies and employ the physician supervisors most qualified to train our future doctors. Moreover, as a result of the new health care reform law, many of these hospitals, physician supervisors, and residents will treat an influx of patients beginning in 2014. GME funding is critical to building and sustaining our health care infrastructure and future health care workforce.

It is critical that GME funding remain intact, but that doesn't mean we shouldn't use this opportunity to encourage these programs to do more to better train residents in: primary care delivery, a variety of settings and systems, care coordination, and how to work in inter-professional and multidisciplinary teams. The new oversight provided for in the GME Reform Act would help to break down the silos in medicine and ensure that physicians work together to provide patients with comprehensive health care.

In addition, the legislation would enhance GME payment transparency, which we hope will help prove to the skeptics that this funding serves a critical purpose.

I am particularly pleased that the Association of American Medical Colleges has expressed support for legislation. While the organization would prefer this legislation be included as part of an overall effort to increase the number of residents trained each year, which I also support, I believe we must begin a dialogue about a sensible and thoughtful approach to improving GME accountability and transparency. I hope my colleagues will take careful look at our legislation, and I look forward to working with them on this important issue.

Mr. KYL. Mr. President, the Federal Government now pays for more than half of all health care costs in this country, and that number is likely to grow with the rapidly aging U.S. population. Indeed, Medicare will face a nearly ⅓ enrollment increase in the coming decade. We have promised health care benefits to these seniors; to keep that promise, we must ensure there are enough physicians to treat them. Unfortunately, the medical workforce is shrinking: estimates show that we may experience a shortage of up to 159,000 physicians by 2025.

In light of these sobering statistics, the government has a strong interest in doing more to encourage the training of physicians who can deliver quality care to our Nation's seniors. Even if we continue funding medical education at current levels, we will soon face a severe crisis in access to medical care. Cutting this medical education funding would be counter-intuitive at best; dangerous at worst. In recent years, however, there have been several proposals to do just that.

It is true that there is a lack of transparency and accountability around this funding—mainly because we do not require hospitals to report on how money is spent, and because we have not set workforce goals for hospitals to meet. But that does not necessarily mean that the money is spent poorly, or that it is an area ripe for funding reductions.

Rather than simply slash funding, we should work to remedy this lack of

transparency and encourage hospitals to meet certain quality metrics. The Graduate Medical Education Reform Act offers one promising avenue to do so. Under this bill, if a teaching hospital produces quality residents as measured by certain consensus-based metrics, it can get up to a 3 percent increase in indirect medical education funding. Conversely, a hospital that fails to meet the metrics can be penalized by up to 3 percent.

This is one common-sense approach that maintains overall current funding levels while encouraging quality teaching programs. I urge my colleagues to join Senator REED and me in supporting this measure.

By Mrs. MURRAY (for herself, Mr. BURR, Mr. NELSON, of Florida, and Mr. RUBIO):

S. 3202. A bill to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, today, as Chairman of the Senate Committee on Veterans' Affairs, I am proud to introduce the Dignified Burial of Veterans Act of 2012 with Senator BURR, Ranking Member of the Committee on Veterans' Affairs, and my Senate colleagues from the state of Florida, Senators NELSON and RUBIO.

When America's heroes make a commitment to serve their country, we make a promise to care for them. One of the many ways in which we care for our veterans is by helping to provide them with a burial that honors their service.

That is why I was concerned when I learned that a veteran at a VA National Cemetery had an inappropriate burial. This veteran, with no known next-of-kin, was buried in a cardboard container that later disintegrated to the point where the veteran's remains were exposed and found during a raise and realign project at the cemetery. The veteran's remains were later placed in a bag and reburied with what was left of the cardboard box. This defies logic.

There is no reason why the remains of a veteran should ever be treated with this lack of dignity.

Yet, under current law, VA is not authorized to purchase a casket or urn for veterans who do not have a next-of-kin to provide one, or the resources to be buried in an appropriate manner.

We must take steps to prevent this from occurring again. That is why this bill would authorize VA to furnish a casket or urn to a deceased veteran when VA is unable to identify the veteran's next-of-kin and determines that sufficient resources are not otherwise available to furnish a casket or urn for burial in a national cemetery. This bill would further require that VA report back to Congress on the industry standard for urns and caskets and whether burials at VA's national cemeteries are meeting that standard.

I think we can all agree that every veteran deserves a dignified burial. Today, I am pleased to stand with my bipartisan colleagues to introduce a bill that would ensure that they receive one.

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. 3202

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 ''Dignified Burial of Veterans Act of 2012''.

SEC. 2. FURNISHING CASKETS AND URNS FOR DECEASED VETERANS WITH NO KNOWN NEXT OF KIN.

(a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) by inserting after subsection (e) the following new subsection (f):

''(f) The Secretary may furnish a casket or urn, of such quality as the Secretary considers appropriate for a dignified burial, for burial in a national cemetery of a deceased veteran in any case in which the Secretary—

''(1) is unable to identify the veteran's next of kin, if any; and

''(2) determines that sufficient resources for the furnishing of a casket or urn for the burial of the veteran in a national cemetery are not otherwise available.''; and

(3) in subsection (h), as redesignated by paragraph (1), by adding at the end the following new paragraph:

''(4) A casket or urn may not be furnished under subsection (f) for burial of a person described in section 2411(b) of this title.''.

(b) EFFECTIVE DATE.—Subsections (f) and (h)(4) of section 2306 of title 38, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply with respect to deaths occurring on or after such date.

SEC. 3. REPORT ON COMPLIANCE OF DEPARTMENT OF VETERANS AFFAIRS WITH INDUSTRY STANDARDS FOR CASKETS AND URNS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the compliance of the Department of Veterans Affairs with industry standards for caskets and urns.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of industry standards for caskets and urns.

