

the American people this bill is about increasing access to capital, let's start by helping the small business owners on Main Street that fuel our job engine. This is what we would do in Colorado. It is how we would apply our commonsense approach to business.

I plead with my colleagues to consider the important effect this would have. So, in summary, our bipartisan amendment is projobs, it is deregulatory, and it would not cost the taxpayers a dime. It would release \$10 billion in capital across our country and, conservatively, 100,000 new jobs would be a result.

Let's take this up. Let's fuel the economic engine with the capital of our small business sector.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak until noon in a colloquy with the distinguished majority whip. Senator AYOTTE and a number of other Senators will join us during the next 30 minutes.

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

#### SYRIA

Mr. CORNYN. Mr. President, I know Senator DURBIN, Senator AYOTTE, and others will be coming to the Senate floor, but let me get it started. According to the United Nations, more than 8,000 Syrians have been murdered in attacks by the desperate regime of President Bashar al-Asad of Syria.

We continue to receive press reports on a daily basis about Asad's forces summarily executing, imprisoning, and torturing demonstrators who want nothing more than what we take for granted, which is to live in freedom in a democracy. This week we learned that dozens of Syrian women and children—some infants as young as 4 months old—were stabbed, shot, and burned by government forces in Homs. I know it is difficult for most of us to comprehend—and most of us would be so repulsed by it, we would not want to comprehend the kind of brutality Asad is perpetrating against his own people. Yet in the face of these atrocities, Russia continues to prop up the Asad regime by providing arms that are being used to slaughter these innocent Syrian civilians.

Russia is the top supplier of weapons to Syria and reportedly sold Syria up to \$1 billion or more worth of arms just last year. Western and Arab governments have pleaded with Russia to stop supplying these weapons to the Asad regime, but it has refused so far.

Russia is not just passively supplying weapons to the Asad regime, it has recently admitted to having military weapons instructors on the ground in Syria training Asad's Army on how to use these weapons. Russian weapons, including high-explosive mortars, have been found at the site of atrocities in Homs.

This picture taken by Al Arabiya and Reuters reads:

Russian Foreign Minister Sergei Lavrov, why don't you visit Homs to see your weapons and their effectiveness in the bodies of our children!

The Syrian people recognize Russia's role in their current misery, as reflected by this picture and by this statement to Russian Foreign Minister Sergei Lavrov. Rosoboronexport is Russia's official arms dealer. This company handles about 80 percent of Russia's weapons exports, according to its Web site, and it is spearheading Russia's continuing effort to arm the Asad regime, which, in my mind, makes them an accessory to mass murder.

I see the distinguished majority whip has come to the floor, and I want to give him a chance to make any appropriate remarks he cares to make and engage in a colloquy with him.

First, let me close my comments on this concern I have. Not only is Russia selling arms to Syria to kill innocent civilians, but you can imagine my shock and dismay when I found out that our own Department of Defense has a no-bid contract with this same Russian arms merchant that is helping arm the Asad regime.

This is a no-bid contract to provide approximately 21 dual-use Mi-17 helicopters for the Afghan military. As I said, this is a no-bid Army contract that was awarded last summer that is reportedly worth as much as \$900 million. So the only thing I can conclude is that the U.S. taxpayer is providing money to a Russian arms dealer to purchase Russian helicopters for the Afghan military, and the very same arms merchant is arming President Asad's regime and killing innocent Syrians.

I, along with 16 of my colleagues, have sent a letter to Secretary Panetta expressing our alarm and concern over these arrangements, asking for further information and urging them to reconsider this contract with Rosoboronexport.

I want to stop on this point: We must keep the pressure on the Department of Defense to reconsider this contract and on the Russians to cease all arms sales to the Asad regime.

I am hopeful that the upcoming debate on the repeal of Jackson-Vanik will provide an opportunity for the Senate to further examine these serious issues.

Again, let me state my appreciation to Senator DURBIN, the distinguished majority whip, for his participation in expressing alarm and concern over these circumstances and ask him to make any comments he cares to make.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, it is my honor to join my colleague and friend, the Senator from Texas. We are on opposite sides of the aisle, but we are on the same side of this issue.

Listen to what America has said about what is happening in Syria: Almost 8,000 innocent people have been

killed in the streets of Syria by Bashar Asad, the dictator. The people who expressed their concern and objection to his policies are mowed down and killed in the streets, their homes are bombed, and nothing is being done. Sadly, the United States tried to engage the United Nations Security Council to join the Arab League and others condemning what Asad is doing to these innocent people. Our efforts were stopped by China and Russia.

The relationship between Russia and Syria is well documented. They have been close allies for many years. We also know they are providing about \$1 billion in Russian military aid to the Syrian dictator to kill his own people in the streets. That is part of this.

I have to join Senator CORNYN in saying how concerned we were when we learned that one of the leading military exporters of Russia, Rosoboronexport, is not only doing business in Syria but with the U.S. Government. Now, I understand the history. We are buying Russian helicopters to help the Afghans defend their country against the Taliban. The helicopter of choice in Afghanistan today is, I believe, the old Soviet M-17 or M-18 helicopter. So our government is buying these Russian helicopters to give to the Afghan Government to fight the Taliban.

We are, in fact, doing business with the very same company and country that is subsidizing the massacre in Syria. It is right for us, as Members of Congress, to make that point to Secretary Panetta and the Department of Defense. I think it is also appropriate for us to ask why we are not converting the Afghan defense forces, their security forces, to another helicopter.

Can I be so bold as to suggest it be made in the United States of America since we are paying for it? Why aren't we doing that? Why aren't we creating jobs in America and training these Afghans on helicopters that come from our country, that are as good or better than anything the Soviets ever put in the air? I don't have a preference on an American helicopter. I don't have any producers in my State, so I am not into that particular bidding war. I would not get into it. But I do believe sending a word to the Russians immediately that our relationship of buying these helicopters for Afghanistan and subsidizing their military sales to Syria should come to an end. That is what this letter is about.

We cannot pass resolutions on the Senate floor condemning the bloodshed in Syria and ignore the obvious connection: Russian military is moving arms into Syria that are used to kill innocent people.

I noticed the Senator from Texas brought a photograph with him. This photograph I am going to show is one of a Russian warship, an aircraft carrier, docked at the Syrian port of Tartus on January 8 of this year. What we could not turn into a poster is the video clip showing the Russian warship

captains being greeted like royalty by the Syrian Minister of Defense who went out to welcome the ship. This Russian aircraft carrier was launched from a port used by the same export company.

I cannot go any further in saying that the particular company involved sent goods on this particular ship, but the fact is obvious. Russia has become a major supplier of military arms to the Syrian dictator who is killing innocent people. We are doing business with that same military company, Rosoboronexport.

It is time for us to step back and say to the Russians: We can no longer continue this relationship. If you are going to subsidize the killing of innocent people, we cannot afford to do business with you.

America, we have to acknowledge the obvious. No matter what they are paying, it is not worth the loss of innocent life in Syria.

I thank the Senator from Texas for joining me. I think we have 16 or 17 colleagues who are joining us in the bipartisan effort to raise this issue.

I hope the Russians will understand that once and for all they can't play both sides of the street, and we in the United States should draw the line.

I thank the Senator from Texas.

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

Mr. DURBIN. Yes.

Mr. CORNYN. Is the Senator aware the very same arms merchant, Rosoboronexport, has also been documented selling weapons to Iran and Venezuela? As a matter of fact, according to one published report, as late as 2005, Rosoboronexport sold Iran 29 Tor-M1 anti-air missile systems worth \$700 million. And Iran's Revolutionary Guard Corps successfully tested this anti-air missile system in 2007. It is also reported that in 2012, Russia will deliver T-72 tanks, BMP3 infantry fighting vehicles, and BTR-80A armored personnel carriers to Venezuela—just at our back yard in South America. Also, in the last 5 years in Venezuela, Hugo Chavez, a dictator with strong ties to Cuba and Fidel Castro, bought \$11 billion worth of arms through Rosoboronexport.

I wonder if the Senator finds that surprising or alarming.

Mr. DURBIN. I say to the Senator from Texas, a point the Senator said earlier, and I think bears repeating at this moment in our dialogue, is that Rosoboronexport is a Russian state-controlled arms export firm. This is no so-called private company. This is a firm run by the Russian Government. As the Senator from Texas goes through the litany of countries they are supplying, he is going through a litany of countries that have never in recent times had the best interests of the United States at heart. If the Russians, through their government company, want to supply Iran—which we know is an exporter of terrorism not only in the Middle East but around the

world and in the United States—if they want to supply them, if they want to supply sniper rifles and arms to the Syrians to kill their own people—why in the world are we doing business with them? There ought to be a line we draw at some point. We have no moral obligation to do business with a firm that is, in fact, supplying those who are killing innocent people and our enemies around the world.

I thank the Senator from Texas for raising those points.

Mr. CORNYN. Mr. President, I would also ask the distinguished majority whip whether he is aware of the testimony within the last couple of weeks before the Armed Services Committee of Secretary Panetta and the Chairman of the Joint Chiefs of Staff. The testimony focused a lot of attention on Iran, the principal state sponsor of international terrorism in the world today, and its destabilizing influence in the Middle East. Iran is seeking, as they are, a nuclear weapon which would at the very least create a nuclear arms race in the Middle East and a consequential destabilizing effect in that region.

I know the Senator is aware that Syria is one of the principal proxies for Iran. General Dempsey and Secretary Panetta both said if Syria were to go by the wayside, as various other countries have in the Arab spring, that it would be a serious blow to Iran's aspirations for hegemony in the Middle East and something that is dangerous to the peace and stability of that important region. I know the Senator is aware of the close relationship between Syria and Iran, and I wonder if the Senator cares to comment on that connection.

Mr. DURBIN. I would say to the Senator from Texas—and I am sure he has studied this, as I have—it is hard to parse out the elements in the Middle East and decide who is fighting for which team. But when it comes to Syria, they have consistently aligned themselves with Iran, and in that alliance Iran has been very supportive of Syria and Hezbollah, another terrorist group that is operating primarily through Syria. So that close connection is a matter of concern to me.

Our goal in the Middle East is to create stability and to stop the march of these dictators in the Middle East who are killing innocent people and denying them their most basic rights. We have tried everything short of military intervention, which I would not call for in the Syrian situation. But we have tried everything else—diplomatic and economic—to put pressure on Syria. We should continue to, and we should join with other nations and continue the efforts of the United Nations.

But we can't get this job done when Russia plays the roll of outlier, supplying both Syria and Iran with military arms and support. If they want to truly join us in a stable situation in the Middle East, they should tell Assad it is over—and it clearly is over. This

man could never legitimately govern Syria from this point forward after killing so many innocent people.

I hope what we are doing today is suggesting to this administration and Secretary Panetta another avenue to let the Russians know that we find it unacceptable for them to supply arms to what is a destabilizing influence in that part of the world.

Mr. CORNYN. Mr. President, I can't recall whether I asked unanimous consent, but if I haven't done it up to this point, I ask unanimous consent that the letter we are referring to that 17 Senators sent to Secretary Panetta be printed in the RECORD at the close of these comments.

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

(See exhibit 1.)

Mr. CORNYN. Mr. President, I know there are other Senators and signatories of this letter who may well be coming to the floor to talk more about this issue, but I wish to express my gratitude to Senator DURBIN. It is important that the United States speak out on behalf of people who have no real voice in defense of their most basic human rights. I would point out that President Assad and his regime are not only killing innocent civilians, but also are being supplied by Russia, who also—maybe not coincidentally—vetted the sanctions the U.N. was considering with regard to Iran.

So it is very important that we not only speak up on behalf of the people who have no voice and no defense, but also make sure the U.S. Government, at a very minimum, isn't doing business with the very same arms merchants that are supplying weapons to President Assad with which to kill innocent Syrians.

I am advised that Senator AYOTTE was planning on coming. She is a signatory to this letter and a member of the Armed Services Committee who shares many of these same concerns. However, she is not going to be able to come at this time. I am sure she will be coming to speak on this later.

So with that, I yield the floor, and I thank my colleague.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. I thank my colleague from Texas for speaking with me on this issue. We have been working on it together.

#### EXHIBIT 1

U.S. SENATE,  
Washington, DC, March 12, 2012.

Hon. LEON R. PANETTA,  
Secretary of Defense,  
Washington, DC.

