

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 1943

Mr. REID. Mr. President, I have an amendment to my instructions which has also been filed at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1943 to the instructions of the motion to refer the House message on S. 2038.

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 days".

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 1944 TO AMENDMENT NO. 1943

Mr. REID. Mr. President, I have a second-degree amendment to my instructions which is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1944 to amendment No. 1943.

The amendment is as follows:

In the amendment, strike "2 days" and insert "1 day".

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived with respect to the cloture motion I have just filed.

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

#### JUMPSTART OUR BUSINESS STARTUPS ACT—Continued

Mr. REID. Mr. President, I ask unanimous consent that Senator REED be recognized for 2 minutes and Senator LANDRIEU for 2 minutes. I ask unanimous consent that those two Senators be recognized.

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

Mr. REED. Mr. President, I thank the majority leader. I rise because in a moment we will be voting on the Reed-Landrieu-Levin substitute amendment. This legislation corrects glaring defects in the House-proposed bill on a so-called jobs bill. It protects investors. It allows capital formation, but it does not do that at the expense of investors.

We have taken all the major provisions of the House bill with respect to the IPO onramp. We have not deleted them, we have improved them. We have lowered the threshold in terms of the size of the business so these IPO onramps can be designed for small businesses, not for businesses of \$1 billion in annual revenue.

We have gone ahead and looked at the aspects of regulation A in the

House, and we agree there should be an increase in the limit from \$5 million to \$50 million. But we have made improvements. For example, the House bill will allow people to solicit these securities under regulation A without audited financials. I think at a minimum the investing public should have some audited financials to rely upon.

We have taken provisions with respect to the ability to go dark—the ability to stop reporting if you have 2,000 or less record owners—and we have raised the limit from the existing 1 to 750 beneficial owners. But we haven't opened it broadly so that large well-known companies could suddenly stop reporting their financial information on a routine basis.

We have looked at the reg D offerings in terms of a private offering versus a public offering, and we have given the Securities and Exchange Commission the ability, in this age of the Internet and of Twitter, to make adjustments so that a private offering under reg D would not be compromised because it gets into the media through Twitter, et cetera. But we haven't opened it to general solicitation, as the House bill does.

By the way, our bill actually tries to create jobs, not just opportunities to raise funds through Wall Street. With Senator LANDRIEU's help, we have strong small business provisions in there. We include the Ex-Im Bank provisions of Senator CANTWELL. We worked very closely with Senators MERKLEY, BENNET, and BROWN of Massachusetts to include a crowdfunding provision which is much superior.

If we do not achieve cloture, we will see, by default, a bad House bill on its way to becoming law.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator has used 2 minutes.

The Senator from Louisiana.

Ms. LANDRIEU. Following up on the leadership of the good Senator from Rhode Island, let me say there are many reasons—many reasons—to vote against cloture on the House bill, and I will get to that in a minute. But I am urging my colleagues to vote yes on cloture for the Reed-Landrieu-Levin substitute.

We have tried to address the many concerns raised by the House bill in our substitute. If we vote yes on cloture for our substitute, we can then go into some more meaningful debate on the Senate floor, and this bill needs some additional debate.

Mary Schapiro from the SEC said, clearly, the House bill goes too far. The Chamber of Commerce even says there are concerns in the House bill. AARP is opposed to the House bill. Securities and Exchange Commissioner Mary Schapiro wrote last week:

H.R. 3606 would remove certain important measures put in place to enforce separation between the research analysts and investment bankers who work for the same firms. These careful principles were put in after the scandals that ensued on Wall Street.

This bill has flown out of the House. Even BARNEY FRANK said what we are doing in the Senate, by slowing it down and amending it, is the right thing. So I urge my colleagues to give our substitute a chance. They can vote yes on Senator CANTWELL's amendment, and vote no on cloture to the House bill so we can continue this important debate in the Senate.

