

year waivers from the annual limit requirements contained in the President's 2010 health care law. These waivers fostered the impression that certain companies, unions, and institutions would be exempted and given preferential treatment.

The health-care law thus highlighted an inconvenient truth about big government: Any dramatic increase in federal regulations and bureaucratic authority will lead to a dramatic increase in rent-seeking and crony capitalism.

Finally, a word about the 2010 Dodd-Frank law. Democrats argue that Dodd-Frank ended "too big to fail." In fact, it codified too big to fail, because certain companies will now formally be identified as "systemically important."

Are we really supposed to believe that "systemically important" companies will be allowed to collapse? The more likely scenario is that these firms will be viewed as too big to fail—both by investors and by federal officials—the way Fannie Mae and Freddie Mac were.

As University of Pennsylvania law professor David Skeel has written:

The companies that are cordoned off as systemically important distort the credit markets, as a result of the Fannie Mae effect. Because these institutions can raise capital more cheaply than financial institutions that do not enjoy implicit government protection, they have a competitive advantage over smaller institutions. This may dampen innovation in the financial system and lead to inefficient allocation of credit to nonfinancial businesses.

In short, regardless of what Democrats may think, Dodd-Frank has actually strengthened the nexus between Washington and Wall Street.

The rise of crony capitalism under President Obama has led many people to question America's commitment to free markets and the rule of law. Likewise, the President's failure to revive our economy has led to widespread pessimism about America's future. I firmly believe we can turn things around and restore our global reputation, and I firmly reject the notion that our decline is inevitable. There is no reason we can't rejuvenate the Great American Jobs Machine and return to prosperity. But it won't happen until we get much better leadership from the White House.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 5 p.m. today.

Thereupon, the Senate, at 4:08 p.m., recessed until 5:08 p.m. and reassembled when called to order by the Presiding Officer (Mr. FRANKEN).

The PRESIDING OFFICER. The Senator from Illinois.

SPORTSMEN'S ACT OF 2012 MOTION TO PROCEED—Continued

JOINT REFERRAL

Mr. DURBIN. Mr. President, I ask unanimous consent that, as if in executive session, the nomination of Keith Kelly, of Montana, to be Assistant Secretary of Labor for Veterans' Employment and Training, sent to the Senate by the President, be referred jointly to the HELP and Veterans' Affairs Committees.

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

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

STATE OF THE ECONOMY

Mr. DURBIN. Mr. President, 4 years ago our economy was in a free fall. AIG had been bailed out, and Lehman Brothers plunged into bankruptcy. The depth of the recession we fell into is difficult to understate.

With the economy contracting at nearly 9 percent in the last few months of 2008 and nearly 700,000 jobs lost every month, it is not an exaggeration to call the crisis we faced the worst since the Great Depression. Demand dried up as our financial system collapsed, families struggled to pay the bills, and millions lost their homes to foreclosure. Our unemployment rate peaked at 10 percent nationally and 11.4 percent in Illinois.

It has been a hard road back to stable economic ground, but things have turned around. Private sector businesses are hiring again and have been for 30 straight months. Between July 2011 and July 2012, the economy added an average of 153,000 jobs every month—about 1.8 million jobs. Compare that to the average monthly losses of 544,000 between July 2008 and July 2009.

There is a lot of work still to be done. We all would like to see more jobs created, but it is clear our economy is better off and we are better off than we were 4 years ago.

I saw many examples of our economic progress as I have traveled my State. The Nucor steel plant in Bourbonnais, IL, makes rebar and angle iron that is used in construction across the country. What makes Nucor unique is that during the recession when many other companies were shedding employees, Nucor made a commitment to keep all of their full-time employees. It wasn't easy. When demand slowed, the company's idle workers developed new products for customers or they were actually, in many cases, sent out to work in the community on service projects as they waited for their company to get back into business.

During this time the Bourbonnais facility applied for and received the Department of Labor's Voluntary Protection Program star certification, recognizing their extraordinary efforts to improve workplace safety. Nucor made a commitment not just to the bottom line but to its workers and to the communities where they lived. It has paid off. Demand has returned, and the company is now firing on all cylinders, employing roughly 300 workers.

I have visited a lot of different production facilities. There was nothing more jaw-dropping than to stand in that steel mill and watch these three poles go into a caldron of scrap metal, burst and explode into flames, and then watch steel come trickling out of the bottom into these forms to make rebar and angle iron.

Earlier this summer I also met with the CEO of Woodward, an aerospace and energy firm, about its possible expansion of a facility in Loves Park, IL. Woodward was considering two locations for expanding its airline turbine product line. In the end, thank goodness for us, Woodward picked Illinois. The company is investing more than \$200 million in the facility, and it is estimated that it will add 600 new jobs over the next 5 years.

There is more to the story. While growing demand led to the expansion decision, it was the infrastructure and skilled workers that sealed the deal for Loves Park. Loves Park and the Rockford area has been the home of aerospace companies for decades. Yet they made a concerted effort to grow and expand the training opportunities to meet modern workforce needs. Through a public-private partnership, the community has created an atmosphere that attracts new business investments and new jobs.

Illinois is about the last place—and southern Illinois certainly the last place—one would expect to find a world-leading firm in oilspill cleanups, but if one goes to Fairfield and Carmi, IL, that is what one will find. The Elastec/American Marine Company specializes in equipment to clean up environmental accidents, specifically oilspills. In two former Wal-Mart buildings in those towns, 140 employees have developed new technologies that have expanded our ability to clean up oilspills around the world. Just last year, the company won a \$1 million X PRIZE for recovering more than 2,500 gallons per minute—triple the industry's previous best recovery rate in controlled conditions. This is in southern Illinois. Testing oilspill cleanup in southern Illinois is hard to imagine. Elastec's equipment was used for cleanups during both Exxon Valdez and the more recent gulf spill.

This is American ingenuity at its best, but the business is driven by regulations governing the discharge of oil. Without these "job-killing" regulations, the company, its jobs, and the technology it uses to clean up oilspills probably wouldn't exist.

I also visited Akorn—not the ACORN that has been debated at length on the floor of the Senate. Akorn, spelled with a “k,” is a pharmaceutical company in Decatur, IL, which manufactures products such as drugstore eye drops and liquid injectables used in surgery. Akorn employs 500 people in Illinois at facilities in Decatur, Lake Forest, Skokie, and Gurnee.

Since 2009 the company has been one of Chicago’s and Illinois’ fastest growing public companies. In 2011, Akorn launched a multimillion-dollar expansion at its two Decatur facilities. They have doubled production and added 100 jobs. They are looking to hire another 20 to 25 people with backgrounds in finance, production, chemistry, microbiology, engineering, and business. These are highly technical, good-paying jobs right in central Illinois.

One of my last stops in August was at the Chrysler plant in Belvidere. What a great story. Only 3 years ago there was a serious concern that this plant was going away. At the time Chrysler was facing bankruptcy and the plant was building a now defunct model, the Dodge Caliber, and different models of the Jeep. Plant production had slowed to a single shift, and employment had dropped to as low as 200 people.

The Federal Government offered a bridge loan and helped to facilitate a merger with Fiat. With government assistance, Chrysler has emerged from bankruptcy and is profitable. In October 2010, Chrysler announced a nearly \$700 million investment at the Belvidere plant to retool for the production of a new Dodge Dart. The plant reached full production in July of this year, now employing 4,698 workers. If the auto industry had been allowed to collapse, between 1.1 million and 3.3 million jobs would have been lost between 2009 and 2011.

These are stories of businesses in my home State. I asked my staff to find businesses that survived the recession or are expanding and hiring people. I want to hear their stories and listen to the stories of all kinds of different businesses, large and small, expanding today—businesses that weathered the recession and are now successful. Business is picking up. These businesses are hiring people back, in some cases expanding.

Their stories aren’t unique. Across America, 30 consecutive months of private sector job growth tells us we are moving in the right direction. In that time 4.6 million private sector jobs have been created. In Illinois alone 140,400 private sector jobs have been added since January 2010. Manufacturing employment has rapidly grown, adding 44,600 or 37 percent of 140,400 jobs.

During the last quarter of 2008, the economy was shrinking at a rate of nearly 9 percent. It was in free fall. During the most recent quarter the economy is growing on the positive side—1.7 percent. In March of 2009 the Dow Jones Industrial Average had fallen

to 6,547. Since then it has nearly doubled to almost 13,000 today.

New home sales were up 3.6 percent in July. That is 25 percent over last year. U.S. goods and services exports increased .9 percent from May 2012 to June 2012 and have increased by 5.9 percent from the same time period last year.

