many years, was called to a scene along with one of the junior police officers, and he was killed as soon as he walked in the door. This is an important piece of legislation. It has 61 cosponsors, and we should pass it.

STUDENT LOANS

Madam President, the Senate has a long list of things to do. One of the things we have to do is stop the raising of interest rates on students who borrow money to go to school. We were fortunate to reduce this rate from 6.8 percent to 3.4 percent. We cut it in half. We did this in 2007. We had just obtained a majority in the Senate, and we worked on this very hard. It went to President Bush, he signed the law, and rightfully so.

Everyone should understand this is a bill that was signed by President Bush. We need to go back to what he signed. We cannot have these rates go up. If we don't act by July 1, more than 7 million students will be forced to pay an average of $1,000 more each year for these student loans. College is already unaffordable for too many people. I hope we can get this done.

I am going to stop my comments because I was, of course, impressed by the remarks of the guest Chaplain. Many years ago I went to the Armenian Church, and it was a wonderful experience. I say to my friend from Rhode Island, to whom I will yield in a second, we went to Armenia after that very brutal winter when the Turks had cut off the oil to Armenia. The Armenians cut down a lot of trees, and they survived. Most said they could not. It was a brutal winter. Peace Corps volunteers were there and not one left Armenia, even though they suffered along with the Armenian people.

So I have fond memories of my visit to Armenia. I understand the resiliency of the people of Armenia, and I remember visiting that church.

I yield to my friend, the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. I thank the leader for yielding.

WELCOMING THE GUEST CHAPLAIN

Mr. REED. Madam President, I am honored to be here today to welcome His Eminence Archbishop Oshagan Choloyan. Archbishop Choloyan serves as the Prelate of the Eastern Prelacy of the Armenian Apostolic Church of America. He has led the Eastern Prelacy since 1998, and he plays a significant role as the spiritual shepherd for several thousand Armenian Americans from Maine to Florida and west to Texas.

In Rhode Island, we are extremely blessed to have the Archbishop as such a strong spiritual and community leader. We continue to benefit from his wisdom, his compassion, and his generous spirit. It is an honor to have him here today as we not only listen to his moving and thoughtful words, but also as we commemorate the 97th anniversary of the Armenian genocide.

Ninety-seven years ago, on April 24, 1915, the Young Turk leaders of the Ottoman Empire summoned and executed over 200 Armenian community leaders and intellectuals, beginning an 8-year campaign of oppression and massacre. By 1923, nearly 1½ million Armenians were killed, and over a half million survivors were exiled. These atrocities affected the lives of every Armenian living in Asia Minor and, indeed, throughout the world.

The survivors of the Armenian genocide, however, persevered due to their unbreakable spirit, their steadfast resolve, and their deep commitment to their faith and their families. They went on to enrich their countries of emigration, including the United States, with their centuries-old customs, their culture, and their innate decency.

In fact, not only were the Ottomans unable to destroy the Armenian Empire, they strengthened it. And the participation of Armenians worldwide has made this world a much better place. Indeed, my home State is a much better place. That is why today we not only commemorate this grave tragedy but celebrate the traditions, the contributions, and the extraordinary hard work and decency of the Armenian Americans and Armenians throughout the world.

This year I once again join my colleagues in encouraging the United States to officially recognize the Armenian genocide. Denial of this history is not consistent with our country's sensitivity to human rights and our dedication to the highest and noblest principles that should govern the world. We must continue to educate our young people against this type of hatred and oppression so we can seek to prevent such crimes against humanity in the future. It was indeed an honor to be here to listen to the wise words of the Archbishop, to hear his prayer, his reflection, and to go forth knowing that he is a powerful force in our country for tolerance and decency. I thank him for being here today.

With that, I yield the floor.

RESERVATION OF LEADER TIME

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

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2011—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1925, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 2 p.m. will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes.

The Senator from Nevada is recognized.

Mr. HELLER. Madam President, I rise today in support of the Violence Against Women Reauthorization Act.

I am glad the Senate is finally considering this important legislation, and I am proud to be the crucial 60th cosponsor of the bill. I commend Chairman LEAHY for producing a bill that enjoys broad bipartisan support, and I look forward to swift passage of the VAWA reauthorization.

Violence in all its forms is unacceptable, but it is particularly horrifying when it takes place in the home, which should be a sanctuary for all who live there. Yet a recent CDC report found that nearly half of all women living in my home State of Nevada at the time of the survey experienced domestic violence at some point in their lifetime. This statistic is sickening and unacceptable. Women and children often feel powerless to escape abusive or dangerous situations, which too often end in tragedy.

My home State knows this sad reality all too well. Nevada is ranked first in the Nation for women murdered by men in domestic violence. Sadly, our State has appeared in the top three States in this horrific category in the last 7 years. Thankfully, organizations throughout the State of Nevada work tirelessly to help those jeopardized by domestic violence. While these groups have faced significant challenges due to funding cuts in recent years, they are doing their best with what they have to provide assistance to families who need it most.

According to last year's Nevada Census of Domestic Violence Services, nearly 500 Nevadans received crisis assistance through Nevada's domestic violence programs on a single day; 272 found refuge in emergency shelters or temporary housing; 204 received nonresidential assistance. Staff and volunteers fielded an average of six hotline calls every hour. Despite the best efforts of our State's domestic violence programs, 25 cases of unmet requests for services were reported on a single day due to shortage of funds and staff. That means thousands of Nevadans could not access the services they needed last year.

Nevada's struggling economy has limited State resources to help those who are affected by domestic violence. Reauthorization of VAWA will provide greater certainty for organizations that work hard every day to prevent and address domestic violence. I trust this bill will ensure and enable domestic violence programs to plan for the future and serve even more Americans in need. Importantly, this bill will also

further prevention efforts that, hopefully, will result in reducing domestic violence and help our Nation's most vulnerable.

I am also pleased this legislation reauthorizes programs vital to the National Council of Family and Juvenile Court Judges. The National Council has made a strong impact in courts throughout the Nation by teaching judges innovative strategies that equip them to appropriately assist families and young people who face significant hardships. I cannot be more proud of the positive changes the National Council is effecting in courtrooms and communities in Nevada and nationwide, and I am glad this bill will further their efforts.

As a fiscal conservative, I am also glad this bill was written with full awareness of the fiscal crisis our Nation is facing. This legislation repeals duplicative provisions and programs, creating a more efficient system. I encourage my colleagues to use this bill as a model when considering additional reauthorizations this year. We must not forget the need to implement commonsense budgetary practices across the board in order to put our Nation on a path to long-term fiscal responsibility.

While not perfect, I am pleased the Senate is proceeding with this bill and trust it will further the important goal of reducing violence in all its forms. This bipartisan effort is an example of how Members of Congress should be working together to solve the problems facing our Nation and protecting those who have no voice. I look forward to the passage of the VAWA reauthorization measure and believe it will truly make a difference in the lives of countless women in Nevada and throughout the United States.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

NATIONAL ENERGY POLICY

Mr. MORAN. Madam President, as certainly every Kansan and all Americans know, our gas prices are on the rise and the U.S. economy continues to struggle. I believe one of the most important things Congress can do now is to facilitate the production of affordable energy in this country. In Kansas, we have the third highest number of highway miles in any State in the country, so higher fuel prices are particularly difficult for Kansans who drive long distances each day for work and school. When business owners pay more for fuel, they have less to invest in their businesses and fewer resources to use to hire new employees.

In our State, higher fuel prices increase operating costs for farmers and ranchers who produce much of our Nation's food supply. One Kansas farmer feeds 155 people. The global food supply is threatened when food producers have to pay high costs to plant, harvest, and transport their production.

Higher gas prices don't just affect the farmer or rancher filling their equipment; they also affect every American as they shop at their grocery store. While producers have to pay higher fuel costs, so do the folks who transport the goods to market. So that increased cost gets passed on to the consumer. We all are paying more.

For the United States to remain competitive in this global economy, Congress must develop a comprehensive national energy policy. No single form of energy can provide all the answers. High fuel prices and an uncertain energy supply will continue until we take serious steps toward increasing the development of our own natural resources.

Our country has some of the most plentiful, affordable, and reliable energy sources available. Our own Congressional Research Service has reported the United States has greater energy resources than China, Saudi Arabia, and Canada combined. Unfortunately, access to those resources continues to be restricted.

Technological advances have made the exploration, extraction, and transportation of oil and gas safer and more efficient. Yet the Obama administration has repeatedly blocked efforts to expand energy production. In the President's State of the Union Address, he claimed oil and gas production has increased under his leadership. While private lands are being further developed, and energy production is being increased on those private lands, energy production on Federal lands has actually decreased. According to the Department of the Interior, oil production on Federal property fell by 14 percent and natural gas production fell by 11 percent last year.

The failure to explore and develop our vast natural resources on Federal lands hit an unfortunate milestone last week. Ten years ago, the Senate failed to open a fractional portion of the Arctic National Wildlife Reserve for responsible resource development. Those opposed to developing that small portion of that vast area claimed the resources available in ANWR would not reach the market for 10 years. Well, here we are, 10 years later, no closer than we were in 2002 to gaining our energy independence.

American businesses involved in the oil and gas industry can bring these resources to market and send a strong signal to the world that the United States is serious about energy security. Yet rather than allowing these companies to deploy their expertise and increase production, there are those who say oil and gas companies deserve even more taxes—a tax increase. Raising taxes on the very businesses tasked with locating, extracting, and distributing the fuel to power our economy would do nothing to lower costs and reduce our dependence on foreign oil. In fact, it would do exactly the opposite.

When the Congressional Research Service analyzed President Obama's fiscal year 2012 budget proposal last year to raise taxes on the oil and gas companies, they concluded those efforts would have the effect of ''decreasing exploration, development and production while increasing prices and increasing the nation's foreign oil dependence.'' The nonpartisan Congressional Research Service says these taxes would reduce domestic supply and hurt consumers.

To increase domestic production, I have sponsored the 3–D Act, which would require the administration to reverse their cancellation of dozens of oil and gas leases, open areas previously restricted to responsible oil and gas development, such as the Arctic National Wildlife Reserve, and streamline the environmental review process that continually ties up worthy projects in costly bureaucracy and litigation.

The administration is also delaying projects that will improve our energy's infrastructure. The President's denial of TransCanada's Keystone XL Pipeline permit delayed an important project that would create thousands of jobs and bring billions to the U.S. economy. This private investment in energy infrastructure is exactly the type of investment the President should be encouraging. Construction projects create jobs and boost local economies.

For example, back home in Kansas, Clay County is a small, lowly populated county. Their utility sales to TransCanada could quadruple their overall sales and add more than $½ million to the local economy every year. This would be a significant boost to the county's economic development.

President Obama's own Jobs Council cited the pipeline construction as a way to boost the economy in their year-end report released January of this year, stating:

> Policies that facilitate safe, thoughtful and timely development of pipeline, transmission and distribution projects are necessary to facilitate the delivery of America's fuel and electricity and maintain the reliability of our nation's energy system.

But TransCanada's project has been stalled as the company works to seek a new route through the State of Nebraska, to our north. But instead of putting the entire project on hold, we would be much better off if we would allow construction to begin in areas not subject to this rerouting so jobs could be created and our Nation could have greater access to more reliable energy. S. 2041, which I have sponsored, would do that.

Renewable energy must also play a role in supplying our energy needs as new technologies allow for the increased commercialization of renewable fuels. Kansas is a leader in wind production and second only to Texas in wind resource potential. Innovation in biofuel production has also increased our ability to develop additional energy from renewable sources available in my home State of Kansas.

Nuclear energy is a necessary component that will help us supply our country's future energy needs and allow our country to be less reliant on energy

from other nations. I will continue to support initiatives to spur growth in the nuclear energy industry, including initiatives to streamline regulatory compliance.

Energy exploration must be accompanied by energy conservation. When Americans drive more efficient vehicles and occupy energy-conserving buildings, they not only consume less energy, they save money. At a time when gas prices continue to climb, we need to be looking for more innovative ways to help consumers save money on energy bills.

Congress must develop a comprehensive national energy policy—a policy based upon the free market principles that say we can find the resources necessary to meet our country's needs. We must develop our domestic sources of oil, natural gas, and coal, encourage the development of renewable energy sources, and promote conservation.

Not only would the development of our Nation's resources reduce our dependence on foreign energy, it would also provide our economy can with a reliable, affordable fuel supply. If future generations of Americans are to experience the quality of life we enjoy today, the time to address our energy needs is now.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Madam President, I know we have not yet concluded the postal reform bill, but I come to the floor to speak on an amendment I intend to offer on the reauthorization of the Violence Against Women Act. The amendment I intend to offer is one that enjoys bipartisan support, and I hope as more Senators learn about the content of this amendment and how it will strengthen the Violence Against Women Act, they will join me and Senator MARK KIRK of Illinois, Senator BENNET of Colorado, as well as Senator VITTER from Louisiana. I believe it will strengthen the Violence Against Women Act we will vote on, presumably later today, but probably tomorrow.

I am also happy to have the support of the Rape Abuse and Incest National Network—RAINN—PROTECT, and the Texas Association Against Sexual Assault, as well as Bexar County District Attorney Susan Reed, whose office is in San Antonio, TX. She has worked with us on this amendment, and we have benefited from her counsel and that of her staff. We have the support as well of San Antonio Police Chief William McManus.

At its core, this amendment would help end the nationwide rape kit backlog while improving law enforcement tools to crack down on violent criminals who target women and children for sexual assault.

To give a little context, in the course of an investigation, law enforcement officials will collect DNA evidence in something called a rape kit. These are generally bodily fluids that can be tested, because of their DNA signature, against a bank of DNA evidence for a match. In fact, this is a very powerful tool for law enforcement because it will literally identify someone from this DNA match in a way nothing else can. This DNA evidence can also, for those who care, as we all do, about making sure the innocent are not held in suspicion or convicted for crimes they didn't commit, be so powerful as to literally exclude, in some instances, suspects of criminal conduct.

The nationwide rape kit backlog is a national scandal—one that many people don't know very much about—and it has serious consequences for sexual assault victims. The truth is we don't know about the full scope of the problem, but one estimate is there are as many as 400,000 untested rape kits currently sitting in labs and on police station shelves across the Nation, each one of them holding within itself the potential to help solve a serious crime and, in the process, take a rapist off the streets and provide a victim with the justice they deserve.

Take, for example, the case of Carol Bart. Carol is from Dallas, TX. In 1984, Ms. Bart was kidnapped and raped at knife point outside her Dallas apartment. Although she submitted herself for rape kit testing immediately following the crime, her kit was not tested until 2008—24 years later. When it was tested 24 years after the rape kit specimens were collected, it yielded a match for a serial sex offender who had attempted to rape another woman only 4 months later after he raped Ms. Bart.

This is one of the most important reasons why this evidence is important, because the fact is people who commit sexual assaults are not one-time offenders. They do it many times, and often they do it until they are caught. But because the rape kit in Ms. Bart's case was not tested for 24 years after the crime, the statute of limitations had run, meaning that her attacker could not be brought to justice for that particular crime.

Statutes of limitations serve a worthwhile purpose under ordinary circumstances. They are designed to make sure charges are brought on a timely basis, while witnesses' memories are fresh and they can identify the perpetrator and the like. But in this instance, what it concealed was an injustice because, in fact, this late testing—24 years after the fact—meant her attacker could not be brought to justice for that particular crime.

Take also the case of Helena Lazaro, who was raped outside of Los Angeles in 1996 when she was just a teenager. Ms. Lazaro's rape kit sat untested for more than 13 years after her assault. When it was finally tested in 2009, it yielded a match to a repeat offender who had raped several women at knifepoint in Indiana and Ohio.

There are countless, I am sorry to say, examples of similar tragedies across the country, only a handful of which are actually reported on the front pages of our major newspapers. And some of these victims, of course, have merely suffered in silence in towns and communities across our country.

One thing is clear: While DNA evidence is powerful evidence, we have not yet adapted our administration of testing nor the capacity to inventory these kits in a way to make sure they are tested on a timely basis, and we have not kept up with that. But that is what this amendment hopes to do.

According to a 2011 report by the National Institute of Justice:

> [c]urrent Federal programs to reduce backlogs in crime laboratories are not designed to address untested evidence stored in law enforcement agencies.

