

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

The majority leader.

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

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

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

The clerk will report the nomination.

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

## CLOTURE MOTION

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

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

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the 9th Circuit.

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

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

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

## LEGISLATIVE SESSION

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

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

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

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

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

## CLOTURE MOTION

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

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

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to calendar No. 400, S. 3187, the Food and Drug Administration Safety and Innovation Act.

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

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

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

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

## UNANIMOUS CONSENT REQUEST—H.R. 1905

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

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, reserving the right to object, I would just note that this is a matter—and I appreciate the majority leader's desire to

bring this to conclusion. It has been worked on now for quite some time. Unfortunately, the language that has just been presented to our side has not been widely shared. I have not actually read it yet. It was apparently brought over at 10:38 this morning. When I came to the floor, it was described to me. As described, it would be weaker than President Obama's policy.

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

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

The PRESIDING OFFICER. The Senator from Missouri.

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

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

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

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

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

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

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

Mr. MCCONNELL. Would my friend yield?

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

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

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

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

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

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

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

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

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

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

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

We look forward to working in support of your efforts.

Sincerely,

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

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

Democrats are ready to move forward. We are ready to pass both the Iran sanctions bill and the containment resolution now—not later, now. We cannot afford any more delays. Sanctions are a key tool in our work to

stop Iran from obtaining a nuclear weapon, threatening Israel, and jeopardizing the national security of the United States.

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

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Do I have the floor now?

The PRESIDING OFFICER. You do.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield to the Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I thank the leader for yielding. I want to applaud him for asking to bring the legislation that passed unanimously

out of the Banking Committee to the floor because there is no one in this Chamber who has been stronger on pursuing sanctions on Iran and trying to defer Iran from achieving nuclear weapons. I support and am on Senator LIEBERMAN's resolution.

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

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

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

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

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

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

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

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

Even as we talk about the resolution, there is no reason to stop the very es-

sence of what would send a message to the Iranians—that it will hurt them in their economy and undermine their ability to continue in Iran as a government, and that it is going to be the very strongest set of sanctions we can levy from one government to another. It will have a multilateral effect, which is when sanctions take place the best.

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

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

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

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

Mr. MENENDEZ. Yes.

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

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

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

Mr. MENENDEZ. That is correct.

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

Mr. MENENDEZ. It is.

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

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

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

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

I know the majority leader has to leave the Senate floor. Ideally, I wish we could agree on that sentence and

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

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

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

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

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

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

That wasn't in the base bill. Where the hell did that come from? This is not a declaration of war. But when this sentence is in there, and the new amendment doesn't say one thing about the use of force to control the Iranian behavior—the President's own words are “all options on the table.”

And the reason I am exercised is we are now producing a product that backs away from where the President has been regarding all options on the table. We end the new managers' package with the statement “nothing here authorizes the use of force against Iran or Syria.”

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Tennessee.

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

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

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

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

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

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

Mr. GRAHAM. Senator CORKER asked a very good question, and I will answer it directly, as Senator LIEBERMAN did. The resolution is not designed to authorize the use of force where anybody in the State Department administration could say, we have the green light to go into Iran from Congress. That is

not what we are intending to do. We are intending to echo a policy statement made by President Obama that the policy of the United States will be—if you are listening in Tehran—not to contain Iran if they obtain a nuclear capability.

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

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

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

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

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

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

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

With that, I yield the floor.

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

The PRESIDING OFFICER. The Senator from Arizona.

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

I have a series of questions.

Mr. GRAHAM. Yes.

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

Mr. GRAHAM. The Senator is correct.

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

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

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

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

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

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

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

There are some people—even Republicans, I might add, some very promi-

nent Republicans—who believe you could contain a nuclear-armed Iran if you told them: If you ever use a nuclear weapon, we would wipe you off the face of the Earth.

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

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

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

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

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

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

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

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

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

Mr. GRAHAM. I would just close and yield the floor to Senator MENENDEZ.

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from New Jersey.

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

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

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

But let me make some observations.