(2) An assessment of compliance with such standards at National Cemeteries administered by the Department with respect to caskets and urns used for the interment of those eligible for burial at such cemeteries.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 466—CALLING FOR THE RELEASE FROM PRISON OF FORMER PRIME MINISTER OF UKRAINE YULIA TYMOSHENKO

Mr. INHOFE submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 466

Whereas Ukraine has experienced encouraging growth and reforms since it declared its independence from the former Soviet Union in 1991 and adopted its first constitution in 1996;

Whereas the 1996 constitution provided basic freedoms like the freedom of speech, assembly, religion, and press, but was ultimately too weak to contain the existing corruption-laced political culture inherited from its communist past;

Whereas, as a result of the electoral fraud by which Mr. Yanukovych was declared the winner, the citizens of the Ukraine organized a series of protests, strikes, and sit-ins, which came to be known as ''The Orange Revolution'';

Whereas the Orange Revolution, in concert with United States and international pressure, forced the Supreme Court of Ukraine to require an unprecedented second run-off election, which resulted in opposition leader Mr. Yushchenko defeating Mr. Yanukovych by a margin of 52 percent to 44 percent;

Whereas, in the 2010 presidential election, incumbent Yushchenko won only 5.5 percent in the first round of voting, which left former Prime Minister Yanukovych and then Prime Minister Yulia Tymoshenko to face one another in the run-off election;

Whereas, Mr. Yanukovych defeated Ms. Tymoshenko by a margin of 49 percent to 44 percent;

Whereas, shortly after the 2010 inauguration of Mr. Yanukovych, the Ukrainian Constitutional Court found most of the 2004 Orange Revolution inspired constitutional reforms unconstitutional;

Whereas, in 2010, President Yanukovych appointed Viktor Pshonka Prosecutor General, equivalent to the United States Attorney General;

Whereas, since Mr. Pshonka's appointment, more than a dozen political leaders associated with the 2004 Orange Revolution have faced criminal charges under the Abuse of Office and Exceeding Official Powers articles of the Ukrainian Criminal Code;

Whereas, in 2011, Prosecutor General Pshonka brought charges under these Abuse of Office articles against former Prime Minister Yulia Tymoshenko over her decision while in office to conclude a natural gas contract between Ukraine and Russia;

Whereas, on October 11, 2011, Tymoshenko was found guilty and sentenced to seven years in prison, fined $189,000,000, and banned from holding public office for three years;

Whereas, recognizing the judicial abuses present in Ukraine, the Parliamentary Assembly Council of Europe (PACE) passed Resolution 1862 on January 26, 2012;

Whereas Resolution 1862 declared that the Abuse of Office and Exceeding Official Powers articles under which Tymoshenko was convicted are ''overly broad in application and effectively allow for ex post facto criminalization of normal political decision making'';

Whereas, since Ms. Tymoshenko's imprisonment, the Prosecutor General's Office has reopened additional cases against her that were previously closed and thought to be sealed under a ten year statute of limitations;

Whereas, on October 28, 2011, the Ukrainian Deputy Prosecutor General alleged in a television interview that Ms. Tymoshenko was involved in contract killings, tax evasion, bribery, and embezzlement;

Whereas, at the time of the Deputy Prosecutor's public allegations, no formal charges were filed, thereby violating Ms. Tymoshenko's right to ''presumed innocence'' guaranteed by Article 6(2) of the European Convention on Human Rights;

Whereas, since August 5, 2011, Ms. Tymoshenko has languished in a prison cell in Ukraine with limited outside contact and access to needed medical treatment;

Whereas the denial of proper medical assistance has left Ms. Tymoshenko in a failing state of health;

Whereas international calls for Ms. Tymoshenko's release, access to outside visitors, and adequate medical treatment have been ignored even as her health continues to deteriorate;

Whereas, on April 28, 2012, major international news organizations, including the British Broadcast Corporation and Reuters, reported on and produced photos of bruises received by Ms. Tymoshenko during an apparent beating by prison guards on April 20, 2012;

Whereas, in response to her inhumane treatment, Ms. Tymoshenko began a hunger strike on April 20, 2012;

Whereas, amid international outrage, the European Union has delayed indefinitely the signing of a free trade agreement with Ukraine, and the member countries of the Organization for Security and Co-operation in Europe currently are deliberating whether to allow Ukraine to assume the chairmanship of the organization, which has been scheduled for 2013; and

Whereas, under international pressure, Ms. Tymoshenko was moved to a hospital in Kharkiv on May 9, 2012, prompting her to end her hunger strike: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the administration of President Viktor Yanukovych for the politically motivated imprisonment of former Prime Minister Yulia Tymoshenko;

(2) calls on the Yanukovych administration to release Ms. Tymoshenko immediately for medical reasons;

(3) urges the Organization for Security and Cooperation in Europe not to recognize Ukraine's scheduled 2013 chairmanship of the Organization until the release of Ms. Tymoshenko;

(4) urges the Department of State to withdraw the United States Ambassador to the Ukraine and suspend operations at the United States Embassy in Kiev until the release of Ms. Tymoshenko;

(5) calls on the Department of State to institute a visa ban against President Yanukovych, Prosecutor General Viktor Pshonka, and other officials responsible for Ms. Tymoshenko's imprisonment; and

(6) calls on the North Atlantic Treaty Organization to suspend all cooperative agreements with Ukraine and place Ukraine on indefinite probation with regard to its Distinctive Partnership with the Organization until the release of Ms. Tymoshenko.

