markets but can't secure private financing due to the credit risk associated with some overseas investments.

Export-supported jobs linked to the manufacturing sector already account for an estimated 7 percent of our total private sector employment. More than one-fourth of the manufacturing jobs in Ohio depend on exports for their jobs.

In 2011 the bank worked with nearly 100 Ohio businesses to support more than $400 million in export sales. To renew the Bank's charter should be a cause that all Senators support just like the 25 times that the Senate unanimously reauthorized the agency since its establishment almost 80 years ago. It is a matter of American jobs and a matter of global competitiveness.

Some people who seem to oppose everything the Federal Government wants to do because of this philosophy that the Federal Government never does anything of use—forgetting Medicare, Social Security, clean drinking water, all that—even though the Senate has reauthorized this program 25 times, they are standing in the way and blocking it.

We faced a trade deficit with China of almost $300 billion in 2011, meaning that we imported about $800 million a day more than we exported to China. We know that China's export-import and development banks provide as much as $100 billion in export credits each year. That is more than three times as many new export credits as our U.S. Export-Import Bank.

It is time we continue fighting for and investing in American manufacturing. It is so important, like we do so well in Ohio, that we make things. It creates wealth, it creates a strong middle class, and it creates opportunity for our young people. It is time to end the delay and reauthorize the Export-Import Bank.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the quorum call be rescinded.

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

MORNING BUSINESS

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

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

SUPREME COURT REVIEW

Mr. LEAHY. Madam President, I was fortunate to be able to attend the argument before the U.S. Supreme Court on the constitutionality of the provision in the affordable care act providing that individuals should take personal responsibility for paying for their health care by obtaining health insurance or pay a fine. I have watched a lot of arguments in the Supreme Court. Obviously, as the chairman of the Judiciary Committee I pay close attention—as do all Members—to what goes on there. I heard a great deal of instant analysis from commentators after the argument, including their predictions on how the Court will rule. I didn't hear much devoted to the role of the Chief Justice of the United States.

When I watched the arguments, I saw a Chief Justice that day who I thought seemed well aware of the significance of this decision. Chief Justice Roberts had not been appointed when the Court intervened in the Presidential election of 2000, but he certainly saw the reaction to that decision in Bush v. Gore, a 5-to-4 decision that the country viewed as partisan. In fact, many in the country felt that five people on the Supreme Court decided a Presidential election that was actually for the person who got less votes than the one they said lost. That decision was unprecedented. In a shocking admission, the Court itself said that it should never be considered precedent or cited in the future. That decision shook the confidence of the American people in the Supreme Court and, as Justice Stevens observed at the time, the loser in that decision was ''the Nation's confidence in the judge as an impartial guardian of the rule of law.'' That activism undermined the reputation of the Court as fair and impartial.

But the Chief Justice did participate in the Court's recent 5-to-4 decision in Citizens United that divided along ideological lines and continues to engender a significant backlash. That decision was one in which the Supreme Court reached out to decide a matter not argued initially and in which it made a broad constitutional ruling that reversed nearly 100 years of progress in the country to control the corrupting influence of money in our elections and politics. That decision led directly to the super PACs and campaign excesses that are now plaguing our Democratic elections, and actually plagued this year's Republican Presidential primaries. As bad as its effect is on both Republicans and Democrats and elected offices, I believe it has contributed to the further erosion of the public's confidence in the Supreme Court to be an independent arbiter.

The constitutional challenge to the affordable care act is the current instance in which narrow ideology and partisanship are pressuring the Supreme Court to intervene where it should not, to override the law and constitutional legal understandings that have been settled since the Great Depression, and also to overturn the actions of the people who are elected to represent all Americans in both the House and the Senate. I was struck by how little respect some of the Justices showed to Congress and of how dismissive they were to the months of work that included dozens of hearings, or the committee actions and the debate of amendments and motions and points of order on the Senate and House floors before the measure was enacted, how that was almost summarily dismissed by some.

Their actions will not help restore Americans' confidence in the Court to fairly apply the law. According to a recent poll, half of all Americans expect the justices to decide the challenge to the affordable care act mainly based on their ''partisan political views,'' while only 40 percent expect them to decide the case ''on the basis of the law.'' That has contributed to the historically low percentage of Americans, fewer than half, that said in a recent poll that they approve of the Supreme Court.

I am not going to be offended if some of the Justices don't like us personally or disagree with the policy judgments reflected in the law as individuals, as citizens, or as human beings; they are entitled to their personal views just as we are. But as Justices, they are supposed to put those petty personal views and feelings aside. They are supposed to begin their inquiry by respecting the will of the people as reflected in the work of Congress and to defer to Congress unless the laws we pass violate the Constitution. However, during the argument, it seemed that the Justices were second guessing the policy judgments that were made during the extended legislative process. That is not the purpose or proper exercise of judicial review. Acting out based on their personal views in this matter would be the height of conservative judicial activism. Let me repeat that. Acting out based on their personal views in this matter would be the height of conservative judicial activism.