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

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

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

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

This President has put all of the military assets that are necessary that did not exist before in the Persian Gulf to both respond to any incident or to initiate any action he thinks may be necessary. Therefore, those actions more than any words have made it very

clear to the Iranians that is a real possibility if the national interests and security of the United States are ultimately challenged.

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

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

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

#### STUDENT IMMIGRATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. COONS. I thank very much Senator ALEXANDER. I cannot think of a better person to partner with, to seek advice and guidance and leadership

from, on the issue of STEM immigration and education reform than Senator ALEXANDER, a national leader on education policy. Like me, Senator ALEXANDER is the son of a former classroom teacher, but also served as the U.S. Secretary of Education and president of a prominent university, the University of Tennessee. He knows firsthand of the challenges, of the opportunity lost when tens of thousands of foreign nationals, who come here and seek the opportunity to get STEM master's and doctoral degrees in some of our best universities, are then forced to return home to their nation of origin rather than being able to stay here, if they choose, to create jobs, grow businesses, and contribute to our country and our economy.

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

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

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

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

If you think about it, for most of the last century we had some of the strongest universities in the world. For much of the last 50 years, anyone who came here from a foreign land to get a doctorate in a STEM discipline, if they chose to go home, was going home to a country that wasn't a competitive environment. The United States—because of our advances in workforce and infra-

structure and our legal system, our entrepreneurial culture, our capital markets—was the world leader in innovation and competitiveness. This is no longer the case. We still have the strongest universities in the world, 35 out of the top 50, but today those 17,000 STEM doctoral and master's graduates that Senator ALEXANDER referred to, when we force them to go home to their country of origin rather than allowing them to compete for those jobs here and contribute to the American economy, are finding open arms in nations such as India and China, which are vigorous competitors. They are providing the capital markets, the infrastructure and the workforce, the resources to take advantage of those opportunities. We need an immigration system that responds to the modern economy and the opportunities of a highly competitive modern world. Rather than hemorrhaging these highly skilled folks and having them return home, we should give them an opportunity to participate in being job creators here.

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

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

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

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

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

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

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

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

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

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

port for this idea that we can go ahead and pass it, and then we can follow that up with the other necessary steps we need to take on immigration, and hopefully we can do that with a coalition that represents Democrats and Republicans as well. This is a great idea.

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

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

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

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

I thank Senator ALEXANDER.

Mr. ALEXANDER. Thank you, Mr. President.

I yield the floor.

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

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

#### POSTAL REFORM

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

The processing facilities in Springfield and Fox Valley, which the Postmaster General had originally slated for closure, will remain open. Additionally, I am glad that the Postmaster General has heeded our calls to keep Illinois jobs in Illinois and other jobs in the States where the processing facilities currently exist. The Postmaster

General's original plan would have potentially sent over 500 Illinois postal jobs to surrounding States, along with the mail they have processed so efficiently for so many years.

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

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

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

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

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

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

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

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

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

And he did.

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

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

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

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

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

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

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

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

I don't want to create false hope because I couldn't believe that May 15 would come and go and the House

wouldn't act, but that is what happened. So let's hope that changes for the better.

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

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

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

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

I yield the floor.

THE PRESIDING OFFICER. The Senator from Rhode Island.

#### STUDENT LOAN INTEREST RATES

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

It is estimated that more than 7 million students, including 43,000 in Rhode Island, will suffer because of this doubling that will take place. A lot of our colleagues have said: Of course we don't want to see this happen. I thought it was terribly ironic yesterday that they, with very few exceptions, voted consistently for budgets that would, in fact, double the student interest rate. In fact, one of the budgets they voted for previously, the Ryan

budget from the House, would also eliminate the in-school interest subsidies for certain loans. So there is this incongruity between, oh, we are all for keeping interest rate low for students, but, of course, in our budget we double it.

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

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

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

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

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

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

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

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

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

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

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

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

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

Please don't stop fighting for me.

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

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

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

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

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

Nearly 70 percent of independent students borrowing these loans have in-

comes of less than \$30,000 a year. So we are talking about people who cannot afford a doubling of the interest rate.