SENATE RESOLUTION 467—DESIGNATING MAY 18, 2012, AS ''ENDANGERED SPECIES DAY''

Mr. WHITEHOUSE (for himself, Mr. AKAKA, Mr. BLUMENTHAL, Mr. CARDIN, Ms. COLLINS, Mrs. FEINSTEIN, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. MURRAY, Mr. REED of Rhode Island, Mr. SANDERS, Ms. SNOWE, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 467

Whereas nearly 2,000 species worldwide are listed as threatened or endangered, and many more face a heightened risk of extinction;

Whereas the actual and potential benefits that may be derived from many species have not yet been fully discovered and would be permanently lost if not for conservation efforts;

Whereas recovery efforts for species such as the bald eagle, the whooping crane, the gray whale, the American alligator, the peregrine falcon, the Louisiana black bear, and others have resulted in great improvements in the viability of those species;

Whereas saving a species requires a combination of sound research, careful coordination, and intensive management of conservation efforts, along with increased public awareness and education;

Whereas voluntary cooperative conservation programs have proven to be critical to habitat restoration and species recovery; and

Whereas education and increasing public awareness are the first steps in effectively informing the public about endangered species and species restoration efforts: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 18, 2012, as ''Endangered Species Day'';

(2) encourages schools to spend at least 30 minutes on Endangered Species Day teaching and informing students about—

(A) threats to endangered species around the world; and

(B) efforts to restore endangered species, including the essential role of private landowners and private stewardship in the protection and recovery of species;

(3) encourages organizations, businesses, private landowners, and agencies with a shared interest in conserving endangered species to collaborate in developing educational information for use in schools; and

(4) encourages the people of the United States—

(A) to become educated about, and aware of, threats to species, success stories in species recovery, and opportunities to promote species conservation worldwide; and

(B) to observe Endangered Species Day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2107. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table.

SA 2108. Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. MERKLEY, Mr. SANDERS, Mr. LEAHY, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2109. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2110. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2111. Mr. BINGAMAN (for himself, Mr. VITTER, Mr. FRANKEN, Mrs. SHAHEEN, Mr. KOHL, Mr. UDALL of New Mexico, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Mr. MERKLEY, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2112. Mr. REID (for Mrs. BOXER (for herself and Mrs. FEINSTEIN)) proposed an amendment to the bill H.R. 4849, to direct the Secretary of the Interior to issue commercial use authorizations to commercial stock operators for operations in designated wilderness within the Sequoia and Kings Canyon National Parks, and for other purposes.

TEXT OF AMENDMENTS

SA 2107. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11___. SAFE AND AFFORDABLE DRUGS FROM CANADA.

Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by this Act, is further amended by adding at the end the following:

''SEC. 810. IMPORTATION BY INDIVIDUALS OF PRESCRIPTION DRUGS FROM CANADA.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations permitting individuals to safely import into the United States a prescription drug (other than a controlled substance, as defined in section 102 of the Controlled Substances Act) that—

''(1) is purchased from an approved Canadian pharmacy;

''(2) is dispensed by a pharmacist licensed to practice pharmacy and dispense prescription drugs in Canada;

''(3) is purchased for personal use by the individual, not for resale, in quantities that do not exceed a 90-day supply;

''(4) is filled using a valid prescription issued by a physician licensed to practice in the United States; and

''(5) has the same active ingredient or ingredients, route of administration, dosage form, and strength as a prescription drug approved by the Secretary under chapter V.

''(b) APPROVED CANADIAN PHARMACY.—

''(1) IN GENERAL.—In this section, an approved Canadian pharmacy is a pharmacy that—

''(A) is located in Canada; and

''(B) that the Secretary certifies—

''(i) is licensed to operate and dispense prescription drugs to individuals in Canada; and

''(ii) meets the criteria under subsection (c).

''(2) PUBLICATION OF APPROVED CANADIAN PHARMACIES.—The Secretary shall publish on the Internet Web site of the Food and Drug Administration a list of approved Canadian pharmacies, including the Internet Web site address of each such approved Canadian pharmacy, from which individuals may purchase prescription drugs in accordance with subsection (a).

''(c) ADDITIONAL CRITERIA.—To be an approved Canadian pharmacy, the Secretary shall certify that the pharmacy—

''(1) has been in existence for a period of at least 5 years preceding the date of enactment of this section and has a purpose other than to participate in the program established under this section;

''(2) operates in accordance with pharmacy standards set forth by the provincial pharmacy rules and regulations enacted in Canada;

''(3) has processes established by the pharmacy, or participates in another established process, to certify that the physical premises

and data reporting procedures and licenses are in compliance with all applicable laws and regulations, and has implemented policies designed to monitor ongoing compliance with such laws and regulations;

''(4) conducts or commits to participate in ongoing and comprehensive quality assurance programs and implements such quality assurance measures, including blind testing, to ensure the veracity and reliability of the findings of the quality assurance program;

''(5) agrees that laboratories approved by the Secretary shall be used to conduct product testing to determine the safety and efficacy of sample pharmaceutical products;

''(6) has established, or will establish or participate in, a process for resolving grievances and will be held accountable for violations of established guidelines and rules;

''(7) does not resell products from online pharmacies located outside Canada to customers in the United States; and

''(8) meets any other criteria established by the Secretary.''.

SA 2108. Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. MERKLEY, Mr. SANDERS, Mr. LEAHY, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11___. ANALYSES OF APPLICATION FOR APPROVAL OF GENETICALLY-ENGINEERED FISH.

Notwithstanding any other provision of law, approval by the Secretary of Health and Human Services of an application submitted under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) for approval of any genetically modified marine or anadromous organism shall not take effect until the date that the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, approves such application using standards applied by the Under Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), which shall include a Regulatory Impact Review required by Executive Order 12866 (58 Fed. Reg. 51735) and Initial Regulatory Flexibility Analyses required under chapter 6 of title 5, United States Code (commonly referred to as the ''Regulatory Flexibility Act'').

SA 2109. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11___. CONDITIONS ON AWARD OF DRUG EXCLUSIVITY.

Subchapter E of chapter V (21 U.S.C. 360bbb et seq.) is amended by inserting after section 569C, as added by this Act, the following:

''SEC. 569D. CONDITIONS ON AWARD OF DRUG EXCLUSIVITY.