The Chief Justice seemed to understand that deference to the elected branch is fundamental to the proper exercise of judicial review. I was struck that more than once he commented on the extreme arguments coming from other Justices by noting they were not being fair. Chief Justice Roberts was right in that regard.

I thought I saw—at least the day I watched—a Chief Justice who understands the importance of this case to all Americans, including those millions who would otherwise continue without health care insurance and access to affordable health care—the kind of health care insurance and access to affordable health care each one of us in this Chamber has and each member of the Supreme Court has. This case is also significant because of the impact it will have on the American people's view of the Supreme Court.

We all remember when the Chief Justice was nominated, and he testified that if confirmed, he would act with judicial modesty, he would honor precedent, and he would acknowledge the

limited role of the judiciary and seek to bring the Court together. When I voted to confirm Chief Justice Roberts as Chief Justice of the United States—and many of my Democratic colleagues voted the other way, and I respect them for that—I said that I was voting with hope and faith. I credited his testimony. I trusted that he would act to fulfill his responsibilities in accordance with the testimony he gave to the Senate.

I said then that if I thought he ''would easily reject precedent'' or ''use his position on the Supreme Court as a bulwark for activism,'' I would not have supported his confirmation. I contrasted the technical reasoning and unjust holding of Chief Justice Taney in the Dred Scott case with the leadership that Chief Justice Warren provided in the unanimous decision in Brown v. Board of Education. I spoke about the need to curtail the current activism of the Supreme Court and for appropriate deference to congressional action taken by the people's elected representatives, which is precisely what should happen in the matter currently before the Supreme Court.

I was encouraged by the assurances he gave during the confirmation process that he would respect congressional authority. Well, this case is a fundamental test. After all, he relied heavily during the hearing on the recent Gonzales v. Raich decision as controlling precedent in upholding congressional authority to act under the Commerce Clause. He also assured us that despite his previous record of advocacy, as Chief Justice he would not continue to urge additional restrictions on Congress's Spending Clause powers.

I trust that he will be a Chief Justice for all of us and that he has a strong institutional sense of the proper role of the judicial branch. It is the Supreme Court of the United States, not the Supreme Court of the Democratic Party or the Republican Party; not the Supreme Court of liberals or conservatives but the Supreme Court of the United States. And the Chief Justice is the Chief Justice of the United States, all 320 million of us. The conservative activism of recent years has not been good for the Court.

Given the ideological challenge to the Affordable Care Act and the extensive, supportive precedent, it would be extraordinary for the Supreme Court not to defer to Congress in this matter that so clearly affects interstate commerce. This case should not become an instance in which a conservative, activist majority on the Supreme Court intervenes by way of another 5–4 decision driven by ideology to rewrite the law. The law is consistent with the understanding of the Constitution the Court and the American people have had for the better part of a century, and should be upheld. To do otherwise would undoubtedly further erode the reputation and legitimacy of the Supreme Court.

Last month's Supreme Court argument gave me reason to hope the Supreme Court will do the right thing. The authority of Congress to enact the Affordable Care Act is firmly rooted in what previous Congresses enacted and the Supreme Court has upheld as constitutional over the last century to protect hardworking Americans. Working Americans have long been required to pay for Social Security and Medicare by the deduction of taxes reflected in their paychecks every month. I said at the time that, after all, if they could overturn the Affordable Care Act, why couldn't they overturn Social Security or Medicare? There would be just as much reason to overturn those.

The key to the test for constitutionality under the Commerce Clause is whether the law substantially affects interstate commerce. That is the long-established constitutional test supported time and time again by the Supreme Court. As a law passed by Congress passed to regulate a market that makes up one-sixth of the U.S. economy, the Affordable Care Act is well within the limits set by the Supreme Court's own precedent on Congress's Commerce Clause power.

The personal responsibility requirement that is the focus of the legal challenge is necessary to ensure that Americans who have paid for their health care by buying health insurance are not stuck with paying the $43 billion in health care costs incurred by millions of Americans who do not buy health insurance and then must rely on expensive emergency health care when inevitably faced with medical problems. That is what Congress concluded after extensive study and debate and what we included in the text of the law itself. There is no question this act by Congress regulates matters undeniably affecting interstate commerce.