As a matter of fact, one of the problems in requiring an inventory of these untested rape kits is often the National Institute of Justice and law enforcement personnel don't even categorize a rape kit as untested until it actually is in the hands of the laboratory. So many of them sit in evidence lockers, never making their way to the labs, and are not identified as backlogged. So there are two distinct types of rape kit backlogs: the well-known backlog of untested rape kits that have already been submitted for testing and the hidden backlog of kits in law enforcement storage that have not been submitted for testing, as you can see, sometimes over a span of 13 years in one case and 24 years in the next. This amendment would help us learn more about this hidden backlog and ultimately help State and local law enforcement officials to end it.

One of my experiences during the 4 years I was attorney general of Texas was that many local jurisdictions simply did not have the expertise or experience or the knowledge to deal with new technology, whether it is Internet crimes or whether it is this new, powerful DNA tool. It is not so new now, and in urban areas it is not as big of a problem. In New York City, for example, I am sure they are quite sophisticated when dealing with this sort of evidence but less so in smaller towns and communities across the country.

The justice for victims amendment would reserve 7 percent of existing Debbie Smith Act grant funding for the purpose of helping State and local governments to conduct audits of their rape kit backlogs. In my hometown of San Antonio, the police department recently conducted such an audit of their evidence storage facilities using similar grant funding from the State of Texas. They identified more than 5,000—and that is just in San Antonio alone—untested sexual assault kits, of which 2,000 they determined should be submitted promptly for testing. My amendment would use existing appropriations to encourage more audits like this.

The amendment would also add accountability to the audit process by requiring grantees of these funds to upload critical information about the

size, scope, and status of their backlog into a new sexual assault evidence forensic registry. This valuable information would also help the National Institute of Justice better target the approximately $100 million of existing appropriations already available for this type of testing. In the spirit of open government, the amendment would also require the Department of Justice to publish aggregate, non-personally identifying information about the rape kit backlog on an appropriate Internet Web site.

To ensure that these audit grants do not take resources away from actual testing, my amendment would increase the amount of Debbie Smith Act appropriations required to be spent directly on laboratory testing from the 40 percent currently in the underlying Leahy bill, which will be the base bill, to 75 percent. So what it will do is it will actually take more of the funding that Congress intended be used to process rape kits and do actual testing and return it to that core function.

A comprehensive approach to crime prevention and victims' rights also requires updated tools for Federal law enforcement officials to target fugitives and repeat offenders. My amendment addresses this need by including bipartisan language authored by Senator JEFF SESSIONS that would authorize the U.S. Marshals Service to issue administrative subpoenas for the purpose of investigating unregistered sex offenders and would actually be limited to that narrow purpose. This provision would allow the Marshals Service to swiftly obtain time-sensitive tracking information, such as rent records and credit card statements, without having to go through the grand jury process, which may or may not be necessary depending on the circumstances. Such authority is urgently needed given the long and complicated paper trail that fugitive sex offender investigations often entail.

My amendment would also guarantee that we hand down tough punishments—appropriately so—to some of the worst crimes against women and children. For example, it includes enhanced sentencing provisions for aggravated domestic violence resulting in death or life-threatening bodily injury to the victim, aggravated sexual abuse, and child sex trafficking. I think preventing these horrible crimes is at the heart of the purpose of the Violence Against Women Act, and we should take the opportunity to improve the underlying bill by adopting this amendment and send a message to would-be perpetrators and child sex traffickers. If you commit some of the worst crimes imaginable in the United States, you should have the certain knowledge that you will be tracked down and that you will receive tough and appropriate punishment.

Finally, thanks to the great work of Senator MARK KIRK of Illinois, my amendment would further shed light on one of the greatest scourges of our time; that is, child prostitution and the trafficking that goes along with it.

The so-called adult entertainment section of the popular online classified Web site backpage.com is nothing more than a front for pimps and child sex traffickers. A lot has been written in the New York Times on this topic. On this Web site, young children and coerced women are openly advertised for sale in the sex trade. In fact, this Web site has been affirmatively linked to dozens of cases of child sex trafficking. Let me give a few recent examples.

Last month, Ronnie Leon Tramble was sentenced to 15 years in prison for interstate sex trafficking through force, fraud, and coercion. Tramble forced more than five young women and minors into prostitution over a period of at least 5 years throughout the State of Washington. He repeatedly subjected his victims to brutal physical and emotional abuse during this time, while using backpage.com to facilitate their prostitution.

In February of this year, Leighton Martin Curtis was sentenced to 30 years in prison for sex trafficking of a minor and production of child pornography. Curtis pimped a 15-year-old girl throughout Florida, Georgia, and North Carolina. He prostituted the girl to approximately 20 to 35 customers per week for more than a year and used backpage.com to facilitate these crimes.

According to human trafficking experts, a casual review of the backpage.com adult entertainment Web site reveals literally hundreds of children being sold for sex every day. This is absolutely sickening and should be stopped with all the tools available to us. We should no longer stand idle while thousands of children and trafficked women are raped, abused, and sold like chattel in modern-day slavery on the Internet. My amendment would therefore join all 50 State attorneys general in calling on backpage.com to remove the adult entertainment section of its Web site. Again, I would like to thank Senator KIRK for his leadership on this issue. Every case of sex trafficking or forced prostitution is modern-day slavery—nothing more, nothing less—and we should do everything in our power to ensure this practice is eradicated in the United States of America.

I believe the justice for victims amendment would reduce the rape kit backlog, take serial perpetrators off the street, and ultimately reduce the number of victims of sex violence. I ask my colleagues to join me in considering this amendment, which already enjoys bipartisan support, and I hope it will get much broader bipartisan support. I hope my colleagues will join with me in strengthening the reauthorization of the Violence Against Women Act by cosponsoring and supporting this amendment. Our constituents and victims of these heinous crimes deserve nothing less.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Madam President, before the Senator from Texas leaves the floor, I was going to ask that I be added as a cosponsor to his very worthwhile amendment.

STUDENT LOAN DEBT

Mr. MCCONNELL. Madam President, one of the most heartbreaking yet underreported consequences of the Obama economy is the extent to which college graduates today are stepping out into a world where the possibilities no longer seem endless. Unlike generations past, today's college graduates are more likely to end up either unemployed or back at home with mom and dad, saddled with student loan debt that they are to end up with for the rest of their lives. And they don't tend to have the opportunity to get that job of their dreams.

For a great many of them, the excitement and the promise of President Obama's campaign 4 years ago have long since faded as their hopes collided with an economy that he has done so much to reshape. So it is understandable that the President is so busy these days trying to persuade these students that the struggles they face or will soon face have more to do with a piece of legislation we expect to fix than with his own failed promises. It is understandable that he would want to make them believe the fairy tale that there are villains in Washington who would rather help millionaires and billionaires than struggling college students. But that doesn't make this kind of deception any more acceptable.

Today the President will hold another rally at which he will tell students that unless Congress acts, their interest rates will go up in July. What he won't tell them is that he cared so little about this legislation that created this problem 5 years ago that he didn't even show up to vote for it and that once he became President, he didn't even bother to include a fix for this problem in his own budget.

Look, if the President was more interested in solving this problem than in hearing the sound of his own voice or the applause of college students, all he would have to do is pick up the phone and work it out with Congress. We don't want the interest rates on these loans to double in this economy. We don't want today's graduates to have to suffer any more than they already are as a result of this President's failure to turn the economy around after more than 3 years in office. Really, the only question is how to pay for it. Democrats want to pay for it by raiding Social Security and Medicare and by making it even harder for small businesses to hire. We happen to think that at a time when millions of Americans and countless college students can't even find a decent job, it makes no sense whatsoever to punish the very businesses we are counting on to hire them. It is counterproductive and clearly the wrong direction to take.

So let's be honest. The only reason Democrats have proposed this particular solution to the problem is to get Republicans to oppose it and to make us cast a vote they think will make us look bad to voters they need to win in the next election. Earlier this week they admitted to using the Senate floor as an extension of the Obama campaign. So no one should be surprised that they opted for a political show vote over a solution.

What Republicans are saying is let's end the political games and solve the problem like adults. This is an easy one. The only real challenge in this debate is coaxing the President off the campaign trail and up to the negotiating table to get him to choose results over rallies. We can solve the problems we face if only he will let us do it.

HONORING OUR ARMED FORCES

STAFF SERGEANT GARY L. WOODS, JR.

Mr. MCCONNELL. Madam President, with great sadness I wish to report to my colleagues today that our Nation and my home State of Kentucky have lost a brave and valiant soldier who pledged his life to protecting others. SSG Gary L. Woods, Jr., of Shepherdsville, KY, was killed on April 10, 2009, in Mosul, Iraq, in a terrorist suicide bomber attack. He was 24 years old.

For his service to America, Staff Sergeant Woods received several medals, awards, and decorations, including the Bronze Star Medal, the Purple Heart, two Army Commendation Medals, three Army Achievement Medals, two Army Good Conduct Medals, the National Defense Service Medal, three Iraq Campaign Medals with Bronze Service Stars, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, two Noncommissioned Officers Professional Development Ribbons, the Army Service Ribbon, and three Overseas Service Ribbons.

Staff Sergeant Woods, who went by Lee, was born on June 24, 1984, on a Sunday. ''He had very light brown hair and beautiful blue eyes,'' remembers Lee's mother, Becky Johnson. ''He was my first-born child and my only son.''

Lee grew up in Shepherdsville, where he attended Roby Elementary School, Bullitt Lick Middle School, and Bullitt Central High School, from which he graduated in 2002. In school he participated in Bullitt County's Gifted and Talented Program, and was a member of the academic team in both middle school and high school.

Lee also loved music. He played the trumpet, baritone, and trombone in school and sang in the concert choir. He taught himself how to play piano at age 6. He played the guitar, too, and took a guitar with him on two tours in Iraq to entertain his friends. Lee also played the drums.

''Before returning from his second tour he ordered a set of drums and had them delivered to my house,'' Becky remembers. ''When he came home on family leave, he had to set them up the minute he got there, and played them in my basement for a full week. I would give anything to hear him beat on those drums again!''

Lee also enjoyed drawing pictures, fishing, camping, and woodworking. He was obviously a talented young man. But his mother will always remember music as one of his greatest loves.

During his sophomore year at high school, Lee joined Junior ROTC. It was then that he first had the idea to one day join the service. In January 2003, Lee told his mother that he had joined the Army.

Becky was surprised at first, but when Lee laid out his argument, she could see that he had given the opportunity serious thought and was excited about the future. ''I knew at that instant that my son had become one heck of a man,'' she says. ''He had listened to me all those years after all. I couldn't say anything except, 'I love you and I will always support you 110 percent.' ''

Lee entered active service in February 2003, and did his basic training at Fort Knox, in my home State of Kentucky. He graduated as a tank armor crewman and deployed on his first of three missions to Iraq from August 2003 to March 2004. Lee's second Iraq deployment lasted from March 2005 to February 2006.

After his second deployment, Lee got a reassignment to the First Battalion, 67th Armor Regiment, 4th Infantry Division, based in Fort Carson, CO. He deployed for the third and final time to Iraq in September 2008, and received a promotion to staff sergeant soon afterwards in December.

In January 2009, one of Lee's fellow soldiers and close friends, Darrell Hernandez, was killed, and Lee escorted his friend back home in February. ''Soon after returning from this, he volunteered for a mission that would take his own life and the lives of four other U.S. soldiers,'' Becky remembers.

That mission put Lee in a convoy of five vehicles that on April 10, 2009, exited the gates of Forward Operating Base Marez in Mosul, Iraq. Shortly after leaving the base, a dump truck sped towards the convoy. Lee was driving the fifth and last vehicle.

Lee drove to put his gunner in position to fire on the dump truck. But tragically, that dump truck detonated with 10,000 pounds of explosives, killing Staff Sergeant Gary L. Woods, Jr., and four other American soldiers.

''The FBI says [that the dump truck's] destination was [the forward operating base at] Marez,'' says Lee's mother Becky. ''If in fact the FOB was the target, these five men saved the lives of thousands of soldiers on the FOB.''

On the same day that Lee acted heroically to save his fellow soldiers at the cost of his own life, half a world away Becky Johnson heard the knock at the door that all military families dread.

''Those men in the dress-green uniforms with the highly polished black shoes came to my house,'' she remembers. ''Yes, I noticed their shoes, because that was all I could look at while they asked me if I was Becky Johnson. I told them no as my husband stood behind me shaking his head yes.''

We are thinking of Staff Sergeant Woods's loved ones as I recount his story for my colleagues today, Mr. President, including his mother and stepfather, Becky and Pat Johnson; his father and stepmother, Gary and Debbie Woods; his sister, Britteny Lynn Woods; his two half-brothers, Courtney and Troy Woods; his half-sister, Heather Woods; his step-sister, Mandy Maraman; his two step-brothers, Newman and Corey Johnson; his grandmother, Nancy Ratliff; and many other beloved family members and friends.

Staff Sergeant Woods's loss in the line of duty is tragic. However, as small a comfort as it may be, I am pleased to report that his family may take some solace in the fact that a terrorist connected to the suicide bombing that caused Lee's death was arrested in Edmonton, Canada, and Lee's family can look forward to the prosecution of this terrorist and justice for Lee.

Becky Johnson intends to attend the trial and speak in the sentencing phase. May she and her family have the strength they will surely need to endure this process, and may they find peace in its final outcome.

I ask my Senate colleagues to join me in saying to the family of Staff Sergeant Woods that our Nation is forever grateful to them and recognizes the great cost they have paid. This Nation will never forget the heroism of SSG Gary L. Woods, Jr., or his great service and sacrifice.

Madam President, I yield the floor.

HONORING MEADOW BRIDGE HIGH SCHOOL

Mr. MANCHIN. Madam President, I rise to speak about the importance of teaching our young people to embrace their right—and responsibility—to participate in our democratic election process and to highlight a West Virginia high school that has an outstanding record for going the extra mile to encourage their students to register and vote.

As Americans, there is no greater freedom or responsibility than our right to vote. Our country was born because brave men and women fought tirelessly and endured countless hardships to win their voting rights. In fact, even young people had to fight for this right. It was West Virginia's own Senator Jennings Randolph, who was elected to serve with our beloved Robert C. Byrd, who relentlessly advocated for the 26th amendment to the Constitution so Americans could vote starting at age 18. In 1971, the measure finally passed. What few people know is he worked on that for over 20 years.

Senator Randolph believed, as I do, that every vote counts, and as important, I believe every voter has the right and responsibility to take an active

role in our electoral process. I tell young people all the time they cannot just sit on the sidelines and watch life happen; they have to get in the game and get active. Voting not only gives us the opportunity to have our voices heard but also to have a real impact on setting the priorities for America's future.

As secretary of state from 2000 to 2004, in which position I was proud to serve in my great State of West Virginia, I made it a priority to educate young people all over West Virginia on the electoral process and to encourage them to get involved. At that time very few people knew that if someone was 17 years of age and would turn 18 years of age before the general election, they could still vote in a primary at 17. So we educated them and we went around to every school. To make the goal a reality, we established a program called Sharing History and Reaching Every Student, or the acronym SHARES, a program which was tremendously successful. I am proud to say, during my tenure, we registered 42,000 high school students to vote. Eleven years after the SHARES Program began, it is my privilege to stand on the Senate floor and recognize a school that is truly committed to carrying on this tradition and passing it down to each senior class and generation that has come after them. I am so pleased they have joined me in the gallery today.

Every year for the past 11 years, the staff members at Fayette County's Meadow Bridge High School have registered 100 percent of their senior class. Think about that, 100 percent. It is truly an incredible accomplishment. I am unaware of any other school in our great State or in the entire Nation that has registered every student in their senior class for 11 years. This school and this year the class gathered together in the school's cafeteria so they could register at the same time. This is not only a testament to the tradition established at Meadow Bridge High School but also to the students and their commitment to their community and their civic responsibility.

I congratulate the Meadow Bridge High School students, their faculty and staff, under the leadership of their principal Al Martine, for their commitment to our democracy. I also challenge every high school, not just in West Virginia but in New York and every other State, to follow their example—an unbelievable example. We must work together to engage our young people in national issues and encourage them to participate in the democratic process by getting our young adults involved. They are not children anymore. The world is growing up so fast around them, and we are preparing them to be active and passionate leaders for the future. They cannot stand on the sidelines and we as Americans cannot afford to let them stand on the sidelines. We need them in the game now. They can forge the future.