''(a) TERMINATION OF EXCLUSIVITY.—Notwithstanding any other provision of this Act, any period of exclusivity described in subsection (b) granted to a person or assigned to a person on or after the date of enactment of this section with respect to a drug shall be terminated if the person to which such exclusivity was granted or any person to which such exclusivity is assigned—

''(1) commits a violation described in subsection (c)(1) with respect to such drug; or

''(2) fails to report such a violation as required by subsection (e).

''(b) EXCLUSIVITIES AFFECTED.—The periods of exclusivity described in this subsection are those periods of exclusivity granted under any of the following sections:

''(1) Clause (ii), (iii), or (iv) of section 505(c)(3)(E).

''(2) Clause (iv) of section 505(j)(5)(B).

''(3) Clause (ii), (iii), or (iv) of section 505(j)(5)(F).

''(4) Section 505A.

''(5) Section 505E.

''(6) Section 527.

''(7) Section 351(k)(7) of the Public Health Service Act.

''(8) Any other provision of this Act that provides for market exclusivity (or extension of market exclusivity) with respect to a drug.

''(c) VIOLATIONS.—

''(1) IN GENERAL.—A violation described in this subsection is a violation of a law described in paragraph (2) that results in—

''(A) a criminal conviction of a person described in subsection (a);

''(B) a civil judgment against a person described in subsection (a); or

''(C) a settlement agreement in which a person described in subsection (a) admits to fault.

''(2) LAWS DESCRIBED.—The laws described in this paragraph are the following:

''(A) The provisions of this Act that prohibit—

''(i) the adulteration or misbranding of a drug;

''(ii) the making of false statements to the Secretary or committing fraud; or

''(iii) the illegal marketing of a drug.

''(B) The provisions of subchapter III of chapter 37 of title 31, United States Code (commonly known as the 'False Claims Act').

''(C) Section 287 of title 18, United States Code.

''(D) The Medicare and Medicaid Patient Protection and Program Act of 1987 (commonly known as the 'Antikickback Statute').

''(E) Section 1927 of the Social Security Act.

''(F) A State law against fraud comparable to a law described in subparagraphs (A) through (E).

''(d) DATE OF EXCLUSIVITY TERMINATION.—The date on which the exclusivity shall be terminated as described in subsection (a) is the date on which, as applicable—

''(1) a final judgment is entered relating to a violation described in subparagraph (A) or (B) of subsection (c)(1); or

''(2)(A) a settlement agreement described in subsection (c)(1)(C) is approved by a court order that is or becomes final and nonappealable; or

''(B) if there is no court order approving a settlement agreement described in subsection (c)(1)(C), a court order dismissing the applicable case, issued after the settlement agreement, is or becomes final and nonappealable.

''(e) REPORTING OF INFORMATION.—A person described in subsection (a) that commits a violation described in subsection (c)(1) shall report such violation to the Secretary no later than 30 days after the date that—

''(1) a final judgment is entered relating to a violation described in subparagraph (A) or (B) of subsection (c)(1); or

''(2)(A) a settlement agreement described in subsection (c)(1)(C) is approved by a court order that is or becomes final and nonappealable; or

''(B) if there is no court order approving a settlement agreement described in subsection (c)(1)(C), a court order dismissing the applicable case, issued after the settlement agreement, is or becomes final and nonappealable.''.

SA 2110. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11___. TRANSPARENCY IN NEW DRUG APPLICATIONS.

(a) GENERAL REQUIREMENTS.—Subchapter A of chapter V (21 U.S.C. 351 et seq.), as amended by section 802, is further amended by adding at the end the following:

''SEC. 524B. TRANSPARENCY IN DRUG APPLICATIONS TO THE FDA.

''(a) INITIAL DISCLOSURE OF FINANCIAL INFORMATION.—

''(1) IN GENERAL.—A drug application submitted under subsection (b) or (j) of section 505, an application for a biologics license under subsection (a) or (k) of section 351 of the Public Health Service Act, an investigational new drug application under section 505(i), an application for an extension of market exclusivity following the completion of pediatric studies under section 505A(c), an application for a priority review voucher under section 524, a request for a designation as an orphan drug under section 526, and any other application to the Food and Drug Administration with respect to approval of a drug or an extension of the market exclusivity of a drug shall include a disclosure to the Secretary of such financial information associated with the research and development of the drug as required by the Secretary, as described in paragraph (2). The Secretary shall make such information public.

''(2) REQUIRED INFORMATION.—The financial information provided to the Secretary and made public under paragraph (1) shall include—

''(A) the total amount expended for preclinical research and for each phase of clinical trials of the drug;

''(B) a description of any grant or other economic incentive for research and development of such drug the sponsor receives from private, public, or any other funding source or research institution, including the National Institutes of Health, and the amount obtained from each source; and

''(C) such other information, as the Secretary may require.

''(3) RESEARCH AND DEVELOPMENT DEFINED.—For purposes of this section, 'research and development' of a drug shall include identification of chemical compounds, proof of concepts, testing of concepts, and all phases of clinical trials, including failed tests or trials. Research and development of a particular drug does not include the costs of failed drugs other than the drug that is the subject of the application described in paragraph (1).

''(b) SUBSEQUENT FINANCIAL DISCLOSURES.—A sponsor of a drug approved under subsection (b) or (j) of section 505, or a biological product approved under subsection (a) or

(k) of section 351 of the Public Health Service Act, on an annual basis during the period during which the sponsor claims market exclusivity with respect to the drug and for 7 years thereafter, shall report to the Secretary the quarterly domestic and global unit sales and sales revenue of the drug.