The American people see these facts and figures. They also feel the improvement in their communities, with new businesses opening, and on their blocks, with the housing market recovering as well. We are much better off than we were 4 years ago. Now is not the time to go back to policies that brought us into this recession but to move forward, creating even more jobs and expanding more businesses.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, the United States has led the world in creating the legal framework, building the infrastructure, and designing facilities that ensure inclusion and opportunity for people living with disabilities.

Just recently we celebrated the 22nd anniversary of the ADA—Americans with Disabilities Act—by reporting a treaty out of the Foreign Relations Committee on a strong bipartisan basis. Members of this body now have an opportunity to affirm our Nation’s leadership on disability issues by ratifying this treaty. I hope we will do so with strong bipartisan support that has always characterized the Senate’s work on disability issues.

Everyone knows the story of when Bob Dole, a disabled veteran from World War II, and TOM HARKIN, his Democratic colleague from Iowa, with a disabled member of his family, came together to create the Americans with Disabilities Act. It was an extraordinary bipartisan effort. It did our Nation proud. It gave to disabled people a chance to be in the mainstream and part of America.

One of the people it helped, in addition to 54 million Americans living with a disability, was a fellow named Bob Greenberg. Bob Greenberg was the legendary sportscaster who rose to prominence at Chicago’s WBEZ radio station.

At the apex of his career, Bob offered color commentary for Chicago’s major sporting events. He interviewed the very best athletes. He analyzed the players. He rifled off stats and box scores that put the game in context.

For his loyal and large Chicago radio audience, Bob Greenberg described sporting events they couldn’t see. Bob’s story is unique because he couldn’t see the games either. Bob Greenberg was blind, but he never let it stop him from achieving his dreams. There is no doubt that laws such as the ADA helped make Bob’s road to achieving his dream a little bit smoother. We lost Bob to cancer last summer, but we will never lose the power of his life and his life’s story.

Most of us don’t give a second thought to crossing the street, reading

the newspaper, or describing things we have seen. But for Bob and millions like him, our Nation’s commitment to equal access for those living with disabilities has literally expanded their world.

Now we have an opportunity to once again demonstrate our commitment and advance disability rights around the world by ratifying the Convention on the Rights of Persons with Disabilities. The support for this treaty is broad and bipartisan.

I wish to thank my friend, Senator JOHN MCCAIN of Arizona. He is leading this effort with me to pass this Convention on Disabilities. He is a great ally. Without him we wouldn’t have reached this point. I wish to also thank Senators JOHN BARRASSO, TOM HARKIN, TOM UDALL, JERRY MORAN, and CHRIS COONS for their bipartisan support and dedication to ratification.

This treaty is supported by 165 disabilities organizations, including the most prominent, the U.S. International Council on Disabilities, and many others. In addition, 21 veterans groups came and testified. They were the earliest witnesses, and for obvious reasons. Disabled veterans know the limits on life and how important it is to have countries such as the United States and countries around the world opening doors, literally, for them to the future.

The Wounded Warrior Project supports it, as does the American Legion, the Disabled American Veterans, and Veterans of Foreign Wars, and they are all calling on us to ratify this treaty.

President George H.W. Bush signed the ADA into law.

Former Senator Bob Dole, as I mentioned, a lifelong advocate for disability rights, strongly supports this treaty. The Convention on the Rights of Persons with Disabilities is a human rights treaty that seeks to ensure that people living with disabilities have the same opportunities as others.

Thanks to the ADA and similar laws, the United States has been so successful at providing opportunities, increasing accessibility, and protecting the rights of the disabled, our Nation today is in full compliance with every term of the treaty I am bringing to the floor.

Before transmitting this treaty, the Obama administration conducted an exhaustive comparison of the treaty’s requirements to current U.S. law. Their conclusion was that the United States does not need to pass any new laws or regulations in order to meet the terms of the treaty.

The fact that we already meet or exceed the treaty’s requirements is a testament to our Nation’s bipartisan commitment to equality and opportunity for those living with disabilities. So why would we ratify a treaty if it is not going to change life in the United States or put any new requirements on the United States?

Well, there are more than 5.5 million veterans living with disabilities—

American veterans. They and thousands of other Americans live with disabilities, but they travel, study, work and serve overseas, often with their families. Ratifying this treaty will help to ensure that they enjoy the same accessibility and opportunity they do right here at home.

Ratifying this treaty will give the United States a well-deserved seat at the international table so that the United States can provide its guidance and expertise and experience to other countries working to adopt laws, upgrade infrastructure, and modernize facilities to meet the high standards we already set and met.

American businesses have invested time and resources to comply with the ADA, the Americans with Disabilities Act. Businesses in some countries are not required to comply with similar standards. Compliance with the treaty levels the playing field by requiring foreign businesses to meet accessibility standards similar to those already met by American businesses. We also lead the world in developing accessible products and technology. As other countries comply with this treaty on disability, American businesses will be able to export their expertise and products to the new markets serving more than 1 billion people living with disabilities around the world.

Ratifying this treaty is not only important to the 54 million Americans living with disabilities, it is important to the 10 percent of the world's population living with disabilities. The 650 million people living with disabilities around the world are looking to the United States to join them and show leadership, as we have here at home, on an international basis.

Not only do these people around the world courageously live with disabilities, they live with many challenges and hurdles in other countries that might be removed if other countries follow our lead. Let me tell you just a few things when it comes to disabilities around the world. Ninety percent of children with disabilities in developing countries do not attend school—90 percent. Less than 25 percent—45 of the 193—of countries in the United Nations have passed laws that prohibit discrimination on the basis of a person's disability. Studies indicate that women and girls in developing countries are more likely than men to have a disability. Women and girls with disabilities in developing countries are more likely to be raped, forcibly sterilized, or physically abused.

This treaty will help provide the framework so countries around the world can help their own citizens living with disabilities improve, live productive, healthy lives. Just as we did by enacting the ADA 22 years ago, ratifying this treaty will send the world a message that people with disabilities deserve a level playing field.

While this treaty will ensure inclusion and access, it is also important to note what it will not do. The treaty

will not require the United States to appropriate any new funds or resources to comply with its terms—not a penny. The treaty will not change any U.S. law or compromise our sovereignty. The treaty will not lead to new lawsuits because its terms do not create any new rights and it cannot be enforced in any U.S. court. For families who choose to educate their children at home in the United States, the treaty will not change any current rights or obligations. I was pleased that the Foreign Relations Committee adopted an amendment I worked on with Senator DEMINT to clarify that particular issue. Let me add too that leading pro-life groups, such as the National Right to Life Committee, confirm that the treaty does not promote, expand access, or create any right to an abortion. Senator MCCAIN, in his testimony before the committee, made that eminently clear. He is pro-life. This treaty has no impact on that issue.

Thanks to decades of bipartisan cooperation, our country embodies the worldwide gold standard for those living with disabilities. When the Senate ratifies the Convention on the Rights of Persons with Disabilities, we can be proud that our coworkers, friends, family members, and courageous veterans will soon enjoy the same access and opportunity when they travel abroad that they have come to expect here at home.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 6, Treaty Document 112-7; that the treaty be considered as having advanced through the various parliamentary stages up to and including the presentation of the resolution of ratification; that any committee declarations be agreed to as applicable; that any statements be printed in the RECORD as if read; further, that when the vote on the resolution of ratification is taken, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, reserving the right to object, I would like to take just a few moments to explain why I plan to object.

I have right here a letter that is signed by 36 Members of this body who express the viewpoint that because of the prerogative we have as U.S. Senators to ratify treaties—see, two-thirds of us have to provide our advice and consent to ratify a treaty before it can take effect. This is important, in part because article VI, section 2 tells us that once ratified, the treaty becomes the supreme law of the land.

We have 36 Senators on this letter—a letter addressed to Leader MCCONNELL and Leader REID—explaining that for various reasons we do not think any

treaty should come up for ratification during the lameduck period of the 112th Congress, and we explain that no treaty should be brought up during this time period and conclude that we will oppose efforts to consider any treaty during this time period.

The primary reason cited in the letter is the fact that it is very important to make sure we have a full understanding of what these treaties mean. It is also important that before we undertake any significant changes to the law—law becoming supreme law of the land—we need to understand the implications of these treaties fully.

If it is true, as 36 Members of this body concur in this letter, that it is too fast to move something like this or another treaty through during the lameduck session of the 112th Congress, it follows a fortiori that it is also too fast to do it now. With regard to this particular treaty, we have had exactly one—and only one—hearing on this, on July 26 of this year.