This is not a Democratic or Republican or Independent issue but one all Americans can and should embrace for the future of our great Nation. We see so many divides in this great Capitol of ours with so many of our colleagues. Everyone comes here for the right reason. The right reason truly is sitting in the gallery today and back home, the children and young adults who are going to make the difference and lead the next generation.

I, for one, do not intend to turn over to this generation the keys to a country in worse shape than when we received them. I do not want to be the first person in our country's history to say we did not do a better job than the previous generation. We are going to work hard. But the unbelievable commitment they made, the knowledge they have about the importance of voting, shows me this next generation will take us to a new level. I am proud that West Virginians all over our State, but most importantly Meadow Bridge High School, are leading that example. I thank them and appreciate the effort they made in setting the example for all.

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

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

The legislative clerk called the roll.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BEGICH. I rise to support S. 1925, the Violence Against Women Act. It is not every day that we vote on a law that actually saves lives, but this one does. The Senate needs to send the simple and important message that America will not tolerate violence against its women, children, and families. We must do our part to reduce domestic violence and sexual assault. It is time for us to step up and make sure this happens now.

I look forward to casting my vote for the reauthorization, hopefully very soon. Truly this legislation, as we continue to move forward, is headed in the right direction. There is bipartisan support with 61 Members in this Chamber signed on as cosponsors, and lots of good work on this bill has been done in the Judiciary Committee. All of us have heard from prosecutors, victim service providers, judges, health care professionals, and victims themselves.

Unfortunately, the fight to protect women and families from violence is far from over. The Violence Against Women Act was first passed just 18 years ago. It has not been reauthorized since 2006. The law has made a difference. We are making progress, and we know a great deal more about domestic violence than when the law was first written. Services for victims has improved. More communities provide safe shelters. Local, State, and Federal laws are stronger.

Listen to the national statistics: Since the law was first passed in 1994, the number of women killed by an intimate partner has dropped 30 percent, and annual rates of domestic violence against women have decreased by two-thirds. The VAWA law saves lives and works. Yet there are too many awful stories and inexcusable numbers, especially in my home State.

Alaska continues to have some of the worst statistics in the country. Three out of every four Alaskans have or know someone who has experienced domestic or sexual violence. Child sexual assault in Alaska is almost six times the national average. Out of every 100 adult women in Alaska, nearly 60 have experienced intimate partner violence, sexual violence, or both. The rape rate in Alaska is nearly 2½ times the national average, and it is even worse for Alaska Native women.

In Alaska's rural and native communities, domestic violence and sexual assault is far too common. Our numbers are often far worse than the rest of the country, and clearly we have to continue to do more work in this area. We are insisting that Alaskan tribes retain their current authority to issue civil protective orders, and I am working on a separate bill to expand resources for Alaskan tribes in their fight against violence. So one can see why I am standing here today. We need to do something about this—not someday, not next year, but truly today.

I have been around for 3 years now, and I am not shy about having my say in a good political fight. But in this case, on this issue, truly, I have no patience. It is hard to believe we even have to debate the law that protects people from abuse and sexual violence. It is truly a piece of legislation we should move forward on and vote. We need fewer victims, whoever they are—women, kids, White, Black, American Indian, Alaska Natives, immigrants, lesbian and gay people, even men.

As a former mayor in a city and State with a higher rate of abuse than the rest of the country, I know this issue. I was responsible for the municipal department that prosecuted domestic violence cases. I was also responsible for the police investigating these cases and the agencies providing health services to victims and funding to shelters. With the support of the entire community, we pooled our efforts. Using resources from the State and local government and businesses and nonprofits alike, we improved services for victims of child sexual abuse.

But intervention and better treatment is not enough—far from it. Domestic and sexual violence is a public health epidemic. So what we need is prevention, and this reauthorization effort is just that, the right step in eventually stopping this epidemic.

In Alaska the Violence Against Women Act dollars are used in our biggest cities and our smallest villages.

Funding goes to every corner of the State, including the Emmonak Women's Shelter in remote southwest Alaska, the Aleut community of St. Paul in the North Pacific Ocean, the AWARE Shelter in urban Juneau, and many others throughout Alaska.

We asked the Alaska Network on Domestic Violence and Sexual Assault for their stories and examples of how VAWA is helping real families. Here is just one. It is uncomfortable to hear, but it is why we need to act now.

A shelter in rural Alaska helped a young woman after she suffered a domestic assault by the father of their 3-year-old child. When she had asked the father for money for food, he choked her and threw her to the ground in front of the child. She reported this was the third such instance of violence, and she could not live there anymore. She spent time in a shelter recovering from her injuries and working to find safe housing in her home village. She also attended DV education groups and received a referral for legal services to assist her with her custody order.

Months later the shelter program received a call from this quiet young woman. She and her child were safe and doing well. She read all the books recommended to her by the shelter to understand the cycle of domestic violence. She was looking for suggestions on more reading material to continue her education on the topic. Now it is hoped that the young woman will become a leader in her community so she can help educate others and work to end domestic violence in Alaska.

There are stories of rape and murder from all over the country. Need we hear more? It is time to reauthorize VAWA.

Before I yield the floor, I have one more bit of business. I want to thank the shelter staff, the police, the court system employees, the advocates and everyone else, who work so hard to protect women, children, and families across this country.

To the victims of domestic violence, there is truly hope. We will work with them to break the cycle of violence and to bring an end and a change in this area.

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

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

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

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

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

Mr. TESTER. Madam President, I rise to speak about an issue that affects everybody in my community. Although it is hard to imagine right now, some of the people we serve fear for their own lives, not because of a terrorist attack or a natural disaster; they are afraid that somebody who is supposed to love them or support them will hurt or even kill them. This is an upsetting issue, but one we need to face head on, and I am glad we are addressing it today.

Domestic violence and sexual assault are harsh realities. They know no class, race, or economic limitations. Although we have made good progress curbing domestic and sexual violence over the past decade, we still have a lot of work to do.

The legislation before us takes another step toward our goal of ending domestic and sexual violence. It might not go far enough for some, but it is progress, and I am proud to support it.

Over the years, the Violence Against Women Act has helped reduce the rates of domestic and dating violence, sexual assault, and stalking, but the numbers are still stunning. This bill gives us an opportunity to help victims get out of a dangerous situation. We have an obligation to pass this reauthorization of the Violence Against Women Act.

Unfortunately, Montana is no different from the rest of the Nation. There were almost 5,000 cases of domestic violence or sexual assault in 2011, and 10 percent of them involve Montana's kids.

Federal funding is crucial for Montana shelters, crisis lines, mental health services, and victim advocates. The domestic and sexual violence programs in Montana rely heavily on Violence Against Women Act funding to keep women and children safe and to administer the important programs we have operating in Montana. It will also promote changes in the culture of law enforcement, pushing governments and courts to treat violence against women and children as a serious violation of criminal law and to hold the offenders accountable.

The Violence Against Women Act helped a constituent of mine in Billings rebuild her life after she was the victim of domestic violence. Maria Martin was beaten by her boyfriend. He threatened to kill her and her three daughters. Her cries for help were answered by the police who rescued her from a violent attack, but it is the programs supported by the Violence Against Women Act that helped Maria rebuild her life.

The Violence Against Women Act provides funding to strengthen law enforcement, prosecution, and victim services. Each community has flexibility to use these funds in ways that respond to folks most in need and take into account unique cultural and geographic factors. This is especially important for a rural State such as Montana.

I am proud of my work with the Judiciary Committee to ensure that the set-aside of funding for sexual assault services does not disadvantage service providers in Montana who often offer many services in one place. I wish to thank Chairman LEAHY for his efforts to address this important issue.

For States and cities with specialized programs, this wasn't a big concern. In Montana and other rural States, we have county and regional service coalitions. That means funds must be flexible enough so that we can serve everyone who walks in. If rural areas had to carve out funds for each type of service, people wouldn't get what they need to regain their footing. The next closest facility might be 90 miles away. That is not a referral; it is not help; it is another obstacle for folks who are already facing a life-threatening situation.

Domestic violence crimes also take a heavy toll on those who survive the violence. The vast majority of survivors report lingering effects such as posttraumatic stress disorder, a serious injury directly from the abuse, missing school or work, higher frequencies of headaches, chronic pain, and poor physical and mental health.

And while domestic violence affects every community, every race, and every rung of the economic ladder, the problem is even more severe in Montana's Indian country. In fact, violence against Native women and children is at an epidemic level. As Montana's only member of the Senate Indian Affairs Committee, I have had several hearings on domestic and sexual violence. American Indian women suffer from violent crime at a rate 3½ times greater than the national average. Nearly 40 percent of all Native American women will experience domestic violence. One in three will be sexually assaulted in her lifetime. Murder is the third leading cause of death among Indian women.

In response to our hearing, I was proud to join Chairman AKAKA and many others on the committee in introducing the Stand Against Violence and Empower Native Women Act, or SAVE Native Women Act, which is now included in the bill before us today.

We owe it to the women and children of Montana to intervene—to provide resources to those programs which are on the ground, and to providers who are in the trenches. They offer safe havens, including support and educational services to help survivors of sexual or domestic violence break free of the cycle of violence. They help children who have lived with violence understand and make sense of what has happened so that they are less likely to get entangled in future abusive relationships. They help survivors gain the strength and the know-how to advocate for themselves in the legal system and in their relationships.

By passing this bill now, we will continue to make progress toward empowering communities to protect all citizens, particularly the most vulnerable—women and children. As I stated before, this is not just an opportunity; this is an obligation that we have to improve our communities, and I urge my colleagues to support it.

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

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

The legislative clerk proceeded to call the roll.

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

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

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

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

STUDENT LOAN INTEREST RATES

Mr. DURBIN. Madam President, next month students all over the United States will begin graduating from college. There is a lot of pride in that experience. Family and friends will gather and celebrate. These young graduates are going to be filled with hope and expectation, and gratitude to those who helped them reach this milestone in their lives. But they are also going to be graduating with debt—in some cases massive amounts of debt.

Ninety-six percent of for-profit college students will graduate with a debt of $33,000. Fifteen percent of them—one out of six—will default on their loans within 2 years. There is now more than $1 trillion in outstanding student loan debt. As I have mentioned on the Senate floor several times, a little over a year ago, for the first time in history, student loan debt in America surpassed credit card debt.

One of the reasons there has been such a huge influx is that college costs continue to rise at unsustainable rates. Tuition fees at 4-year schools have rocketed up 300 percent from 1990 through 2011. Over the same period, broad inflation was just 75 percent. Even health care costs rose at half the rate of the cost of higher education.

The average for-profit college costs $30,900 a year in tuition and fees. Private nonprofit institutions are not too far behind. The average tuition and fees run about $26,600. Schools with larger endowments charge even more—upwards of $50,000 to $57,000 in total fees. They use their endowment to give students large financial aid packages, which is admirable, but it has consequences. The elevated sticker price for these schools provides for-profit colleges the cover to raise their prices to similar levels.

Let me remind you, for-profit schools, for-profit colleges in America get up to and more than 90 percent of their revenue directly from the Federal Government. They are 10 percent away from being Federal agencies.

Students graduating this year have one advantage: If they took out Federal subsidized loans, their interest rate is low. In 2007, Congress set interest rates on subsidized Federal student loans for the last several years. Current graduates have low, affordable interest rates on their Federal loans, ranging from 6.8 percent to 3.4 percent, depending on the year they took out the loan.

Graduates next year may not be so lucky. The interest rate goes up to 6.8 percent for all unless Congress acts. That is because these interest rates are set to double for 740 million students across the country on July 1 and will only be changed if Congress acts. That is going to affect 365,000-plus borrowers in my State of Illinois. Each borrower in Illinois will save $1,000-plus over the lifetime of their loan if current interest rates of 3.4 percent continue. Across the State, borrowers will save a total of $387,000.

Every week in my office we hear from students who would be directly affected by interest rate increases. One of them is George Jacobs, a constituent of mine and a graduate of the International Academy of Design and Technology in Chicago, a for-profit college owned by the Career Education Corporation.

Every day of his life, George Jacobs regrets that he ever attended this school. He is 29 years old. His current private student loan balance has ballooned to $107,000. The original loan was $60,000. But with a variable interest rate, George has been paying anywhere from 7 percent to 13.9 percent. Combine that with his Federal loan balance, and his total outstanding student loan debt is $142,000. George is not even 30 years old, and he already has the debt the size of some people's mortgages on their homes. Unlike a lot of his peers who attend for-profit colleges, George has a job in his field of study. His annual salary is $45,000, but since his lender will not let him consolidate his loans, his monthly payment is $1,364. Half of his income goes to pay his loan.

Unfortunately, because of high interest rates, very little of his payment reduces the principal. He does not know when he will possibly pay off this loan. When asked if he has tried to work out a plan with his lender, he says: They won't talk to me. They just don't care.

George was the first in his immediate family to attend college. He did not ask people for advice on financial matters. He trusted the school. George was subjected to high-pressure sales that some for-profit colleges use.

Reflecting on that experience now, George believes the school took advantage of him. He believes the school's primary focus is to identify people they can make money off of. George owes about $29,000 in Federal loans. With low interest rates, his monthly payment is $230 a month on the Federal loans—an amount he says is not a real problem.

He is married, and although he and his wife own a car, he does not think they will ever qualify for a mortgage. He is 29 years old.

George is not the only one affected by the private student loans. His parents are in their fifties. To help George, they cosigned his private student loans. They cannot refinance the mortgage on their home because of George's outstanding debt.

There was a story in the Washington Post about 2 weeks ago of a woman—a grandmother—who now has her Social Security check garnished because she was kind enough to cosign her granddaughter's college loan. Her granddaughter has defaulted. Her grandmother is watching her Social Security check reduced.

Making college affordable should not be partisan. It affects everybody. Just this week, during a news conference in Pennsylvania, Gov. Mitt Romney acknowledged the tough job market new graduates face and expressed support for keeping interest rates low. He said:

> I fully support the effort to extend the low interest rate on student loans . . . . temporary relief on interest rates for students . . . in part because of the extraordinarily poor conditions in the job market.

Higher education is not a luxury anymore. It is part of the American dream that many of us bought into and invested in. An educated workforce will make us a stronger nation. By 2018, 63 percent of jobs will require postsecondary education. Keeping debt levels low and manageable for college graduates is essential.

George Jacobs, like so many other students I have spoken about on this floor, is going to spend the rest of his young adult life paying for student loans. There has always been a lot of talk around here about mortgage crises—and rightly so—but think about the 17- and 18- and 19-year-old students signing away their income for the next 30 years before they can even dream of owning a home.

When we get back from the break in about 10 days, we are going to consider legislation on making sure student loan interest rates are manageable. There is more to this issue. We have to deal with the reality the President raised in his State of the Union Address. This spiraling cost of higher education is unsustainable and unfair—fundamentally unfair.

We say to the young people: Get educated for your future.

They follow our advice and walk into the student loan trap. Unfortunately, many for-profit schools are the worst offenders. These schools have enrollment that has grown 225 percent over the past 10 years. According to the Chronicle of Higher Education, the enrollment of for-profit colleges in my State has grown 556 percent over the last 10 years. They enrolled 1.2 million students in 2009. In the 2008–2009 academic year, the GAO found for-profit colleges took in $24 billion in title IV aid; 4-year for-profit schools an average of $27,900 a year before aid, as compared to $16,900 for public 4-year universities.

The chief executives at most of the for-profit schools—parent companies—make many times more than their counterparts in nonprofit schools. Remember, 90 percent-plus of their revenue comes directly from the Federal Government. These are not great entrepreneurs; these are folks who have

managed to tap into one of the most generous Federal subsidies in the law.

Five years ago, we gave them a break. In the bankruptcy bill, we said private for-profit schools will be the only private loans in America that are not dischargeable in bankruptcy, which means you carry them to the grave. So the for-profit schools give these private loans to students, and their parents sign up for them. When it is all said and done, they end up saddled with this impossible debt for a lifetime. That is not even to go to the question about whether they are receiving any kind of valuable education in the process.

For-profits, incidentally, spent 21 percent-plus of their expenses on instruction—21 percent on instruction. It was 29.5 percent at public institutions, 32.7 percent at private nonprofit institutions.