#### CLOTURE MOTION

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

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 1833 to H.R. 3606, an Act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

Harry Reid, Mary L. Landrieu, Ben Nelson, Carl Levin, Jon Tester, Mark Begich, Patty Murray, Mark R. Warner, Christopher A. Coons, Robert Menendez, Thomas R. Carper, Joseph I. Lieberman, Debbie Stabenow, Robert P. Casey, Jr., Jeanne Shaheen, Tom Udall, Jim Webb, Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1833 to H.R. 3606, an act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The yeas and nays resulted—yeas 54, nays 45, as follows:

[Rollcall Vote No. 51 Leg.]

#### YEAS—54

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (MA)	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

#### NAYS—45

Alexander	Boozman	Coburn
Ayotte	Burr	Cochran
Barrasso	Chambliss	Collins
Blunt	Coats	Corker

Cornyn	Isakson	Portman
Crapo	Johanns	Risch
DeMint	Johnson (WI)	Roberts
Enzi	Kyl	Rubio
Graham	Lee	Sessions
Grassley	Lugar	Shelby
Hatch	McCain	Snowe
Heller	McConnell	Thune
Hoeven	Moran	Toomey
Hutchinson	Murkowski	Vitter
Inhofe	Paul	Wicker

## NOT VOTING—

Kirk

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Madam President, we need order in the Senate. People should take their seats. The Republican leader has some words he wants to share with the Senate.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, on my leader time, briefly, there is substantial support on this side of the aisle for the Ex-Im Bank. However, it is important that we get this bipartisan JOBS bill that passed the House overwhelmingly and that the President supports on down to the President. So it is going to be my recommendation to my Members, which I hope they will follow, that we oppose cloture on adding the Ex-Im to this bill.

I say to my friend the majority leader, I have discussed this with virtually all my Members. We believe that if you turn to the Ex-Im matter, we can pass it in a relatively short time with very few amendments related to the subject matter. But I think it is important that we get this JOBS bill down to the President.

I urge my colleagues at this particular point on this particular bill to oppose cloture.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, at a meeting very recently with people from the Pentagon, their No. 1 issue is not Afghanistan, it is not Iraq, it is not Pakistan, it is not North Korea, it is not Iran, it is cybersecurity. We have to move to that legislation. The post office is going broke as we speak. We have to move to that bill as quickly as we can. The Violence Against Women Act has expired. We have to move forward on that. We have so much to do in such a short period of time.

The Export-Import Bank is a powerful piece of legislation—300,000 jobs this year alone. It saves \$1 billion. And my Republican colleagues, as has been standard procedure around here, even on a bill that is as supported as this by the country, want to have a fight. The fight is on a procedural matter, that they want offered amendments—plural.

As my friend the Republican leader said, we could pass this bill in a relatively short period of time. Think about that. Right now, we could pass that, it would be part of this IPO bill we got from the House, and we could go

on about our business. So I think this is a huge mistake by my Republican colleagues.

Everyone, listen. Ex-Im is, for the foreseeable future, not going to be able to be moved forward. I cannot move it to the front of everything else when we have all these things due. I have only talked about a few of the things we have to do, and we have to do them very soon.

So go ahead, my friends. You picked a fight where it is not a necessary fight, but you may be surprised how this winds up. I will say no more. I know what the rules of the Senate are, and I am going to follow them. So have at it, vote no on the Ex-Im Bank.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. This JOBS bill passed overwhelmingly in the House, with only 23 votes against it, supported by the President of the United States. It is ready to go down to him for signature. If we add the Ex-Im Bank to it, we only delay the passage of this bipartisan JOBS bill, and we send it back to the House, and we don't know how they feel about the Ex-Im extension. We do know that here in the Senate, as I just indicated, there is a significant majority in favor of passing this legislation, which we ought to be able to do very quickly.

I do not think there is any particular reason for delaying a jobs bill that is overwhelmingly supported on a bipartisan basis; therefore, I say to my friends on this side who are in favor of the Ex-Im Bank, I am in favor of moving to that rapidly. I can say to the majority leader, as I said before, we would be willing to agree to very few amendments related to the subject matter. I encourage him to turn to that soon, even though it doesn't expire, I believe, until sometime in May.

With that, I yield the floor.

Mr. REID. Madam President, I say go ahead and vote against a bill you favor. It is very clear. The only way to ensure that this program, the Ex-Im Bank, advances is to see that it is attached to the House measure. Clearly, that is it.