I appreciate and respect the words of my friend, my distinguished colleague, the senior Senator from Illinois, and I am pleased with the fact that he is comfortable with the language of the treaty. I and some of my colleagues are not yet comfortable with it, and I and some of my colleagues are not yet convinced as to the full ramifications of the language of this proposed treaty. I, therefore, object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I would like to respond to my colleague, Senator LEE. Repeatedly he said we should not consider this in the lameduck session. We are not in a lameduck session. This is the regular session of the Senate. We do precious little in this regular session, and now the Senator is saying we should not do it in the lameduck session. We are not in a lameduck session.

And I might say that this treaty has been out there for review for months. It had a full review before the Senate Foreign Relations Committee. Senator KERRY called it. The Senator was there and other Members were there and had a chance to go through it page by page and offer amendments, which many Senators did. So to argue that this is somehow being sprung on the Members of the Senate without time to review it is to ignore the obvious.

We are not in a lameduck session. This was produced for review and amendment in a full hearing before the Senate Foreign Relations Committee, and a vote was taken.

It is disappointing. We had hoped to do this and do it now because many of the supporters of this treaty are facing their own physical challenges. One of them is our former colleague, Senator Bob Dole. Twenty-two years ago, he led the fight for the Americans with Disabilities Act. When Senator JOHN MCCAIN took this up, he said: I am going to call Bob Dole first. And he did.

In his honor, I hope the Senator from Utah will reconsider his position. And now, before the lameduck session, perhaps we can have some communication, and perhaps there is a way we can ratify this treaty in the Senate. We do precious little in the Senate. To do this, at least to honor Senator Dole, is not too much to ask, not to mention the positive impact it will have on so many disabled people around the world. I know Senator LEE is a conservative, but I also know he has a heart and I know he cares, as I do, about these people—children in other countries who have no chance in life because of a disability, women discriminated against because of disabilities. These are things on which we should speak out.

We are proud to be Americans, but we are doubly proud of the values we stand and fight for. This is one we should fight for.

I see Senator HARKIN on the floor. I am going to yield. He has been, literally, the leader on our side of the aisle on disability issues time and time again, and I thank him for his help on this matter.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I truly am sorry to see this happen on the Senate floor, I say to my good friend from Utah.

This has been a long time coming. The Convention on the Rights of Persons with Disabilities started here, started in America. It started with the passage of the Americans with Disabilities Act of 1990. Ninety-one Senators voted yea on that—strongly supported by conservatives, liberals, moderates, understanding that we had to take that next step in having a broad civil rights law that covered people with disabilities in our society. After that was passed and during the 1990s, it became clear that it kind of ignited a conscience around the world that we needed to do something globally about people with disabilities. So really the United States sort of became the leader in promoting this Convention on the Rights of Persons with Disabilities at the United Nations. In fact, I have a quote I would share with my friend. When President Bush signed the bill on July 26, 1990—and we were all gathered at the White House—here is what he said:

This historic act is the world's first comprehensive declaration of equality for people with disabilities—the first. Its passage has made the United States the international leader on this human rights issue.

So starting after that, our diplomats and others started working on this issue, and so this convention was developed through the United Nations. I do not know all the wherewithal of how that was done, but it was done and we had great input.

So now the convention has come out. It was sent to us a couple of years ago. Under our laws, the President, whoever it might be, has to send that out to all of the departments and agencies to see

whether there are any conflicts of laws or did we have to change any of our laws to comport with this convention. Well, that bureaucracy takes a while. That took a couple of years to wind through. I do not know when the President got it back, but he sent it down to us this spring, and the finding was that the administration made it clear that through all of this, the ratification of this convention will not require any change in U.S. law and will have no fiscal impact. So it does not require any change in our laws. That makes sense because we are the leader in the world on disability law. We are the leader.

Senator MCCAIN and I were the two leadoff witnesses when the Foreign Relations Committee had their hearing.

But we were not the only ones. Boyden Gray, who was so very helpful in 1990 in getting the initial ADA passed through the Congress, was there. He testified. Senator Dole sent a letter. He could not show up in person. Former Attorney General Thornburgh testified. Steve Bartlett, who was a Congressman from Dallas, later left the House, became mayor of Dallas, and now I think he is the executive director of the Business Council here, testified and has been instrumental in not only helping us pass the ADA but passing the ADA Act amendments of 2008 which the second President Bush signed into law.

I say this to my friend from Utah. This is not something that sort of popped up overnight. This has been a long time coming. A lot of effort has been put into it. As I said, all the departments have said there is no conflict with our laws. We do not have to change anything.

I also say to my friend that we do want to be that city on the hill, that shining city on the hill. This is one area in which the United States has no equal. We have taken the lead in the world on this issue. Countries come to us to see how they can do something, what they can do for people with disabilities. One hundred sixteen nations have already signed it, and the European Union. If we do not sign it, then when other countries have to change their laws to comport with this convention, I think we should be at the table. We should be there with them, sharing with them what we have done in America to make accommodations better, to make education accessible to people with disabilities, employment, all of those things. If we do not sign it, we are not going to be a part of that. Yet the rest of the countries are looking to us for leadership. So we should be at the table.

One other thing I would say to my friend from Utah is, we are a very mobile people. We travel around the world a lot. More and more people with disabilities are traveling, veterans with disabilities, nonveterans. And yet how many times have I heard from people who have traveled overseas say: Gosh, I wanted to go here, I wanted to go there, but because I have a disability I

could not get around? It would be nice if other countries did this.

Well, other countries have now signed on to it. I was hoping we could vote and we could be a part of it and we could be a part of helping other countries to change their systems and to be more accommodating for people with disabilities. Quite frankly, I must say to my friend from Utah, I am perplexed, I really am, as to why this is an issue. I do not know why there is an objection. Maybe there is something I do not understand. I thought I did. But maybe there is something I do not know that the Senator can enlighten me on as to why we should not bring this up. I suppose if someone wants to vote against it, they can. It takes a two-thirds vote of the Senate to pass this.

I am perplexed as to why we cannot do this. It seems to be so bipartisan. It seems to me to be so much above the political fray. I do not know the politics in this whatsoever. So I had assumed we would bring this up and pass it. I was not aware this was going to happen this way. I was in my office when I was alerted to this. So I say, I do not know why we cannot bring this up and have a small debate on it and vote on it.

I have more to say, but I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, with great respect to my distinguished colleagues who are supporting this treaty and supporting a move to move it to the floor for a full vote right now, I understand and appreciate that they may not share some of the concerns expressed in this letter, concerns surrounding the fact that treaties, once ratified, become the law of the land, the supreme law of the land, concerns surrounding the fact that many Americans may have concerns about this, concerns that may be expressed during the upcoming election season.

To the extent this becomes a matter of debate, it may have an impact on the election. I think this might have been part of what motivated 36 Senators to sign this letter saying that neither this treaty nor any other treaty ought to be voted upon during the lameduck session.

With regard to the comment made by my friend from Illinois, the senior Senator from Illinois moments earlier, I, of course, understand we are not now in a lameduck session. That is my entire point. If it is true that the lameduck session is too soon to consider treaties, it follows a fortiori, it is a much stronger point to make the point now that it is too soon to consider this now.

With regard to the Law of the Sea Treaty, we have held a number of hearings—I cannot remember exactly how many—in the Foreign Relations Committee. I want to say at least three, four, maybe five, this year. We have had exactly one hearing on this one. I understand that some of my colleagues

might be satisfied with the assurances provided by some lawyers within the State Department to the effect that this is entirely compatible with U.S. law to the effect that it would not impose any additional, new, different obligations on U.S. law. I am not satisfied that that is the case. I therefore object.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I do not know what it would take to satisfy my friend from Utah. It goes out to all of the departments. They have to analyze this. They took over a year, almost 2 years, to do this, to find out if there were any conflicts with laws. So if you go through all of that, and all the departments report back and they cannot find any conflicts of laws or any laws we have that need to be changed, I do not know what would satisfy the Senator from Utah. What could that possibly be? He is almost raising an impossible barrier, unless the Senator can inform us as to what it would be that would satisfy him.

I do not know what else you could do other than what has been done on this bill. Again, I can understand people saying they had a hearing on it. I think it was well attended. But as I said, this is not something that sprung up overnight. This has been in the works for a number of years. To think that here we are the world's leader on this issue. I did not understand all the Senator said. He said something about it could have an effect on the election or something like that. I have no idea what he is talking about. If there is truly a nonpartisan, bipartisan issue, it is this. We have always made it thus.