USA Today reported that for-profits educate fewer than 10 percent of students, take in 25 percent of all Federal aid to education, and account for 44 percent of defaults among borrowers. Remember those numbers: 10, 25, and 44. They are taking in 10 percent of the students, taking in 25 percent of all the Federal aid to education, and 44 percent of the defaults on student loans are attributable to these for-profit schools.

According to the Project on Student Debt, 96 percent of for-profit college students graduate with some debt, compared to 72 percent of private nonprofit grads, 62 percent of public school grads. The Project on Student Debt also reported that borrowers who graduated from for-profit 4-year programs have an average debt of $33,000, compared to $27,600 at private nonprofits, $20,000 at public schools.

Last year, the Department of Education released a report showing that for-profit schools have a student loan default rate overall of 15 percent, compared with 7.2 percent at public schools, 4.6 percent at private nonprofit schools. If I were to stand before you and talk about any other business in America, heavily subsidized by the Federal Government—beyond 90 percent of all the revenues they take in—that is luring students and their families into unmanageable debt, I would hope both sides of the aisle would stand and say that is unacceptable. How can we subsidize an operation that is causing such hardship on students and their families—a hardship they are going to carry for a lifetime.

George Jacobs, at age 29, is writing off the possibility of ever owning a home because he signed up at one of those for-profit schools in my State.

The Senate HELP Committee also discovered that out of $640 million in post-9/11 GI benefits, a bill we were all proud to vote for, out of the $640 million that flowed to for-profit schools in the last academic year, $439 million went to the largest 15 publicly traded companies. For-profit colleges are receiving $1 out of every $2 in military tuition assistance, according to the Department of Defense, and more than 60 percent of education benefits available to military spouses go to for-profit schools.

This is significant. We capped Federal aid to for-profit schools at 90 percent of their revenue, but we created an exception for the GI bill. So some of them are up to 95 percent Federal subsidy and still we have these terrible results and terrible indebtedness.

Students at for-profit colleges have lower success rates than similar students in public and nonprofit colleges, including graduation rates, employment outcomes, debt levels, and loan default rates. Yet the Department of Defense is paying more to for-profit schools for the GI bill than public and nonprofit institutions.

I wish to have printed in the RECORD, along with my remarks, an article that appeared in the Wall Street Journal on Wednesday, April 18. It tells the story of Jodi Romine, who between the ages of 18 and 22 took out $74,000 in students loans. She attended Kent State University, a public university in Ohio. It seemed like a good investment at the time. But now it is going to delay her career, her marriage, and her decision to have children.

Ms. Romine's $900-a-month loan payments eats up 60 percent of the paycheck she earns as a bank teller in South Carolina, the best job she could get after graduating from college.

Her fiancé spends 40 percent of his paycheck on student loans. They each work more than 60 hours a week and volunteer where they can to help the local high school's football and basketball teams. Ms. Romine works a second job as a waitress, making all her loan payments on time. She cannot buy a house. They cannot visit their families in Ohio as often as they would like or spend money to even go out.

Plans to marry or have children are on hold, says Ms. Romine, ''I am just looking for some way to manage my finances.'' This is an indication of a debt crisis that is coming. It is different, I would agree, than the mortgage debt crisis we faced. Smaller in magnitude, perhaps, but no less insidious and no less of a problem for us when it comes to the growth of our economy.

I have a couple bills pending. One of them goes to a very basic question: Should any college, public, private, profit, nonprofit, be allowed to lure a student into a private student loan when they are still eligible for government loans? In other words, should that not be one of the causes for a discharge in bankruptcy? It is fraud. It is fraud to say to that student: You have to take out this private student loan, even though the school knows that student is still eligible for low-interest rate accommodating Federal loans. They are luring them into a debt that is unnecessary and a debt which is crushing, in some circumstances.

At the very minimum, that should be considered fraud in a bankruptcy court, and that debt should be dischargeable in bankruptcy because of the failure of the school to disclose that the student still has eligibility for a Federal loan.

Secondly, I know I am probably crying in the wilderness, but I still find it inconceivable that the only private sector business loan in America that is not dischargeable in bankruptcy goes to these heavily subsidized for-profit schools. First, we lured them with Federal money—90 percent-plus—and then we turn around and say: And we will protect you. When the student who is likely to default ends up defaulting, we will make sure they still have the debt, carrying it to the grave. What were we thinking to give this one business this kind of fantastic Federal subsidy and this kind of amazing support in the Bankruptcy Code?

I ask unanimous consent to have printed in the RECORD, along with that article from the Wall Street Journal, a recent article from Barron's of April 16.

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

[From the Wall Street Journal, Apr. 17, 2012]

TO PAY OFF LOANS, GRADS PUT OFF MARRIAGE, CHILDREN

(By Sue Shellenbarger)

Between the ages of 18 and 22, Jodi Romine took out $74,000 in student loans to help finance her business-management degree at Kent State University in Ohio. What seemed like a good investment will delay her career, her marriage and decision to have children.

Ms. Romine's $900-a-month loan payments eat up 60% of the paycheck she earns as a bank teller in Beaufort, S.C., the best job she could get after graduating in 2008. Her fiancé Dean Hawkins, 31, spends 40% of his paycheck on student loans. They each work more than 60 hours a week. He teaches as well as coaches high-school baseball and football teams, studies in a full-time master's degree program, and moonlights weekends as a server at a restaurant. Ms. Romine, now 26, also works a second job, as a waitress. She is making all her loan payments on time.

They can't buy a house, visit their families in Ohio as often as they would like or spend money on dates. Plans to marry or have children are on hold, says Ms. Romine. ''I'm just looking for some way to manage my finances.''

High school's Class of 2012 is getting ready for college, with students in their late teens and early 20s facing one of the biggest financial decisions they will ever make.

Total U.S. student-loan debt outstanding topped $1 trillion last year, according to the federal Consumer Financial Protection Bureau, and it continues to rise as current students borrow more and past students fall behind on payments. Moody's Investors Service says borrowers with private student loans are defaulting or falling behind on payments at twice prerecession rates.

Most students get little help from colleges in choosing loans or calculating payments. Most pre-loan counseling for government loans is done online, and many students pay only fleeting attention to documents from private lenders. Many borrowers ''are very confused, and don't have a good sense of what they've taken on,'' says Deanne Loonin, an attorney for the National Consumer Law Center in Boston and head of its Student Loan Borrower Assistance Project.

More than half of student borrowers fail to max out government loans before taking out

riskier private loans, according to research by the nonprofit Project on Student Debt. In 2006, Barnard College, in New York, started one-on-one counseling for students applying for private loans. Students borrowing from private lenders dropped 74% the next year, says Nanette DiLauro, director of financial aid. In 2007, Mount Holyoke College started a similar program, and half the students who received counseling changed their borrowing plans, says Gail W. Holt, a financial-services official at the Massachusetts school. San Diego State University started counseling and tracking student borrowers in 2010 and has seen private loans decline.

The implications last a lifetime. A recent survey by the National Association of Consumer Bankruptcy Attorneys says members are seeing a big increase in people whose student loans are forcing them to delay major purchases or starting families.

Looking back, Ms. Romine wishes she had taken only ''a bare minimum'' of student loans. She paid some of her costs during college by working part time as a waitress. Now, she wishes she had worked even more. Given a second chance, ''I would never have touched a private loan—ever,'' she says.

Ms. Romine hopes to solve the problem by advancing her career. At the bank where she works, a former supervisor says she is a hard working, highly capable employee. ''Jodi is doing the best she can,'' says Michael Matthews, a Beaufort, S.C., bankruptcy attorney who is familiar with Ms. Romine's situation. ''But she will be behind the eight-ball for years.''

Private student loans often carry uncapped, variable interest rates and aren't required to include flexible repayment options. In contrast, government loans offer fixed interest rates and flexible options, such as income-based repayment and deferral for hardship or public service.

Steep increases in college costs are to blame for the student-loan debt burden, and most student loans are now made by the government, says Richard Hunt, president of the Consumer Bankers Association, a private lenders' industry group.

Many private lenders encourage students to plan ahead on how to finance college, so ''your eyes are open on what it's going to cost you and how you will manage that,'' says a spokeswoman for Sallie Mae, a Reston, Va., student-loan concern. Federal rules implemented in 2009 require lenders to make a series of disclosures to borrowers, so that ''you are made aware multiple times before the loan is disbursed'' of various lending options, the spokeswoman says.

Both private and government loans, however, lack ''the most fundamental protections we take for granted with every other type of loan,'' says Alan Collinge, founder of StudentLoanJustice.org, an advocacy group. When borrowers default, collection agencies can hound them for life, because unlike other kinds of debt, there is no statute of limitations on collections. And while other kinds of debt can be discharged in bankruptcy, student loans must still be paid barring ''undue hardship,'' a legal test that most courts have interpreted very narrowly.

Deferring payments to avoid default is costly, too. Danielle Jokela of Chicago earned a two-year degree and worked for a while to build savings before deciding to pursue a dream by enrolling at age 25 at a private, for-profit college in Chicago to study interior design. The college's staff helped her fill out applications for $79,000 in government and private loans. ''I had no clue'' about likely future earnings or the size of future payments, which ballooned by her 2008 graduation to more than $100,000 after interest and fees.

She couldn't find a job as an interior designer and twice had to ask lenders to defer payments for a few months. After interest plus forbearance fees that were added to the loans, she still owes $98,000, even after making payments for most of five years, says Ms. Jokela, 32, who is working as an independent contractor doing administrative tasks for a construction company.

By the time she pays off the loans 25 years from now, she will have paid $211,000. In an attempt to build savings, she and her husband, Mike, 32, a customer-service specialist, are selling their condo. Renting an apartment will save $600 a month. Ms. Jokela has given up on her hopes of getting an M.B.A., starting her own interior-design firm or having children. ''How could I consider having children if I can barely support myself?'' she says.

[From Barron's, Apr. 16, 2012]

WHAT A DRAG!

(By Jonathan R. Laing)

AT $1 TRILLION AND CLIMBING, THE GROWING STUDENT-LOAN DEBT COULD BE A BURDEN ON ECONOMIC GROWTH FOR DECADES TO COME.

You don't need a Ph.D. in math to know that student-loan debt is compounding at an alarming rate. In the last six weeks alone, two new government reports have detailed the growing student debt burden, which has no doubt contributed to the weak economic recovery and could remain a drag on growth for decades to come. First came a report early last month from the Federal Reserve Bank of New York stating that the $870 billion in loans carried by some 37 million present and former students exceeded the money owed by all Americans for auto loans, as of the Sept. 30 end of the government's 2011 fiscal year. It's also greater than credit-card debt. The report went on to note that delinquencies, officially reported at about 10% of outstanding loans, were actually more than twice that number when things like loan-payment deferrals for current full-time students were properly accounted for.

But that was just prelude for a speech in late March, when an official of the new federal watchdog agency, the Consumer Financial Protection Bureau, asserted that total student debt outstanding actually topped $1 trillion. The Fed, it seems, failed to account for much of the interest that had been capitalized, or added to outstanding loan balances on delinquent and defaulted loans.

The cause of the binge is the unfortunate concatenation of steeply rising tuitions in the face of stagnating family incomes, a precipitous decline in states' funding of public universities and two-year colleges, and the burgeoning of avaricious for-profit colleges and universities—which rely on federally guaranteed student loans for practically all of their revenue, in exchange for dubious course offerings.

Ever-rising tuitions are the biggest part of the problem. As the chart nearby shows, tuition and fees at four-year schools rocketed up by 300% from 1990 through 2011. Over the same period, broad inflation was just 75% and health-care costs rose 150%.

However you apportion blame, it boils down to this: Two-thirds of the college seniors who graduated in 2010 had student loans averaging $25,250, according to estimates in a survey by the Institute for College Access & Success, an independent watchdog group. For students at for-profit schools, average per-student debt is even greater for training in such fields as cosmetology, massage therapy, and criminal justice, as well as more traditional academic subjects.

Whether you have kids in school or they've long since graduated, this is a big deal. Graduates lugging huge debt loads with few job opportunities to pay them off are reluctant to buy cars, purchase homes, or start families. Family formations, a key bulwark to home prices, have been in a seemingly inexplicable funk over the past five years or so.

Prospects are even more harrowing for defaulters on student debt. They are virtually excluded from the credit economy, unable to get mortgages, take out auto loans, or even obtain credit cards. ''We are creating a zombie generation of young people, larded with debt, and, in many cases dropouts without any diploma,'' says Mark Zandi, the chief economist at Moody's Analytics.

Debt taken on by students pursuing professional degrees in graduate schools is even more daunting. Federal Reserve Chairman Ben Bernanke turned some heads in an aside during congressional testimony last month when he said that his son, who is in medical school, would probably accumulate total debt of $400,000 before completing his studies. Law students, even at non-elite law schools, often run up debt of as much as $150,000 over the course of earning their degrees. This even though top-paying law jobs at major corporate law firms are shrinking, consigning many graduates to lives of relative penury. Many are resorting to lawsuits against their schools, charging, with some justification, that the schools gilded the employment opportunities that awaited graduates.

It's not just students who are being crushed by student-debt loads. Kenneth Lin, of the credit-rating Website Credit Karma, found something astounding when he examined credit reports on literally millions of households nationwide. Student debt borrowing by the 34-to-49 age cohort has soared by more than 40% over the past three years, faster than for any other age group. He attributes this in large part to bad economic times that prompted many to seek more training to enhance their career prospects. This is also the age group that the for-profit schools mercilessly mine with late-night television ads, online advertising, and aggressive cold-calling to entice with their wares.

Also, some folks in their 30s are obviously having trouble paying off student loans taken out earlier in their lives because of high unemployment rates and disappointing career outcomes. According to the aforementioned Fed report, the 30-to-39 age group owes more than any other age decile, with a per-borrower debt load of $28,500. They're followed by borrowers between the ages of 40 and 49, who had outstanding balances of $26,000. This is what happens to folks when loans go delinquent or fall into default (nine missed payments in a row), as back interest is added to principal and collection costs mount.

Parents, too, are getting caught up in the student-loan debt explosion. Loans to parents to help finance their kids' post-secondary education have jumped 75% since the 2005–06 school year, to an estimated $100 billion in federally backed loans; this according to data compiled by Mark Kantrowitz, the publisher of the authoritative student-aid Website FinAid.org. That's certainly a painful burden to bear for baby boomers, who are fast approaching retirement bereft of much of the home equity they'd been counting on to finance their golden years.

To be sure, student loans aren't the debt bomb that many doomsayers claim, poised to destroy the U.S. financial system as the residential-mortgage-market collapse nearly did. Moody's Mark Zandi ticks off a number of reasons why:

Student loans are just one-tenth the size of the home-mortgage market. Subprime mortgages, including alt-A, option ARMs (adjustable-rate mortgages), and other funky constructs, were bundled into $2.5 trillion worth of securitizations at their peak, ensuring that the damage wrought by their collapse

spread far and wide, destroying the value of U.S. families' biggest asset. The impact of these mortgage securitizations was only amplified by huge bets made by financial institutions like insurer American International Group (ticker: AIG) on the home-mortgage market in the form of credit-default swaps and the like.

Finally, and most important, the bulk of the student debt outstanding, some $870 billion of the total, is guaranteed by the federal government—and ultimately taxpayers. ''Thus, the damage can be contained, at least until the next recession,'' Zandi asserts. ''We should worry more about more subtle things like how indebtedness is causing the U.S. to fall behind some . . . emerging nations in the proportion of our population with college degrees than about any direct financial system fallout.''

The eventual bill to taxpayers on defaulted student loans won't be overwhelming. That's because Uncle Sam has enough collection powers to make a juice-loan collector envious and most debtors cry, well, ''Uncle!'' Among other things, the government can garnish the wages and glom onto income-tax refunds or Social Security payments of defaulters. And student debts are treated like criminal judgments, alimony and the like when it comes to bankruptcy. They can be discharged only under the rarest of circumstances, no matter how fraught the deadbeats' financial circumstances have become.

A recent story by Bloomberg's John Hechinger describes the hard-nosed tactics used by collection agencies hired by the Department of Education to go after the defaulters on $67 billion in loans. The collectors, operating out of boiler rooms, badger their marks with all manner of threats in return for bonuses, gift cards, and trips to foreign resorts if they pry at least nine months of payments above a certain minimum out of the defaulters. No mention is made of more lenient payment plans.

Such strategies apparently work, tawdry though they may be. The government claims it collects around 85 cents on the dollar of loan defaults. By contrast, credit-card companies are lucky to collect 10 cents on the dollar from borrowers in default.