DEAR SECRETARY PANETTA: We write to express our grave concern regarding the Department of Defense's ongoing business dealings with Rosoboronexport, the same Russian state-controlled arms export firm that continues to provide the Syrian government with the means to perpetrate widespread and systematic attacks on its own people. According to the United Nations, over 7,500 Syrian civilians have reportedly been killed in the attacks by the desperate regime of

Syrian President Bashar al-Assad, and we continue to receive grisly accounts that his government forces are summarily executing, imprisoning, and torturing demonstrators and innocent by-standers.

Russia remains the top supplier of weapons to Syria, selling reportedly \$1 billion or more worth of arms to Syria in 2011 alone. Its arms shipments to Syria have continued unabated during the ongoing popular uprising there. According to Thomson Reuters shipping data, since December 2011, at least four cargo ships have travelled from the Russian port used by Rosoboronexport to the Syrian port of Tutus. Another Russian ship that was reportedly carrying ammunition and sniper rifles, weapons which Syrian forces have used to kill and injure demonstrators, reportedly docked in Cyprus in January and then went on to deliver its cargo directly to Syria. In addition, recent reports from human rights monitoring organizations confirm that Russian weapons such as 240mm F-864 high explosive mortars have been found at the site of ongoing atrocities committed against civilians in Homs, Syria. In January of this year, Rosoboronexport reportedly signed a new deal with the Syrian government for 36 combat jets.

Even in the face of crimes against humanity committed by the Syrian government during the past year, enabled no doubt by the regular flow of weapons from Russia, the United States Government has unfortunately continued to procure from Rosoboronexport. It is our understanding that the DoD, through an initiative led by the U.S. Army, is currently buying approximately 21 dual-use Mi-17 helicopters for the Afghan military from Rosoboronexport. This includes the signing of a no-bid contract worth \$375 million for the purchase of aircraft and spare parts, to be completed by 2016. Media reports indicate that the contract included an option for \$550 million in additional purchases, raising the contract's potential total to nearly \$1 billion.

While it is certainly frustrating that U.S. taxpayer funding is used to buy Russian-made helicopters instead of world-class U.S.-made helicopters for the Afghan military, our specific concern at this time is that the Department is procuring these assets from an organization that had for years been on a U.S. sanctions list for illicit nuclear assistance to Iran and in the face of the international community's concern is continuing to enable the Assad regime with the arms it needs to slaughter innocent men, women, and children in Syria. Other options are very Rely available as demonstrated by the fact that the first four Mi-17 helicopters that the U.S. Navy purchased for Afghanistan came through a different firm. We ask that the DoD immediately review all potential options to procure helicopters legally through other means.

U.S. taxpayers should not be put in a position where they are indirectly subsidizing the mass murder of Syrian civilians. The sizeable proceeds of these DoD contracts are helping to finance a firm that is essentially complicit in mass atrocities in Syria, especially in light of Russia's history of forgiving huge amounts of Syria's debt on arms sales, as occurred in 2005 during President Assad's state visit to Moscow.

President Obama has called on President Assad to step down, and he has declared that "Preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States." As such, we urge you to use all available leverage to press Russia and Russian entities to end their support of the Assad regime, and that includes ending all DoD business dealings with Rosoboronexport, which is within your authority as Secretary of Defense. Con-

tinuing this robust business relationship with Rosoboronexport would undermine U.S. policy on Syria and undermine U.S. efforts to stand with the Syrian people.

This is a serious policy problem, and we ask for your personal attention to help solve it. Thank you for your service to our nation and your dedication to the members of our Armed Forces.

Sincerely,

John Cornyn; Kirsten E. Gillibrand; Richard J. Durbin; Kelly Ayotte; Richard Blumenthal; James E. Risch; David Vitter; Sherrod Brown; Chuck Grassley; Marco Rubio; Jon Kyl; Robert Menendez; Roger F. Wicker; Robert P. Casey, Jr.; Mark Kirk; Ron Wyden; Benjamin L. Cardin.

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

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

Mr. DURBIN. Mr. President, I have been in the House and Senate for a number of years. After a while, we detect certain trends. One of the things I am wary of, having seen over the years the abuses associated with it, are these freight train bills that seem as though they are moving so fast, with big majority support—bills that oftentimes will pass one Chamber or the other and come roaring into the other Chamber and maybe pass too quickly and usually with regret.

At a later point someone stops and reflects and says: We went too far. We didn't read into this all the things that could occur. We should have taken a little more time because at the end of the day a lot of innocent people suffer.

The Senate historically has been the Chamber—I served in the House, but the Senate historically has been the Chamber that has, as George Washington characterized it, been the saucer that cools the tea. As I said, I served in the House of Representatives, and with elections every 2 years, as the Presiding Officer knows, many Members of the House move quickly on issues because here comes another election campaign and Members don't want to miss an opportunity. The Senate, with longer terms and a different set of rules, tries to be more deliberate—sometimes too deliberate, I might add, but at least has that charge under our Constitution.

The reason I am raising this point is we have a bill that is coming over from the House, and the Republican leader has been frantic to bring this bill to the Senate floor. It is characterized by the Republicans as a House jobs bill. It is, in fact, a bill which relates to startups, new businesses, and the regulatory requirements of these businesses. The bill basically exempts a large number of new startup companies from basic regulation.

I have a letter that I ask unanimous consent be printed in the RECORD, dated March 13 of this year, by Mary Schapiro who is the Chairman of the Securities and Exchange Commission.

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

SECURITIES AND EXCHANGE

COMMISSION,

Washington, DC, March 13, 2012.

Hon. TIM JOHNSON,

Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Hon. RICHARD C. SHELBY,

Ranking Member, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN JOHNSON AND RANKING MEMBER SHELBY: Last week, the House of Representatives passed H.R. 3606, the "Jumpstart Our Business Startups Act." As the Senate prepares to debate many of the capital formation initiatives addressed by H.R. 3606, I wanted to share with you my concerns on some important aspects of this significant legislation.

The mission of the Securities and Exchange Commission is three-fold: protecting investors; maintaining fair, orderly and efficient markets; and facilitating capital formation. Cost-effective access to capital for companies of all sizes plays a critical role in our national economy, and companies seeking access to capital should not be hindered by unnecessary or overly burdensome regulations. At the same time, we must balance our responsibility to facilitate capital formation with our obligation to protect investors and our markets. Too often: investors are the target of fraudulent schemes disguised as investment opportunities. As you know, if the balance is tipped to the point where investors are not confident that there are appropriate protections, investors will lose confidence in our markets, and capital formation will ultimately be made more difficult and expensive.

While I recognize that H.R. 3606 is the product of a bipartisan effort designed to facilitate capital formation and includes certain promising approaches, I believe that there are provisions that should be added or modified to improve investor protections that are worthy of the Senate's consideration.

DEFINITION OF EMERGING GROWTH COMPANY

The "IPO On-Ramp" provisions of H.R. 3606 provide a number of significant regulatory changes for what are defined as "emerging growth companies". While I share the view that it is important to reduce the impediments to smaller businesses conducting initial public offerings in the United States, the definition of "emerging growth company" is so broad that it would eliminate important protections for investors in even very large companies, including those with up to \$1 billion in annual revenue. I am concerned that we lack a clear understanding of the impact that the legislation's exemptions would have on investor protection. A lower annual revenue threshold would pose less risk to investors and would more appropriately focus benefits provided by the new provisions on those smaller businesses that are the engine of growth for our economy and whose IPOs the bill is seeking to encourage.

CHANGES TO RESEARCH AND RESEARCH ANALYST RULES

H.R. 3606 also would weaken important protections related to (1) the relationship between research analysts and investment bankers within the same financial institution by eliminating a number of safeguards established after the research scandals of the dot-com era and (2) the treatment of research reports prepared by underwriters of IPOs.

H.R. 3606 would remove certain important measures put in place to enforce a separation between research analysts and investment bankers who work in the same firm. The rules requiring this separation were designed

to address inappropriate conflicts of interest and other objectionable practices—for example, investment bankers promising potential clients favorable research in return for lucrative underwriting assignments—which ultimately severely harmed investor confidence. In addition, H.R. 3606 would overturn SRO rules that establish mandatory quiet periods designed to prevent banks from using conflicted research to reward insiders for selecting the bank as the underwriter. I am concerned that the changes contained in H.R. 3606 could foster a return to those practices and cause real and significant damage to investors.

In addition, the legislation would allow, for the first time, research reports in connection with an emerging growth company IPO to be published before, during, and after the IPO by the underwriter of that IPO without any such reports being subject to the protections or accountability that currently apply to offering prospectuses. In essence, research reports prepared by underwriters in emerging growth company IPOs would compete with prospectuses for investors' attention, and investors would not have the full protections of the securities laws if misled by the research reports.

#### DISCLOSURE, ACCOUNTING AND AUDITING MATTERS

H.R. 3606 would allow emerging growth companies to make scaled disclosures, in an approach similar to that currently permitted under our rules for smaller reporting companies, and would provide other relief from specific disclosure requirements, during the 5-year on-ramp period. While there is room for reasonable debate about particular exemptions included in the disclosure on-ramp, on balance I believe allowing some scaled disclosure for emerging growth companies could be a reasonable approach.

H.R. 3606, however, also would restrict the independence of accounting and auditing standard-setting by the Financial Accounting Standards Board ("FASB") and the Public Company Accounting Oversight Board ("PCAOB"). These provisions undermine independent standard-setting by these expert boards, and both the FASB and the PCAOB already have the authority to consider different approaches for different classes of issuers, if appropriate.

Moreover, H.R. 3606 would exempt emerging growth companies from an audit of internal controls set forth in Section 404(b) of the Sarbanes Oxley Act during the five-year on-ramp period. IPO companies already have a two-year on-ramp period under current SEC rules before such an audit is required. In addition, the Dodd-Frank Act permanently exempted smaller public companies (generally those with less than \$75 million in public float) from the audit requirement, which already covers approximately 60 percent of reporting companies. I continue to believe that the internal controls audit requirement put in place after the Enron and other accounting scandals of the early 2000's has significantly improved the quality and reliability of financial reporting and provides important investor protections, and therefore believe this change is unwarranted.

#### "TEST THE WATERS" MATERIALS

H.R. 3606 would allow emerging growth companies to "test the waters" to determine whether investors would be interested in an offering before filing IPO documents with the Commission. This would allow offering and other materials to be provided to accredited investors and qualified institutional buyers before a prospectus—the key disclosure document in an offering—is available.

There could be real value to permitting these types of pre-filing communications: it could save companies time and money, and

make it more likely that companies that file for IPOs can complete them. Indeed, there are some SEC rules that permit "test the waters" activities already. However, unlike the existing "test the waters" provisions, the provisions of H.R. 3606 would not require companies to file with the SEC and take responsibility for the materials they use to solicit investor interest, even after they file for their IPOs. This would result in uneven information for investors who see both the "test the waters" materials and the prospectus compared to those who only see the prospectus. In addition, as with the provisions relating to research reports, it could result in investors focusing their attention on the "test the waters" materials instead of the prospectuses, without important investor protections being applied to those materials.

#### CONFIDENTIAL FILING OF IPO REGISTRATION STATEMENTS

H.R. 3606 would permit emerging growth companies to submit their registration statements confidentially in draft form for SEC staff review. This reduction in transparency would hamper the staff's ability to provide effective reviews, since the staff benefits in its reviews from the perspectives and insights that the public provides on IPO filings. It also could require significant resources for staff review of offerings that companies are not willing to make public and then abandon before making a public filing. SEC staff recently limited the general practice of permitting foreign issuers to submit IPO registrations in nonpublic draft form because of these concerns, and expanding that program to all IPOs could adversely impact the IPO review program.

#### CROWDFUNDING

H.R. 3606 also provides an exemption from Securities Act registration for "crowdfunding," which would permit companies to offer and sell, in some cases, up to \$2 million of securities in publicly advertised offerings without preparing a registration statement. For the past several months, the staff has been analyzing crowdfunding, among other capital formation strategies, and also has discussed these strategies with the Commission's newly created Advisory Committee on Small and Emerging Companies.

I recognize that proponents of crowdfunding believe this method of raising money could help small businesses harness the power of the internet and social media to raise small amounts of very early stage capital from a large number of investors. That said, I believe that the crowdfunding exemption included as part of H.R. 3606 needs additional safeguards to protect investors from those who may seek to engage in fraudulent activities. Without adequate protections, investor confidence in crowdfunding could be significantly undermined and would not achieve its goal of helping small businesses.