When we passed the Americans with Disabilities Act, it was truly bipartisan. When the Supreme Court made their decisions in the Sutton case, the Sutton trilogy in the Toyota case in the late 1990s, early 2000, that kind of threw a monkey wrench into the works on employment in terms of disability, it caused a lot of consternation in the disability community and in the business community. We had to right that. We had to kind of tell the Supreme Court what we meant.

Well, that was in 2001. It took us 7 years of working with Republicans and Democrats and the administration, everybody. But in 2008 we passed a bill in the Senate unanimously, passed it in the House unanimously. President George Bush, the second Bush, signed it into law. I was down there for it. The first President Bush who signed the initial Americans with Disabilities Act was there. We were there with Republicans and Democrats. It was not seen as any kind of an issue.

If I am not mistaken, 2008 was an election year. And yet President Bush did not say, we cannot sign this because there is an election. This has nothing do with politics. So I find it almost bizarre that the Senate cannot act on something so close to us as a people, something we have taken such

a lead on, something which means so much in terms of our leadership globally, that we cannot act on this.

Again, so many people have taken the lead. Senator DURBIN and Chairman KERRY of Foreign Relations, Senator MCCAIN, Senator BARRASSO, Senator MORAN, Senator LUGAR, Senator UDALL, Senator COONS, many bipartisans have been working on this.

I admit, obviously I have a deep interest in this since I was the Senate author of the Americans with Disabilities Act. It has been a key part of my Senate career for 25 years now—25 years. One of the great joys was passing the Americans with Disabilities Act with such bipartisan support. Thanks to the ADA, our country is a better place for everyone, not just for people with disabilities but for their families, for everyone. I cited earlier what President Bush said when he signed it. He said:

This historic act is the world's first comprehensive declaration of equality for people with disabilities—the first. Its passage has made the United States the international leader on this human rights issue.

That is President Bush, 1990. The first. We were the first. We are the international leader on this issue. And now, 116 other nations, the European Union, can sign onto this but we cannot? This is truly bizarre.

Thanks to the ADA and other U.S. laws passed under the umbrella of the ADA, America has shown the rest of the world how to honor the basic rights of children and adults with disabilities, how to integrate them into society, how to remove barriers to full participation and activities that we now take for granted. We can take pride in the fact that our support for disability rights has inspired a global movement that led the United Nations to adopt the CRPD, the Convention on the Rights of People with Disabilities. We led that. Our legal framework influenced the substance of the convention and is informing its implementation in the 116 countries that have signed and ratified it along with the European Union.

As I said, I am grateful for the leadership on both sides of the aisle; some Senators who were here before but not now, Senator Dole; some who were here who were active in supporting the Americans with Disabilities Act, Senator MCCAIN; new Senators, Senator BARRASSO, Senator MORAN, and others. President George Herbert Walker Bush, the first President Bush, has been an active supporter of the CRPD. His White House counsel Boyden Gray, his Attorney General Dick Thornburg, have all been enthusiastic supporters of the Senate ratifying the CRPD. By ratifying this convention, the United States will be reaffirming our commitment to our citizens with disabilities.

As I said earlier, Americans with disabilities, including disabled veterans, should be able to live, travel, study, work abroad with the same freedoms and access that they enjoy here in the United States.

As the state parties, these different countries, come together to grapple with the best ways to make progress and remove barriers, we, America, should be at the table with them, helping them learn from our experience. As I said, the administration has submitted what they call reservations, understandings, and declarations that make clear that U.S. ratification of the CRPD will not require any change in U.S. law and will have no fiscal impact.

I do not know what else you can do to satisfy someone. I would say, if people feel that we do not want to take that leadership, then they can vote against it. But at least we ought to bring it up for a debate, discussion, and vote on the Senate floor. I would say that although U.S. ratification will have no impact on our laws, it will not have a fiscal impact, my hope is that U.S. ratification will have a moral impact—a moral impact.

My hope is we would send a signal to the rest of the world that it is not okay to leave a baby with Downs syndrome by the side of the road to die. It is not okay to warehouse adults with intellectual disabilities in institutions, chained to the bars of a cell where their only crime is that they have a disability. It is not okay to refuse to educate children because they are blind or deaf or they use a wheelchair. It is not okay to prevent disabled people from voting or getting married or owning property or having children. It is not okay to rebuild the infrastructures in places such as Iraq, Afghanistan, Haiti, and other war-torn or disaster-stricken areas without improving the accessibility of the infrastructure at the same time.

Former President Reagan frequently talked about America as a city on a hill, a shining example for the world of a nation that ensures opportunity and freedom for all its people. Thanks to our country's success in implementing the ADA, advancing that law's great goals of full inclusion and full participation for all our citizens, America indeed has become a shining city on a hill for people with disabilities around the globe. By ratifying the CRPD, we can affirm our leadership in this field. We can give renewed impetus to those striving to emulate us. We can give them that renewed emphasis by our example and by sitting down with them, if we are signatory to this treaty.

Again, I guess I have to recognize there are some Senators who were not part of the bipartisan vote to support it in the Foreign Relations Committee. I guess there are some who are not ready to support the unanimous consent request before us. My hope, since we are obviously coming to a close, is that we will use the time between now and when we come back in our lame-duck session after the election to address any issues that have been raised about the CRPD. If Senators have issues and want them raised, let us get them out and then let us move forward, when we come back after the election,

with a strong bipartisan vote for us to ratify the CRPD.

When we voted on the ADA—the Americans with Disabilities Act—in 1990, we had 91 Senators. OK, there were nine who didn't vote for it. I understand that. But 91 Senators voted in support of that historic law.

My hope is, when this comes up for a vote after the election, we can achieve the same kind of strong bipartisan statement of support for the human rights of 1 billion people with disabilities around the world. We must reaffirm our leadership on this issue and let the rest of the world know we are not stepping back on this. We are going to maintain our support for the dignity and the rights of people with disabilities not only in America but anywhere in the world.

I am very sorry we couldn't have brought this up. I haven't done any head counts for any votes, but I think I know most of the Senators are people of good will, and I believe when they look at this and think about it, it is going to get an overwhelming vote of support. So I am sorry we couldn't bring it up, but I look forward to passing this when we come back after the election.

With that, I yield the floor.

Mr. KERRY. Mr. President, I want to thank Senator DURBIN for his determined support of the Convention on the Rights of Persons with Disabilities and for his request for the Senate to approve the treaty today. I appreciate the thought that he has put into the consideration of this treaty and the work he has done in advancing the rights of persons with disabilities.

It has been 22 years since the landmark Americans with Disabilities Act knocked down barriers to employment and government services here at home. Now it is time to do the same for Americans with disabilities when they travel overseas.

This is not an issue that pits Republicans against Democrats. The Foreign Relations Committee approved this treaty in a strong bipartisan vote on July 26, the 22nd anniversary of the ADA. I am deeply grateful to former Majority Leader Dole and President George Herbert Walker Bush, who have joined a bipartisan group of Senators, including Senators LUGAR, BARRASSO, MORAN, COONS, DURBIN, HARKIN, and UDALL in advocating for such an important cause. Senator Kennedy would be proud if he could see us coming together today in support of the Convention as we did 2 decades ago in support of the ADA.

Members from both sides of the aisle worked hard to achieve this moment. The questions have been answered. The only question that remains is whether we will be remembered for approving the Disabilities Convention and extending essential protections for the millions of Americans with disabilities, or for finding excuses to delay and defer our core responsibility as Senators.

I have heard from countless advocates on this issue—from the Perkins

School for the Blind in my home State to disabled Americans and veterans groups across the country, all of whom tell me that this Convention will make a difference in their daily lives.

And, believe me, it will. This Convention will extend essential protections to disabled persons everywhere, including our disabled servicemen and women and veterans when they travel, live, study or work overseas. It will enshrine the principles of the ADA on the international level and provide us with a critical tool as we advocate for the adoption of its standards globally.

We already live up to the principles of this treaty here in America. Our strong laws—including the ADA—are more than sufficient to allow us to comply with this treaty from day one. Nothing is going to change here at home. But our delay in joining this treaty has an impact abroad.

For decades the world has looked to America as a leader on disabilities rights. It is hard to believe but some are now questioning our resolve—because of the failure to ratify this treaty. That is not acceptable and that is not what America is about.

It isn't a question of time. It is a question of priorities—a question of willpower, not capacity. This treaty reflects our highest ideals as a nation, and now is the time to act.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Alabama.

THE BUDGET

Mr. SESSIONS. Madam President, Senator REID was, I think, stung this morning when remarks were made about the failure of the Senate to pass a budget or to move a single appropriations bill. For the first time in over 100 years, I understand, not a single appropriations bill was brought to the floor. This was a decision made by the Democratic leadership, to not bring up even a single bill, so that we end up with a big omnibus CR. The leadership also didn't bring up the Defense authorization bill for the first time in 51 years.