Changes in repayment plans instituted in 2009 allow some student-loan borrowers in extreme hardship to pay monthly on the basis of what they can afford rather than what they owe. Under this ''income-based repayment plan,'' after 25 years of payments based on the borrower's discretionary income, the remainder of the loan will be forgiven. Thanks to the Obama administration, that number will soon be just 20 years.

Students going into public-service jobs like teaching can receive a get-out-of-debtors'-prison card after 10 years of income-based payments.

But these programs aren't likely to add much to the taxpayer tab on student-loan defaults, since the participation in the programs has been light (550,000 out of 37 million student borrowers), and the money collected is better than nothing.

Nor are the major players in the private, nongovernment-backed student-loan market, such as SLM, formerly known as Sallie Mae (SLM), Discover Financial Services (DFS), Wells Fargo (WFC) and PNC Financial Services (PNC), likely to suffer much from delinquencies or defaults. Their student-loan balances, at around $130 billion, are relatively manageable. They also were able to slip into 2005 legislation a provision prohibiting student-loan borrowers from discharging that debt in bankruptcy, mimicking the government's leverage over defaulters.

The private student-loan industry has also tightened up its underwriting standards since the financial crisis, demanding higher FICO, or credit, scores from borrowers and parents to co-sign most education loans. However, Fitch recently warned that private student-loan asset-backed securities, especially bundled before the recent recession with less stringent standards, are expected to continue to suffer from ''high defaults and ratings pressure.'' Little surprise then that JPMorgan Chase (JPM) announced last week that it would stop underwriting student loans as of July 1, except to customers of the bank.

Despite all this, some observers blame the government for the debt spiral—by making subsidized loans overly available to students. Without easy federal Pell grants (up to $5,550 a year for full-time students at four-year colleges) and federal undergraduate loans, now capped at an aggregate of $57,500, there would have been no spiral in college costs.

But this smacks of blaming the victims—students encumbered by debt and taxpayers ultimately subsidizing and guaranteeing the loans.

The perps clearly seem to be the so-called nonprofit universities and colleges that have been gunning tuition and fees ever higher since 1980, vastly in excess of consumer inflation, health care, and nearly any other cost index one can imagine.

Just take a look at the chart nearby, helpfully provided by the College Board in its latest 2011 ''Trends in College Pricing.'' Inflation-adjusted, private four-year college tuition and fees have jumped 181% on a smooth but relentlessly higher glide path. Public four-year college tuitions have risen by an even larger 268%, although it's clearly a case of catch-up. In-state tuition this year averages only $8,244, compared with the privates' $28,500 average tab. Student-debt outstanding, meanwhile, is growing far faster, climbing ninefold since 1997.

The College Board and private colleges and universities obdurately defend themselves, saying the ''sticker price'' in no way represents the actual price paid by families after taking into account federal and state grant aid, federal-tax breaks to families paying for college, and, of course, scholarship money provided by the schools themselves. In fact on a ''net-price'' basis, private four-year tuition costs, at $12,970, were slightly lower than in the academic year five years ago, the report brags.

That assertion is true as far as it goes. But the lower net price is not the result of the munificence of schools' scholarship programs, but is almost solely due to large increases made under President Obama in the size of Pell grants and educational tax credits. Throw in room and board—''not really part of the cost of attending college,'' the report says dismissively—and college costs are indeed higher this year. Room and board—$8,887 on average for in-state students at public schools in the current school year and $10,089 at private colleges—have long been a means for colleges to make stealth price increases.

Ivy League schools with total sticker prices including room and board of $50,000 to $57,000 in the current academic year use their large endowments to give out large dollops of student aid. In fact, Yale and Harvard are said to offer scholarship money or assistance to families with incomes up to $180,000. As a result, students graduating from elite schools like Princeton, Yale, and Williams College are able to graduate with total debt under $10,000, making them among the lowest-debt college and universities in the country.

But the Ivies can't be absolved of all blame in the current debt mess. They began the sticker-price arms race in the early 1980s, reasoning correctly, it turns out, that they could boost prices with impunity because of the scarcity value, social cachet and quality of the education they offer. They've led the charge ever since, even getting caught by the U.S. Justice Department for colluding on tuition increases and grant offers to applicants in the early '90s. They signed a consent decree neither admitting to nor denying the charges.

Don't think that state governments—which have been methodically cutting appropriations to higher public education for the last decade—aren't aware of the still-yawning gap between the sticker prices of state and private schools, which means that tuitions are likely to continue to rise at breakneck speed.

Too, elevated sticker prices by the privates have given cover to for-profit schools, including University of Phoenix, owned by Apollo Group (APOL), Bridgepoint Education (BPI), ITT Educational Services (ESI), Washington Post's (WPO) Kaplan University, and Career Education (CECO), a capacious umbrella under which to nestle. The schools live off of Pell grants, federally backed student loans, and, increasingly, the GI bill for veterans. Thus, they derive as much as 90% or more of their revenue from such government money, so they concentrate their recruiting efforts on the less affluent in order to qualify for such government largess. (For a look at ITT Educational's practices, see ''Clever Is as Clever Does.'')

The industry's course content is often risible, and graduation rates horrible. Students naively hoping for a big jump in earnings power end up saddled with debt averaging about $33,000, with little to show for their efforts. Students at for-profits make up about 10% of the post-secondary-school population. Yet according to congressional researchers on the Senate Health, Education, Labor, and Pensions Committee, which has been investigating the for-profit industry, they account for between 40% and 50% of all student-loan defaults.

The student-debt crisis is emblematic of issues bedeviling the U.S. as a whole, such as income inequality and declining social mobility. For as scholarship money is increasingly diverted from the needy to achievers with high grade-point averages and test scores, boosting institutional rankings, the perhaps less-privileged applicant is thrust into the position of having to take on gobs of debt, indirectly subsidizing the education of more affluent classmates. The race to the career top is likely over long before graduation.

Student debt also helps sustain many school hierarchies that are virtually bereft of cost controls—the high-salaried tenured professorates, million-dollar-a-year presidents and provosts, huge administrative bureaucracies, and lavish physical plants.

The debt game will continue until students and their families revolt or run out of additional borrowing capacity. Don't expect the educational establishment to rein in its spending. Things have been too cushy for too long.

Mr. DURBIN. They identified those who were offering these private student loans. The major players in the private nongovernment-backed student loan market: SLM let me translate—formerly known as Sallie Mae, Discover Financial Services, Wells Fargo, and PNC Financial Services. Even with the defaults, if there are defaults on these loans, these loans are protected because they continue forever.

I do not know if my colleagues will join me in this, but all I ask them to do is go home and please talk to some of

the families in their States, and they will find this student loan crisis is not just something manufactured by politicians; it is real, and we are complicit in it. When we allow low-performing and worthless schools to receive Federal aid to education, students and their families are lured into believing these are real schools.

Go to the Internet and put in the words ''college'' or ''university,'' click the mouse and watch what happens. You will be inundated with ads from for-profit schools. Some of them will tell you: Go to school online. One of them ran a television ad here in Washington—I think they have taken it off the air now—that showed this lovely young girl who was in her bedroom in her pajamas with her laptop computer on the bed. The purpose of the ad was: You can graduate from college at home in your pajamas. It is a ruse. It is a farce. It is a fraud.

Many times these schools offer nothing but debt for these students. The students who drop out get the worst of the circumstances. They do not even get the worthless diploma from the for-profit schools; all they get is the debt. That is not fair. If we have a responsibility—and I think we do—to families across America, for goodness' sake, on a bipartisan basis, we should step up and deal with the student debt crisis and the for-profit schools that are exploiting it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

Mr. ALEXANDER. Would the Chair please let me know when there is 2 minutes left.

The ACTING PRESIDENT pro tempore. I will.

Mr. ALEXANDER. Madam President, I am glad I had a chance to hear my distinguished friend from Illinois speak about student loans and college costs. All of us would like to make it easier for Americans to be able to afford college. At another time, I will speak about some of the other options available. The average tuition at 4-year public colleges in America is $8,200. The average tuition for a community college is $3,000.

I know at the University of Tennessee, where tuition is about $7,400, at a very good campus in Knoxville, virtually all the freshmen show up with a $4,000 Hope Scholarship, which is a State scholarship. Of course, if they are lower income students, they are also eligible for Pell grants and other federal aid.

So we will continue to work, on a bipartisan basis, to make college an opportunity available to students. If there are abuses in the for-profit sector or other sectors of higher education, we should work on those together.

Mr. INHOFE. Would the Senator yield for a unanimous consent request?

Mr. ALEXANDER. Of course.

Mr. INHOFE. I do not want to change the Senator's line of thought. It was beautiful and I want to hear every word. Madam President, I ask unanimous consent that after the conclusion of the remarks of the Senator from Tennessee, that there will be 10 minutes given to the Senator from Wyoming, Mr. BARRASSO, and that I have the remainder of the Republican time.

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

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 2366 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

A SECOND OPINION

Mr. BARRASSO. Madam President, week after week, I have come to the floor to give a doctor's second opinion about the health care law. I tell my colleague from Tennessee that I should have him join me on a weekly basis in these second opinions, because he has clearly stated a number of things in this health care law that are hurting people. He talked about his experience as a Governor and the impact of Medicaid mandates and how that impacted his ability to provide for education within a State.

Just now, with the bill he will introduce, I associate myself with his remarks, because he showed that one of the tricks that was used in passing the health care law is overcharging. This is the Obama health care law overcharging young people on student loans. The Democrats all voted for it and the Republicans all voted against it. It is overcharging students for student loans to pay for the President's health care law.

Again, I appreciate the comments by my colleague, the Senator from Tennessee, and his incredible leadership on this, which he continues to provide every day in the Senate.

I come to the floor today to again give a second opinion about another component of the health care law and one of the tricks that the administration has tried to use in terms of making the health care law, in their opinion, more appealing, which essentially the Government Accountability Office this week called foul.

The President was caught and called out by the GAO, when they uncovered another gimmick in the President's health care law. It is a gimmick that tries to cover up how the President's law devastates seniors' ability to get the care they need from the doctor they want at a cost they can afford.

The Obama administration's latest trick targets seniors on a program called Medicare Advantage. It is a program that one out of four seniors—people on Medicare—relies on for their health care coverage. As someone who has taken care of lots of Medicare patients over the years, I can tell you that one in four—about 12 million seniors—is on this Medicare Advantage Program. The reason it is an advantage for them is that it helps with preventive medicine, with coordinating their care. They like it because of eyeglasses and eye care and because of hearing aids.

Each one of those 12 million seniors knows they are on Medicare Advantage because it is a choice they make to go onto the program. Well, as people all around the country remember, the White House and Democrats, in the effort to pass the health care law, cut $500 billion from Medicare—not to strengthen Medicare or save Medicare for our seniors, no—to start a whole new government program for other people. Out of that $500 billion that the President and his administration and Democrats in Congress cut from Medicare, about $145 billion of that money came from this Medicare Advantage Program—a program people like. These cuts would have gone into place this year—actually, October of this year. That is the time of year when seniors are supposed to register for their Medicare Advantage plans for the next year. So we are talking about October of 2012, the month before the Presidential election, and cuts coming then would make those millions of American seniors who have chosen Medicare Advantage very unhappy with this administration and the Democrats in Congress who shoved this down the throats of the American people.

In spite of the American people saying, no, don't pass this health care law, according to the President and the Democrats, too bad, we know what is better for you. Democrats believe that a one-size-fits-all is best, that a government-centered program is better than a patient-centered program.

The President and his folks saw this political problem developing. It is a real political problem for the President. And what did the administration do? Well, they put in place a massive $8.3 billion—that is billion with a ''b''—so-called pilot program. What that will do is temporarily reverse most of these Medicare Advantage cuts—not for too long, just to get the President and the Democrats past the election of 2012.

According to the GAO, 90 percent of the Medicare Advantage enrollees will be covered by these contracts eligible for this so-called bonus in 2012 and 2013. But this is a sham program. It is seven times larger than any similar demonstration program Medicare has ever attempted, and Medicare has been in place now for 50 years. Take a look at this. This is the largest ever—seven times larger than any demonstration program they have ever attempted. Even the GAO, which is supposed to be—and is—nonpartisan, called out the President and the Secretary of Health and Human Services.

This program wasn't actually designed to improve the Medicare Advantage Program. That is why this is a

sham. The reality is this so-called bonus program is a political stunt aimed at the 2012 Presidential election. The administration simply did not want to face America's seniors with the truth—the truth that his health care law gutted the popular Medicare Advantage Program, reducing choices and raising premiums.

The Wall Street Journal editorial board reported yesterday that ''the demonstration program turns into a pumpkin in 2013.''

They go on to say:

> The real game here is purely political—to give a program that is popular with seniors a temporary reprieve past Election Day. Then if Mr. Obama is reelected, he will go ahead and gut Medicare Advantage.

That has been his intention all along—to gut Medicare Advantage.

Investor's Business Daily yesterday described it as ''playing politics with Medicare.'' They go on to report:

> The entire project is so transparently political that the normally reserved GAO urged the Health and Human Services Department to cancel it altogether.

Isn't this the administration that claimed that accountability was their goal, that this was going to be the most accountable administration in history? Then why is the government's own accountability office calling the President and the Democrats on the carpet and saying: Cancel this program altogether.

An op-ed that appeared in Forbes Magazine called it the ''Obama Campaign's $8 Billion Taxpayer-Funded Medicare Slush Fund.'' The author notes:

> This development opens up a new expansion of executive-branch power: the ability to spend billions of dollars on politically-favored constituents, without the consent of Congress.

Madam President, we wouldn't have known about the Obama administration's $8 billion coverup if it weren't for my colleague, Senator ORRIN HATCH, who insisted on the GAO investigation. I believe the American people owe a debt of thanks to Senator HATCH. Thanks to his leadership, we now know what the administration is doing to try to trick American seniors and make it harder for them to get the care they need after the Presidential election.

Once again, this administration claims to be for transparency, claims to pride itself on accountability, but is not leveling with the American people. So today I am calling on the President to direct his Secretary of Health and Human Services to cancel this waste of taxpayer dollars that are being used to cover up the damage his health care law is doing to the seniors of this country who are on Medicare Advantage. It is time they cancel the program and come clean about their plan for seniors on Medicare Advantage. This latest gimmick is just another reason we must repeal the President's health care law and replace it with patient-centered reform.

So I will continue to come to the floor every week because we can never forget NANCY PELOSI's quote that ''first you have to pass it before you get to find out what's in it.'' Week after week, we are finding out more things in this health care law. And now, under the direction and suspicion of Senator HATCH, we have the Government Accountability Office coming out and saying they found something new again this week—an effort by this administration to hide from the American people the real impact of the health care law and hide it before the election so the American people will not—the President hopes—go to the polls and vote the way, in my mind, they would have voted had they seen the clear reality of all of the impacts of this health care law.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

DOMESTIC ENERGY PRODUCTION

Mr. INHOFE. First of all, Madam President, let me say we are very fortunate to have the Senator from Wyoming, with his background, come and give us his second opinion. The ratings are very high on his second opinion, and I am very glad of that.

I am also very pleased we had the Senator from Tennessee talking about the big issue of today. There is no one—having been the Secretary of Education in a previous administration—who is more qualified to talk about student loans than the Senator from Tennessee. So I am very appreciative.

Ironically, we have talked about two subjects, and I am here to talk about one totally unrelated that I think is equally critical—and I have to be critical—of this administration. I am going to state something that hasn't been stated before. I am going to release something that hasn't been released before, and I think it is very significant that people really listen.

You know, this President has had a war on fossil fuels—and when we talk about fossil fuels, we are talking about oil, gas, and coal—ever since before he was in office. He is very clever because what he has attempted to do is to kill oil, gas, and coal when we had the huge supply of it here and yet do it in a way that the American people won't be aware over it. How many people in America, I ask the Chair, know what hydraulic fracturing is? I daresay more people know about it today than knew about it a short while ago.

So today I wish to address for the first time ever the questionable actions recently taken by the Obama administration's Environmental Protection Agency to stop domestic energy production, particularly doing so by using hydraulic fracturing.

Today I wish to draw attention to a little-known video from 2010 which shows a top EPA official, region 6 Administrator Al Armendairiz, using the vivid metaphor of crucifixion to explain EPA's enforcement tactics over oil and gas producers.