For example, an important safeguard that could be considered to better protect investors in crowdfunding offerings would be to provide for oversight of the industry professionals that intermediate and facilitate these offerings. With Commission oversight, these intermediaries could serve a critical gatekeeper function, running background checks, facilitating small businesses' provision of complete and adequate disclosures to investors, and providing the necessary support for these small businesses. Commission oversight would further enhance customer protections by requiring intermediaries to protect investors' and issuers' funds and securities, for example by requiring funds and securities to be held at an independent bank or broker-dealer.

Investors also would benefit from a requirement to provide certain basic informa-

tion about companies seeking crowdfunding investors. H.R. 3606 requires only limited disclosures about the business investors are funding. Additional information that would benefit investors should include a description of the business or the business plan, financial information, a summary of the risks facing the business, a description of the voting rights and other rights of the stock being offered, and ongoing updates on the status of the business.

#### CHANGES TO SECTION 12(g) REGISTRATION THRESHOLDS

H.R. 3606 also would change the rules relating to the thresholds that trigger public reporting by, among other things, increasing the holder of record threshold that triggers public reporting for companies and bank holding companies. The current rules have been in place since 1964, and since that time there have been profound changes in the way shareholders hold their securities and in the capital markets.

Last spring, I asked our staff to comprehensively study a variety of capital formation-related issues, including the current thresholds for public reporting. At this point, I do not have sufficient data or information to assess whether the thresholds proposed in H.R. 3606 are appropriate. I do recognize that a different treatment may be appropriate for community banks that are already subject to an extensive reporting and regulatory regime.

#### RULEMAKING

H.R. 3606 requires a series of new, significant Commission rulemakings with time limits that are not achievable. For example, the rulemaking for the crowdfunding section has a deadline of 180 days, and it specifically requires the Commission to consider the costs and benefits of the rules. Given (1) that much of the data that would be used to perform such analyses is not readily available and (2) the complexity of such analyses, this time frame is too short to develop proposed rules, perform the required analyses, solicit public comments, review and analyze the public comments, and adopt final rules. I believe a deadline of 18 months would be more appropriate for rules of this magnitude.

I stand ready to assist Congress as it addresses these important issues. Please call me, at (202) 551-2100, or have your staff call Eric Spittler, Director of the Office of Legislative and Intergovernmental Affairs, at (202) 551-2010, should you have any questions or comments.

Sincerely,

MARY L. SCHAPIRO,  
*Chairman.*

Mr. DURBIN. The Securities and Exchange Commission is a Federal agency created under the administration of Franklin Delano Roosevelt after the Great Depression. When the stock market cratered in the Great Depression, Franklin Roosevelt stepped up and said: We need an agency that will oversee and regulate Wall Street so that people who would care to invest in American companies can have confidence they are investing in a company and a process that follows a rule of law. There will be transparency and disclosure by these companies on a regular basis, by formula, as to what they are earning, what they are losing, and what their assets may be.

That has continued for almost 80 years. The Securities and Exchange Commission has created in the process a credible market in the United States of America for the sale of equities and

securities. Now comes this bill from the House of Representatives, this so-called jobs bill, which wants to change that. They are suggesting when certain companies get started—startup companies—they be excused from requirements under the law from the Securities and Exchange Commission. The argument is that there is too much paperwork, too many regulations, and smaller startup companies can't get started because there are too many legal requirements.

Well, we first took a look at what they consider to be smaller companies getting started, and they define them as companies with \$1 billion a year in annual revenue—\$1 billion. Unfortunately, those who make over \$1 billion in revenue in a year comprise only about 10 percent of American businesses. That means by definition they are characterizing 90 percent of American businesses and startups as small businesses that need a special break when it comes to regulation.

So over the years we got into a debate—whether it is the regulation of banks or the regulation of these startup companies or those that are going public, selling securities—over the years we got into a debate about whether the government has gone too far. Are there too many rules? I am open to that suggestion. I think we should be open to it. If there is a way to protect the public and investors and still create businesses in this country that generate jobs, I want to hear about them and I want to support them. But too often we go too far. When we go too far and are not careful, some terrible things occur.

The letter I have now entered into the RECORD from Mary Schapiro of the Securities and Exchange Commission addresses this bill. She said:

While I recognize that H.R. 3606 is the product of bipartisan effort designed to facilitate capital formation and include certain promising approaches, I believe that there are provisions that should be added or modified to improve investor protections that are worthy of the Senate's consideration.

The administration has said they are open to the idea of changing some of these laws. What Mary Schapiro, the Chairman of the Securities and Exchange Commission, has suggested is that we put provisions in the bill in the Senate which will protect investors.

Yesterday I spoke about the testimony before the committee. I commend to my colleagues the statement of Professor John Coffee, Adolf A. Berle, professor of law from Columbia University Law School, at a hearing before the Senate Banking Committee on December 1, 2011.

Mr. President, I want my colleagues, many of whom have just seen a few press accounts of this bill, to consider carefully the statement made by Professor Coffee. He has analyzed this bill and raised some important questions about whether it goes too far.

I will be joining some of my colleagues in offering a substitute which

improves the law for startup companies but also makes certain that we protect investors and makes certain as well that at the end of the day we don't end up with egg on our faces. How many times has Congress been called on, when the private sector runs amok, goes too far, and starts failing in every direction, to bail them out? We saw it most graphically with the bailout of the major banks not that many years ago. We have seen it in the past with the bailout of the savings and loan industry. We have seen it happen time and time again.

Who ends up holding the bag when government regulation is not adequate to make sure people don't go overboard? The American taxpayers. They end up holding the bag, not to mention innocent victims along the way.

I understand we have to change the law, but I am hoping we can change it in a constructive way. Opening the sale of stocks and securities to everyone who can pull up a chair and open a laptop is not in the best interests of investors across America. It is certainly not in the best interests of many Americans who would find themselves losing their life's savings and any investment funds they might have in the process. Making certain the people who sell these stocks are, in fact, registered and credible; making certain the statements they make can be backed with hard evidence as opposed to a promise; and making sure, as well, that we have, in the process of business undertaking, the safeguards in place so there will not be excessive—as I said yesterday—irrational exuberance that leads to the failure of any marketplace or securities—that, to me, is the best thing we can achieve.

I think these two items to which I have referred—both from Mary Schapiro, Chairman of the Securities and Exchange Commission, as well as Professor Coffee—establish the case for being careful. Let's not jump on this freight train and watch it as it plows into a barricade. Let's make certain that what we do is thoughtful, that it does engender economic growth but not at the expense of the integrity of America's financial markets or at the expense of innocent investors.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The senior Senator from Minnesota is recognized.

#### ORDER OF PROCEDURE

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that Senators be permitted to speak as in morning business for the next 90 minutes, with the majority controlling the first 45 minutes—with Senators permitted to speak therein for up to 10 minutes each—and the Republicans controlling the final 45 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

Ms. KLOBUCHAR. Madam President, I am honored to be here today with the

women Senators to talk about the reauthorization of the Violence Against Women Act—a law that has a history of passing this Chamber with broad bipartisan support.

I would note that there are many authors of this bill—I think up to something like 58 authors currently—and the women who are speaking today include myself and Senators FEINSTEIN, HAGAN, MURKOWSKI, SHAHEEN, MURRAY, and BOXER. Also sponsoring the bill are Senators COLLINS, SNOWE, MCCASKILL, GILLIBRAND, CANTWELL, LANDRIEU, MIKULSKI, and STABENOW. The bill is led by Senator LEAHY and Senator CRAPO. So we are here today to pledge our support for this bill and to ask our colleagues to move forward with this bill.

The Violence Against Women Act was a landmark bill when it first became law back in 1994. Back then, it started a sea change in attitudes about violence against women, and it sent a strong message to the country saying that sexual assault and domestic violence are serious offenses that will not be tolerated. We heard that message loudly and clearly in my State, and I am proud to say that our State has always had a strong tradition of standing against these crimes. In fact, no conversation in our State about domestic abuse would be complete without mentioning former Senator Paul Wellstone and his wife Sheila, whom we miss dearly. The Wellstones put so much time and energy into bringing these issues out of the shadows and taking a subject that many people considered at the time a “family matter” and saying: You know what, domestic violence is not something we can just sweep under the rug; it is a crime. It hurts families, it hurts children, and we are going to do something about it.

While I led the prosecutor's office in Hennepin County, MN, for 8 years, we put a lot of focus on the victims' needs and particularly the children's needs in domestic violence cases because it does not take a bruise or a broken bone for a child to be a victim of domestic violence. Kids who witness domestic violence are victims too. In fact, we had a poster on the wall in our office. It was a poster of a woman with a bandaid on her nose, holding a baby, and it said: Beat your wife and your kid will go to jail. Do you know why? The statistics show that kids who grow up in violent homes are 76 times more likely to commit acts of domestic violence themselves. It is a sobering number, and overall the statistics for these kinds of crimes are staggering. More than one in three women in the United States have experienced rape, physical violence, or stalking by an intimate partner in their lifetime. Every year, close to 17,000 people lose their lives to domestic violence.

So, once again, this is not just a family matter, this is a matter of life and death—and not just for the victims but oftentimes for the law enforcement officers who are all too often caught in the line of fire. I have seen this in my

own State. In fact, I saw it just a few months ago when I attended the funeral of Shawn Schneider, a young police officer in Lake City, MN.

Officer Schneider died after responding to a domestic violence call. A 17-year-old girl was being abused by her boyfriend. When Officer Schneider arrived at the scene, he was shot in the head. He literally gave his life to save another. I attended his funeral, and I still remember those three little children—the two boys and the little girl with the blue dress with stars on it—going down that aisle of the church. When you see that, you realize that the victims of domestic violence are not just the immediate victims, it is an entire family, it is an entire community.

We know all too well just how devastating domestic violence and sexual violence can be to victims, as well as to entire communities, which is why it was such a good thing that 6 weeks ago we passed a VAWA reauthorization bill out of the Judiciary Committee and that the bill has the support of 58 Senators, including 6 Republicans. I am glad this bill has continued to attract bipartisan support. I wish it was unanimous. Just 7 years ago, in fact, the reauthorization bill passed the House by a vote of 415 to 4, and it passed the Senate by unanimous consent with 18 Republican cosponsors. I know this year some of my Republican colleagues on the Judiciary Committee are not supportive of this bill, but it is my hope that while they may disagree with the bill, they will not stop this bipartisan bill from advancing. Combating domestic violence and sexual assault is an issue on which we should all be able to agree.

Many of the provisions in the reauthorization bill made important changes to current law. The bill consolidates duplicative programs and streamlines others. It provides greater flexibility in the use of grant money by adding more “purpose areas” to the list of allowable uses. It has new training requirements for people, providing legal assistance to victims. And it takes important steps to address the disproportionately high domestic violence rates in Native American communities.

The bill also fills some gaps in the system, and I am pleased to say it includes legislation I introduced with Senator KAY BAILEY HUTCHISON to address high-tech stalking—cases where stalkers use technology such as the Internet, video surveillance, and bugging to stalk their victims. The bill will give law enforcement better tools for cracking down on stalkers. Just as with physical stalking, high-tech stalking may foreshadow more serious behavior down the road. It is an issue we need to take seriously. We need the tools for our law enforcement to be as sophisticated as what is used by those who are breaking the law.

I know Senator FEINSTEIN is coming soon, and we have a number of women who are going to be speaking today. I

want to remind everyone in this Chamber that domestic violence takes its toll. One of the most memorable cases I had was when our office prosecuted the case of a woman who was killed in Eden Prairie, MN. She was a Russian immigrant. Her husband was a Russian immigrant. They did not have many friends in the community. She was fairly isolated. She was most likely a domestic violence victim for many, many years. Well, one day this man killed his wife. He then took her body parts down to Missouri. He left some of the body parts there. And the entire time, he had their 4-year-old daughter in the car with him. He then drove back to Minnesota and confessed to the crime.

When they had the funeral, there was only me, our domestic violence advocate, the grandparents who had come from Russia, and this woman's identical twin sister. What had happened at the airport when they arrived was that this little 4-year-old girl—who had never seen her aunt, who had never seen her mother's identical twin sister—ran down that hallway when she saw her aunt for the first time and hugged her and said: Mommy, mommy, mommy, because she thought her mom was back.

It reminds us all that domestic violence is not just about one victim; it is about children, it is about family, and it is about a community.

We all know this bill has always enjoyed broad bipartisan support. The women of the Senate know it. There are already three Republican women on this bill and many others, I hope, to come. We believe in this bill. We ask our colleagues to support this bill.

I see my colleague Senator FEINSTEIN is here. I know as a member of the Judiciary Committee—she and I are the only two women members of the Senate Judiciary Committee—she has taken a lead on this issue for many, many years.