I am very, very tired of this bill, the IPO bill, being referred to as a jobs bill. That takes a lot of gall, to talk about that as a jobs bill. We have a jobs bill that we, on a bipartisan basis, passed after 5 weeks on the Senate floor. Have I heard one word from my Republican colleagues about a real jobs bill, saying, why is the Speaker driving a nail in this bill that we worked on for 5 weeks?

Understand that the surface transportation bill is a jobs bill. The IPO bill is a nice thing to do, if it were done in the right manner and we had some amendments that got rid of some of the bad provisions. Before this is all over, that may be just what happens.

The PRESIDING OFFICER. The Republican Leader.

Mr. MCCONNELL. If I may say to those who are watching and those interested in the Ex-Im Bank, if I had my

good friend HARRY REID's job and I were the majority leader, we would be turning to the Ex-Im Bank next, right after this, and we would be doing it with very few amendments because the advantage to being the majority leader, obviously, is you have the ability to schedule. I want everybody who is following this issue to understand that if I were setting the agenda, the next item up, right after this bipartisan jobs bill, would be the Ex-Im Bank.

Mr. REID. Madam President, remember, anyone who can read—we can all do that—the morning press accounts. CANTOR of the House leadership has said he doesn't support the Ex-Im Bank; that my amendment—my amendment, sponsored by Democrats and Republicans—was a partisan maneuver. They are not about to take the Ex-Im Bank unless it is part of the overall package, and that is why we are doing it this way.

Madam President, as my friend the Republican leader said so clearly, he is not the leader. I am. We have a number of very important issues we have to deal with. Even though I believe in the Ex-Im program, it is going to drop to the bottom of the calendar because we have things we have to do.

## CLOTURE MOTION

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

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on amendment No. 1836 to H.R. 3606, an Act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

Harry Reid, Ben Nelson, Mary L. Landrieu, Carl Levin, Jon Tester, Mark Begich, Patty Murray, Mark R. Warner, Christopher A. Coons, Robert Menendez, Thomas R. Carper, Joseph I. Lieberman, Debbie Stabenow, Robert P. Casey, Jr., Jeanne Shaheen, Tom Udall, Jim Webb, Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1836 to H.R. 3606, an act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 52 Leg.]

## YEAS—55

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Heller	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (MA)	Klobuchar	Schumer
Brown (OH)	Kohl	Shaheen
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Collins	Lieberman	Warner
Conrad	Manchin	Webb
Coons	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feinstein	Merkley	
Franken	Mikulski	

## NAYS—44

Alexander	Graham	Murkowski
Ayotte	Grassley	Paul
Barrasso	Hatch	Portman
Blunt	Hoeven	Risch
Boozman	Hutchison	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Sanders
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kyl	Snowe
Corker	Lee	Thune
Cornyn	Lugar	Toomey
Crapo	McCain	Vitter
DeMint	McConnell	Wicker
Enzi	Moran	

## NOT VOTING—1

Kirk

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The majority leader.

Mr. REID. Madam President, for my Members, we are going to have a conference at 5:15 in the LBJ Room. I have spoken to the Republican leader. We will have no more votes tonight. We will determine a time in the morning to have the next vote or votes. We will move on from there. So, again, I say to my Senators, 5:15 in the LBJ Room.

I note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

## TRIBUTE TO DR. KEITH RHEAULT

Mr. REID. Mr. President, Dr. Keith Rheault has dedicated his entire career to education, including serving in the Nevada education system for more than 26 years. At the end of this month, Dr. Rheault is retiring from his current position as the Nevada Superintendent of Public Instruction. Today, I am proud to recognize him for his service and his commitment to improving the lives of Nevada's children through education.

As superintendent, Dr. Rheault has been responsible for a school system that educates more than 400,000 students in some of the most diverse

school districts in the country. In this capacity, Dr. Rheault has developed a unique understanding of the challenges facing Nevada's districts and schools. Over his 8 years as superintendent, he has helped lead several statewide educational initiatives and has worked hard to ensure that Nevada students are prepared to compete in the global economy.