''(c) PUBLIC DISCLOSURE OF CLINICAL TRIALS.—

''(1) IN GENERAL.—The Secretary shall require the sponsor of a drug to register each clinical trial of such drug on the Internet web site of the National Institutes of Health, clinicaltrials.gov (or such successor Internet website developed by the Secretary).

''(2) TDP.—In the case of a sponsor that claims test data protection, the sponsor shall register the required information of the related drug with a clinicaltrials.gov identifier supplied by the Secretary.

''(d) DISCLOSURE OF NUMBERS OF INDIVIDUALS PARTICIPATING IN CLINICAL TRIALS.—A manufacturer or sponsor who submits a request under paragraph (1) shall also submit to the Secretary the following information with respect to clinical trials of the drug, which the Secretary shall make public:

''(1) The numbers of individuals participating in each phase of clinical trials, using de-identified data.

''(2) A description of each participant's dosage of the drug, using de-identified data.

''(3) A description of each participant's results, using de-identified data.''.

(b) DISCLOSURE OF SAFETY AND EFFECTIVENESS DATA.—Section 505(l)(1) (21 U.S.C. 355(l)(1)) is amended, in the matter preceding subparagraph (A), by striking '', unless extraordinary circumstances are shown''.

SA 2111. Mr. BINGAMAN (for himself, Mr. VITTER, Mr. FRANKEN, Mrs. SHAHEEN, Mr. KOHL, Mr. UDALL of New Mexico, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Mr. MERKLEY, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

In title IX, add at the end the following:

SEC. 9___. ENSURING THAT VALID GENERIC DRUGS MAY ENTER THE MARKET.

(a) 180-DAY EXCLUSIVITY PERIOD AMENDMENTS REGARDING FIRST APPLICANT STATUS.—

(1) AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(A) IN GENERAL.—Section 505(j)(5)(B) (21 U.S.C. 355(j)(5)(B)) is amended—

(i) in clause (iv)(II)—

(I) by striking item (bb); and

(II) by redesignating items (cc) and (dd) as items (bb) and (cc), respectively; and

(ii) by adding at the end the following:

''(v) FIRST APPLICANT DEFINED.—As used in this subsection, the term 'first applicant' means an applicant—

''(I)(aa) that, on the first day on which a substantially complete application containing a certification described in paragraph (2)(A)(vii)(IV) is submitted for approval of a drug, submits a substantially complete application that contains and lawfully maintains a certification described in paragraph (2)(A)(vii)(IV) for the drug; and

''(bb) that has not entered into a disqualifying agreement described under clause (vii)(II); or

''(II)(aa) for the drug that is not described in subclause (I) and that, with respect to the applicant and drug, each requirement described in clause (vi) is satisfied; and

''(bb) that has not entered into a disqualifying agreement described under clause (vii)(II).

''(vi) REQUIREMENT.—The requirements described in this clause are the following:

''(I) The applicant described in clause (v)(II) submitted and lawfully maintains a certification described in paragraph (2)(A)(vii)(IV) or a statement described in paragraph (2)(A)(viii) for each unexpired patent for which a first applicant described in clause (v)(I) had submitted a certification described in paragraph (2)(A)(vii)(IV) on the first day on which a substantially complete application containing such a certification was submitted.

''(II) With regard to each such unexpired patent for which the applicant described in clause (v)(II) submitted a certification described in paragraph (2)(A)(vii)(IV), no action for patent infringement was brought against such applicant within the 45 day period specified in paragraph (5)(B)(iii); or if an action was brought within such time period, such an action was withdrawn or dismissed by a court (including a district court) without a decision that the patent was valid and infringed; or if an action was brought within such time period and was not withdrawn or so dismissed, such applicant has obtained the decision of a court (including a district court) that the patent is invalid or not infringed (including any substantive determination that there is no cause of action for patent infringement or invalidity, and including a settlement order or consent decree signed and entered by the court stating that the patent is invalid or not infringed).

''(III) If an applicant described in clause (v)(I) has begun commercial marketing of such drug, the applicant described in clause (v)(II) does not begin commercial marketing of such drug until the date that is 30 days after the date on which the applicant described in clause (v)(I) began such commercial marketing.''.

(B) CONFORMING AMENDMENT.—Section 505(j)(5)(D)(i)(IV) (21 U.S.C. 355(j)(5)(D)(i)(IV)) is amended by striking ''The first applicant'' and inserting ''The first applicant, as defined in subparagraph (B)(v)(I),''.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply only with respect to an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) to which the amendments made by section 1102(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108 173) apply.

(b) 180-DAY EXCLUSIVITY PERIOD AMENDMENTS REGARDING AGREEMENTS TO DEFER COMMERCIAL MARKETING.—

(1) AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(A) LIMITATIONS ON AGREEMENTS TO DEFER COMMERCIAL MARKETING DATE.—Section 505(j)(5)(B) (21 U.S.C. 355(j)(5)(B)), as amended by subsection (a), is further amended by adding at the end the following:

''(vii) AGREEMENT BY FIRST APPLICANT TO DEFER COMMERCIAL MARKETING; LIMITATION ON ACCELERATION OF DEFERRED COMMERCIAL MARKETING DATE.—

''(I) AGREEMENT TO DEFER APPROVAL OR COMMERCIAL MARKETING DATE.—An agreement described in this subclause is an agreement between a first applicant and the holder of the application for the listed drug or an owner of one or more of the patents as to which any applicant submitted a certification qualifying such applicant for the 180-day exclusivity period whereby that applicant agrees, directly or indirectly, (aa) not to seek an approval of its application that is made effective on the earliest possible date under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, (bb) not to begin the commercial marketing of its drug on the earliest possible date after receiving an approval of its application that is made effective under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, or (cc) to both items (aa) and (bb).