Thank you very much, Madam President.

I yield the floor.

THE PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I thank the Senator from Minnesota for her remarks. For a long time, I had been the only woman on the Judiciary Committee, and I am just delighted that she is there as well and that we share the same point of view with respect to this bill.

I rise today to urge the Republican leadership of the Senate to allow this piece of legislation that protects American women from the plague—and it is a plague—of domestic violence, stalking, dating violence, and sexual assault to come to the floor of this Senate for a vote.

I was in the Judiciary Committee, and I voted for the original Violence Against Women Act. It was authorized for 6 years. We reauthorized it. It served another 6 years. And now the bill is up for reauthorization. It came

out, surprisingly, from the Judiciary Committee on a split vote. Unfortunately, that was a party-line vote. I might say, I was stunned by this vote because never before had there been any controversy—in more than a decade and a half, in all of this time—about this bill.

This act is the centerpiece of the Federal Government's effort to combat domestic violence and sexual assault, and it has positively impacted the response to these crimes at the local, State, and Federal levels, and I hope to show this.

The bill authorizes a number of grant programs administered by the Departments of Justice and Health and Human Services to provide funding for emergency shelter, counseling, and legal services for victims of domestic violence, sexual assault, and stalking.

As a matter of fact, I was thinking last night, when I was mayor of San Francisco back in the early 1980s, I started the first home for battered women, which is La Casa de las Madres. We were able to fund it because it was such a critical need. Women being battered had no place to go and therefore, often stayed in the home where they were battered again and again.

This bill also provides support for State agencies, rape crisis centers, and organizations that provide services to vulnerable women.

American women are safer because we took action. Today, more victims report incidents of domestic violence to the police, and the rate of nonfatal partner violence against women has decreased by 53 percent since this bill went into effect in 1994. These figures are from the Department of Justice. So here we have a 53-percent decrease in the rate of nonfatal partner violence.

The need for the services was highlighted in a recent survey by the Centers for Disease Control and Prevention, which found that, on average, 24 people per minute are victims of rape, physical violence, or stalking by an intimate partner in the United States—24 a minute by an intimate partner in the United States. Over the course of the year now, that equates to more than 12 million women and men.

In California, my State, 30,000 people accessed crisis intervention services from one of California's 63 rape crisis centers in 2010 and 2011. These centers primarily rely on Federal Violence Against Women Act funding—not State funding—to provide services to victims in communities.

In 2009 alone, there were more than 167,000 cases in California in which local, county, or State police officers were called to the scene of a domestic violence complaint. Madam President, 167,000 cases—that is many.

Despite the fact that the underlying bill has 58 cosponsors from both parties, not a single Republican member of the Judiciary Committee voted to advance the legislation.



Now, the bill that came out of Judiciary does have some changes, and I want to talk about them for a moment. It creates one very modest new grant program. It consolidates 13 existing programs. It reduces authorization levels for all other programs by nearly 20 percent. And the savings—17 percent. The bill is reduced in cost by 17 percent. That is \$136 million. It encourages effective enforcement of protective orders. That is a big problem. Women get protective orders, and they are violated because they are not enforced. And it reduces the national backlog of untested rape kits. It is a real problem if a jurisdiction cannot test a rape kit.

Yet there are some who refuse to support it because it now includes expanded protections for victims. Let me put this on the table. The bill's protections extend to lesbian and gay victims of domestic abuse. It includes undocumented immigrants who are victims of domestic abuse. The bill also gives Native American tribes better prosecutorial tools to fight crimes of domestic violence. In my view, these are improvements. Domestic violence is domestic violence.

I ask my friends on the other side, to the victim in a same-sex relationship, is the violence any less real, is the danger any less real because you happen to be gay or lesbian? I do not think so. If a family comes to the country and the husband beats his wife to a bloody pulp, do we say: "Well, you are illegal. I am sorry. You do not deserve any protection?" No, we do not. And 9-1-1 operators and police officers do not refuse to help victims because of their sexual orientation, or the country in which they were born, or their immigration status. When you call the police in America, they come regardless of who you are.

The Violence Against Women Reauthorization Act of 2011 is supported by 50 national religious organizations, including the Presbyterian Church, the Episcopal Church, the Evangelical Lutheran Church, the National Council of Jewish Women, the National Council of Catholic Women, the United Church of Christ, and the United Methodist Church.

I go back to my days as mayor of San Francisco when I saw over and over again, up close and personal, what happens because of domestic violence. I saw police getting killed when they intervened in situations involving domestic violence. We had a number of funerals for police officers in Oakland which I attended. It all stemmed from domestic violence.

To defeat this bill is almost to say that we do not need to consider violence against women, that it is not an important issue. It is. It is not a partisan issue. It never has been in this body, which is why, candidly, I am surprised I find myself on the floor urging that this bill be brought to the floor, because it has been historically, through two reauthorizations, and is a bipartisan bill.

You can't help but notice that this is not the first time a policy which would specifically imperil the health and safety of American women has compelled some of us to come to this floor and speak out on behalf of American women.

I hope that opposition to this bill is not part of a march, and that march, as I see it, over the past 20 years has been to cut back on rights and services to women. And I mean that most sincerely. I have never seen anything like it. When I came here, there were discussions about *Roe v. Wade*. When I first went on the Judiciary Committee, which was in 1993, I heard it. There were debates over Supreme Court opinions—Casey, et al.—and then there were debates over partial abortion. Then this year we fought against the Blunt amendment which would have effectively allowed employers to arbitrarily decline to provide critical preventive health care services for women.

You know, we had to fight for the simplest things. I think young women forget that it took until 1920 for women to get to vote in this country. It was only because women fought for it. And we have fought since the country was established for the right to vote, for the right to inherit property, for the right to go to school. Now we fight for our rights to have sufficient services from the government with respect to our health.

Now I am here to fight for a bill that strengthens laws and protects women against domestic violence and sexual assault. To me, this bill is a no-brainer. It has the support of both sides of the aisle. It is bipartisan. It saves lives. It is a lifeline for women and children who are in distress, who have no place to go or to stay and have to submit to domestic violence abuse. And no one can say I am exaggerating. Trust me, I have seen it. I have seen the bruised bodies up close and personal.

This bill has reduced the number of domestic assaults on women. The record indicates that. It should be continued. It is a no-brainer. I hope it is brought to the floor. I hope we maintain a bipartisan vote. I hope it is reauthorized.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Thank you very much. We have now been joined by the Senator from Washington Mrs. MURRAY, who has spent a long time fighting for domestic violence bills.

Mrs. MURRAY. I thank my colleague from California, Senator FEINSTEIN, for her longtime advocacy, and our colleague from Minnesota, Senator KLOBUCHAR, for leading the effort to reauthorize this critically important bill to protect women in this country from violence.

I was very proud to be here with the Senator from California back in 1994 when we first passed the Violence Against Women Act, or VAWA, as we call it. We created a national strategy

for dealing with domestic violence, and since we took that first historic step, VAWA has been a great success in coordinating victims' advocates, social service providers, and law enforcement professionals to meet the immediate challenges of combating domestic violence.

This law has helped provide life-saving assistance to hundreds of thousands of women and their families. It has been supported by Democrats and Republicans, along with law enforcement officers, prosecutors, judges, victim service providers, faith leaders, health care professionals, advocates, and survivors. VAWA has attained such broad support for one reason: It has worked. Since it became law 18 years ago, domestic violence has decreased by 53 percent. And while incidents have gone down, reporting of violence and abuse has gone up. More victims are finally coming forward and more women and families are getting the support and the care they need to move themselves out of dangerous situations. As a result of the language in this law, every single State has made stalking a crime. They have all strengthened criminal rape statutes.

We have made a lot of progress since 1994, but we still have a long way to go. Every single minute, 24 people across America are victims of violence by intimate partners—more than 12 million people a year—and 45 percent of the women killed in this country die at the hands of their partner. In 1 day last year, victims of domestic violence made more than 10,000 requests for support and services that could not be met because the programs did not have the resources.

That is why I was so proud to cosponsor and strongly support the Violence Against Women Reauthorization Act, and that is why I join my colleagues today in proudly expressing our hope that we can move this critical legislation when possible. This is a bipartisan bill which will advance our efforts to combat domestic violence, dating violence, sexual assaults, and stalking. It will give our law enforcement agencies the support they need to enforce and prosecute these crimes. It will give communities and nonprofits the much needed resources to support victims of violence and, most important, to keep working to stop violence before it ever starts.

This bill was put forward in a bipartisan fashion. It is supported by hundreds of national and local organizations that deal with this issue every day. It consolidates programs to reduce administrative costs. It adds accountability to make sure tax money is well spent. It is building on what works in the current law, improves what does not, and will help our country continue on the path of reducing violence toward women.

It should not be controversial. We reauthorized this law last time here in the Senate unanimously by voice vote, and President Bush signed it into law

with Democrats standing there with him. So I am hopeful that the bipartisanship approach to this issue continues today as we work to reauthorize this law once again because this should not be about politics. Protecting women against violence should not be a partisan issue.

I thank the Democrats and Republicans who worked together to write this bill. I am very glad it passed through committee. I stand ready to support this bill when it comes to the floor, and I truly hope we can get it to President Obama for his signature in a timely fashion so women and families across this country can get the resources and support this law will deliver.

Finally, many of us women have come to the floor so many times over the last few weeks to fight back against attempts to turn back the clock when it comes to women's health care, as the Senator from California just talked about. I am disappointed that these issues keep coming up, but I know I stand with millions of men and women across America who remain ready to defend the gains we have made over the last 50 years and who think we should be moving forward, protecting and supporting more women and families, and not moving backward. That is what this bill does.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from North Carolina.

Mrs. HAGAN. Madam President, I thank our Presiding Officer for bringing this forward, and the comments from the Senator from Washington and the Senator from California are really highlighting the issues we are talking about.

I am proud to join my colleagues to support the Violence Against Women Reauthorization Act. I stand here today during National Women's History Month to urge my colleagues to take swift action on a bill that is critical to the well-being of women, our families, and our country.

As Hillary Clinton declared more than 15 years ago in Beijing at the Fourth World Conference on Women, "Human rights are women's rights, and women's rights are human rights. If we take bold steps to better the lives of women, we will be taking bold steps to better the lives of children and families too."

It is disheartening in the last several months that petty partisanship and gamesmanship have held up policies critical to women's health, including this act. Since its original passage in 1994, the bill has made tremendous progress in protecting women from domestic violence, sexual assault, and stalking. The bill has transformed our criminal justice system and victim support services. It has encouraged collaboration among law enforcement, health and housing professionals, and community organizations to prevent and respond to domestic partner vio-

lence. It has funded programs such as services-training-officers-prosecutors grants, or STOP grants, which are used to provide personnel, training, technical assistance, and other equipment to better apprehend and prosecute individuals who commit violent crimes against women.

Unfortunately, until Congress takes action on the Violence Against Women Reauthorization Act, the well-being of women across our country hangs in the balance. I see this as a serious lapse in our responsibility as Senators. As a mother of two daughters, I am here to tell you that this reauthorization cannot wait.

The rate of violence and abuse in this country is astounding and unacceptable. According to a 2010 CDC survey, domestic violence alone affects more than 12 million people each year. In the year leading up to the CDC study, 1.3 million women were raped. And this study showed these women are severely affected by sexual violence, intimate partner violence, and stalking, with one in four women falling victim to severe physical violence by an intimate partner. Domestic violence also has a significant impact on our country's health, costing our health care system alone over \$8.38 billion each year.

The reauthorization of this act strengthens and streamlines crucial existing programs that really protect women. In fact, title V of the reauthorization includes a bill that I sponsored titled "Violence Against Women Health Initiative," and this legislation consolidates three existing health-focused programs, while strengthening the health care system's response to domestic violence, dating violence, sexual assault, and stalking. This initiative fosters public health responses to domestic violence and sexual violence. It provides training and education to help health professionals respond to violence and abuse, and it supports research on effective public health approaches to end violence against women.

Since my time in the North Carolina State Senate, where I served 10 years, I have been dedicated to combating violence against women. While I was a State senator, I led the effort to ensure that local law enforcement tested rape kits to convict the perpetrators of sexual assault. It was astounding to me to discover that after a woman had been raped and she had an examination where DNA was collected, that rape kit test would actually sit on a shelf in a sheriff's office or police station and would not be analyzed. Sadly, the evidence would only be analyzed if a woman could identify her attacker. What other victims in America have to identify their attacker before law authorities will take action?