This is a long quote, and I am going to ask everyone to bear with me because it is all a quote by Armendairiz. He is, as I said, the Administrator of region 6, and he is instructing at this time people who are working for them in what their behavior should be. So this is an actual quote I am going to use. It is a long quote. Bear with me.

> I was in a meeting once and I gave an analogy to my staff about my philosophy of enforcement, and I think it was probably a little crude and maybe not appropriate for the meeting but I'll go ahead and tell you what I said. It was kind of like how the Romans used to conquer little villages in the Mediterranean. They would go into a little Turkish town somewhere, they'd find the first five guys they saw and they would crucify them. And then you know that town was really easy to manage for the next few years. And so you make examples out of people who are in this case not compliant with the law. Find people who are not compliant with the law, and you hit them as hard as you can and you make examples out of them, and there is a great deterrent effect there. And, companies that are smart see that, they don't want to play that game, and they decide at that point that it's time to clean up. And, that won't happen unless you have somebody out there making examples of people. So you go out, you look at the industry, you find the people violating the law, you go aggressively after them. And we do have some pretty effective enforcement tools. Compliance can get very high, very, very quickly. That's what these companies respond to, is both their public image but also financial pressure. So you put some financial pressure on a company, you get other people in that industry to clean up very quickly. So, that's our general philosophy.

Again, that is a quote from the EPA Administrator of region 6. He actually said: You know, it is kind of like the Romans, when they used to conquer little villages in the Mediterranean. They would go into a little Turkish town and find the first five guys they saw and crucify them. That is how you get their attention.

I remember a few years ago a lumber company in my State of Oklahoma called me up and said: I am not sure what to do. The EPA is putting us out of business.

I said: What do you mean, putting you out of business?

This was a lumber company in Tulsa, OK—Mill Creek Lumber. The man who was calling me was the president.

He said: We have been disposing of our used crankcase oil in the same legal, licensed depository for 10 years now, and they have traced some of this oil to a Superfund site, and they say they are now going to fine me $5,000 a day for that violation. Now, that is what the letter said.

I said: Send the letter to me. That is a typical threat by the EPA to try to make you voluntarily go out of business.

So he sent it to me, and sure enough that is what it said. Any concerned reader would look at that and say: They are going to put us out of business. He said they could stay in business maybe another 30 days and that would be the end.

Well, that was a threat. That is what they do to intimidate people. It is not

quite to the level of a crucifixion, but nonetheless times have changed and things have gotten worse over the past few years. So, yes, they have the enforcement tools, and they are able to scare people, intimidate people. And these are the very people who are working and hiring people and doing what is necessary to run this machine we call America.

So according to Administrator Armendairiz, EPA's general philosophy is to crucify and make examples of domestic energy producers so that other companies will fall in line with EPA's regulatory whims. His comments give us a rare glimpse into the Obama administration's true agenda. No matter how much President Obama may pretend to be a friend of oil, gas, and coal, his green team constantly betrays the truth that the Obama administration is fully engaged in an all-out war on hydraulic fracturing, thinking people won't know that if you kill hydraulic fracturing, you kill oil and gas production in America.

Not long after Armendairiz made his stunning admission, the EPA, apparently, began to zero in on the first crucifixion victims. The Agency targeted U.S. natural gas producers in Pennsylvania, in Texas, and in Wyoming, and in all three of these cases, before these investigations were complete, EPA made headline-grabbing statements either insinuating or proclaiming that hydraulic fracturing was the cause of water contamination. But in each of these three cases, the EPA's comments were contrived, and despite their best efforts they have been unable to find any science to back up their accusations.

Of course, this administration has a propensity for making embarrassing announcements on days when they hope no one will notice. During the past 2-week recess, while Congress was out of town, the EPA released several late-Friday-night statements reversing their earlier assertions in these cases. Still, the problem is people are walking around believing these things are true.

The Agency hopes they can admit they were wrong quietly, but we are not going to let that happen. We are not going to let them get away with it. The American people deserve to know exactly why the EPA is pushing ahead with such intensity to capture alarmist headlines, and then, when no one is looking and when their investigation shows they were wrong, quietly backing away from it.

The EPA, in Texas, Wyoming, and Pennsylvania, not only reversed their assertions but did so with a stunning lack of transparency, strategically attempting to make these announcements as quietly as possible, at times they know Congress won't be looking. Let me quickly highlight a few of these examples. In Parker County, TX, the Agency's major announcement—the withdrawal of their administrative order—was announced at a time they knew Congress was adjourning for Easter recess. In Dimock, PA, the EPA made two announcements, and the same thing happened there. In Pavillion, WY, the EPA announced their reversal as Congress was wrapping up that week.

So the same thing was happening. The EPA's general philosophy is to crucify domestic energy producers. Let's look at the three of their crucifixions.

Parker County, TX. I think this could be the most outrageous of all the examples we will be talking about today. I will not have time to hit them all, but I will go back and make the complete statement I was going to make. Unfortunately, there isn't time to finish it now.

But what happened in Parker County, TX, took place in region 6, where my State of Oklahoma is located. Despite Texas State regulators actively investigating the issue, EPA region 6 issued a December 7, 2010, Emergency Administration Order, which determined—I use the word ''determined'' because that is the word they used—determined that State and local authorities had not taken sufficient action and ordered a company called Range Resources to provide clean drinking water to affected residents and begin taking steps to resolve the problem.

Along with this order, the EPA went on a publicity barrage in an attempt to publicize its premature and unjustified conclusions. The day of the order, EPA issued a press release in which it mentioned hydraulic fracturing—not once, not twice but four times—in trying to tie that to problems with groundwater contamination.

The Agency claimed they also had ''determined''—again, they used that word—that natural gas drilling near the homes by Range Resources in Parker County, TX, had caused the contamination of at least two residential drinking water wells.

Regional administrator Al Armendariz was quoted in a press story posted online, prior to him even notifying the State of Texas, that EPA was making their order—and the e-mails have been obtained from the day the order was released—showing him gleefully sharing information with rabid antifracking advocates—and this is a quote by this EPA regional administrator: ''We're about to make a lot of news . . . time to Tivo channel 8.'' He was rejoicing.

In subsequent interviews, Armendariz made comments specifically intending to incite fear and sway public opinion against hydraulic fracturing, citing multiple times a danger of fire or explosion. When State regulators were made aware of EPA's action, they made it clear they felt the Agency was proceeding prematurely, to which Armendariz forwarded their reply calling it ''stunning.''

What was ''stunning,'' to quote Armendariz, were revelations about the way in which the EPA acted in this particular case, which led me to send a letter, at that time, to the EPA inspector general requesting him to preserve all records of communication in connection with the emergency order issued by the EPA region 6 administrator.

Subsequent to the EPA's December 7, 2010, administrative order, on January 18, 2011, EPA followed through on Regional Administrator Armendariz's promise to ''make examples of people'' and filed a complaint in Federal district court, requesting penalties against Range Resources of $16,500 a day for each violation they alleged took place—for each violation. I don't know how many violations there are. I think there are three or four.

Again, this goes back to the same thing that happened in my State of Oklahoma with the EPA trying to put a lumber company out of business by EPA, except this is a larger company so there are larger fines.

So $16,500 a day in order to align with Armendariz's pursuit of fines which ''can get very high very, very quickly.''

If these actions alone didn't create an appearance of impropriety and call into serious question the ability of Regional Administrator Armendariz to conduct unbiased investigations and fairly enforce the law, just 7 months prior to the region's actions in Parker County, Regional Administrator Armendariz laid the groundwork of how he planned to reign over his region.

In a townhall meeting in Dish, TX, he ''gave an analogy'' of his ''philosophy of enforcement.'' Again, we have already talked about that analogy.

This is a quote I highlighted at the beginning of my speech:

> It was kind of like the Romans used to conquer little villages in the Mediterranean. They'd go into a little Turkish town somewhere, they'd find the first five guys they saw and they would crucify them. And then you know that town was really easy to manage.

Let me go back and be clear about this. This is President Obama's appointed regional administrator for the States of Arkansas, Louisiana, New Mexico, Texas, and Oklahoma comparing his philosophy of enforcement over the oil and gas industries to Roman crucifixions, where they would ''just grab the first five guys they saw'' in order to set the policy and to scare everybody else and crucify them.

Fast forward to late Friday afternoon, March 30 of this year, just a few hours after Congress left town for the Easter recess. The Wall Street Journal reported that:

> EPA told a federal judge it withdrew an administrative order that alleged Range Resources had polluted water wells in a rural Texas county west of Fort Worth. Under an agreement filed by U.S. district court in Dallas, the EPA will also drop the lawsuit it filed in January 2011 against Range, and Range will end its appeal of the administrative order.

Listen to this. A few weeks prior to EPA's withdrawal, a judge also concluded that one of the residents involved in the investigation worked

with environmental activists to create a ''deceptive video'' that was ''calculated to alarm the public into believing the water was burning''—water that was the result of the hydraulic fracturing—when it appears the resident attached a hose to the water well's gas vent, not the water, and of course lit it on fire.

I was on a TV show the other night by someone whom I will not mention their name—she happens to be one of my three favorite liberals—and she mentioned: ''This water is so bad it is burning.'' That judge showed what it was and of course made them cease from doing that.

Remember, this is only one of the three recent high-profile instances of backtracking on behalf of the Agency, after they have already scared everybody into thinking it is a serious problem.

Next we go into Wyoming—Pavillion, WY. Last December, EPA publicized and released nonpeer-reviewed draft findings which pointed to hydraulic fracturing as the cause of groundwater contamination. Again, the culprit is always hydraulic fracturing because we all know we can't get any large oil and gas out of tight formations without hydraulic fracturing.

Here again, the EPA stepped in over the actions of the State and made a press announcement designed to capture headlines where definitive evidence linking the act of hydraulic fracturing to water contamination simply didn't exist.

The announcement came in December, despite as late as November of 2011 EPA regional administrator James Martin saying the results of the last round of testing in Pavillion were not significantly different from the first two rounds of testing which showed no link between the hydraulic fracturing and contamination. That is three rounds of testing which showed no contamination from hydraulic fracturing. Yet only a few weeks later EPA announced the opposite.

In another reversal by the EPA in the past few weeks, the EPA stepped back and quietly agreed to take more water samples and postpone a peer review of the findings, something the State of Wyoming had been requesting for quite some time.

Again, the damage was done. They didn't do anything wrong. There was no water groundwater contamination at all. This is hydraulic fracturing.

As I have mentioned so many times before, I know a little bit about this because the first hydraulic fracturing took place in my State of Oklahoma in 1949. There has never been a documented case of groundwater contamination as a result of it. Yet this administration is doing everything they can to destroy hydraulic fracturing.

Dimock, PA, is the third site of the EPA's recent backtracking of its publicized attempts to link hydraulic fracturing to groundwater contamination. In this instance, the Pennsylvania Department of Environmental Protection had taken substantial action to and including working out an agreement with an oil and gas company ensuring residents clean drinking water.

In line with the State's Department of Environmental Protection, on December 2, 2011, the EPA declared that water in Dimock was safe to drink. Just over a month later, EPA reversed that position.

So they go back and forth. What do people remember? They remember this process of hydraulic fracturing is the culprit and is creating serious environmental problems.

What is maybe more egregious was—to quote Pennsylvania DEP secretary Michael Krancer—EPA's ''rudimentary'' understanding of the facts and history of the region's water: Independent geologists and water consultants such as Brian Oram have been puzzled by the Agency's rationale for their involvement in Dimock because the substances of greatest concern by EPA are naturally occurring and commonly found in this area of Pennsylvania. Yet EPA has chosen this area to attack because of the presence of hydraulic fracturing.

In other words, this has been going on for years, long before hydraulic fracturing.

By the way, I have to say they used to attack oil and gas, but it was always out West in the Western States. The chair knows something about that. This is different now because we have these huge reserves that are in places such as New York and Pennsylvania. All that time there has not been hydraulic fracturing, but as soon as hydraulic fracturing came in, they said this is the result of hydraulic fracturing when it has been there all the time.

Of course, this is part of the strategy to try to convince Americans we don't have the vast supply of natural resources we clearly have.

I was redeemed by this. I have seen saying all along that of all the untruths this President has been saying, the one he says more than any other is that we only have 2 percent of the reserves of gas and oil and we use 25 percent. It is not true. I don't want to use the ''L'' word. I don't want to get everybody mad, but it is just not true.

The U.S. Geological Survey revealed just a few days ago that President Obama's favorite talking point, that we only have 2 percent of the world's proven oil, is less than honest. The 2 percent the President quotes is proven reserves, but he ignores our recoverable reserves. This is coming from the USGS. Our recoverable reserves are some of the largest in the world.

According to information gleaned from the USGS report, America has 26 percent of the world's recoverable conventional oil reserves. That doesn't begin to include our enormous oil shale, tight oil and heavy oil deposits. That is just a fraction of it. But that is 26 percent of the world's recoverable oil.

Our problem is our politicians will not allow us—and particularly the Obama administration—to drill on public lands and to be able to capture that.

We also hold almost 30 percent of the world's technically recoverable conventional natural gas.

In other words, to put it in a way that I think is more understandable: Just from our own resources and at our own consumption level, we could run this country for 90 years on natural gas at our current level of consumption and for 60 years on oil. That is what we have. That is the answer to the problem. It is called supply and demand. There is not a person listening now who would not remember back in the elementary school days that the supply and demand is real.

But we all know he remains fully committed to his cap-and-trade, global warming, green energy agenda—a plan that is to severely restrict domestic development of natural gas, oil, and coal, to drive up the price of fossil fuels so their favorite forms of green energy can compete. It is, quite simply, a war on affordable energy—and, at that time, they weren't afraid to admit it.

Now they are backtracking a little bit—such as using hydraulic fracturing and not saying they are opposed to oil and gas.

Do you remember Steven Chu, the Secretary of Energy, President Obama's man? He told the Wall Street Journal that ''[s]omehow we have to figure out a way to boost the price of gasoline to levels in Europe.''

We all know the infamous quote from President Obama. He said that, under his cap-and-trade plan, ''electricity prices would necessarily skyrocket.''

The President himself has been on record supporting an increase in gas prices. Although, according to him, he would ''have preferred a gradual adjustment'' increasing the average family's pain at the pump. But this isn't a plan that gets you reelected. So the gas prices have skyrocketed, and with the utter failure of Solyndra, President Obama's dream of green energy economy is in shambles. We can be sure we won't be talking about this plan to raise energy costs until after the election.

I would have to say the President's own Deputy Energy Secretary Dan Poneman last month made a statement, and I appreciate it, because he said we have a very strong belief that the laws of supply and demand are real.

They have been saying that the laws of supply and demand are not real. Gary Becker—I quoted this the other day. He is a Nobel Prize-winning economist, professor at the University of Chicago. He has said ''supply and demand are the cause of the vast majority of large fluctuations in oil prices, and it is hard to believe that speculation has played a major role in causing a large swing in oil prices.''

The President tried to say it is not supply and demand. We do not need to

develop our own resources to bring down the price of gas at the pumps. It is speculation. Here is a Nobel Prize winner saying that just flat is not true.

The President's budget proposal this year alone—I want to get back to how he has made this attempt to tax oil and gas out of business. The President's budget proposal this year alone amounts to a $38.6 billion tax increase on oil and gas companies, which would hit my own State of Oklahoma where 70,000 people are employed in oil and gas development especially hard. His proposal specifically would either modify or outright cancel section 199—that is the manufacturers' tax deduction that is something all other manufacturers would be able to enjoy—for the intangible drilling costs, IDCs: percentage depreciation, tertiary injections. All of these were in his budget—not just this year, not just last year, but every year since his budget 4 years ago—to try to tax the oil and gas companies out of business.

His actions have not slowed his rhetoric. In fact, President Obama has become so desperate to run from his antifossil fuel record that he ran all the way to Cushing, OK. That is my State. We have a major intersection of the pipeline down there. This President, in his attack on fossil fuels, stopped the XL Pipeline that goes from Canada down through my State of Oklahoma. He came all the way to Oklahoma to say: I am in support of the pipeline that goes south out of Oklahoma into Texas.

Wait a minute, that is because he cannot stop it. He could only stop the other one because it crossed the line from Canada to the United States. So he came all the way to Oklahoma to say he was not going to stop something that he could not stop anyway.