Even though this law easily meets the tests established by the Supreme Court's own precedent on the limits of the Commerce Clause, partisan opponents of President Obama want judges to override these legislative decisions properly made by Congress, the elected representatives of the American people. They want to challenge the wisdom understood by generations of Supreme Court justices from the great Chief Justice John Marshall in upholding the constitutionality of the national bank nearly 200 years ago to Justice Cardozo in finding Social Security constitutional early in the last century.

The outlandish examples of hypothetical laws Congress has not passed reduce these matters to ridiculous absurdities. That may be popular in Federalist Society circles or on political blogs or to those who want to bind the Constitution enough to be on a bumper sticker slogan, but they have no place in the Supreme Court's determination. There may come a time when Congress passes a law that is law at the edge of its authority, when the boundary of what should be seen as affecting commerce needs to be more closely considered. That time may come. I hope it doesn't. That time may come, but this is not the time and this is not the case. The Affordable Care Act is squarely within longstanding constitutional lawmaking to deal with an important national problem.

For years, we have heard Republican Senators say that they do not want judges making law from the bench. That is precisely what they are asking the Supreme Court to do in this case. Republican opponents lost in Congress. Their opposition and obstruction delayed but did not prevent enactment of the Affordable Care Act. Now they want conservative activists on the Supreme Court to intervene and turn their policy disagreements into law by reading them into the Constitution. That is wrong.

In his efforts to reach out to Republicans, the President adopted a model Republicans proposed in the 1990s so as not to replace private insurance with a program of Government insurance like Medicare, but to rely on personal responsibility to obtain private insurance in the marketplace or pay a tax penalty. What is telling about the partisan nature of these challenges is that many of those who now claim that this is unconstitutional are the very ones who proposed it. Senate Republicans were in favor of ensuring personal responsibility with an individual mandate until President Obama was for it, and now they are against it. Their views may have changed, their partisan interests may have shifted, but the Constitution has not.

Americans are already beginning to see some of the benefits of the Affordable Care Act. Seniors on Medicare who have high-cost prescriptions are starting to receive help when trapped within a coverage gap known as the ''donut hole.'' Since the Affordable Care Act was signed into law, young adults in Vermont and around the country have gained health insurance coverage by being able to stay on their parents' health insurance plans until their 26th birthdays. Americans are receiving preventative screening coverage with no deductible or co-pay. The law is making possible more and better care while controlling costs.

The Affordable Care Act builds on some of the cornerstones of American economic security built over the last century. I believed that when it passed, and I still believe it today, that Congress acted within its constitutional authority to enact laws to help protect all Americans. Just as some in this country disagreed when Congress passed Social Security, the Court agreed that we acted within our authority to do so. One may agree or disagree with parts of the Affordable Care Act, but the fact is that Congress acted within its authority. I hope and have faith that the Supreme Court will not overstep the judiciary's role by substituting policy preferences for the legislative determinations of Congress.

HYDROPOWER POTENTIAL

Mr. GRASSLEY. Madam President, a strong economy needs affordable, abundant, and reliable energy. In recent years, Americans have experienced higher prices for energy across the spectrum. This has led to an enormous growth in private and public research and development of innovative and advanced energy technologies. These innovative technologies include fuel from algae, solar, and wind generation, battery manufacturing, advanced nuclear, and many others.

I recently had an opportunity to visit with Virgil Vanderloo, of Ackley, IA. It was immediately apparent that Virgil has a passion for new and innovative ideas regarding hydroelectric power generation. Virgil does not have an engineering background he is a retired farmer. For 30 years he farmed land in Hardin, Plymouth, and Woodbury Counties. It is because of this time as a farmer that Virgil came to appreciate the land and its rich natural resources. Now, he is pursing a concept to capture the power from our Nation's rivers to generate electricity.

After speaking with Mr. Vanderloo and reviewing the material he compiled, he believes that his concept may have the potential to increase the production of hydroelectricity and capture a renewable energy source that currently goes uncollected. Mr. Vanderloo's concept includes placing barges below dams fitted with water turbines to produce electricity. He reasons that this type of electricity generation could be viable on the 30 or so dams along the Mississippi River. If viable, this concept could conceivably be implemented on many of the more than 50,000 nonpowered dams in the United States.

After all, the U.S. Department of Energy just last month published a study that indicated the United States could get as much as 12 gigawatts of energy per year by utilizing the hydropower potential of existing dams. The idea proposed by Virgil could be one the innovations in hydropower technologies that could help us use existing dams to generate renewable energy.

I would like to make an appeal to hydroelectric designers and engineers to review the concept presented by Mr. Vanderloo. I have posted his information on the Internet which can be accessed at httP//1.usa.gov/JlA5Ky. I hope those with scientific and engineering expertise in this area will review his proposal and contact him directly. It may have promise, and I hope this brings attention to his ideas regarding hydroelectric power generation.