When I first discovered this and brought it up, I was told there was not enough money for every rape kit to be tested. We soon found the money. But there are States today that still have these rape kits sitting on shelves unanalyzed.

For all the progress we have made, combating violence against women must continue to be a priority and must be a priority in every State in the country.

As I take the floor in support of the Violence Against Women Reauthorization Act, it is fitting to recognize one of our fiercest advocates for women's rights—my colleague and mentor Senator BARBARA MIKULSKI, who, on Saturday, will become the longest serving female congressional Member in history.

For more than 35 trailblazing years, Senator MIKULSKI has been a strong and unwavering voice for women, families, and the people of Maryland. She shepherded through the Lilly Ledbetter Act, which helps ensure that no matter your gender, race, religion, age, or disability, one will receive equal pay for equal work. She fought tenaciously for her important amendment to the health care reform legislation, ensuring that women's preventive care would be covered with no added out-of-pocket expense.

I thank Senator MIKULSKI for her mentorship, her leadership, and her fierce advocacy for women's rights. I look forward to continuing to work alongside Senator MIKULSKI and my colleagues to promote policies that support our women, our children, and our families and put them on a path to a brighter future. The Violence Against Women Reauthorization Act is central to that goal, and I urge my colleagues to take up this bill and pass it without delay.

I yield the floor.

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

Ms. KLOBUCHAR. Madam President, we have now been joined by Senator MURKOWSKI of Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Madam President, I am proud to be able to stand to speak about the Violence Against Women Act, joining with some of my colleagues on the floor.

This is legislation I have supported in the past and look forward to supporting again. As we talk about those issues women care about, it is no surprise to most that we are talking about what is happening with the price of gas or the cost to fill the car tank and we are talking about the quality of our children's education and we are talking about the Postal Service in Alaska. We had a military townhall, and I met with some military spouses. They were quite concerned that some of the facilities they access are perhaps in jeopardy. We care about the security of our jobs and our spouses' jobs, and our friends' and neighbors' jobs and all that goes into working in a small business. We certainly care about our country's fiscal situation and the very dire situation we are in.

There is something else we all care about, which is the violent assaults women often endure—sisters, daughters, neighbors. The Violence Against



Women Act is an important commitment to victims of domestic violence and sexual abuse. This is a promise that resources and expertise are available to prosecute those who would torment them. Also, it is a reason to believe that one can actually leave an abusive situation and transition to a more stable one. It is of the greatest importance that victims of domestic violence and sexual assault are confident there is a safety net available to address them and their immediate survival needs, as well as the needs of their children. Only on this level of confidence can one muster the courage to leave an abusive situation. These are some of the promises that are contained within the Violence Against Women Act.

There are additional reasons I feel as strongly as I do about the reauthorization of this act which relate to the safety of the people in Alaska. Unfortunately, as beautiful as the State is that I live in, our statistics as they relate to domestic violence and sexual assault are horrific. They are as ugly as they come.

Nearly one in two Alaskan women has experienced partner violence. Nearly one in three has experienced sexual violence. Overall, nearly 6 in 10 Alaskan women have been victims of sexual assault or domestic violence. In Alaska, our rate of forcible rape between 2003 and 2009 was 2.6 times higher than the national rate. Unfortunately, very tragically, about 9 percent of Alaskan mothers reported physical abuse by their husbands or partner during pregnancy or in the 12 months prior to pregnancy.

We have to do all we can to get a handle on these tragic statistics. As we know, they are more than just statistics; these are the lives of our friends, our neighbors, and our daughters. The Violence Against Women Act presents the tools to do so. In the villages of rural Alaska, oftentimes, victims of sexual abuse and domestic violence face some pretty unique challenges. Many of these villages have no full-time law enforcement presence whatsoever—nobody to turn to, no safe house, no place to go. A single community health aid must tend to every crisis within the community, including caring for victims of sexual assault and domestic violence. Oftentimes, they don't have the tools they need—the rape kits, the training.

Oftentimes, we will have a situation where weather can be an impediment to getting the victim on a plane and to a rural hub. In most of my communities—80 percent of them—there is no road out, no way to get out. If someone has been violated, and there is no law enforcement or shelter or nowhere to go, what do they do? Basically, the victim is stranded in their own community with the perpetrator for, potentially, days before help can arrive.

The Violence Against Women Act is a ray of hope for those victims of domestic violence and sexual assault within

our villages. It devotes increased resources to rural and isolated communities, and it recognizes Alaska's Village Public Safety Officer Program as law enforcement so VAWA funds can be directed to providing a full-time law enforcement presence in places that currently have none. It establishes a framework to restart the Alaska Rural Justice and Law Enforcement Commission, which is an important forum for coordination between law enforcement and our Alaska Native leaders to abate the scourge of domestic violence and sexual assault.

I too believe the Senate needs to take up the Violence Against Women Act. I do feel strongly that we need to do it on a bipartisan basis. I am a cosponsor of the bill. Some of my colleagues do have some concerns. I have said we need to take these concerns into account so we can have—and we should have—an overwhelmingly bipartisan bill. This is too important an issue for women and men and families to not address it.

I know others wish to speak. I appreciate the indulgence of my colleagues.

Ms. KLOBUCHAR. Madam President, we thank the Senator from Alaska. How much time remains?

The PRESIDING OFFICER. Five minutes.

Ms. KLOBUCHAR. Madam President, I will yield our remaining time to Senators MIKULSKI and SHAHEEN.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I strongly urge that the Violence Against Women Act come up on the floor so we can look at the issues and debate them in an open and public forum. If people have amendments to either add or subtract from the bill or improve the bill, let's do it because this is a compelling situation.

I have been here since we passed the first bill in 1994. The original architect of it was Senator JOE BIDEN, who is now our Vice President. Why did we do it? It is a compelling need. One in four women will be the victim of domestic violence; 16 million children are exposed to domestic violence each year; 23 million will be a victim of physical or sexual violence—20,000 in my State of Maryland.

Since we created the legislation in 1994, the national hotline has received over 1 million calls when women felt they were in danger. So those 1 million people had a chance of being rescued. Who has the biggest request for passing the Violence Against Women Act? It is not only the women of America; it is also local police. One out of four police officers killed in the line of duty is responding to domestic violence calls. When they go to a home, they have a checklist to determine how dangerous the situation is. Is it simply a spat or a dispute or are they in a danger zone?

We debate big issues—war and peace, the deficit, and all these are important—but we have to remember our communities and our families. I think

if someone is beaten and abused, they should be able to turn to their government to either be rescued and to put them on a safe path and also to have those very important programs early on to do prevention and intervention. We fund this bill. I stand ready to support the passage of the bill and putting the money in the checkbook to support it.

I will leave time now for other Senators. I will yield the floor, but I will not yield on this issue.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am pleased to join my colleagues on the floor to support this crucial legislation to reauthorize the Violence Against Women Act. It provides essential services to women and families across the United States.

I have seen in my home State of New Hampshire where one program I wish to talk about funds Services, Training, Officers, and Prosecutors. It is called STOP. It provides law enforcement the tools they need to combat domestic violence. This was a lifesaving service for a woman named Kathy, who was in an abusive relationship for 6 years.

Kathy was being abused as often as twice a week, frequently leaving her with black eyes and bruises. Once her partner Mark threw her down the stairs. Things worsened after the couple had their house foreclosed on. One day, Mark grabbed Kathy by the throat, lifted her off the floor and dropped her and began punching her again and again in front of their 3-year-old child. That was the last straw.

Kathy finally mustered the courage to contact a friend who helped her call the local police. Kathy obtained a temporary domestic violence restraining order and Mark was charged with assault.

As is often the case, the criminal and civil procedures overwhelmed and frustrated Kathy. At times, she even considered dropping the whole thing. But, fortunately, funding from the Violence Against Women Act made it possible for Kathy to have an attorney who could help her. Thanks to this assistance from STOP and the Violence Against Women Act, Kathy was able to obtain sole custody of her children, as well as support payments, and ultimately she was able to make a fresh start, free from abuse.

Some critics of this legislation have said that the Violence Against Women Act "has done little or no good for real victims of domestic violence." They have said that these funds "have been used to fill feminist coffers and to lobby for feminist objectives." I think Kathy would disagree.

This body should not be divided on this issue, and I am so pleased that Senator MURKOWSKI has joined us today. Ending the horrific, degrading and painful cycle of domestic abuse is an effort that must transcend party affiliation.

We know these programs work, and I know that we have a strong and effective leader in Susan Carbon, who is a former judge and now the Director of the Office of Violence against Women at the U.S. Department of Justice. Susan Carbon is from New Hampshire and in my time as Governor of New Hampshire, I was privileged to have Susan as a member of the Governor's Commission on Domestic and Sexual Violence, and she chaired our Domestic Violence Fatality Review Committee.

Susan has been in the trenches. She has seen what happens when women are unable to obtain help for themselves and for their families, and she knows that VAWA helps save lives. She needs these essential programs to be reauthorized as quickly as possible in order to continue her great work.

There are too many victims who need our help. It is time to tell them, "We hear you and we know you're out there even if you're not speaking up right now. We want to help you find your voice." We have the chance to make a difference, and the American people are depending on us to act.

Madam President, I urge the leaders to bring the Violence against Women Reauthorization Act to the floor, and I implore my colleagues to unite around this important effort.

This body should not be divided on this issue. As I said, I am so pleased to have Senator MURKOWSKI join us on the Senate floor today to point out that this is a bipartisan issue.

The PRESIDING OFFICER. The majority's time has expired.

The Senator from California.

Mrs. BOXER. Madam President, it is hard to believe we are having this debate about protecting women from violence in 2012, but we are.

But then again, we have spent much of this year fighting attempts to limit women's access to contraception and preventive healthcare; we have seen a woman called names for fighting for women's health.

Here we are again on the floor because the women of the Senate are not going to stop standing up and speaking out to protect the health and lives of women in our country.

Let's be clear: The Violence Against Women Act has always been bipartisan. It has always had overwhelming support.

And I would know. In 1990, then-Senator JOE BIDEN came to me and asked me to be the House author of his bill, the Violence Against Women Act. At that time, violence against women was a silent epidemic and I was so grateful that he asked me to help bring this issue out of the shadows.

It was a slow but steady path to victory, and by the time it passed as part of the 1994 crime bill, I was a member of the Senate, proudly working by Senator BIDEN's side to get the votes we needed. It was one of my most memorable moments in the Senate. We finally had a law to help local law enforcement and the legal system combat

violence against women and provide essential services for women struggling to rebuild their lives.

The results have been breathtaking. Since the Violence Against Women Act became law, incidents of domestic violence have decreased 53 percent, reporting of domestic violence has increased as much as 51 percent, and more victims are coming forward and getting life-saving help. One survey found that more than 67,000 victims were served by domestic violence programs—on one day alone.

So it was no surprise that in 2005 the Senate voted unanimously to reauthorize this important law. Not one Senator objected to its passage. It has always been bipartisan. So why the change now?

After all these years, after all the victims who have been helped and the criminals who have been prosecuted, why on Earth are some Republicans holding this up? What is it about this bill that they suddenly don't like?

Is it the funding for shelters to protect women from harm, abuse, even death? Do they object to provisions that ensure that abusive spouses will be arrested after committing family violence? Do they object to measures that declare that all people in the United States should have the same right to be free from crimes of violence motivated by gender? Do they oppose safety provisions that protect women on public transit and in public parks? Do they object to the fact that the bill consolidates programs within the VAWA office—reducing administrative costs?

It is hard to imagine that anything other than politics is at work here—and victims of domestic violence deserve better.

The women of America are watching us. They expect all of us—men, women, Democrats, Republicans and independents—to come together as we have before to stop domestic violence, to punish the perpetrators and help the victims rebuild their lives.

The PRESIDING OFFICER. The Senator from Arizona.

#### JOBS ACT

Mr. KYL. Madam President, let me return to the pending business before the Senate—the JOBS Act. At the same time, when millions of Americans are looking for work, we have an opportunity to do something in a bipartisan way that will actually help job creators and entrepreneurs.

Despite all the hype about economic improvements, we are still experiencing the slowest and weakest recovery since the Great Depression. More than 45 million Americans are on food stamps. Unemployment has been higher than 8 percent for 3 years. There are 700,000 fewer jobs today than when President Obama took office. I repeat: 700,000 fewer jobs today. On top of that, of course, gas prices are skyrocketing.