President Obama is trying to take credit for the increase in oil and gas. I have to get this out because I think so many people do not understand this. The increase that is taking place in production is all on private lands. It is not increasing on public lands. It is decreasing on public lands, but on private lands he has no control. In the report by the nonpartisan Congressional Research Service, since 2007, quoting now from the CRS:

> About 96 percent of the [oil production] increase took place on non-federal lands.

According to the Obama Energy Information Administration, total fossil fuel sales of production from Federal lands are down since 2008—they are down, not up—and during a time of a natural gas boom throughout the country. In other words we have gone through the biggest boom on private land, but he will not allow us to do it on public land, and that is where these tremendous reserves are. Gas sales from production on Federal lands are down 17 percent since 2008.

Finally, according to PFC Energy, which is a global consulting firm specializing in the oil and gas industry, 93 percent of shale oil and gas wells in the United States are located on private and State lands, hardly the Federal Government triumph that the President falsely attempts to take credit for when you put all the pieces together.

President Obama's election strategy is clear: Say great things about oil and gas, say great things about coal and the virtues of domestic energy production, but under the surface try hard to manufacture something wrong with hydraulic fracturing. Remember, not 1 cubic foot of natural gas can be retrieved in tight shale formations without using hydraulic fracturing.

As I said before, that was started in my State of Oklahoma. We are going to make sure we are the truth squad that tells the truth about how we can bring down the price of gas at the pump. It gets right back to supply and demand.

I am going to come back at a later date and give the long version of what I have just given in the last 45 minutes, but I see my friend from Tennessee is here. So I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Tennessee is recognized.

DEFICIT SPENDING

Mr. CORKER. Mr. President, I thank the Senator from Oklahoma. I actually learned a lot sitting here listening. I know energy production is very important to his State and, obviously, to our Nation. I know he has a wealth of knowledge regarding this issue. I candidly enjoyed hearing his remarks, and I look forward to hearing the balance of them at another time.

I am going to be very brief. I came down here because I am distressed about where we find ourselves. I want to thank the ranking member and the chair of the Homeland Security Subcommittee who is dealing with postal reform. I thank them for working through the committee process and actually bringing a bill to the floor in that manner, something we do not do enough of around here. I thank them for allowing us to have amendments, free-for-all, as it relates to matters pertinent to this bill. I thank them for their work. Personally, I would like to see a lot more reforms take place in the postal bill.

There is no question we are kicking the can down the road, and we are going to revisit this in another couple of years. Because of the way the bill is designed, I don't think there is any question that is going to happen.

But I want to speak to the fact that the world, our Nation, and all of our citizens watched us last August as this country almost came to a halt as we voted on a proposal to reduce the amount of deficit spending that is taking place in our Nation at a time when the debt ceiling was being increased. There was a lot of drama around that. Both sides of the aisle came together and established a discretionary cap on the amount of money that we would spend in 2012 and 2013.

Again, the whole world and certainly most citizens in our Nation were glued to the television or reading newspaper accounts about what was happening. In a bipartisan way, at a time when our Nation has tremendous deficits, we basically committed to pare down spending.

What is happening with this bill, and the same thing happened with the highway bill that was just passed, is that people on both sides of the aisle are saying: You know, the Postal Service is very popular. Therefore, what we are going to do is not worry about the budget caps we have put in place.

It is hard for me to believe. I know there is a lot of accounting around the postal reform bill that is difficult for people to comprehend. But what is happening with this bill, both the ranking and chair continue to talk about the fact that some money came from the Postal Service into the general fund and now is just being repaid. By the way, I agree with that. But the problem is it still increases our deficit by $11 billion, and it absolutely violates the agreement we put in place last August 2.

The responsible way for us to deal with this is say we understand this is money that should go back to the Postal Service, but to live within the agreement we put in place we need to take $11 billion from someplace else.

What I fear is getting ready to happen today—and I know there was a budget point of order placed against this bill. I supported that budget point of order. The ranking and chair—whom, again, I respect tremendously—said let's go through this process and see if there are some amendments that actually pare down the cost. That is not happening. So what I fear is going to happen this afternoon is that in an overwhelmingly bipartisan way, Congress is going to say one more time to the American people: You absolutely cannot trust us to deal with your money because we are Western politicians—Western democracies are having the same problems in Europe—and basically the way we get reelected is we spend your money on things that you like without asking for any repayment of any kind.

That is what has happened in this Nation for decades. That is what we are seeing play out right now in Europe. We are able to watch the movie of what is going to happen to this great Nation. We have politicians in this Chamber who have agreed to what we are going to spend this year and already, because we have two popular bills, in a bipartisan way people are saying: It doesn't matter what we agreed to. We do not care that the biggest generational theft that has ever occurred in this Nation is continuing. We are basically taking money from our children to keep us in elective office by not making tough choices.

I am afraid that is what is going to happen this afternoon on this bill. I am just coming down one more time to appeal to people on both sides of the aisle who are participating in this to say:

Look, we made an agreement. We made this agreement just last August 2, where we said how much money we would spend, and we are violating it again on this bill. What I would say is, if the Postal Service is so popular, let's take money from some other place that we do not consider to be the priority this is.

We do not do that. Instead, what we are doing is exactly what has happened in Europe, what has happened here for a long time where we have this deal, this arrangement between politicians of this body and citizens where we continue to give them what they want, but we will not set priorities. We will not ask them to pay for it. And what is happening is our country is on a downward spiral.

These young pages who are sitting in front of me are going to be paying for it. It is absolute generational theft. This afternoon we are going to take another step in that direction. I appeal to everyone: Look, if we want to pass this postal reform bill, let's cut $11 billion some other place. That is what the States that we represent have to do. That is what the cities that we come from have to do.

But we will not do that here. I am not talking about one side of the aisle or the other. What I think is going to happen this afternoon is that people on both sides of the aisle are going to break trust with the American people, violate an agreement that we just put in place, and basically send a signal to the world that they absolutely cannot trust the Senate to live within its means. We would rather do things to get ourselves reelected now than save this Nation for the longer term.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from New Mexico is recognized.

Mr. UDALL of New Mexico. Mr. President, I rise today to express my support for the Violence Against Women Reauthorization Act. Specifically, I want to talk about how crucial the tribal provisions in this bill are for Native American women. For the past 18 years, this historic legislation has helped protect women from domestic violence, from sexual assault, from stalking. It has strengthened the prosecution of these crimes and has provided critical support to the victims of these crimes.

It has been a bipartisan effort. Democrats, Republicans, and law enforcement officers, prosecutors, judges, health professionals—all have supported this Federal effort to protect women. Why? Because it has worked.

Since its passage in 1994, domestic violence has decreased by over 50 percent. The victims of these crimes have been more willing to come forward knowing that they are not alone, knowing that they will get the support they need, knowing that crimes against women will not be tolerated.

Unfortunately, not all women have seen the benefits of the Violence Against Women Act. That is why the tribal provisions in the reauthorization are so important. Native women are 2½ times more likely than other U.S. women to be raped. One in three will be sexually assaulted in their lifetimes. It is estimated three out of five Native women will experience domestic violence in their lifetimes. Those numbers are tragic. Those numbers tell a story of great human suffering, of women in desperate situations, desperate for support, and too often we have failed to provide that support.

But the frequency of violence against Native women is only part of the tragedy. To make matters worse, many of these crimes go unprosecuted and unpunished. Here is the problem: The tribes have no authority to prosecute non-Indians for domestic violence crimes against their Native American spouses or partners within the boundaries of their own tribal lands. And yet over 50 percent of Native women are married to non-Indians; 76 percent of the overall population living on tribal lands is non-Indian. Instead, under existing law, these crimes fall exclusively under Federal jurisdiction. But Federal prosecutors have limited resources. They may be located hours away from tribal communities. As a result, non-Indian perpetrators often go unpunished. The cycle of violence continues and often escalates at the expense of Native American victims.

On some tribal lands the homicide rate for Native women is up to 10 times the national average. But this starts with small crimes, small acts of violence that may not rise to the attention of the Federal prosecutor. In 2006 and 2007, U.S. attorneys prosecuted only 45 misdemeanor crimes on tribal lands.

For perspective, the Salt River Reservation in Arizona—which is a relatively small reservation—reported more than 450 domestic violence cases in 2006 alone. Those numbers are appalling. Native women should not be abandoned to a jurisdictional loophole. In effect, we have a prosecution-free zone.

The tribal provisions in the Violence Against Women Reauthorization Act provide a remedy. The bill allows tribal courts to prosecute non-Indians in a narrow set of cases that meet the following specific conditions: The crime must have occurred in Indian Country; it must be a domestic violence or dating violence offense or a violation of a protection order; and the non-Indian defendant must reside in Indian Country, be employed in Indian Country, or be the spouse or intimate partner of a member of the prosecuting tribe.

This bill does not—and I emphasize does not—extend tribal jurisdiction to include general crimes of violence by non-Indians or crimes between two non-Indians or crimes between persons with no ties to the tribe. Nothing in this provision diminishes or alters the jurisdiction of any Federal or State court.

I know some of my colleagues question if a tribal court can provide the same protections to defendants that are guaranteed in a Federal or State court. The bill addresses this concern. It provides comprehensive protections to all criminal defendants who are prosecuted in tribal courts whether or not the defendant is a Native American. Defendants would essentially have the same rights in tribal court as in State court. These include, among many others, right to counsel, to a speedy trial, to due process, the right against unreasonable search and seizure, double jeopardy, and self-incrimination. In fact, a tribe that does not provide these protections cannot prosecute non-Indians under this provision.

Some have also questioned whether Congress has the authority to expand tribal criminal jurisdiction to cover non-Indians. This issue was carefully considered in drafting the tribal jurisdiction provision. The Indian Affairs and Judiciary Committees worked closely with the Department of Justice to ensure that the legislation is constitutional.

In fact, last week 50 prominent law professors sent a letter to the Senate and House Judiciary Committees expressing their ''full confidence in the constitutionality of the legislation, and its necessity to protect the safety of Native women.''

Their letter provides a detailed analysis of the jurisdictional provision. It concludes that ''the expansion of tribal jurisdiction by Congress, as proposed in Section 904 of S. 1925, is constitutional.''

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to which I have referred.

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

CONSTITUTIONALITY OF TRIBAL GOVERNMENT PROVISIONS IN VAWA REAUTHORIZATION

APRIL 21, 2012.

Sen. PATRICK LEAHY,
Chairman, Senate Judiciary Committee, Russell Senate Office Building, Washington, DC.
Sen. CHARLES GRASSLEY,
Ranking Member, Senate Judiciary Committee, Hart Senate Office Building, Washington, DC.
Rep. LAMAR SMITH,
Chairman, House Judiciary Committee, Rayburn House Office Building, Washington, DC.
Rep. JOHN CONYERS, JR.,
Ranking Member, House Judiciary Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS: The signers of this letter are all law professors, and we have reviewed Title IX of S. 1925, the Violence Against Women Reauthorization Act of 2012. We write in support of this legislation generally and of Section 904, which deals with tribal criminal jurisdiction over perpetrators of domestic violence, specifically. Our understanding is that some opponents of these provisions have raised questions regarding their constitutionality. We write to express our full confidence in the constitutionality of the legislation, and in its necessity to protect the safety of Native women.

Violence against Native women has reached epidemic proportions, and federal

laws force tribes to rely exclusively on far away federal—and in some cases, state—government officials to investigate and prosecute misdemeanor crimes of domestic violence committed by non-Indians against Native women. As a result, many cases go uninvestigated and criminals walk free to continue their violence with no repercussions. Section 904 of S. 1925 provides a constitutionally sound mechanism for addressing this problem.

CONSTITUTIONAL CONCERNS

Congress has the power to recognize the inherent sovereignty of Indian tribal governments to prosecute non-Indian perpetrators of domestic violence on reservations. While it is true that the Supreme Court held in Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978), that tribal governments did not have criminal jurisdiction over non-Indians, that decision was rooted in common law, not the Constitution, as the later Supreme Court decision in United States v. Lara, 541 U.S. 193 (2004), clearly indicates.

Since the Court's decision in Oliphant was not based on an interpretation of the Constitution, Congress maintains the authority to overrule the decision through legislation. The Court in Oliphant said as much when it stated that tribal governments do not have the authority to prosecute non-Indian criminals ''except in a manner acceptable to Congress.'' 435 U.S. at 204. More proof of Congress's authority to expand tribal government jurisdiction lies in the more recent 2004 Supreme Court decision in United States v. Lara, where the Supreme Court upheld a Congressional recognition of the inherent authority of tribal governments to prosecute nonmember Indians.

In Lara, the Court analyzed the constitutionality of the so-called ''Duro fix'' legislation. Congress passed the Duro fix in 1991 after the Supreme Court decided Duro v. Reina, 495 U.S. 676 (1990), which held that a tribal court does not have criminal jurisdiction over a nonmember Indian, under the same reasoning as Oliphant. In response to this decision, Congress passed an amendment to the Indian Civil Rights Act recognizing the power of tribes to exercise criminal jurisdiction within their reservations over all Indians, including nonmembers. The ''Duro fix'' was upheld by the Supreme Court in Lara. The first part of the Court's analysis determined that in passing the Duro fix, Congress had recognized the inherent powers of tribal governments, not delegated federal powers. 541 U.S. at 193. The Court then held that Congress did indeed have the authority to expand tribal criminal jurisdiction. Id. at 200.

In Lara, the Court plainly held, based on several considerations, that ''Congress does possess the constitutional power to lift the restrictions on the tribes' criminal jurisdiction.'' Id. The Court relied on Congress's plenary power and a discussion of the pre-constitutional (historical) relationship with tribes, focusing on foreign policy and military relations. The Court in Lara held that ''the Constitution's 'plenary' grants of power'' authorize Congress ''to enact legislation that both restricts and, in turn, relaxes those restrictions on tribal sovereign authority.'' Id. at 202. The Court noted that Congress has consistently possessed the authority to determine the status and powers of tribal governments and that this authority was rooted in the Constitution. So the decision in Lara shows clearly that the expansion of tribal jurisdiction by Congress, as proposed in Section 904 of S. 1925, is constitutional.

The Lara majority also recognized that the Duro fix was limited legislation allowing for an impact only on tribes' ability to control crimes on their own lands, and would not undermine or alter the power of the states. The same is true of Section 904, which does nothing to diminish state or federal powers to prosecute.

DUE PROCESS CONCERNS

It is important to note that Section 904 of S. 1925 does not constitute a full restoration of all tribal criminal jurisdiction—only that which qualifies as ''special domestic violence criminal jurisdiction.'' So there must be an established intimate-partner relationship to trigger the jurisdiction. Moreover, no defendant in tribal court will be denied Constitutional rights that would be afforded in state or federal courts. Section 904 provides ample safeguards to ensure that non-Indian defendants in domestic violence cases receive all rights guaranteed by the United States Constitution.

A. NARROW RESTORATION

The scope of the restored jurisdiction is quite narrow. First, the legislation only applies to crimes of domestic violence and dating violence when the victim is an Indian and the crime occurs in Indian country. Thus, it applies to a narrow category of persons who have established a marriage or intimate relationship of significant duration with a tribal member. Second, for a non-Indian to be subject to tribal court jurisdiction, the prosecuting tribe must be able to prove that a defendant:

(1) Resides in the Indian country of the participating tribe;

(2) Is employed in the Indian country of the participating tribe; or

(3) Is a spouse or intimate partner of a member of the participating tribe.

In other words, a defendant who has no ties to the tribal community would not be subject to criminal prosecution in tribal court. Federal courts have jurisdiction to review such tribal jurisdiction determinations after exhaustion of tribal remedies. Section 904 is specifically tailored to address the victimization of Indian women by persons who have either married a citizen of the tribe or are dating a citizen of the tribe. This section is designed to ensure that persons who live or work with tribal members are not ''above the law'' when it comes to violent crime against their domestic partners.

B. CIVIL RIGHTS

The Indian Civil Rights Act (ICRA) already requires tribal governments to provide all rights accorded to defendants in state and federal court, including core rights such as the Fourth Amendment right to be secure from unreasonable searches and seizures, and the Fifth Amendment privilege against self-incrimination. 25 U.S.C. 1301–1303. There is no question that federal courts have authority to review tribal court decisions which result in incarceration, and they have the authority to review whether a defendant has been accorded the rights required by ICRA. See Santa Clara Pueblo v. Martinez, 436 U.S. 49 (1978).