TAIWAN'S PRESIDENTIAL INAUGURATION

Mr. CHAMBLISS. Madam President, January 14, 2012, marked Taiwan's fifth direct Presidential election, and on May 20, President Ma Ying-jeou will be sworn in for his second and final term as the leader of our friend and ally Taiwan. I would like to congratulate President Ma on his reelection, and I would also like to congratulate Taiwan for its commitment to democracy.

Since the island's first Presidential elections in 1996, the people and Government of Taiwan have enthusiastically embraced democratic values and ideals. From extremely high rates of voter participation in elections to public and open political discourse and debate, signs of a vibrant democracy can be seen throughout Taiwan's society.

The January elections proved a continuation of Taiwan's commitment to a democratic form of government, and President Ma's reelection demonstrates the faith the people of Taiwan have in his leadership. I therefore close by urging all my colleagues to join me in congratulating President Ma on his second inauguration and Taiwan's people for their embrace of democracy. I look forward to continuing to work to advance the strong relationship between Taiwan and the United States and our common goals and interests.

TRIBUTE TO MERLE J. SMITH, JR.

Mr. BLUMENTHAL. Madam President, today I wish to pay tribute to Commander Merle J. Smith, Jr., of Mystic, CT, who was honored on April 1, 2012, during the Coast Guard's annual Eclipse Week, as the first African-American graduate of the Coast Guard Academy in 1966.

Founded in 1876 in New London, CT, the Coast Guard Academy has made fundamental progress since its first African-American cadet. Over the past decades, it has diversified its student body, provided support to underrepresented students, and raised awareness about the Coast Guard, its Academy, and military training more generally among a wide range of communities. Commander Smith was honored this year with the inaugural Merle J. Smith Pioneer Award as one of the first to realize the ideal of minority participation and for his contributions to our Nation since paving the way for future cadets on that infamous graduation day.

After leaving the Academy, Commander Smith served in Vietnam in 1969, commanding a patrol boat on more than 80 missions and becoming the first African-American member of the maritime service to earn a Bronze Star. While in the Coast Guard, he received a law degree from George Washington University, and after his military tenure, dedicated many years as an attorney for Groton-based Electric Boat. Commander Smith also taught at the Academy as a part-time law teacher and then later as an adjunct professor. He is a shining example of the wide range of possibilities offered to Academy graduates—whether they choose to pursue a career in the military, in a civilian profession, such as the law, or both—and is a stellar role model for cadets past and present.

The Coast Guard and Coast Guard Academy began adopting equal opportunity policies in earnest when President Kennedy ordered the diversification of the forces defending our coasts. Now, each year, the Coast Guard hosts Eclipse Week, a week-long effort to put its diversity efforts in the spotlight. Discussions on openness and inclusivity are facilitated. Minority alumni are welcomed on campus to form relationships with current and incoming Academy students as well as interested high school students.

In addition to Commander Smith, the Coast Guard honored three other valuable members of their community—partners in the pursuit of equal representation—during this year's Eclipse Week. Frances Neal was awarded this year's Humanitarian Award for her legacy of lovingly serving food to cadets for 25 years. One of the Academy's most beloved equal opportunity officers, JoAnn P. Miller, or ''Mama Miller,'' as she was affectionately called by cadets, was also celebrated. And, Vice Admiral Manson K. Brown, a student of Commander Smith's, was given this year's Genesis Award for his service as a Pacific Area commander and his work founding the Genesis Club while attending the Academy—an organization still in existence that supports underrepresented cadets.

The Coast Guard promotes diversity not only though Eclipse Week, but also by running community-based initiatives such as the U.S. Coast Guard Office of Diversity and its various programs, including Diversity Champion of the Week, Affinity Groups, and Strategic Education Partnerships. It also has an active Office of Inclusion and Diversity, headed by Chief Diversity Officer, Antonio Farias, that facilitates partnerships between high school and college students, as well as cadets, so that citizens of all backgrounds can see what it means to work towards a career in the Coast Guard and in the U.S. military. And, in 2011, Rear Admiral Sandra Stosz became the first female Service Academy superintendent in our Nation's history. She was recently named as one of Newsweek's ''150 Women Who Shake the World.'' More than 30 years ago, Eclipse Week's goal was racial inclusivity. Today, this yearly event aims to promote diversity more comprehensively.

Displayed in the historical archive of the Coast Guard's Web site, is a photograph of Commander Smith on the day of his graduation, proudly shaking the hand of his father, Colonel Merle J. Smith, Sr., and smiling at the camera. This image speaks of generational advancement, community, and hope. However, the weathered sepia of the photograph of father and son also reminds us that we cannot become complacent, stuck in stories of progress from previous decades. We must always be ready, ''Semper Paratus,'' for progress. The theme of this year's