Senator MCCAIN explained that yesterday and the day before and he expressed his frustration about it. I was disappointed this morning to hear comments from our budget chairman, KENT CONRAD, about this frustration and, I believe, truth-telling from Republicans. Senator REID said: "It's a big lie for the Republicans to come here and say we haven't passed a budget."

Let's look at the facts. The law requires the Senate majority to produce a budget, a financial plan, every single year. It is in the code of the United States—a plan that covers taxes, entitlement spending, and debt. It is fundamental to the future of our country, and that is why it is required by law, because people saw the need for it. That plan must be produced and voted on in committee and brought to the Senate floor.

The Republican House put together such a plan. They moved it and passed it, but Senate Democrats have no plan. They have proposed nothing, offered nothing, put nothing on paper.

Senator REID, our Nation is facing a debt crisis. Surely you agree. What is your plan? Where is your budget? What is your proposal to rescue the finances of this Nation? I haven't seen it, but I am just the ranking Republican on the Budget Committee. The American people haven't seen it. It doesn't exist. The House has a plan. Where is your proposal? Have you forgotten that you canceled our Budget Committee markup on this spring and refused to bring up a budget to the floor last year? What do you plan to do on taxes, on entitlements, on welfare, on spending, on debt? How does your majority plan to balance the budget of this Nation? Do you have a plan? Surely you know the spending caps in the Budget Control Act are not a financial plan for America.

As the magazine *Politico* put it: "Democratic leaders have defiantly refused to lay out their own vision for how to deal with Federal debt and spending."

Let me say that again. Is there any problem greater for America today than debt and spending? This is what *Politico* reported not too long ago. "Democratic leaders have defiantly refused to lay out their own version of how to deal with Federal debt and spending."

That is exactly right. It is indisputable. We have had the worst performance of a Senate on financial matters in the history of the country, in my opinion. I can't imagine any Congress being less fulfilling of its duty.

Speaking on FOX News earlier this year, Chairman CONRAD said:

What we need, I believe, is at least a 10-year plan. That's why I am going to mark up a budget resolution the first week we are back in session.

That was in April. That markup never happened.

This is what The Washington Free Beacon reported:

Conrad stunned observers Tuesday when he announced that he would not follow through on his expressed intention to offer, mark up and pass a Democratic budget resolution. Many suspect that Conrad's plan was derailed at the last minute by Senator Majority Leader Harry Reid and other Senate Democrats who did not wish to cast politically difficult votes.

I haven't heard that disputed. There is no dispute that Senator REID decided, along with the Democratic conference, frankly, we are not going to bring up a budget. We would have to vote. We would have to lay out our plan and then people can look at it and say what is wrong with it. We would rather just spend our time attacking their plan. We don't want to show our cards, provide any leadership.

That is what happened. Here is what the New York Times reported regarding Senator CONRAD's canceling of the markup:

Mr. Conrad's announcement surprised Republicans and Democrats who were expecting him to produce a Democratic budget that, if passed by the committee, would have been the first detailed deficit reduction plan in three years.

That is the way the New York Times reported it, and I say they are accurate. That is the way I saw it.

Senator JOE LIEBERMAN caucuses with the Democrats and he said he was “disappointed by the party’s refusal to confront the issue,” and said further, “I don’t think the Democrats will offer their own budget, and I’m disappointed in that.”

Senator MARK PRYOR admitted: “We’ve had three years with President Obama where we’re not able to get a budget resolution passed.”

But it gets worse. Not only have Democratic colleagues failed to do their duty, they have savagely attacked the House for producing a budget and laying out a plan. Here is what Senator CONRAD said today. Senator CONRAD is a good friend, but give me a break, Senator CONRAD. He said the House plan “fails any moral test of government.” He said the House plan failed the “moral test,” and he repeated that several times.

These comments are outrageous. They are inaccurate, but they are also hypocritical. I ask: What is the morality of the majority party in this Senate that has violated the law purposely and deliberately in order to avoid presenting a plan to save this Nation from financial disaster? They have deliberately refused to go forward. What about the families who will be impacted by a debt crisis? What about our military? What about our future as a nation? Where is our duty during this defining hour of our Republic—America’s hour of need? Is there no response and no leadership?

Every Senate Democrat in every State, I think, will have to explain why they have not stood up to Senator REID and his proposal. Presumably, they are all in it together. None have actually come to the floor and opposed him and said they would vote to bring up a budget.

I know the Senator was stung a bit this morning, but it is not a lie to say we didn’t have a budget this year, and I know it was painful to listen to the litany of failures of this Congress. First, no budget in over 3 years—1,240 days; no appropriations bills this year—not one. We failed to bring up the Defense authorization bill for the first time in 50 years. We have failed to confront the sequester and debate how to fix it. We know we are going to have to do that. Yet we are going to let it wait until the end of the year, causing great turmoil at the Department of Defense. We have not dealt with the fiscal cliff.

All of those are fundamental things this Senate should have done and we haven’t done any of them. We don’t even bring up the bills. We should have had a great historic debate for the last 2 years over the future financial status of America because it is clearly the greatest threat facing our Nation. Yet we haven’t had it. We have had little groups meet in secret—gangs and groups and secret committees and special committees.

But this is what I would say about this budget. If I were prosecuting a case—as I used to when I was a Federal prosecutor—I would say the defendant has confessed. This is what Senator REID said back in May of 2011: “There is no need to have a Democratic budget, in my opinion.”

It is not a question of his opinion. It is the law of the United States. Nobody asked his opinion. He has a duty to follow the law, I would think.

How about this. He goes on to state: “It would be foolish for us to do a budget.”

Senator REID, I think, has moved into this modern world—postmodern world—where words mean about anything we want them to mean. We can just say it is a lie that we don’t have a budget; that we produced a budget and refer to the Budget Control Act, which was simply a part of the compromise to raise the debt ceiling and set some spending limits on spending in the discretionary accounts only—not all the accounts of the United States. That is not a budget, and the Parliamentarian has already ruled that is not a budget.

There is no question we don’t have a budget, and we haven’t had leadership. It has been very disappointing. And I was disappointed to have my good friend Senator CONRAD attack the House for having the gumption to lay out a plan that would change the debt course of America and put us on a path to prosperity. I am sorry Senator REID has overreacted and declared that it is not true what we, the Republicans, have asserted, that we don’t have a budget, because we don’t have a budget. It is true.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

COAL ASH RECYCLING AND OVERSIGHT ACT OF 2012

Mr. HOEVEN. Madam President, I rise to speak on energy legislation which is important to this country and legislation I truly believe we can and, in fact, need to pass this year.

The U.S. House of Representatives is working on key energy legislation. I think it is very likely they will pass it this evening. That legislation includes a bill that is very similar to energy legislation I have put forward in the Senate. The legislation I am talking about is the Coal Ash Recycling and Oversight Act of 2012.

Simply put, this legislation sets commonsense standards for managing and recycling coal ash with a States-led, States-first approach.

We have strong bipartisan support for the bill. As I said, we need to take up the bill this year and pass it. Simply put, we have the support on a bipartisan basis to support it. We have more than a dozen Democratic sponsors and more than a dozen Republican sponsors.

So why is it important? In simple terms, this is exactly the kind of energy legislation that can help take our

Nation to energy security or energy independence. What I mean by that is with the right energy plan, we can move this country to the point where we produce more energy than we consume. Working with our closest friend and ally, Canada, we can produce more energy than we consume—meaning we truly are energy independent or energy secure so that we are not importing energy from the Middle East.

And it is not just about energy, it is about jobs—good-paying jobs at a time when we have more than 8 percent unemployment. It is about economic growth—economic growth that we need to get on top of the debt and the deficit. We need to find savings, but we also have to get this economy growing to get on top of this deficit and our \$16 trillion Federal debt.

It also is about national security. Look at what is going on across the Middle East. Yet we still import energy from the Middle East. Americans do not want to be dependent on importing energy from the Middle East. The reality is, with the right energy plan, we can produce that energy at home and be energy secure, create good jobs, and get our economy growing at the same time. This is just one step, but it is one more important step on that journey.

Let me give an example of what we are doing in my home State of North Dakota and doing in States across the country. In North Dakota, just north of the capital Bismarck, there is a large electric power complex, the Coal Creek Power Station, that is operated by Great River Energy, a company that operates from North Dakota to Minnesota. It is a large complex. It generates 1,100 megawatts of electricity, two 550-megawatt powerplants. It employs the latest, greatest technology. It has emissions controls that are state of the art.