As I noted on Monday, I believe the President is painting a too rosy picture of the economy when he is out cam-

paigning. He stated there have been 24 consecutive months of private sector job growth. But I would like to note how the numbers tell a different story. Economists generally agree that for employment to just hold even, about 150,000 jobs need to be created each month in order to employ the new people, the new entrants, into the job market or the workforce, and these include people such as those who have recently graduated, those who have concluded military service or other family obligations. Again, about 150,000 each month need to be created just to stay even.

The logical question to ask is, How many of the last 24 months saw a job growth above 150,000? The answer is, only 10 of those 24 months. In other words, job creation has been high enough to keep pace with the new force entrants only 10 months out of the last 2 years. In fact, private sector job creation was actually lower this last February than it was in January. This is according to a chart on the President's own campaign Web site.

So we clearly need better public policy to put people back to work—legislation that will actually spur job creation. Practically every bill that has come to the floor in the last 3 years has been labeled a jobs bill, but to an Orwellian effect. Even bills such as ObamaCare and Dodd-Frank, which imposed massive new costs on businesses, were called jobs bills by their supporters. But, finally, with the JOBS Act now pending, we have a rare occasion to pass a bill that Republicans and Democrats agree will help create jobs.

The House overwhelmingly passed the bill 390 to 23—majorities in both parties, and the President has issued a Statement of Administration Policy endorsing the legislation. So this is something we should move forward with. The JOBS Act will demonstrate to entrepreneurs and job creators that we value what they do, that we want to make it easier for them to innovate, to gain access to capital to grow and to lift others up as they become more successful.

America has many dynamic companies and fast-growing businesses with the potential to create many more. The people behind successful companies are driven by the satisfaction that comes from creating and innovating and solving problems, and in many cases they are making products or providing services that improve our quality of life. This is a good thing. It deserves our support.

Good public policy—hurdles to opportunity, on the other hand—can help people accomplish their goals, and this bill will help to solve some of this by getting those hurdles out of the way. For example, the JOBS Act will help to cut some of the redtape that burdens startup companies. One of the best overhauls is a reduction in the costly regulatory burdens contained in the infamous Sarbanes-Oxley section 404(b) accounting rules. Reducing this burden means growing companies can spend

less time on paperwork and more time on raising capital and growing their businesses. These are companies that have the potential to be the next Groupon, Yelp, or LinkedIn—three companies that didn't exist a decade ago and all of which recently had initial public offerings.

Here is what the Chamber of Commerce had to say in support of the House-passed bill.

The JOBS Act would enhance capital formation needed to build new businesses, expand existing businesses and create jobs. . . . [It] would put into place several important and in some cases overdue reforms that would incentivize initial public offerings (IPOs).

Part of the beauty of this bill is we don't even know who will benefit from its policy reforms. It applies to everybody. It is the opposite of the crony capitalism that provided government funds to companies such as Solyndra and General Motors. Indeed, this is legislation that will demonstrate what the private sector can do when government promotes freedom and opportunity. It will show we don't need government to try to create jobs or make ham-fisted attempts to play venture capitalist.

Because this is such good bipartisan legislation, it is deeply troubling to hear it is being stalled right here in the Senate. The front-page headline of the Congressional Quarterly this morning reads: "Democrats Move to Slow 'Jobs' Bill."

The article notes that passage appears unlikely this week as Democrats try to add controversial provisions to the bill which do not have broad bipartisan support.

If this bill does not pass, or if the Senate Democrats add poison pills, it will be quite obvious this is part of a broader political strategy—one that relies on a "do-nothing Congress." That is the campaign theme the President has been running on.

If Congress actually does something in a bipartisan way that helps many Americans, well, it will undermine his narrative. He is relying on congressional dysfunction to keep that narrative going, and that is why we have to rise above it.

Yes, this is a cynical conclusion, but if this bipartisan bill is derailed, it will be hard to draw any other. It was our understanding, when we all agreed to go to the bill, it would be considered under regular order. This bill is too important to play procedural games, such as filing cloture and filling the parliamentary tree and the like.

I urge my colleagues not to stall this bill or to jeopardize its passage with partisan provisions. Let's get this bill to the President's desk. Our first priority should be helping Americans get jobs, not strategizing to save the President's job.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak as in morning business for 12 minutes.

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

SUNSHINE WEEK

Mr. GRASSLEY. Madam President, this is Sunshine Week—a week that is observed annually to point out the public's business ought to be public and that government, except in the cases of national security, should be open to public inspection. This week coincides with the birthday of James Madison, the Founding Father known for his emphasis on checks and balances in government and advocacy of open government.

Open government and transparency are essential to maintaining our democratic form of government. Although it is Sunshine Week, I am sorry to report that contrary to the proclamations President Obama made when he took office 3 years ago—and he made them, in fact, within hours after his swearing in—that 3 years later the Sun still isn't shining on the public's business in Washington, DC. So there is a real disconnect between the President's words and the actions of his administration.

On his first full day in office, President Obama issued a memorandum on the Freedom of Information Act. This memo went to the heads of executive agencies. In it, the President instructed these executive agencies to "adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in the Freedom of Information Act, and usher in a new era of open government."

We all know actions speak louder than words. Unfortunately, based on his own administration's actions, it appears the President's words about open government and transparency are words that can be ignored. If not ignored by the President—and maybe well-intended on the part of the President—being ignored down to the bowels of the bureaucracy.

Given my experience in trying to pry information out of the executive branch, and based on investigations I have conducted, and inquiries by the media, I am disappointed to report that President Obama's statements about transparency are not being put into practice. In other words, it is a little bit like "business as usual." I had the same problems when we had Republican Presidents. But based upon the President's pronouncements after his swearing in, I expected things to be totally different in this administration, and I don't find them to be any different. Federal agencies under the control of the President's political appointees have been more aggressive than ever in withholding information from the public and from the Congress.

Throughout my career, I have been actively conducting oversight of the executive branch, regardless of who controls the Congress or what party controls the White House. When the agencies I am reviewing get defensive, and when they refuse to respond to my requests, it makes me wonder what

they are trying to hide. Over the last year, many of my requests for information from various agencies have been turned down again and again either because I am ranking member or because I am not chairman of the Judiciary Committee. Agencies within the executive branch have repeatedly cited the Privacy Act as a part of the rationale for their decision not to grant requests even though the Privacy Act explicitly says it is not meant to limit the flow of information from the executive branch to the Congress.

This disregard by the executive branch for the clear language of the law is disheartening, and so it is quite appropriate during Sunshine Week we bring out the truth. Citing another example, since January 2011, Chairman Issa and I have been stonewalled by Attorney General Holder and by other people in the Justice Department regarding our investigation of Operation Fast and Furious. This deadly operation let thousands of weapons "walk" from the United States into Mexico.

Despite the fact the Department of Justice inspector general possesses over 80,000 relevant documents, Congress has received only around 6,000 in response to a subpoena from the House Oversight Committee. Even basic documents about the case have been withheld by the Justice Department. Yet the Department insists on telling us—and before they tell us, they seem to tell the press—that they are cooperating with Senator GRASSLEY and Congressman ISSA. The Sun must shine on Fast and Furious so the public can understand how such a dangerous operation took place and what can be done to prevent such stupid actions of our government in the future.

I have also worked hard to bring transparency to the Department of Housing and Urban Development. This is an executive branch agency that desperately needs more sunshine. Over the past 2 years, I have been investigating rampant fraud, waste, and abuse at public housing authorities throughout the country. I have discovered exorbitant salaries paid to executive staff, conflicts of interest, poor living conditions, and outright fraud, waste and abuse of taxpayer dollars. Many of these abuses have been swept under the rug, and Housing and Urban Development has been slow at correcting the problems.

HUD cannot keep writing checks to these local housing authorities and then blindly hope the money gets to those Congress intended to help. I will continue to work to bring sunshine to the Department of Housing and Urban Development as well.

In April of last year, I requested documents from the Federal Communication Commission regarding a valuable regulatory waiver it granted to a company called LightSquared. LightSquared was attempting to build a satellite phone network in a band of spectrum adjacent to global positioning systems.

The problem is that LightSquared's network GPS users such as the Department of Defense, the Federal Aviation Administration, and NASA.

The FCC responded to my document request by saying they don't give documents to anyone but the two chairs of the committee with direct jurisdiction over the Federal Communications Commission. How idiotic. Because that means that if someone is not chairman of a committee—in other words, if a person is in the 99.6 percent of the Congress which does not chair a committee—with direct jurisdiction, then as a Member of Congress they are out of luck and can't fulfill their responsibilities of constitutional oversight and can't be a check, as envisioned by Madison writing the Constitution, on the executive branch of government.

In this letter to me from Chairman Genachowski, he told me he would make his staff available even if I didn't get the documents. So I could interview the staff. But when I took him up on his offer and asked him to interview members of his staff, my request was refused.

Once again, actions speak louder than words. People can get away with lying, and there is stonewalling, pure and simple. It seems obvious that the FCC is embarrassed and afraid of what might come from uncovering the facts behind what the Washington Post called the LightSquared debacle. If there is nothing to hide, then why all the stonewalling? The FCC seems determined to stonewall any attempt at transparency.

But it is not just the executive branch that needs more transparency. The judiciary should be transparent and accessible as well. That is why over a decade ago I introduced the Sunshine in the Courtroom Act, a bipartisan bill which will allow judges at all Federal courts to open their courtrooms to television cameras and radio broadcasts. By letting the Sun shine in on Federal courtrooms, Americans will have an opportunity to better understand the judicial process.

The sunshine effort has no better friend than whistleblowers. Private citizens and government employees who come forward with allegations of wrongdoing and coverups risk their livelihoods to expose misconduct. The value of whistleblowers is the reason I continue to challenge the bureaucracy and Congress to support whistleblowers.

For over two decades, I have learned from, appreciated, and honored whistleblowers. Congress needs to make a special note of the role whistleblowers play in helping us fulfill our constitutional duty of conducting oversight of the executive branch. The information provided by whistleblowers is vital to effective congressional oversight. Documents alone are insufficient when it comes to understanding a dysfunctional bureaucracy. Only whistleblowers can explain why something is

wrong and provide the best evidence to prove it. Moreover, only whistleblowers can help us truly understand problems with the culture at government agencies.

Whistleblowers have been instrumental in uncovering \$700 being spent on toilet seats at the Department of Defense. These American heroes were also critical in our learning about how the FDA missed the boat and approved Vioxx, how government contracts were inappropriately steered at the General Services Administration, and how Enron was cooking the books and ripping off investors.

Similar to all whistleblowers, each whistleblower in these cases demonstrated tremendous courage. They stuck out their necks for the good of us all. They spoke the truth. They didn't take the easy way out by going along to get along or looking the other way when they saw a wrongdoing.

I have said it for many years—without avail, of course—I would like to see a President or this President of the United States have a Rose Garden ceremony honoring whistleblowers. This would send a message from the very top of the bureaucracy to the lowest levels about the importance and value of whistleblowers. We all ought to be grateful for what they do and appreciate the very difficult circumstances they often have to endure to do so, sacrificing their family's finances, their employability, and the attempts by powerful interests to smear their good names and intentions.

I have used my experience working with whistleblowers to promote legislation that protects them from retaliation. Legislation such as the Whistleblower Protection Act, the Sarbanes-Oxley Act, and the False Claims Act recognize the benefits of whistleblowers and offer protection to those seeking to uncover the truth. For example, whistleblowers have used the False Claims Act to help the Federal Government recover more than \$30 billion since Congress passed my qui tam amendments in 1986.

These laws are a good step; however, more can be done. For example, the Whistleblower Protection Enhancement Act will provide much needed updates to Federal whistleblower protections. I am proud to be an original co-sponsor, and I believe the Senate should move this important legislation immediately. This bill includes updates to the Whistleblower Protection Act to address negative interpretations of the Whistleblower Protection Act from both the Merit System Protection Board and the Federal Circuit Court of Appeals.

I started my remarks by quoting James Madison, the Founding Father who is one of the inspirations for Sunshine Week. Madison understood the dangers posed by the type of conduct we are seeing from President Obama's political appointees. Madison explained that:

[a] popular government without popular information or the means of acquiring it, is

but a prologue to a farce, or a tragedy, or perhaps both.

I will continue doing what I can to hold this administration's feet to the fire, to protect whistleblowers, to get the truth out, and to save the taxpayers' money.

I hope my colleagues will help work with me so we can move toward restoring real sunshine, in both words and actions, in Washington, DC.

I yield the floor.

The PRESIDING OFFICER (Ms. McCASKILL). The Senator from Alaska.

ENERGY PRICES

Ms. MURKOWSKI. Madam President, there is a lot of discussion about energy going on. The President spoke about it this morning.