''(II) AGREEMENT THAT DISQUALIFIES APPLICANT FROM FIRST APPLICANT STATUS.—An agreement described in this subclause is an agreement between an applicant and the holder of the application for the listed drug or an owner of one or more of the patents as to which any applicant submitted a certification qualifying such applicant for the 180-day exclusivity period whereby that applicant agrees, directly or indirectly, not to seek an approval of its application or not to begin the commercial marketing of its drug until a date that is after the expiration of the 180-day exclusivity period awarded to another applicant with respect to such drug (without regard to whether such 180-day exclusivity period is awarded before or after the date of the agreement).

''(viii) LIMITATION ON ACCELERATION.—If an agreement described in clause (vii)(I) includes more than 1 possible date when an applicant may seek an approval of its application or begin the commercial marketing of its drug—

''(I) the applicant may seek an approval of its application or begin such commercial marketing on the date that is the earlier of—

''(aa) the latest date set forth in the agreement on which that applicant can receive an approval that is made effective under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, or begin the commercial marketing of such drug, without regard to any other provision of such agreement pursuant to which the commercial marketing could begin on an earlier date; or

''(bb) 180 days after another first applicant begins commercial marketing of such drug; and

''(II) the latest date set forth in the agreement on which that applicant can receive an approval that is made effective under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, or begin the commercial marketing of such drug, without regard to any other provision of such agreement pursuant to which commercial marketing could begin on an earlier date, shall be the date used to determine whether an applicant is disqualified from first applicant status pursuant to clause (vii)(II).''.

(B) NOTIFICATION OF FDA.—Section 505(j) (21 U.S.C. 355(j)) is amended by adding at the end the following:

''(11)(A) The holder of an abbreviated application under this subsection shall submit to the Secretary a notification that includes—

''(i)(I) the text of any agreement entered into by such holder described under paragraph (5)(B)(vii)(I); or

''(II) if such an agreement has not been reduced to text, a written detailed description of such agreement that is sufficient to disclose all the terms and conditions of the agreement; and

''(ii) the text, or a written detailed description in the event of an agreement that has not been reduced to text, of any other agreements that are contingent upon, provide a contingent condition for, or are otherwise related to an agreement described in clause (i).

''(B) The notification described under subparagraph (A) shall be submitted not later than 10 business days after execution of the agreement described in subparagraph (A)(i). Such notification is in addition to any notification required under section 1112 of the

Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

''(C) Any information or documentary material filed with the Secretary pursuant to this paragraph shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Nothing in this paragraph is intended to prevent disclosure to either body of the Congress or to any duly authorized committee or subcommittee of the Congress.''.

(C) PROHIBITED ACTS.—Section 301(e) (21 U.S.C. 331(e)) is amended by striking ''505 (i) or (k)'' and inserting ''505 (i), (j)(11), or (k)''.

(2) INFRINGEMENT OF PATENT.—Section 271(e) of title 35, United States Code, is amended by adding at the end the following:

''(7) The exclusive remedy under this section for an infringement of a patent for which the Secretary of Health and Human Services has published information pursuant to subsection (b)(1) or (c)(2) of section 505 of the Federal Food, Drug, and Cosmetic Act shall be an action brought under this subsection within the 45-day period described in subsection (j)(5)(B)(iii) or (c)(3)(C) of section 505 of the Federal Food, Drug, and Cosmetic Act.''.

(3) APPLICABILITY.—

(A) LIMITATIONS ON ACCELERATION OF DEFERRED COMMERCIAL MARKETING DATE.—The amendment made by paragraph (1)(A) shall apply only with respect to—

(i) an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) to which the amendments made by section 1102(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108 173) apply; and

(ii) an agreement described under section 505(j)(5)(B)(vii)(I) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)(1)) executed after the date of enactment of this Act.

(B) NOTIFICATION OF FDA.—The amendments made by subparagraphs (B) and (C) of paragraph (1) shall apply only with respect to an agreement described under section 505(j)(5)(B)(vii)(I) of the Federal Food, Drug, and Cosmetic Act (as added by paragraph (1)(A)) executed after the date of enactment of this Act.

(c) TECHNICAL AMENDMENT.—Section 744B(n), as added by section 302 of this Act, is amended by striking ''505(j)(5)(B)(iv)(II)(cc)'' and inserting ''505(j)(5)(B)(iv)(II)(bb)''.

SA 2112. Mr. REID (for Mrs. BOXER (for herself and Mrs. FEINSTEIN)) proposed an amendment to the bill H.R. 4849, to direct the Secretary of the Interior to issue commercial use authorizations to commercial stock operators for operations in designated wilderness within the Sequoia and Kings Canyon National Parks, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sequoia and King Canyon National Parks Backcountry Access Act''.

SEC. 2. COMMERCIAL SERVICES AUTHORIZATIONS IN WILDERNESS WITHIN THE SEQUOIA AND KINGS CANYON NATIONAL PARKS.

(a) CONTINUATION OF AUTHORITY.—Until the date on which the Secretary of the Interior (referred to in this Act as the ''Secretary'') completes any analysis and determination required under the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary shall continue to issue authorizations to provide commercial services for commercial stock operations (including commercial use authorizations and concession contracts) within any area designated as wilderness in the Sequoia and Kings Canyon National Parks (referred to in this section as the ''Parks)'' at use levels determined by the Secretary to be appropriate and subject to any terms and conditions that the Secretary determines to be appropriate.

(b) WILDERNESS STEWARDSHIP PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary shall complete a wilderness stewardship plan with respect to the Parks.

(c) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue authorizations under subsection (a) shall terminate on the earlier of—

(1) the date on which the Secretary begins to issue authorizations to provide commercial services for commercial stock operations within any areas designated as wilderness in the Parks, as provided in a record of decision issued in accordance with a wilderness stewardship plan completed under subsection (b); or

(2) the date that is 4 years after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 17, 2012, at 9:30 a.m., in room SD 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 17, 2012, at 10 a.m., in room SD 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Social Security Administration: Is it Meeting its Responsibilities to Save Taxpayer Dollars and Serve the Public?''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 17, 2012, at 2:30 p.m.,

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on May 17, 2012, in room SD 628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled ''Fulfilling the Federal Trust Responsibility: The Foundation of the Government-to-Government Relationship.''