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

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

Mr. BROWN of Ohio. Will the Senator yield?

Mr. REED. I am happy to yield.

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

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

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

So what these Stafford loans, these subsidized loans do, as do Pell grants—and we are seeing efforts to cut Pell grants by the House of Representatives

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

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

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

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

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

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

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

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

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

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

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

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

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

Let me tell my colleagues how it works. An individual who is a professional—a lawyer, an accountant, a consultant, a lobbyist—and the skills of that individual represent what he or she does as a lawyer, an accountant, et cetera. They are personal skills. But instead of being paid by an employer directly, they substitute a subchapter S corporation so they are now an employee of the corporation. They take a minimum a salary, if you will, from

the corporation, but then at the end of the year, the corporation gives the individual the surplus as a dividend, which is taxed much cheaper, so the person can avoid payroll taxes. It is legal, but it is a tax dodge. It is a loophole.

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

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

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

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

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

I know the Senator from Ohio has some comments.

Mr. BROWN of Ohio. I thank the Senator.

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

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

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

I, like many other students, always had a college savings account. I remember putting birthday and holiday money in it every year, and I always assumed that it would pay my way through college.

Before I even made it to high school, though, my grandmother fell gravely ill and my family had no other choice but to use my college savings to pay for her hospital bills, and eventually, the funeral.

Since then, paying for college has been my own responsibility.

All the loans are in my name, and it is a burden that is constantly hanging over my head. I am less than a year from graduating—likely with honors—from The Ohio State University with a degree in Social Work, but instead of being excited and looking toward my future, I am constantly worried about my loan debt and the possibility of rising interest rates.

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

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

She said:

I know that, as a future Social Worker, I will be not making as much money as people in other professions, but helping others is where my heart lies.

Unfortunately, I may be limited in the positions I can take if my interest rates increase.

Maybe even unable to work within the populations I am truly interested in helping—veterans, the homeless, and senior citizens if the pay would render me unable to pay off my student loans.

I am very passionate about my education, and hold no grudges . . . for what needed to be done, but the threat of rising student loan interest rates has affected me in a very serious way, and I feel as though it is something that I have no control over, which is a very heartbreaking feeling.

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

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

as much as we can and do the right thing.

I yield.

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

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

We have 45 days left.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

#### PDMRA PROGRAM

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

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

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

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

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

The wars in Iraq and Afghanistan have highlighted the importance of our brave citizen soldiers across the country and the unprecedented sacrifice they have been called upon to make. The National Guard and Reserves were not built to serve as an active-duty force for prolonged periods. Yet at

times as many as 40 percent of the American forces fighting in these wars have been Guard and Reserve troops. I say to the Presiding Officer, I know you know that, being from Vermont, where you have many National Guard troops who have served our country.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

While this consensus process was ongoing, my staff would often meet many

times a week with staffers representing both Democratic and Republican members of the HELP Committee.

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

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

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

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

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

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

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

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

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

As I said, this entire process has been a model of bipartisanship, openness, and transparency. Believe me, it was tough to achieve consensus on many of the complex and controversial provisions in the bill. At every step, it re-

quired difficult and sometimes painful compromise. Even as the committee chair, I did not get some of my highest priority proposals, since I could not get consensus among members and stakeholders.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### GLOBAL WARMING

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

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

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

As ranking member of the Senate Committee on Environment and Public Works, and as a senior member of the Armed Services Committee, stopping the radical global warming agenda, as well as President Obama's devastating cuts to our military, have been my top priorities, and that is all I have been talking about for the last couple of months. I have had a growing concern about how President Obama's global warming agenda is harming our mili-

tary, but the remarks recently made by Secretary Panetta have led me to come and make a few statements.

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

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

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

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

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

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

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

Secretary of Energy Steven Chu said:

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

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

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

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

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

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

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

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

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

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

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

That is a quote by Secretary Panetta.