It is nice to hear us all saying the same thing; that this country should have an all-of-the-above energy policy. It is a phrase I have used for years now, and I suppose it is the highest form of flattery to have that scooped by others and carried. But I think it is important for us to remember that policies have to translate from mere words into action. With the President's comments today, unfortunately, I am not convinced he is intending to help turn our all-of-the-above policy into reality.

I think if he was serious about doing that, he would acknowledge that there is far more our country can do to increase our supply when it comes to oil and oil production. I think he would admit that with oil prices above \$100 a barrel, gasoline edging up every day close to \$4 a gallon, this is not a political opportunity for anyone; this is a legislative imperative—a legislative imperative—for us all. The question that needs to be asked is, What can we do?

I would agree with the President that there is no one silver bullet. There is no one quick fix. We can't snap our fingers and have the price at the pump go down. But I think it is important to talk honestly about what is going on with supply and with production in this country.

With much discussion over these past several months about the Keystone project out of Canada and that pipeline, it continues to amaze me, it makes me crazy to think we have an opportunity to have our closest neighbor and our best trading partner supply us with oil instead of receiving oil from OPEC. Keystone could come online very quickly, bring oil to our refineries and to our gas tanks. If the administration supports construction of a pipeline from Oklahoma to Texas, as they have suggested, I don't see why we can't allow construction of a pipeline from Alberta and North Dakota and then all the way down. I am confident there are enough construction workers who are ready and waiting to start on both ends. When you say it needs more consideration, more review, I would remind people this has been a project that has had at least 4 years of environmental review.

So this is one of those choices that I think is pretty clear and pretty stark.

Most Americans, I believe, would much rather get their oil from Canada than from OPEC. Yet some of what we are seeing come out of this Congress from Members of the Senate, the suggestion is that instead of going to Canada, we should go, tincup in hand, to Saudi Arabia and ask them for increased production. I can't imagine—I cannot imagine why it would be more preferable to producing more American oil or allowing more oil from Canada. This is a pretty clear choice for me. But, again, it is an argument we continue to have, and we don't seem to be making the necessary headway on it.

Earlier this week, the President said the best we can do about gas prices is reduce our dependence on foreign oil, which will reduce the price of gasoline over time. One year ago, he said producing more oil in America can help lower our oil prices. But, again, that is talk that is going on right now and talk that is not necessarily matching reality.

Yesterday, I was involved in two hearings of the Appropriations subcommittees. In one, we had a Department of Interior official who confirmed that the oil production on Federal lands is down and not up. There has been a lot of conversation, a lot of discussion about how we in this country are seeing more oil and gas production than ever before. But the fact is, we are seeing an increase in oil; we are seeing an increase in natural gas. But we are not seeing it on our Federal lands. We are seeing these increases on State lands and on private lands. When it comes to onshore oil, we have actually gone down by 14 percent from last year. When it comes to offshore oil, we have gone down from 17 percent last year. So to suggest somehow that we are doing astonishingly, when in fact in the area where the Federal Government does have some ability to incent some production, we are seeing production decrease.

We also heard confirmation in a hearing yesterday that producers are leaving the Federal lands—which, again, are the only lands the administration has control over—not because the resources are necessarily greater somewhere else but because of Federal taxes, of the Federal royalties, the bureaucracy, the permitting process that make State and private lands more attractive. It was quite clear in the testimony that it does indeed cost more to produce on Federal lands, and they do worry about that migration to go to State lands and private lands.

This is a chart I have about the number of applications for permits to drill on Federal lands. If we look at the timeline, we are going up and up and up. This is 2001, during the Bush administration, when we increased 92 percent. We hit 2008, and the number of permits to drill that have been approved during this administration is down 36 percent. Again, this is in the area where the Federal Government has control. So please, I think we need

to get beyond the idea that we are allowing drilling everywhere.

America's largest untapped oilfields onshore and offshore are still off-limits. In Alaska, we have more than 40 billion barrels of oil that are trapped beneath Federal lands, and the administration is making clear they intend to keep much of that off-limits to development.

Again, we have money buried in the ground, literally, in Alaska, ready, waiting, and willing to advance not only the resource for American consumption, bringing the jobs, but also bringing important revenues to our Treasury.

I think it is quite apparent that supply matters. Again, I mentioned the request from one of our colleagues that we go to Saudi Arabia for 2.5 million barrels per day. I don't think that is an appropriate policy on which we should embark.

Since at least the mid-1990s, our colleagues on the other side of the aisle have claimed that since oil exploration takes a long time to bring online, we shouldn't do it. It was the senior Senator from Massachusetts who, back in 2002, said:

If you open the refuge today, you are not going to see oil until about 2012, maybe a couple years earlier.

Here we are at 2012. If we had started then, we wouldn't perhaps be having this discussion now. This argument has gone on for so long that even Jay Leno is making jokes about it on TV. It is amazing to me that we continue to say it is going to take too long to bring on, so we shouldn't start today.

I have two separate bills that allow access to the nonwilderness areas of ANWR, the 1002 area, to be carefully opened for development. That field would bring on roughly 1 million barrels of oil to market each day. Right now, had this not been blocked back in 1995, that would have been good for American workers, good for the price of oil, good for the Federal Treasury, and I believe it could have been conducted and completed without impact to the environment.

When we talk about our abilities, I think it is fair to say we do have a lot of oil in this country, and we can bring more of it to market. If we were to increase our domestic production by the 2.5 million barrels a day that has been suggested that we get from Saudi Arabia, if we were to access Alaskan oil along with the Keystone oil, that would double world spare capacity and insulate us almost entirely from OPEC.

When we talk about a way we can move ourselves as a nation away from the stranglehold OPEC holds over us, I think it is important to consider what our options are.

I know we will have more to add on this later. Some of my colleagues are coming to the floor later to speak on this matter. But at this time I yield the floor for my colleague from Louisiana, the energy breadbasket down there in the gulf.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I am happy and honored to join my colleague from Alaska, and also our colleague Senator BARRASSO to talk about a vital issue, U.S. energy—doing something about the price at the pump, including by accessing more of the vital U.S. energy we have right here within our shores.

As the Senator from Alaska has said, at least I give the President kudos for using the right language, saying the right things, even if his policies have not caught up with that yet. He is talking about an “all-of-the-above” energy strategy, something we have been advocating for years.

He is also talking about a release from the Strategic Petroleum Reserve. I disagree with that policy, but at least it acknowledges that supply matters. If we increase supply we would lower the price.

I think the important way we need to do that, of course, is to produce more energy at home. A lot of Americans do not realize it, but we are the single most energy rich country in the world, bar none. No one else comes close. When we look at all of our energy resources compared to all of the energy resources of other countries, we are the richest country in terms of energy resources.

Why don't most Americans think of ourselves that way? It is because we are the only country in the world that takes well over 90 percent of those resources and puts them off-limits. Through Federal law, particularly under this Obama administration, America says no. No.

The Obama administration says no. No, you can't drill off the east coast. No, you can't drill off the west coast. No, you can't touch the eastern gulf, at least for now. No, you can do little to nothing offshore Alaska. No, you cannot touch the Alaska National Wildlife Refuge. No, we are going to do less instead of more on Federal land. And, no, we are going to reexamine hydraulic fracturing, which is a key process to the development of our rich shale resources even though there is no scientific basis for that attack on hydraulic fracturing.

This administration has said no; no, in terms of policy. The President is saying “all of the above.” The President is admitting supply matters. But the policy has not caught up, and it has to catch up.

What am I thinking of? On the Outer Continental Shelf we are rich in resources, in oil and gas. Yet President Obama's 5-year plan, which he is required to submit under law—his 5-year plan for developing that Outer Continental Shelf is only half as much as the previous 5-year plan. We are backing up. We are headed in the wrong direction, not the right direction of accessing more of our own energy.

Permitting in the Gulf of Mexico, where I live—since the BP disaster,

permitting first stopped but now has started again, but only at a trickle, and we are still 30 percent to 40 percent below the pace of permitting compared to before the incident. We need to get back to that pace of permitting and then surpass it.

Federal lands, the area that the Federal Government controls most directly—production activity on Federal lands is down from a few years ago. It is not up; it is down 14, 17 percent offshore and onshore—less than a few years ago.

Of course, the Keystone Pipeline was mentioned. That is not quite U.S. energy, but it is as close as we can get to that. It is dependable Canadian energy from a very firm, strong ally. President Obama is saying no to that.

I am happy to hear that his rhetoric has changed in an election year. But when are those policies going to change—on the Outer Continental Shelf, on permitting in the gulf and elsewhere, on Federal land, on the Keystone Pipeline? That is what needs to change.

We need to say yes to solid, dependable American energy. It will increase our energy independence. It will increase our supply and stabilize prices at the pump. It will build great American jobs, jobs which, by the way, cannot be outsourced to China and India if they are domestic energy jobs. It will even bring more revenue into the Federal Government, lowering the deficit and debt.

Let's say yes. Let's say yes, yes to that. I know my colleague, Senator BARRASSO, is vitally interested in these issues as well. I turn to him, through the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I agree with my colleague from Louisiana who is an expert in these areas and spent so much time on energy and the need for affordable energy. People are noticing the pain at the pump and saying: Why is this? They don't have to look any further than the President's policies, the President's efforts, in my opinion, to make it harder for us to explore for energy. What does he try to do?

In a Reuter's report this morning, "U.S.-Britain to agree to emergency oil stocks release" from the Strategic Petroleum Reserve. This is there for emergencies, for disruption of supply, not for a political disaster.

What the President has on his hands now is a political disaster. The fact is, the price at the pump has gone up about a penny a day for about the last 30 days. People are paying more. They realize if they are trying to also deal with bills and mortgage and kids, it is much harder. It is a direct impact on their quality of life. Yet the President continues, as he has done today, to give speeches about gasoline prices and to blame everyone other than himself.

It is discouraging to see the President looking to the Strategic Petro-

leum Reserve. He tapped it last year, 30 million barrels. At that time he drew down our Strategic Petroleum Reserve and still has not refilled it. So any effort to draw down from it today will take it down even further, again putting us more at risk for a true supply disruption.

Those are the things we are facing today as a nation, a President with a poorly planned energy approach and having to rely on something that was placed there for true emergencies. But the President continues to make his claims as he did today and he did last week. One of his claims is that America only has 2 percent of the world's oil reserves. The truth is, proven and undiscovered oil resources total seven times that amount. The President does not seem to want to face that fact.

The President claims an "all-of-the-above" energy strategy, but the truth is the President's policies truly seem to be hostile to low-cost domestic fuels, especially gasoline and other products from oil. We saw this when the Secretary of the Interior was a Member of the Senate and said he would oppose offshore exploration for gas even at \$10. He said using less gasoline will lower prices.

Isn't that a supply and demand issue? The President ignores supply. We need to increase supply. One of the ways to do that is by exploring more offshore, on Federal land, and in Alaska, and by bringing supply from Canada to the United States with the Keystone XL Pipeline instead of saying to Canada: No, sell that to China.

Continuing to look at the incredible needs of this Nation for fuel, our ability to increase supply, and the President's efforts to do just about everything else, people at home are concerned.

I visit with people every weekend in Wyoming. I did last weekend; I will again this weekend. I hear what my colleague from Louisiana is hearing, what my colleague from Alaska is hearing; that is, there are lots of opportunities to increase the supply, opportunities that are available and should be used in this country. We are so dependent on overseas, so dependent on OPEC, so dependent on long shipping routes coming through the Strait of Hormuz. Our solution? Take care of the problem at home. Work on energy security for our Nation.

The Democrats' proposal—and we heard it from Senator SCHUMER from New York, who said: Just ask Saudi Arabia to produce more, 2 million barrels more a day.

Rely on a country far away? OPEC countries whose interests are not necessarily our own? That is not the solution for America. The American people want energy security which begins at home. North American energy security includes the availability of oil from Canada, the availability of oil offshore on Federal land as well as in Alaska. It is time for the President to adopt those proposals and those approaches rather

than talking about his approach which leads people who listen and listen carefully to realize he is intentionally distorting the facts and misleading the American people in speech after speech.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. RUBIO. We are as in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

#### HUMAN RIGHTS

Mr. RUBIO. Madam President, first, I want to thank my colleagues for coming to the floor today and talking about the issue of energy and energy independence and the rising cost of energy. It is critically important. I wish to talk about something else, if I could, for just a few minutes, something I think is of critical importance, eternal importance; that is, the issue of human rights.