This plant captures waste steam, steam that was formerly exhausted into the air, and uses it to power an ethanol plant. So they are making renewable transportation fuel with waste steam, very low cost, very efficient. It reuses the coal ash or the coal residuals that are produced. It recycles those for building materials.

Along with a company called Headwaters, a natural resource company out of Utah, Great River Energy takes this coal ash and makes FlexCrete out of it, which is concrete they use on highways, roads, bridges, anywhere you would use concrete. But they also make other building products as well, such as shingles, that one would use to put on the roof. So this is truly a concept where we are recycling the coal ash and the coal residuals.

Formerly, coal ash was put in landfills, and the company would pay about \$4 million a year to landfill hundreds of thousands of tons of coal ash. Now they sell it, and it is made into these building materials. They generate something like \$12 million a year selling this coal ash for building material. If we do the math, that is about a \$16 million swing from across the \$4 million a

year to a revenue stream of \$12 million a year.

What does that mean? That means families, small businesses, consumers throughout North Dakota, Minnesota, and beyond now pay \$16 million less for their electricity than they did before because of this creative use. This truly is American ingenuity and American innovation at work.

In fact, I have a couple examples of buildings that are made from building material produced with coal ash. The first one is the National Energy Center of Excellence at Bismarck State College, where we train people in the energy field. So people are learning how to have a great career in all different types of energy at a facility that is made with the coal ash that I am talking about. It overlooks the Missouri River. It is an absolutely beautiful facility.

Let me give another example. This is a building under construction right now. This is the North Dakota Heritage Center on the capitol grounds of our State capital in Bismarck. It is our heritage center, so it is a museum of our State history. Right now, we are doing a \$50 million expansion to this facility that is being constructed with coal ash. It is a beautiful building being constructed right now.

By using coal ash nationwide, we reduce energy consumption by 162 trillion Btus a year. That is an energy amount that is equal to 1.7 million homes. So we save an amount of energy equal to powering 1.7 million homes.

Water use. We save by recycling coal ash; we save 32 billion gallons of water annually. That is equal to one-third of the amount of water used in the State of California.

So talk about saving energy and saving water use. This is truly a concept on which those who favor renewable energy, as well as those who favor traditional sources of energy, ought to be able to get together. This is recycling, saving huge amounts of energy, saving huge amounts of water.

So why do I tell this story? The reason I tell this story is this: Right now, coal ash is regulated under subtitle D of the Resource Conservation and Recovery Act. That is nonhazardous waste, but EPA is looking at changing that to regulating it under subtitle C, which is the hazardous waste section. They are looking at doing that in spite of the Department of Energy, the Federal Highway Administration, State Regulatory Authorities, and even EPA itself acknowledging that it is not a toxic waste.

The EPA proposed that change in regulation in June 2010. Clearly, that would undermine the industry, drive up costs, and eliminate jobs when our economy can least afford them. Just to put that in perspective, the industry estimates that it would cost \$50 billion annually and eliminate 300,000 American jobs. Let me go through that.

Meeting the regulatory disposal requirements under the EPA's subtitle C

proposal would cost between \$250 and \$450 a ton as opposed to about \$100 a ton under the current system. That translates into a \$47-billion-a-year burden on electricity generators who use coal. And, most importantly, of course, who pays that bill? Their customers, families, and small businesses across the country. Overall, that could mean the loss of 300,000 American jobs.

That is why I brought this legislation forward with Senator CONRAD, my colleague in North Dakota, and also Senator BAUCUS of Montana and others. We have more than 12 Republican sponsors on the bill and 12 Democratic sponsors on the bill. So it is very much a bipartisan bill.

Furthermore, this bill not only preserves coal ash recycling, as I have described, by preventing these byproducts from being treated as hazardous—and this is important: This bill establishes comprehensive Federal standards for coal ash disposal. Under this legislation, States can set up their own permitting programs for the management and the disposal of coal ash. These programs would be required to be based on existing EPA regulations to protect human health and the environment. If a State does not implement an acceptable permit program, then EPA regulates the program for that State. As a result, States and industry will know where they stand under this bill, and the benchmark for what constitutes a successful State program will be set in statute.

EPA can say, yes, the State does meet the standards or, no, the State does not meet the standards. But the EPA cannot move the goalpost. This is a States-first approach that provides regulatory certainty.

What is certain is that under this bill, coal ash disposal sites will be required to meet established standards. Again, this is important. We are requiring that they meet established standards. These standards include groundwater detection and monitoring, liners, corrective action when environmental damage occurs, structural stability criteria, and the financial assurance and recordkeeping needed to protect the public. So we set stringent standards.

This legislation is needed to protect jobs and to help reduce the cost of homes, roads, and electric bills. I thank the Republicans and the Democrats who have stepped forward on this bill, particularly Senator CONRAD, my colleague in North Dakota, Senator BAUCUS, and others. We have the bipartisan support to move this bill forward. We need to be able to bring it to the floor and do it this year. It is about energy for this country that we need, and it is about jobs for American workers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

FOREIGN AID

Mr. COATS. Madam President, I rise today to address the legislation that has been offered as an amendment that

would cut off all foreign aid to Egypt, Pakistan, and Libya.

As I watched our flag being shredded by a gloating mob at the walls of the American Embassy in Cairo, I shared with fellow Hoosiers and Americans a sense of sadness and deep anger. That mob, and the one that led to the death of four American diplomats in Libya, including our Ambassador, or those who stormed our Embassy throughout the Muslim world, showed us again how much contempt and disrespect those people have for the United States and for Americans.

Many in those countries clearly still hate us. As displayed on our televisions this past week, the Arab spring is evolving into a very bleak winter. Events this past year, and especially this past week in the Middle East and North Africa, continue to present us with enormous challenges. We have mishandled them badly. No one should be deluded enough to see it in any other way.

The best judge of a policy is the results. By that measure our report card is found among the ashes of the consulate in Benghazi.

The questions the administration and this body must answer soon is how best to react to this failure and what steps offer the greatest chances of making things right—or, at the very least, making things somewhat better. The search for answers must involve a complete reevaluation of the full range of American policy tools, including military actions, diplomatic dialogue, economic measures, multilateral efforts, and, simply, better leadership—not leadership that leads from behind.

Now, it is understandable to ask: Why on Earth should we send one more dime to these people who hate us so much? We will soon be voting on an amendment that codifies the instinct to cut off all assistance programs to, yes, problematic countries including Libya, Egypt, and Pakistan. Based on recent events, I agree we need to reassess the foreign aid we do send to these countries. However, I also believe we need to avoid a shortsighted reaction and consider a broader review of the purposes and the costs of foreign aid. I wish to address those two issues.

First of all, the costs. Foreign aid, as many do not know, is just a fraction of our Federal budget so we need to understand how much foreign aid costs taxpayers. Our foreign aid programs are less than 1 percent of the Federal budget and, put even more vividly, according to the OECD, just 0.12 percent of our gross national income is devoted to foreign aid.

Not only is that figure about a tenth of the number of Sweden or Norway, but it is only a third of the figure for France and half as much as the United Kingdom. We even devote a smaller share of our national wealth for foreign assistance than, of all countries, Greece.

I have been on this floor several times calling for Washington to get

control of excessive spending and I take a back seat to no one in that effort. I have repeatedly said that in order to address our \$16 trillion national debt everything must be on the table, including foreign aid. But we must assess and reassess all foreign aid to determine if it is still effective and even necessary. We should cut where it makes sense to cut. But when there is a discussion about eliminating all aid to Pakistan, Libya, and Egypt, let's be honest with the American people about the true cost of all that. Together, this aid only constitutes a fraction of a single percent of our Federal budget, and cutting it would be nothing but a gesture toward the real austerity required to deal with our \$16 trillion deficit.

But that is not the primary reason and that is not the real question before us. The real question before us is, aside from the cost argument, which is minuscule, the national security reasons for why we should pause and consider our next step very carefully ought to drive us to think this through.

We must keep a clear eye and recognize that sending American taxpayer dollars overseas is, first and foremost, a matter of strategic purposes and national security.

I want to repeat that. We must remember that the money we send overseas is, first and foremost, a matter of strategic purpose and national security. Without that component, then we do have to reassess the value and what we receive in return for foreign aid.

We can be sure that foreign assistance plays a role in the struggle for the hearts and minds of the world's poor. Today it is also central to the contest for political power.

Other rivalries are apparent as well. China plays in the contest for political influence and access to natural resources by engaging in foreign assistance as defined by their own standards. Chinese assistance activities in Africa, Latin America, and Southeast Asia grew from \$1.5 billion in 2003 to \$27.5 billion in 2006, a nearly twentyfold increase in 3 years, and it continues to grow and their influence continues to grow in those countries around the world as China expands its reach and exerts its influence.