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

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

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

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

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

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

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

Keep in mind this is at the same time we are rejecting systems that were in our plans, and have been for a long period. And as if the services are not already stressed by serious budget cuts, the Secretary of the Navy also directed the Navy and Marine Corps to produce

or consume one gigawatt of new renewable energy to power naval installations across the country.

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

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

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

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

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

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

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

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

Now, just for a minute I will turn to the argument that President Obama

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

#### ORDER OF PROCEDURE

Mr. WHITEHOUSE. May I interrupt for 1 moment?

The PRESIDING OFFICER. The Senator from Rhode Island.

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

Mr. FRANKEN. The Senator wishes to speak now?

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

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

## STUDENT LOAN INTEREST RATES

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

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

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

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

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

anomaly that was accidentally written into the Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I thank the Chair.

I yield the floor.

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

#### CLIMATE CHANGE

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

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

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

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

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

In Newport, RI, the Naval War College has a facility, and they are building wind turbines there. They are building wind turbines there because they have calculated that over time

they will save money by putting up those wind turbines compared to buying electricity. It is not an imposition from outside. It is not some green agenda coming from Washington or anyplace else. It is the Newport Naval Station saying we save money for our budget by doing this. And when we save that money, we can put it into these other uses such as fighter aircraft, tanks, bullets, bandages, and boots.

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

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

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

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

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

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

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

ranking among their 10 warmest in history.

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

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

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

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

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

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

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

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

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

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

The letter said:

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

And here is the final crescendo—

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

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

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

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

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

I am indebted to the Presiding Officer, the junior Senator from Minnesota, for the following observation, which is that 97 percent of the climate scientists who are most actively publishing accept that the verdict is in on carbon pollution causing climate and oceanic changes. The example he and I have discussed—and I can't help, since he is presiding right now, referring to it again—we are being asked in this body to ignore facts that 97 percent of scientists tell us are real. Now, translate that into our personal lives. What if a child of ours was sick and we went to a doctor and said: Is there some-

thing I need to do about it? Is there a treatment that is necessary? What is the deal here? And we got an opinion, and then we said: I am going to be a cautious, prudent parent because a treatment might be expensive. I want to make sure I am going down the right path, so I am going to get a second opinion, and the parent gets a second opinion. Then the parent got a third opinion. You are a really prudent parent, and you got a third opinion. Let's say you kept going. You got a fourth opinion, a fifth, a 15th, a 45th, a 75th, a 95th—you got 100 opinions. People would think that was a little odd, but never mind. And then let's say that 87 percent of those professional opinions came back saying: Yes, your child is ill and needs this treatment. Would you then responsibly say: The jury is still out on the question of why my child is sick. Let's not take any action now. These 97 percent of the doctors might be alarmists. We don't really want to go there, and, after all, it will cost money to buy the medicine.

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

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

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

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

The suggestion that it is not happening is false. The suggestion that we can wait it out is imprudent, reckless, and ill-advised. And the notion that

our professional career military who have lost 3,000 men and women defending fuel convoys in Iraq are engaged in trying to get off fossil fuels because of some outside political agenda that they don't share is a preposterous allegation to make about the men and women who run our military, who make these decisions for our military, and who are seeking to defend the soldiers out in the field against these consequences.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

REPRESENTATION FAIRNESS RESTORATION ACT

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

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

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

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

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

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

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

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

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

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

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

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

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

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

Mr. MCCONNELL. Mr. President, today I wish to honor the Pikeville Medical Center for its continued commitment to providing superior medical care to the people of Kentucky.

Pikeville Medical Center has been named National Hospital of the Year, making it the only repeat winner of this prestigious award. The 261-room hospital has over 2,000 employees, including more than 270 physicians and residents, and its superior facilities, equipment, and staff have drawn in qualified medical professionals from around the country.

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

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

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

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

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

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

#### PIKEVILLE MEDICAL CENTER

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

Bowl, the NCAA Final Four or the World Series for a hospital."

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

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

#### THE HEART INSTITUTE

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

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

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

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

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

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

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

#### STROKE CENTER

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

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