As Americans, we have to remind ourselves our Nation was founded on the principles of human rights. If we read back to the earliest documents, the Declaration of Independence first says very clearly at the outset that one of the founding principles that led to the creation of this Nation, and the Republic and Constitution that followed that, was the notion that all of us are created equal. Every human being on the planet who was ever born, ever will be born anywhere in this world, was born with certain rights, and the source of those rights is our Creator.

Think about that for a moment. That is not a common belief. For almost all of our history people believed our rights as people came not from our Creator, they came from the government, from our leaders. Our rights are what the government allows us to have. That is not what founded our country. This country was founded on the very powerful idea that the source of our rights and our value as a human being came from our Creator.

Of course, that manifested itself in all sorts of things in this country, a constitution, for example, that in recognition of those rights created a system of government that said the job of the government was to protect these rights, not to grant them. And, of course, the American miracle has plenty of witnesses, myself included, and is well documented in the annals of history, particularly in the last half century, the American century, the 20th century, which is shown as an example to the world. Yet the issue of human rights continues to be a central one around the world and one of the places where I think an American example can make the biggest difference.



One of the issues that has interested me since I got to the Senate—my background before I got here just a year ago was in State government, and before that it was in local government. One of the great things about being in the Senate is you have access to sources of information and individuals with information that I didn't have before. One of the issues that has fascinated me on a global scale is how human rights are still summarily violated all over the planet and how, in fact, these powerful ideas that are at the core of our founding as a country are still not widely accepted in many parts of the world.

This is a great time of year to be in Washington. People are on spring break, and they are bringing their kids up here to learn about our Republic. So I think it is a great time to remind ourselves that one of the things that made us different from the rest of the world is that we are one of the few countries on the planet that really believe that every single person who has ever been born has rights they are born with. We take that for granted. If you have been born here and lived here your whole life, you think that is the way it is everywhere. It is not. There are so many societies and countries around the world where people are told: You don't have any rights unless we give you rights. Unless your government or your leaders or your laws give you certain rights, you don't have these rights. In America, we almost take that for granted because we believe we are born with these rights. And the American example to the world has been what can happen when you actually believe that every single human being has worth and value and rights that they are born with and that you have no right to deny them.

Sadly, there is no shortage of examples around the world where those fundamental rights are violated. I think no nation on this planet has a larger obligation to speak out against it than ours. So what I intend to do over the next few weeks is come to the floor and highlight some of these egregious human rights violations because I think they go to the core of our exceptionalism. They go to the heart of who we are as a people and as a nation. They go to the center of what makes us different from other countries around the world and in many respects are at the heart of what is in debate at this very moment in the world.

As we enter this new 21st century, there are a handful of nations across the globe that do not want the issue of human rights to be central. They don't want this issue to be on the front burner because they don't believe in these things. What they seek is a new international order where the violation of human rights is nobody's business.

You see that today in Syria, where people are being murdered, where unarmed civilians are being pursued and shelled by an army, where there are horrifying examples of human rights violations on a daily basis. At least

two countries—Russia and China—have taken the position that it is nobody's business, and one of those countries is the topic I want to talk about today; that is, China—an emerging power on the world stage that some people I think falsely claim will replace America on the world stage. I think that is an exaggeration.

By the way, we welcome the economic progress China has made. I think it is great news that there are millions of people in China who a decade ago were riding around on a bike and now have a car. Only a decade ago millions of people were living in deep poverty and today are part of the middle class. I think that is fantastic. But don't get ahead of yourself in believing that China is going to replace America on the world stage. This is still the richest, most powerful country in the world. This is still the most important economy on the planet, and our people are as smart and as creative as they have ever been, and that is not going to change.

But I think we have to look at China because if, in fact, they are this rising power, if they are going to be a growing influence on the international stage, we have to ask ourselves, What is their commitment to human rights? Sadly, it is not a very good one.

If you look at the issue of Tibet, it is a perfect example. These are peace-loving people who have sought a certain level of autonomy. They want to preserve their culture and their way of life. They have gone as far as to say: We are OK being under Chinese rule, but we want to protect some of the things that are innate and indigenous to our own culture and values. And China is systematically trying to erase their culture and their heritage through processes of re-education, through the jailing of people, through the oppression of people, through the destruction of a free press and systems of communication. It manifests itself today. I think yesterday was the latest incident of people in Tibet setting themselves on fire. By the way, we should not encourage that. It is horrifying to see that. We hope it stops. It just leads to an understanding of the level of desperation that exists in Tibet.

Let me ask you a question. If China is a growing influence on this planet, are these the values that are going to replace American values on the world stage? Are these the values that are going to replace our belief that all individuals were created equal, with certain rights that come from their Creator? Are we prepared to retreat from the world stage and allow that to happen without at least speaking against it?

We should not be surprised that China stands by and says: Do nothing. Don't even sanction. Don't even put out a nasty letter about Syria. We should not be surprised because a nation that doesn't care about the human rights of their own people is never

going to care about the human rights of others. As Americans, the question we have is, Are we prepared to retreat from the world stage and, in fact, allow nations such as that to play a growing role in the world? Are we prepared to silence our own voice at the expense of their voice? I hope not.

So when we debate in this Chamber about issues of economic policy, we are debating issues about America's influence in the world. And I would say to you that if America is diminished on the world stage, whether it be by choice or by accident, if we fail to confront the issues this nation faces and we choose to decline, it won't be just the Americans who pay the price, it will be people all over the world, including the people who live in Tibet, because then there will be no voice on this planet that condemns human rights violations the way we do, because there will be no nation in the world that can prove that, in fact, you can have a functional society where the innate worth and the value and rights that our Creator gives every human being are respected. That is what is at stake when we debate America's influence and America's standing in the world.

Over the next few weeks, I hope to come to this floor and continue to highlight these egregious violations of human rights. Tragically, there is no shortage of them. In the weeks to come, we will talk about the problems of human trafficking that exist in our own country, in our own hemisphere, and all around the world. We will talk about the violations of religious liberties that exist in societies all over the planet. We will talk about how women have no rights whatsoever in many of these countries. There are some nations where a woman is counted as one-fourth of a man in terms of their worth or their ability to speak out. We will talk about other countries where people are systematically jailed, as they are in our own hemisphere, for putting out pamphlets that criticize the government. We will talk about what is happening in Syria and Tibet.

Human rights is at the core of who we are as a nation. It is at the core of our identity as a people and as a power on the global stage. It is an issue that doesn't belong to the right or to the left, to Republicans or Democrats; it is an issue that should unite us all in this Chamber and in this country, and we hope to be an effective voice in that regard in the years that God permits me to serve here in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

GROH NOMINATION

Mr. ROCKEFELLER. I thank the good Senator from Missouri for her courtesy.

Madam President, I rise today to express my very strong support for the confirmation of Gina Marie Groh to serve as a U.S. district judge for the Northern District of West Virginia.

Gina Groh is absolutely qualified for this position and deserving of every Senator's support. She has more than 22 years of legal experience, of which 14 have been devoted to serving the people of West Virginia, first as a prosecutor and now as a trial judge. In these roles, Judge Groh has exhibited a superior intellect and an unwavering commitment to fairness and to justice. Lawyers describe her as meticulously prepared as a judge, and they describe her as somebody who administers justice in a timely and equitable manner. Because of her superior qualifications, she was reported out of the Judiciary Committee by an unopposed voice vote and has been waiting patiently for 5 months for an up-or-down vote.

Judge Groh will be ready for the job on the day she assumes the bench, provided, of course, that she passes through this body. She knows how to make tough decisions. She knows how to issue thoughtful opinions and to protect the rights and liberties that are guaranteed to all Americans under our laws and our Constitution.

I am very proud to urge all Senators to support Judge Groh's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

#### FITZGERALD NOMINATION

Mrs. BOXER. Madam President, I rise today to support the nomination of Michael Fitzgerald as the Senate prepares to vote on his confirmation to become a district court judge. I had the great privilege of recommending Mr. Fitzgerald to President Obama for nomination. He is a respected member of the Los Angeles legal community. He will make an excellent addition to the Central District of California.

Mr. Fitzgerald served as a Federal prosecutor, where he handled cases involving international drug rings and money laundering, including what was at the time the second largest cocaine seizure in California history. Since he has left the U.S. Attorney's Office, Mr. Fitzgerald has been in private practice handling complex criminal and civil cases. He received a rating of "unanimously well qualified" by the American Bar Association.

He is a historic choice, and a vote on Mr. Fitzgerald's nomination is long overdue. He was voted out of the Senate Judiciary Committee unanimously 133 days ago on November 3, 2011. It really should not take this long to confirm such a highly qualified nominee as Mr. Fitzgerald, especially because this seat has been designated a judicial emergency. So we have a seat that has been designated a judicial emergency, and we have a highly qualified gentleman who is ready for this challenge and who was voted out of the committee unanimously last year, 133 days ago.

I want to close with great hope that we will confirm Mr. Fitzgerald. With that, I want to, in advance—and I hope I am proven right—congratulate him and his family on this momentous day.

I urge my colleagues in the Senate to join with me in voting for this highly qualified nominee.

Thank you very much, Madam President.

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

The assistant bill clerk proceeded to call the roll.

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

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

#### EXECUTIVE SESSION

#### NOMINATION OF GINA MARIE GROH TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

#### NOMINATION OF MICHAEL WALTER FITZGERALD TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

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

The assistant bill clerk read the nominations of Gina Marie Groh, of West Virginia, to be United States District Judge for the Northern District of West Virginia; and Michael Walter Fitzgerald, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. Under the previous order, there will be 15 minutes for debate equally divided in the usual form.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the order? I had understood I was to be recognized at 1:45. Am I incorrect?

The PRESIDING OFFICER. There will be 15 minutes for debate equally divided in the usual form.

Mr. LEAHY. I am pleased that the Majority Leader and the Republican leader came to an understanding yesterday and a path forward so that we can finally consider the two judicial nominations the Senate will vote on today. With a judicial vacancies crisis that has lasted years, and nearly one in 10 judgeships across the Nation vacant, the Senate needs to continue to work to have a positive impact and reduce judicial vacancies significantly before the end of the year.

In light of the agreement reached between the leaders, the Senate will finally be allowed to consider the nomination of Judge Gina Groh of West Virginia. Judge Gina Groh currently serves as a Circuit Judge in the 23rd Judicial Circuit for the State of West Virginia, the first female circuit judge in the eastern panhandle region of

West Virginia. She is one of only three women serving as a circuit judge throughout the state. Judge Groh was nominated to the state court in 2006 on the recommendation of a bipartisan merit selection panel, and won a successful retention election in 2008. Prior to joining the bench, Judge Groh served for eight years as state prosecutor and nine years in private practice. Her nomination, which has the support of both of West Virginia's Senators, Senator ROCKEFELLER and Senator MANCHIN, and was reported with the support of every Democrat and every Republican on the Judiciary Committee last October. She has been waiting for this confirmation vote for more than five months while her nomination has been stalled along with so many others.

The Senate will also finally be able to consider the nomination of Michael Fitzgerald to fill a judicial emergency vacancy in the Central District of California. His nomination has the strong support of his home state Senators, Senators FEINSTEIN and BOXER. If confirmed, Mr. Fitzgerald will be the first openly gay man confirmed to the Federal bench in the state of California. Mr. Fitzgerald has worked in private practice for more than two decades, and before that, served as a Federal prosecutor. The ABA's Standing Committee on the Federal Judiciary unanimously rated him "well qualified" to serve on the U.S. District Court, its highest possible rating. His nomination was reported unanimously by the Judiciary Committee last November. He has been waiting four and one half months for this vote.

Unlike the 57 of President Bush's District Court nominations confirmed within a week of being reported by the Judiciary Committee during President Bush's first term, these qualified, consensus nominees have been needlessly stalled from final consideration. The application of the "new standard" the junior Senator from Utah conceded Republicans are applying to President Obama's nominees continues to hurt the people of West Virginia and California, who should not have to wait any longer for judges to fill these important Federal trial court vacancies.

The nominations of Judge Groh and Mr. Fitzgerald are two of the 22 circuit and district court nominations ready for Senate consideration and a final confirmation vote. They were all reported favorably by the Judiciary Committee after thorough review. All but a handful are by any measure consensus nominations. There was never any good reason for the Senate not to proceed to votes on these nominations. It should not have taken cloture petitions to get agreement to schedule votes on these qualified, consensus judicial nominations. In addition to the two nominations we consider today, another 10 of the nominations on which agreement has now been reached have been stalled for months and were reported last year.

Among the nominees included in the leaders' agreement are two outstanding