Most recently, Nevada was one of only six States to be awarded a \$71 million, 5-year competitive grant through the Striving Readers Comprehensive Literacy Program to improve the literacy skills of Nevada students, including students with disabilities and limited English proficiency. In addition, Dr. Rheault oversaw the Nevada Pathway to 21st Century Learning, a statewide professional development program dedicated to helping Nevada teachers successfully integrate and utilize technology in their classrooms.

Nevadans are fortunate to have had the educational leadership of Dr. Rheault. I join with students, teachers, and administrators from across the State in thanking him for his dedication and service. It has been a pleasure to work with Dr. Rheault over the years, and I wish him and his family the best as he begins this next phase of his life.

## RETIREMENT OF BRIAN LAMB

Mr. MCCAIN. Mr. President, as my colleagues know, Brian Lamb, the founder and CEO of C-SPAN, recently announced his decision to retire.

Brian Lamb is a broadcasting legend who made the workings of our government accessible and transparent to every American through C-SPAN, the nonprofit cable network he founded 33 years ago. I have had the privilege of knowing Brian for many years, and there are many people across the country who still believe we were separated at birth.

More seriously, Brian's unquestioned integrity and profound commitment to making government accountable to the people have made a lasting contribution to our democracy. The American people owe Brian Lamb a debt of gratitude, and we wish him all the best in this new chapter of his remarkable career.

## DEFENSE OF MARRIAGE ACT

Mr. LEAHY. I am moved today to talk about Frances Herbert and Takako Ueda of Dummerston, VT. This loving couple is legally married under the laws of Vermont. Yet, like many Americans, they are being hurt by the Defense of Marriage Act despite the protections provided them under the laws of the State in which they live. Ms. Ueda is a Japanese citizen. Recently, her petition to become a lawful permanent resident of the United States, as the lawful spouse of a United States citizen, was denied for the sole reason that she and her lawful spouse

happen to be of the same gender. This case underscores not only the harm that current Federal law causes to same sex couples, but the additional hardship placed upon same sex binational couples whose marriages are not recognized as the foundation of a spousal-based green card petition.

Last summer, I chaired a hearing before the Senate Judiciary Committee to examine the impact of the Defense of Marriage Act. We heard from many different witnesses about how this Federal law has singled them and their families out and made them less secure than other families protected under State law. That historic hearing reflected steady progress toward a better understanding of the way in which that law hurts Americans and their loved ones. I have experienced profound change in my own views. I voted for the Defense of Marriage Act in 1996. And today I will not hesitate to acknowledge that my views have changed for the better. My own transformation came in part from the State of Vermont's drive towards greater equality for Vermonters. The Vermont Supreme Court's opinion in the landmark case of Baker v. State first gave rise to legislatively-enacted civil unions in Vermont. In Baker v. State, then-Chief Justice Jeffery Amestoy wrote that the court's decision was grounded in Vermont's constitution and was "a recognition of our common humanity." A few years later, the Vermont legislature voted to provide full marriage equality. And other States have now followed this march toward equality for all committed couples.

Our common humanity is what my friend Congressman JOHN LEWIS was describing when he spoke in opposition to the Defense of Marriage Act on the floor of the House of Representatives in 1996, and what he has continued to fight for and protect for so many years. Congressman LEWIS saw this law for what it was with a clarity and conviction that I greatly admire. Congressman LEWIS wrote in 2003 that we must have "not just civil rights for some but civil rights for all." He was speaking of the rights of gay and lesbian Americans. I could not agree more.

Our common humanity is what binds us together. It is what moves neighbors to help neighbors without regard to politics or ideology, and without judgment. It is what inspired the extraordinary generosity and giving spirit of Vermonters who helped each other following the devastation of Hurricane Irene, and which I and my family witnessed all over Vermont. I can think of few things more worthy of protection and respect than the universal bond that human beings form with each other.

Despite Vermont's exercise of its sovereignty and the legislature's expression of the will of the people of Vermont, the Defense of Marriage Act stands as an obstacle to the full realization of the promise Vermont made to its citizens—just as it does to the