None of this means that we in the Senate should support wasteful foreign aid programs with little regard to solid purpose, good design, proper accountability, and visible standards of positive result.

I want to see our foreign aid program reassessed. I believe we need to reevaluate the way we make our foreign aid determinations. But rather than cutting off all foreign aid in an instinctual way after these horrific scenes we have seen on television, it is important to step back and assess how we go about reassessing our distribution of foreign aid, what our strategic purposes are, and the other criteria that ought to be applied before we make a knee-jerk or too quick decision.

To achieve our support I think these programs need to achieve three guide-

lines. First, which programs most clearly achieve our national security interests? If they do, it is money well spent. Second, which best reflect American values and encourage foreign countries to support and adopt those values? We need to support our friends first. And, third, which programs are most effective at the least cost? We need clear, unambiguous standards of what effective means.

The consequence of no aid, though, is far greater now to the immediate question before us, which is the question of how we serve national security interests while at the same time ignoring the fact that the recipient may not be our best friend and may not support our broader purpose. In those cases—and Libya, Pakistan, and Egypt recently are among them—our broader strategic interest linked to our national security must have priority.

Let's look at Pakistan. In the case of Pakistan, I and some of my colleagues are profoundly skeptical. In the State and Foreign Operations appropriations bill markup this year, I joined with my colleague Senator GRAHAM to cut a portion of our assistance to Pakistan because of the outrageous conviction and imprisonment of Dr. Shakil Afridi, the doctor who helped us locate Osama bin Laden. The cut was a gesture of our dissatisfaction with the regime's behavior and a signal more cuts could come should that behavior not improve.

Yesterday I met with the Pakistan Foreign Minister and Ambassador to America from Pakistan. Earlier, Senator GRAHAM and I had a lengthy discussion with the Ambassador. We conveyed our dissatisfaction with this decision and a number of other things that we have differences about with that country. At the time, Senator GRAHAM said at the hearing that it may become necessary to cut aid off altogether but that time has not yet come. In my view, that time is not yet here, because what is at stake in Pakistan is so vast as to defy a brief description.

A radicalized and hostile Muslim country with a potent, fully developed nuclear arsenal is the most dreadful global nightmare. We must continue to employ every single tool available to us to make sure that does not come to pass, despite how skeptical and pessimistic we might be about the future of that country.

I am not arguing that our assistance packages to Pakistan have been well used, or even resulted in the support we seek or that the regime there has even shown much gratitude or respect in return. I am simply noting in this case the stakes are huge; the assistance programs do give us some leverage; and anger and despair are not a proper basis for us to make policy judgments, particularly when it comes to the security of the American people and our national interests.

Let's look at Egypt. Similarly, we cannot abandon Egypt despite how we

have come to judge the results of their elections. Those elections have shown us that once again a democratic vote does not ensure democracy or stability. Elections are a necessary condition for modern enlightened government, but much more is required. We must be there to help the political and security environment evolve in the right direction. Cutting off aid to the Egyptian military, arguably an essential element in Egypt's future political evolution, is bound to make it far harder to achieve our strategic objectives in the entire region. I believe even the Israeli Government would oppose an end to U.S. assistance because such a step could further radicalize the new government, the military, and even the population itself. Aid is one of the few tools we have that requires Egypt to maintain observance of the Egypt-Israel peace treaty.

Let's look at Libya. The issue of aid to Libya is even clearer. It is no coincidence that the attack on our diplomat occurred on September 11. This attack was almost certainly generated by radical elements connected to al-Qaida or similar terrorist organizations active in this country. We have seen ample confirmation that neither the Libyan Government nor the vast majority of the Libyan people supported that violence in any way. What we have seen is Libya is in a fragile state of transition that simply must be supported and encouraged by us and our allies. We have seen a Libya that wants to support us, wants to go forward with democracy, but has yet to gain control of certain parts of its country and certain elements, infiltrated by terrorists and al-Qaida, certain elements that need to be addressed in terms of Libya's future and in terms of our own national interests.

If we cut off aid to Libya, we risk losing the gains of that revolution to the radical elements that are active there and everywhere else in the region. It is impossible to see how ending our assistance programs would be a responsible move for our country and for our allies.

Most of us in this body have just come from a lengthy discussion with our Director of National Intelligence, with Secretary Clinton, our Secretary of State, with top representatives from our military, from the FBI, and from the administration, discussing this very question, gathering all the information we possibly can, making sure we have the facts before we make a quick judgment about the role of Libya and the role of terrorists, and what we have seen to date is the response by the Libyan Government, even the firing of one of their top officials who made an inappropriate remark relative to this attack.

In conclusion, I encourage my colleagues to pause and look at the larger picture when it comes to foreign aid. Cutting off aid and disengaging from these countries is exactly what the perpetrators of these attacks and protesters are trying to achieve. I do not

know if supporting the government in this volatile region and this revolutionary movement will bring the results we so urgently need, but if we are to review the tools available to us, and I am convinced we must, we should not begin by throwing out the tools we have. We need to sharpen those tools, better define their use, but not discard them prematurely.

I yield the floor.

MORTGAGE FORECLOSURE PRACTICES

Mr. BLUMENTHAL. Madam President, I rise to protest an action by the Federal Housing Finance Agency, Fannie Mae and Freddie Mac, that punished my State of Connecticut and four other States for effectively protecting our citizens against unfair and abusive mortgage foreclosure practices.

I want to say right at the outset I am determined to fight this action along with my colleagues during the comment period that we have, to contest this very unwise, misguided, unacceptable decision. These agencies have just posted for 60-day comment a decision to increase Fannie Mae and Freddie Mac's guarantee fee for Connecticut and four other States—New Jersey, New York, Illinois, and Florida.

Why? Because of the protections we have in place now against those abusive banking tactics that have so pervaded the mortgage foreclosure process and increased the length of time that it sometimes takes for foreclosure. And we have a mediation process that keeps people in their homes and enables settlements that actually save money. That is Connecticut's crime. That is the reason Connecticut and four other States and our homeowners will pay more in those guarantee fees.

Those fees, by the way, are imposed by Fannie Mae and Freddie Mac in exchange for assuming the risk that a loan will default. These entities guarantee investors in mortgages and mortgage-backed securities, making it less expensive and easier for home purchasers to obtain financing.

The cost of the guaranteed fund is generally passed along to the borrower so homeowners will pay these increased fees. They will bear this burden, and it will be a burden not only on those homeowners, but eventually on the housing market, which is in all too slow and fragile a recovery. Also, our economy depends so vitally on the housing market.

I am proud of Connecticut. I am proud of every State like Connecticut that protects its homeowners from robo-signing or fraudulent affidavits. We believe in justice and due process. We believe in giving homeowners an opportunity to mediate with the banks because so often the banks fail to come to the table. In effect, they give homeowners the runaround. They often fail to even give them a person with whom to negotiate in good faith, and mediation forces them to come to the table.

In 80 percent of the cases where there is mediation, homeowners stay in their homes. That saves money for other

homeowners in the neighborhood because their property values are maintained. It saves money for the homeowner who doesn't have to find a place to live and maybe even buy another house, and it saves money for Fannie Mae and Freddie Mac. In fact, every time they avoid foreclosure, they save on average at least \$11,000. That is the kind of savings they ought to relish, not reject. The foreclosure process around the country has rightly raised fears of abuses that Connecticut has sought to prevent. This kind of protection ought to be rewarded, not rejected.

The additional time it has taken for foreclosure because of these protections is a cost well worth the larger savings that are eventually realized. That is the reason I have determined that I will fight this new proposed guarantee fee, which increases significantly and substantially by 30 basis points for every homeowner who takes advantage of a Freddie Mac or Fannie Mae loan. From the moment families take out a loan, they are faced with fees and charges that we ought to seek to minimize so we can expand and enlarge and continue the recovery in our housing market while preventing unnecessary and illegal foreclosures. I am determined to fight this fee.

I will enlist help from other colleagues who have already indicated their opposition, and I believe that together we will succeed in persuading Fannie Mae and Freddie Mac that this increase in fee is misguided, unwise, and unacceptable.

I also want to speak separately and distinctly about the DREAM Act.