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

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 17, 2012, at 10 a.m., in SD 226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND THE COAST GUARD

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on May 17, 2012, at 10:30 a.m., in room SR 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Stemming the Tide: The U.S. Response to Tsunami Generated Marine Debris.''

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Marc Labonte, a detailee on Senator JOHNSON's Banking Committee staff, be granted floor privileges for the remainder of today's session.

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

TROOPER JOSHUA D. MILLER POST OFFICE BUILDING

MASTER SERGEANT DANIEL L. FEDDER POST OFFICE

PRIVATE ISAAC T. CORTES POST OFFICE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following postal naming bills en bloc: Calendar No. 401, H.R. 2415; Calendar No. 402, H.R. 3220; and Calendar No. 403, H.R. 3413.

The PRESIDING OFFICER. The clerk will report the bills by title en bloc.

The legislative clerk read as follows:

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

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

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

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any related statements be printed in the RECORD.

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

The bills (H.R. 2415, H.R. 3220, and H.R. 3413) were ordered to a third reading, were read the third time, and passed.

MODIFYING THE DEPARTMENT OF DEFENSE PROGRAM GUIDANCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4045.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4045) to modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, that there be no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 4045) was ordered to a third reading, was read the third time, and passed.

BORDER TUNNEL PREVENTION ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 4119.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4119) to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

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

Mr. REID. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no interviewing action or debate; that any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 4119) was ordered to a third reading, was read the third time, and passed.

SEQUOIA AND KINGS CANYON NATIONAL PARKS BACKCOUNTRY ACCESS ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 394, H.R. 4849.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4849) to direct the Secretary of the Interior to issue commercial use authorizations to commercial stock operators for operations in designated wilderness within the Sequoia and Kings Canyon National Parks, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that a Boxer-Feinstein substitute amendment, which is as the desk, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; that any statements related to the bill be printed in the RECORD at the appropriate place.

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

The amendment (No. 2112) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sequoia and King Canyon National Parks Backcountry Access Act''.

SEC. 2. COMMERCIAL SERVICES AUTHORIZATIONS IN WILDERNESS WITHIN THE SEQUOIA AND KINGS CANYON NATIONAL PARKS.

(a) CONTINUATION OF AUTHORITY.—Until the date on which the Secretary of the Interior (referred to in this Act as the ''Secretary'') completes any analysis and determination required under the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary shall continue to issue authorizations to provide commercial services for commercial stock operations (including commercial use authorizations and concession contracts) within any area designated as wilderness in the Sequoia and Kings Canyon National Parks (referred to in this section as the ''Parks)'' at use levels determined by the Secretary to be appropriate and subject to any terms and conditions that the Secretary determines to be appropriate.

(b) WILDERNESS STEWARDSHIP PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary shall complete a wilderness stewardship plan with respect to the Parks.

(c) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue authorizations under subsection (a) shall terminate on the earlier of—

(1) the date on which the Secretary begins to issue authorizations to provide commercial services for commercial stock operations within any areas designated as wilderness in the Parks, as provided in a record of decision issued in accordance with a wilderness stewardship plan completed under subsection (b); or

(2) the date that is 4 years after the date of enactment of this Act.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4849), as amended, was read the third time and passed.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 112 5, TREATY DOCUMENT NO. 112 6, TREATY DOCUMENT NO. 112 7, AND TREATY DOCUMENT NO. 112 8

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on May 17, 2012, by the President of the United States:

Protocol Amending the Convention on Mutual Administrative Assistance in Tax Matters (Treaty Document No. 112 5).

Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary (Treaty Document No. 112 6).

Convention on the Rights of Persons with Disabilities (Treaty Document No. 112 7).

Tax Convention with Chile (Treaty Document No. 112 8).

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to its ratification, the Protocol Amending the Convention on Mutual Administrative Assistance in Tax Matters, done at Paris on May 27, 2010 (the ''proposed Protocol''), which was signed by the United States on May 27, 2010. The existing Convention on Mutual Administrative Assistance in Tax Matters, done at Strasbourg on January 25, 1988, entered into force for the United States on January 4, 1995 (the ''existing Convention''). I also transmit, for the information of the Senate, the report of the Department of State, which includes an Overview of the proposed Protocol.

The proposed Protocol amends the existing Convention in order to bring it into conformity with current international standards on exchange of information, as reflected in the Organization for Economic Co-operation and Development's (OECD) Model Tax Convention on Income and Capital and the current U.S. Model Income Tax Convention. Furthermore, it updates the existing Convention's rules regarding the confidentiality and permitted uses of exchanged tax information, and opens the existing Convention to adherence by countries other than OECD and Council of Europe members. The Protocol entered into force on January 6, 2011, following ratification by five parties to the existing Convention.

I recommend that the Senate give early and favorable consideration to

the proposed Protocol and give its advice and consent to its ratification.

BARACK OBAMA.
THE WHITE HOUSE, *May 17, 2012.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary (the ''Convention''), done at The Hague on July 5, 2006, and signed by the United States on that same day. The report of the Secretary of State, which includes an Overview of the proposed Convention, is enclosed for the information of the Senate.

The United States supported the development of the Convention, which provides uniform rules for determining the law applicable to certain rights in commercial transactions involving investment securities held through intermediaries (such as brokers, banks, and other financial institutions). The Convention incorporates modern commercial finance methods already market-tested in the United States through the Uniform Commercial Code. It would ensure that countries that become party to this Convention would also apply those methods. The Convention, once in force, would improve the functioning of investment securities markets, reduce uncertainty in cross-border commerce, and reduce national and cross-border systemic risk.