Section 904 of the Violence Against Women Reauthorization Act re-emphasizes and reinforces the protections afforded under ICRA. It requires that tribal courts provide ''all other rights'' that Congress finds necessary in order to affirm the inherent power of a participating tribe. Tribal governments are already providing the due-process provisions in cases involving non-Indians in civil cases. Empirical studies have demonstrated that tribal courts have been even-handed and fair in dispensing justice when non-Indian defendants appear in court in civil matters. Section 904 provides ample protection for any non-Indian subject to the special domestic violence prosecution. The special domestic violence jurisdiction is conditioned on a requirement that tribes maintain certain minimal guarantees of fairness.

The Violence Against Women Reauthorization Act affirms the right of habeas corpus to challenge detention by an Indian tribe, and goes even further by requiring a federal court to grant a stay preventing further detention by the tribe if there is a substantial likelihood that the habeas petition will be granted. The legislation does not raise the maximum sentence that can be imposed by a tribal court, which is one year (unless the tribal government has qualified to issue sentences of up to three years per offense under the Tribal Law and Order Act).

Thus, the legislation provides ample safeguards. Nothing in the legislation suggests that a defendant in tribal court will be subject to proceedings which are not consistent with the United States Constitution. Indeed, the legislation creates an even playing field for all perpetrators of domestic violence in Indian country. No person who commits an act of violence against an intimate partner will be above the law.

C. POLITICAL PARTICIPATION

While some have criticized tribal jurisdiction over nonmembers based on the inability of nonmembers to participate in tribal political processes through the ballot box, we note that such political participation has never been considered a necessary precondition to the exercise of criminal jurisdiction under the concept of due process of law. A few examples illustrate that point. First, Indians were subjected to federal jurisdiction under the Federal Major Crimes Act of 1885, now codified as amended at 18 U.S.C. 1153, almost 40 years before most of them were made citizens or given the vote by the Citizenship Act of 1924. Second, due process certainly does not prevent either the federal government or the states from prosecuting either documented or undocumented aliens for crimes committed within the United States, despite the fact that neither can vote on the laws to which they are subjected. Third, likewise, due process of law does not preclude criminal prosecution of corporations despite the fact that corporate or other business organizations, which are considered separate legal persons from their shareholders or other owners, also cannot vote on the laws to which such business organizations are subjected. In short, there simply is no widely applicable due-process doctrine that makes political participation a necessary precondition for the exercise of criminal jurisdiction.

CONCLUSION

In conclusion, the signers of this letter urge Congress to enact the VAWA Reauthorization and fully include the tribal jurisdictional provisions necessary for protecting the safety of Native women. Public safety in Indian country is a primary responsibility of Congress, the solution is narrowly tailored to address significant concerns relating to domestic violence in Indian country, and the legislation is unquestionably constitutional and within the power of Congress.

Sincerely,

Kevin Washburn, Dean and Professor of Law, University of New Mexico School of Law; Erwin Chemerinsky, Dean and Distinguished Professor of Law, University of California Irvine School of Law; Stacy Leeds, Dean and Professor of Law, University of Arkansas School of Law; Carole E. Goldberg, Vice Chancellor, Jonathan D. Varat Distinguished Professor of Law, UCLA School of Law; Robert N. Clinton, Foundation Professor of Law, Sandra Day O'Connor College of Law, Arizona State University; Matthew L.M. Fletcher, Professor of Law, Michigan State University College of Law; Frank Pommersheim, Professor of Law, University

of South Dakota School of Law; Rebecca Tsosie, Professor of Law, Sandra Day O'Connor College of Law, Arizona State University; Richard Monette, Associate Professor of Law, University of Wisconsin School of Law; John LaVelle, Professor of Law, University of New Mexico School of Law.

G. William Rice, Associate Professor of Law, University of Tulsa College of Law; Judith Royster, Professor of Law, University of Tulsa College of Law; Angelique Townsend EagleWoman, (Wambdi A. WasteWin), Associate Professor of Law, University of Idaho College of Law; Gloria Valencia-Weber, Professor of Law, University of New Mexico School of Law; Robert T. Anderson, Professor of Law, University of Washington School of Law; Bethany Berger, Professor of Law, University of Connecticut School of Law; Michael C. Blumm, Professor of Law, Lewis and Clark Law School; Debra L. Donahue, Professor of Law, University of Wyoming College of Law; Allison M. Dussias, Professor of Law, New England Law School; Ann Laquer Estin, Aliber Family Chair in Law, University of Iowa College of Law.

Marie A. Fallinger, Professor of Law, Hamline University School of Law; Placido Gomez, Professor of Law, Phoenix School of Law; Lorie Graham, Professor of Law, Suffolk University Law School; James M. Grijalva, Friedman Professor of Law, University of North Dakota School of Law; Douglas R. Heidenreich, Professor of Law, William Mitchell College of Law; Taiawagi Helton, Professor of Law, The University of Oklahoma College of Law; Ann Juliano, Professor of Law, Villanova University School of Law; Vicki J. Limas, Professor of Law, The University of Tulsa College of Law; Aliza Organick, Professor of Law & Co-Director, Clinical Law Program, Washburn University School of Law; Ezra Rosser, Associate Professor of Law, American University Washington College of Law.

Melissa L. Tatum, Professor of Law, University of Arizona James E. Rogers College of Law; Gerald Torres, Bryant Smith Chair, University of Texas at Austin Visiting Professor of Law Yale Law School; Bryan H. Wildenthal, Professor of Law, Thomas Jefferson School of Law; Sarah Deer, Associate Professor, William Mitchell College of Law; Patty Ferguson-Bohnee, Associate Clinical Professor of Law, ASU Sandra Day O'Connor College of Law; Julia L. Ernst, Assistant Professor of Law, University of North Dakota School of Law; Mary Jo B. Hunter, Clinical Professor, Hamline University School of Law; Kristen Matoy Carlson, Assistant Professor, Wayne State University Law School; Tonya Kowalski, Associate Professor of Law, Washburn University School of Law.

Suzianne D. Painter-Thorne, Associate Professor of Law, Mercer University School of Law; Tim W. Pleasant, Professor of Law, Concord Law School of Kaplan University; Justin B. Richland, JD, PhD, Associate Professor of Anthropology, University of Chicago; Keith Richotte, Assistant Professor of Law, University of North Dakota School of Law; Colette Routel, Associate Professor, William Mitchell College of Law; Steve Russell, Associate Professor Emeritus, Indiana University, Bloomington; Marren Sanders, Assistant Professor of Law, Phoenix School of Law; Maylinn Smith, Associate Professor, University of Montana School of Law; Ann E. Tweedy, Assistant Professor, Hamline University School of Law; Cristina M. Finch, Adjunct Professor, George Mason University School of Law; John E. Jacobson, Adjunct Professor, William Mitchell College of Law.

Mr. UDALL of New Mexico. Mr. President, I respect my colleagues' concerns about the tribal provisions of this bill, and I am willing to work with any Senator who may have concerns about these provisions. Native American law can be daunting, but I want to stress how much effort, research, and consultation went into drafting the tribal provisions in the Violence Against Women Act. Title 9 is taken almost entirely from S. 1763, the Stand Against Violence and Empower Native Women Act, the SAVE Native Women Act. This bill was passed on a Department of Justice proposal submitted to Congress last July. That proposal was the product of extensive multiyear consultations with tribal leaders about public safety generally and violence against women specifically. It builds on the foundation laid by the Tribal Law and Order Act of 2010.

The SAVE Native Women Act was cleared by the Indian Affairs Committee in a unanimous voice vote. The Presiding Officer serves on that committee and knows that this is a committee—the Senate Indian Affairs Committee—that works in a bipartisan way. This passed by a unanimous voice vote through the Senate Indian Affairs Committee.

Shortly thereafter, its core provisions were again vetted and incorporated in the Judiciary Committee's Violence Against Women Act Reauthorization as title 9. In short, the Safety for Indian Women title has been vetted extensively and enjoys wide and bipartisan support. The tribal provisions in this bill are fundamentally about fairness and clarity and affording Native women the protections they deserve.

As a former Federal prosecutor and attorney general of a State with a large Native American population, I know firsthand how difficult the jurisdictional maze can be for tribal communities. One result of this maze is unchecked crime. Personnel and funding run thin, distance is a major prohibitive factor, and the violence goes unpunished. Title 9 will create a local solution for a local problem by allowing tribes to prosecute the crime occurring in their own communities. They will be equipped to stop the escalation of domestic violence. Tribes have already proven to be effective in combating crimes of domestic violence committed by Native Americans.

Let me reiterate this very important point: Without an act of Congress, tribes cannot prosecute a non-Indian even if he lives on the reservation, even if he is married to a tribal member. Without this act of Congress, tribes will continue to lack authority to protect the women who are members of their own tribes. With this bill, we can close a dark and desperate loophole in criminal jurisdiction.

Beyond extending the jurisdiction of tribes within specific constraints, the bill will also promote other efforts to protect Native women from an epidemic of domestic violence by increasing grants for tribal programs to address violence and for research on violence against Native women and also by allowing Federal prosecutors to seek tougher sentences for perpetrators who strangle or suffocate their spouses or partners.

All of these provisions are about justice. Right now Native women don't get the justice they deserve, but these are strong women. They rightly demand to be heard. They have identified a desperate need and support logical and effective solutions. That is why Native women and tribal leaders across the Nation support the Violence Against Women Reauthorization Act and the proposed tribal provisions. Let us work with these women to create as many tools as possible for confronting domestic violence.

There are far too many stories of desperation that illustrate why the provisions protecting Native women are in this bill, and I want to share one story now. This is the story of a young Native American woman married to a non-Indian. He began abusing her 2 days after their wedding. They lived on her reservation. In great danger, she filed for an order of protection as well as a divorce within the first year of marriage. The brutality only increased. It ended with the woman's abuser going to her place of work—which was located on the reservation—and attempting to kill her with a gun. A coworker, trying to protect her, took the bullet. Before that awful day, this young woman had nowhere to turn for help. She said:

> After a year of abuse and more than 100 incidents of being slapped, kicked, punched and living in horrific terror, I left for good. During the year of marriage I lived in constant fear of attack. I called many times for help, but no one could help me.

The tribal police did not have jurisdiction over the daily abuse because the abuser was a non-Indian. The Federal Government had jurisdiction but chose not to exercise it because the abuse was only misdemeanor level prior to the attempted murder. The State did not have jurisdiction because the abuse was on tribal land and the victim was Native American.

Her abuser, at one point after an incident of abuse, actually called the county sheriff himself to prove that he was untouchable. The deputy sheriff came to the home on tribal land but left saying he did not have jurisdiction. This is just one of the daily, even hourly, stories of abuse, stories that should outrage us all. These stories could end through local intervention and local authority that will only be made possible through an act of Congress. We have the opportunity to support such an act in the tribal provisions of VAWA.

I encourage my colleagues to fully support the tribal provisions in this very important bill.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico.) Without objection, it is so ordered.

SURFACE TRANSPORTATION ACT

Mrs. SHAHEEN. Mr. President, 42 days ago—that is more than 1,000 hours—42 days ago, 74 Senators from this Chamber voted to pass a badly needed, long-term transportation bill. At that time, I joined many of my colleagues from both sides of the aisle to call on the House to consider the Senate's bill or a similar bipartisan bill that would provide highway and transit programs with level funding for at least 2 years.

While the House has not yet passed a long-term bill, I am pleased that they voted to go to conference with the Senate. That means we are one step closer to finally having legislation in place that would support nearly 2 million jobs—about 6,600 of those in New Hampshire—and a bill that would maintain current funding levels, which would avoid an increase in both the deficit and gas taxes. I urge the House and the Speaker to immediately appoint conferees so we can continue moving forward and finally pass a long-term transportation bill. We cannot wait any longer. Mr. President, 937 days have passed since our last Federal Transportation bill expired. If you are counting, that is 2 years, 6 months, and 27 days.

If the House does not join the Senate and support a reasonable bipartisan transportation bill that is paid for, States and towns will not have the certainty they need from Washington to plan their projects and improve their transportation infrastructure.

According to numerous studies, deteriorating infrastructure—the highways, the railroads, the transit systems, the bridges that knit our economy together—cost businesses more than $100 billion a year in lost productivity. That is because we are not making the investments we need to make. And this is no time to further stall programs that encourage economic growth and create the climate for businesses to succeed.

In New Hampshire, we very directly experience the consequences of this uncertainty. The main artery that runs north and south in New Hampshire, Interstate 93, is congested. Currently, we have a project underway that would reduce that congestion on our State's most important highway. It would create jobs. It would spur economic development.

Although this project has been underway for several years, the pace of the project has slowed dramatically because we do not have a transportation bill in place. Businesses and developers along the I–93 corridor cannot hire workers or invest for the future while the project remains uncertain.

We need to act now to unleash the economic growth this project and transportation investments across the country will make possible. We know that projects such as Interstate 93 produce good jobs. New Hampshire's Department of Transportation said that work on just one section of the highway—just one section, between exits 2 and 3—created 369 construction jobs. And all around the country we have projects like Interstate 93 that are waiting on Congress to complete this effort.

For every billion dollars we spend in infrastructure investment, it creates 27,000 jobs. It should not be so hard to get this done. If BARBARA BOXER and JIM INHOFE can agree on legislation, then the House ought to be able to agree on legislation. Cities and businesses need the certainty as we get to the new construction season. And the longer the House waits to appoint conferees, the harder it will be for Congress to pass a long-term bill.

I urge the House to swiftly appoint representatives to negotiate with the Senate so that we can come together and make the Federal investments necessary to get transportation projects moving and get people back to work.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

21ST CENTURY POSTAL SERVICE ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1789, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1789) to improve, sustain, and transform the United States Postal Service.

Pending:

Reid (for Lieberman) modified amendment No. 2000, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 2071, AS MODIFIED

Mr. LIEBERMAN. Mr. President, on behalf of Senator WARNER, I ask unanimous consent to call up the Warner amendment No. 2071, with a modification that is at the desk, and I ask that it to be considered in the original order of the previous agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment, as modified.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for Senator WARNER, proposes an amendment numbered 2071, as modified.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. CARDIN. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require reporting regarding retirement processing and modernization)

At the appropriate place, insert the following:

SEC. ___. RETIREMENT REPORTING.

(a) TIMELINESS AND PENDING APPLICATIONS.—Not later than 60 days after the date of enactment of this Act, and every month thereafter, the Director of the Office of Personnel Management shall submit to Congress, the Comptroller General of the United States, and issue publicly (including on the website of the Office of Personnel Management) a report that—

(1) evaluates the timeliness, completeness, and accuracy of information submitted by the Postal Service relating to employees of the Postal Service who are retiring, as compared with such information submitted by agencies (as defined under section 551 of title 5, United States Code); and

(2) includes—

(A) the total number of applications for retirement benefits for employees of the Postal Service that are pending action by the Office of Personnel Management; and

(B) the number of months each such application has been pending.

(b) ELECTRONIC DATA TIMETABLE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress and the Comptroller General of the United States a timetable for completion of each component of a retirement systems modernization project of the Office of Personnel Management, including all data elements required for accurate completion of adjudication and the date by which electronic transmission of all personnel data to the Office of Personnel Management by the Postal Service shall commence.

(2) TIMETABLE CONSIDERATIONS.—In providing a timetable for the commencing of the electronic transmission of all personnel data by the Postal Service under paragraph (1), the Office of Personnel Management shall consider the milestones established by other payroll processors participating in the retirement systems modernization project of the Office of Personnel Management.

Mr. LIEBERMAN. Mr. President, I thank all our colleagues. We have made good bipartisan progress on a bipartisan bill that I think will go a long way toward solving the current crisis situation in our U.S. Postal Service.

We have several amendments remaining, approximately nine rollcall votes—hopefully fewer as this goes on—and a number of other amendments that we hope will be considered by a voice vote and perhaps even, in the wisdom of the sponsor, withdrawn. At least I look at the occupant of the chair, and I know he is a man who is very wise, and I thank him.

Mr. President, in the normal order, Senator MANCHIN of West Virginia is next up.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENT NO. 2079

Mr. MANCHIN. Mr. President, on behalf of my cosponsors, Senator ROCKEFELLER, Senator MIKULSKI, and Senator MERKLEY, I call up amendment No. 2079.