DREAM ACT

Last week I came to the floor to talk about the importance of the DREAM Act and to share the story of a Connecticut DREAMer. I am here again with the story of a different DREAMer. This is another young person from Connecticut. Again, I urge my colleagues to take action on this critically important bill. Young people who are known as DREAMers are undocumented immigrants who were brought to this country at an early age. Some were infants. Through no fault of their own, the consequence is they are here without proper documentation. America is their home. They often know no other language. All of their life they have been here. They have no memories of the country of their origin, where they were born. Our unfair and impractical immigration system fails to give them a path to citizenship and to stay in this country, the country they know and love.

The DREAM Act would give these young immigrants a chance to earn their citizenship through education or military service. By earning their citizenship they can begin to give back to this country. In fact, they are individuals who will continue to contribute to this country and give back to it.

Again, I wish to recognize the distinguished leadership of my colleague

Senator DURBIN, who has been fighting tirelessly for the passage of the DREAM Act for over 10 years. At the State level I have fought for similar measures that would give rights, particularly in the area of education and tuition aid, to these DREAMers. We have succeeded in Connecticut in giving them the benefit of in-state tuition.

The immigrants who would benefit from the DREAM Act have already been helped by an order from the President that defers their deportation for 2 years. Although it defers their deportation, it does not permanently grant them any rights. In fact, if there is a change in administration, that order could be easily reversed. So the benefit is temporary and the need is for a more certain, stable, and secure solution so they can come out of the shadows, avoid being marginalized by our outdated immigration laws, gain the kind of scholarship aid they need, seek to serve our country on a more permanent basis, and benefit, but also discharge the obligations of citizenship in this country.

I want to talk today about Yusmerith Caguao. Yusmerith Caguao is a college student who grew up in Norwalk, CT. She was born in Venezuela. She came to this country when she was 11 years old. She was told by her mom that the reason for coming here was to learn English, and the idea of learning a new language in a new country was immensely exciting to her. Her family settled in Norwalk, and she began middle school a week or two after arriving in America. She remembers those early days of her life, but she also remembers the excitement and struggle. Arriving without any knowledge of English, she mastered this language. Her grades improved over time and she kept in mind why her parents had brought her to America. She was dedicated to that day when she would be successful, when she would have visions realized and dreams achieved that she could not accomplish in Venezuela.

She graduated from middle school with excellent grades. She was proud of what she had accomplished and learned, and soon after completing middle school, to her dismay, she became aware of her legal status in this country. Learning that she was undocumented affected her performance and her state of mind. By the time Yusmerith Caguao was in high school, she stopped trying to get perfect grades because she feared that colleges would not accept her anyway.

At this point Yusmerith says she became depressed and felt hopeless. She graduated high school. She had almost given up the idea of attending college, but she didn't lose hope. After she graduated from high school, she decided to continue her education in Norwalk Community College, a wonderful institution. I attended their graduation this year. It is a place that does wonders and provides immense opportunities for people regardless of their race

or background or documentation and citizenship. It did wonders for Yusmerith.

She worked at a lot of different jobs to pay for her education, from waitressing in restaurants to working at a pet store and babysitting. She continues to work to pay for her education.

Now having graduated from Norwalk Community College, Yusmerith went on to attend Western Connecticut State University. This picture is of her graduation, but we are hopeful she will have another graduation. She is currently pursuing a double major in accounting and finance at Western State University and expects to graduate in 2014. She hopes to be an accountant. She hopes to have a career where she can put her skills to work. She hopes to give back to this country. That hope deserves recognition and realization, and that is why I stand here asking this body to give Yusmerith and thousands of other young people in Connecticut, the DREAMers, that opportunity to have a secure and permanent status, a path to citizenship that they will earn through education or military service.

I am hopeful my colleagues, even in a time of tremendous partisanship, will see the importance of what Yusmerith and the DREAMers can do not only for themselves but what they can give to our Nation and us. With her skills, talent, and dedication, this Nation will be even greater. We are the greatest Nation in the history of the world, but even greater with the contributions of young people such as Yusmerith.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. I ask unanimous consent to speak as in morning business.

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

NOMINATIONS

Mr. CASEY. Madam President, I rise tonight to speak about one subject, but a very important subject for our country and for our system of justice, and that is the confirmation of Federal district court judges. I will focus tonight on one Federal district in Pennsylvania, the Middle District. By way of background, I will review where we are in the Senate.

Earlier today Majority Leader REID was required to ask for unanimous consent in order to proceed on Senate confirmation votes for 17 district court nominees. Of course, this is from district courts across the country. As the majority leader and many of our Senate colleagues have noted, the district court nominees on the Senate Calendar are nearly all noncontroversial and have received significant bipartisan support. The judges I will speak about tonight fit that description.

Historically the Senate has deferred to the nomination of the President and the support of home State Senators. Unfortunately, that doesn't seem to be the case today in too many instances.

Of course, not in every instance but too many instances. There is an old expression in the law that many of us have heard, and it is very simple, but I think it has substantial consequences for real people. The expression is: Justice delayed is justice denied.

When we have a situation where we have two judges in the Middle District of Pennsylvania—I should say for the record and for the description of the geography in our State we have three Federal judicial districts: the Eastern District, the Middle District, and the Western District. When we have two district court nominees in Pennsylvania, or in any of the other States that have judges who are still pending, we can imagine the number of cases. It is not just hundreds but thousands of cases. In this case 17 judges could be handling these cases right now across our country. That old expression, justice delayed is justice denied, has real significance for real people out there, people who come before the district court as litigants. Whether they are individuals, corporations, or whatever the party, they come for basic justice and that gets very difficult when there is a backlog and there are not enough judges.

It is especially egregious and outrageous that they are held up here when in many cases they get out of the Judiciary Committee after a long process of getting to the Judiciary Committee. Sometimes there are many months of vetting and investigation work. Often the names are available for voting here in the Senate after not just getting through the Judiciary Committee, but part and parcel of that means in almost every instance the two Senators from that State have agreed they should come up for a vote. Yet when it lands here on the Senate floor after committee consideration, judicial nominees are held up.

The ability of the Federal courts to provide justice for the American people has indeed been threatened by the vacancy crisis and the overburdened Federal district courts. Families, communities, and small businesses are not able to get a fair hearing or have their claims resolved in a timely fashion. These Federal court vacancies need to be filled to mature a functioning democracy and a functioning judicial system.

The Pennsylvania nominees to the Senate Calendar are two individuals, Malachy Mannion and Matthew Brann. Both are to be confirmed as U.S. district judges for the Middle District of Pennsylvania.

I won't go through their backgrounds and qualifications today. We have done that already. They don't need me to do that. They are through the Judiciary Committee. These men are both very well qualified to be U.S. district judges.

Both of these judges would fill judicial emergency vacancies in Pennsylvania's Middle District. Just to give my colleagues a sense of what we are

talking about, the Middle District of Pennsylvania has six posts, six judicial slots, and these are two vacancies for those six. The Middle District is the largest Federal district in Pennsylvania geographically, and there are four courthouses, one of which is several hours' drive from the others. Because of the vacancies, the judges with senior status still continue to hear cases. Three of these judges are at least 86 years old. Let me say that again. Three of these senior judges who have to do extra work because of the vacancies are at least 86 years old.

Mal Mannion and Matthew Brann were both reported by voice vote out of the Judiciary Committee earlier this year, and both nominees were supported by Senator TOOMEY as well as me. Both of us came together through the process of introducing both of these nominees to the Judiciary Committee. They are, as I said before, through that process.

I strongly urge that we move forward and allow a vote on all of these highly qualified, noncontroversial U.S. district court nominees, two in particular in Pennsylvania.

I should mention that there was an article written—I won't summarize it here—in the Atlantic magazine just last week by Andrew Cohen that highlighted some of the impacts this crisis has on real people when they appear before district courts such as the Middle District of Pennsylvania.

I yield the floor.

NOMINATIONS

Mr. LEAHY. Mr. President, today the majority leader was required to take the extraordinary step of asking for unanimous consent to secure Senate confirmation votes for 17 district court nominations. Before the American people elected Barack Obama as our President, district court nominees were generally confirmed within a couple of weeks of being reported by the Judiciary Committee. This was true of those nominated by Republican Presidents and Democratic Presidents. Deference was traditionally afforded to home State Senators and district court nominees supported by home State Senators were almost always confirmed unanimously.

However, Senate Republicans have raised the level of partisanship so that these Federal trial court nominees have now become wrapped around the axle of partisanship. Despite a vacancy crisis that threatens the ability of Federal courts to provide justice for the American people, Senate Republicans now refuse to allow a vote on any of the 17 pending district court nominees, including 12 that have been declared judicial emergency vacancies. Senate Republicans' across-the-board obstruction of President Obama's judicial nominees that began with their filibuster of his very first nominee continues. For the first time I can recall, even district court nominees with support from Republican home State Senators face