The Department of the Treasury, the U.S. Securities and Exchange Commission, the Commodities Futures Trading Commission, and the New York Federal Reserve Bank support ratification by the United States of this Convention, as do key private sector associations. I recommend, therefore, that the Senate give early and favorable consideration to the Convention and give its advice and consent to its ratification.

BARACK OBAMA.
THE WHITE HOUSE, *May 17, 2012.*

To the Senate of the United States:

I transmit herewith, for advice and consent of the Senate to its ratification, the Convention on the Rights of Persons with Disabilities, adopted by the United Nations General Assembly on December 13, 2006, and signed by the United States of America on June 30, 2009 (the ''Convention''). I also transmit, for the information of the Senate, the report of the Secretary of State with respect to the Convention.

Anchored in the principles of equality of opportunity, nondiscrimination, respect for dignity and individual autonomy, and inclusion of persons with disabilities, the Convention seeks to promote, protect, and ensure the full and equal enjoyment of all human rights by persons with disabilities. While Americans with disabilities already enjoy these rights at home, U.S. citizens and other individuals with disabilities frequently face barriers when they travel, work, serve, study, and reside in other countries. The rights of Americans with disabilities should not end at our Nation's shores. Ratification of the Disabilities Convention by the United States would position the United States to occupy the global leadership role to which our domestic record already attests. We would thus seek to use the Convention as a tool through which to enhance the rights of Americans with disabilities, including our veterans. Becoming a State Party to the Convention and mobilizing greater international compliance could also level the playing field for American businesses, who already must comply with U.S. disability laws, as well as those whose products and services might find new markets in countries whose disability standards move closer to those of the United States.

Protection of the rights of persons with disabilities has historically been grounded in bipartisan support in the United States, and the principles anchoring the Convention find clear expression in our own domestic law. As described more fully in the accompanying report, the strong guarantees of nondiscrimination and equality of access and opportunity for persons with disabilities in existing U.S. law are consistent with and sufficient to implement the requirements of the Convention as it would be ratified by the United States.

I recommend that the Senate give prompt and favorable consideration to this Convention and give its advice and consent to its ratification, subject to the reservations, understandings, and declaration set forth in the accompanying report.

BARACK OBAMA.
THE WHITE HOUSE, *May 17, 2012.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to their ratification, the Convention between the Government of the United States of America and the Government of the Republic of Chile for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed in Washington on February 4, 2010, with a Protocol signed the same day, as corrected by exchanges of notes effected February 25, 2011, and February 10 and 21, 2012, and a related agreement effected by exchange of notes (the ''related Agreement'') on February 4, 2010. I also transmit for the information of the Senate the report of the Department of State, which includes an Overview of the proposed Convention, the Protocol, and related Agreement.

The proposed Convention, Protocol, and related Agreement (together ''proposed Treaty'') would be the first bilateral income tax treaty between the United States and Chile. The proposed Treaty contains comprehensive provisions designed to address ''treaty shopping,'' which is the inappropriate use of a tax treaty by residents of a third country, and provides for a robust exchange of information between the tax authorities in the two countries to facilitate the administration of each country's tax laws.

I recommend that the Senate give early and favorable consideration to the proposed Treaty and give its advice and consent to the ratification thereof.

BARACK OBAMA.
THE WHITE HOUSE, *May 17, 2012.*

ORDERS FOR MONDAY MAY 21, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, May 21, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the majority leader be recognized; further, that at 4:30 p.m. the Senate proceed to executive session to consider Calendar No. 552, Paul J. Watford, of California, to be U.S. Circuit Judge for the Ninth Circuit, with 1 hour of debate equally divided and controlled in the usual form; that upon the use or yielding back of the time, the Senate proceed to vote on the motion to invoke cloture on the nomination; and that if cloture is not invoked, the Senate resume legislative session and proceed to vote on the motion to invoke cloture on the motion to proceed to S. 3187, the FDA user fees legislation.

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

PROGRAM

Mr. REID. Mr. President, it is my intention to resume the motion to proceed to Calendar No. 400, S. 3187, the FDA user fees legislation, when we convene on Monday. At 5:30 p.m. Monday there will be at least one rollcall vote on the motion to invoke cloture on the Watford nomination.

ADJOURNMENT UNTIL MONDAY, MAY 21, 2012, AT 2 P.M.

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

There being no objection, the Senate, at 4:47 p.m., adjourned until Monday, May 21, 2012, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

DEREK J. MITCHELL, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNION OF BURMA.

THE JUDICIARY

MATTHEW W. BRANN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, VICE THOMAS I. VANASKIE, ELEVATED.

MALACHY EDWARD MANNION, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE

DISTRICT OF PENNSYLVANIA, VICE A. RICHARD CAPUTO, RETIRED.

DEPARTMENT OF JUSTICE

GARY BLANKINSHIP, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE RUBEN MONZON, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY MEDICAL CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major general

BRIG. GEN. JOSEPH CARAVALHO, JR.

IN THE NAVY

THE FOLLOWING NAMED UNITED STATES NAVY RESERVE OFFICER FOR APPOINTMENT AS THE CHIEF OF NAVY RESERVE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5143:

To be vice admiral

REAR ADM. ROBIN R. BRAUN

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 lieutenant commander

ROBERT E. BRADSHAW

CONFIRMATIONS

Executive nominations confirmed by the Senate May 17, 2012:

FEDERAL RESERVE SYSTEM

JEREMY C. STEIN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2004.

JEROME H. POWELL, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2000.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on May 17, 2012 withdrawing from further Senate consideration the following nomination:

AIR FORCE NOMINATION OF KEN R. MCDANIEL, TO BE COLONEL, WHICH WAS SENT TO THE SENATE ON MAY 4, 2011.