

half. So raising that tobacco tax gives us money for medical research and reduces the likelihood that people will become addicted to nicotine and tobacco.

Mr. President, 700,000 Americans will not take up the tobacco habit if we raise that tax 95 cents. It is money well spent on medical research.

If we do not do this, what happens? We fail to find the cures for diseases, we continue to make massive expenditures in Medicare and Medicaid and other health programs, and we watch the world pass us by.

If the United States decides to retreat when it comes to biomedical research, other countries are ready to step in. Now, today, China is investing 12 to 20 percent more each year in government research and medical research—each year. In 8 years China will surpass the United States in dollars spent on government research and medical research. Are we ready to let that happen? I hope not.

For the sake of the people who live in this country who need cures for these diseases, and help, for the sake of the cost to our health care system that all of this medical challenge presents, and if we want to maintain a lead when it comes to researchers and doctors and hospitals, it is time for us on a bipartisan basis to make a commitment to medical research.

I hope others will join in cosponsoring this American Cures Act. A number have done this already, and I thank them for joining me. One of them is on the floor, my colleague from California Mrs. BOXER. She is always by my side. We have fought a lot of these battles together. And the list goes on: Senators REED, BROWN, HIRONO, FEINSTEIN, GILLIBRAND, CARDIN, HAGEN, CASEY, MARKEY, and MIKULSKI, and we are just getting started. I might also say that Congresswoman ANNA ESHOO is cosponsoring this measure in the House.

I cannot think of a more important thing that we can do to make this a better, safer nation, to reward research, to find cures for diseases, and to make sure our country continues to lead the world when it comes to biomedical research.

I hope my colleagues will join me in cosponsoring this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to thank my colleague from Illinois for his leadership in making our people healthier than they otherwise would be. He talked about the battles we have had making sure that we crack down on the tobacco companies that told us for years smoking was safe—as a matter of fact, do it, it will relax you—and they denied the science.

We lived through those years. Many years ago, I worked with then-Senator Lautenberg—and Senator DURBIN led the charge in the House—to stop smoking on airplanes. I remember coming

home from these long trips and literally reeking of cigarette smoke—I never smoked in my life, but just sitting around it in the airplanes.

Now we are working together on NIH issues. We are very upset about some of the false claims that are being made about e-cigarettes, and we want the truth out.

So before he leaves the floor, I want to thank the Senator.

#### PAYCHECK FAIRNESS ACT

Mr. President, I am here for only a couple minutes to express my chagrin, my disappointment, my shock that not one Republican voted with Democrats to make sure women have equal pay to men. What a simple concept: If you work a job that is the same as a man, the pay should be equal, and that means women can get a fair shot in the workplace. And how do we know it is not happening? We know because there are statistics that prove that women are earning, on average, \$11,000 less than a man for the same job; and that is \$11,000 a year. Over the course of a lifetime, it is over \$400,000.

Our Republican friends, in searching to come up with a reason—I do not know their reason; I do not get their reason—but this is what they said. They said—MITCH MCCONNELL, the Republican leader, said in a press conference—and I just read it; I hope I am wrong, and maybe he did not say this—but he said: We are hurting the very same people we are trying to help in this legislation.

Now, somebody explain to me how it hurts a woman to have equal pay with a man for the same job. How does it hurt a woman to be able to afford a better place to live with that \$11,000 a year, or a better school, to send her child to college, or just to enjoy a family vacation or a used car that maybe they want to buy—or, or, or.

It is unbelievable to me. Every Republican voted against equal pay today for women. What is even more disturbing, every Republican voted to filibuster equal pay for women, meaning they voted against our even taking up the subject. They stopped us. We had a good, solid majority of Democrats—54. We just wanted to take it up and work on it and get it through. They filibustered this. It is, to me, amazing.

Senator MCCONNELL said that Democrats are obsessed with this issue of equal pay for equal work. OK, I will take it. I am obsessed. I want equal pay for women.

We are here in the U.S. Senate. Everyone knows what we earn, and everyone knows that a woman Senator makes the same as a man Senator. We have the same pension options and health care options, and that is the fair way. All the equal pay for equal work act says is: We want to enforce the civil rights laws that demand it. But employers now harass you, fire you, stop you from finding out what your colleague across the aisle makes.

If you even ask someone: I want to just check, am I getting paid fairly? I

am getting paid \$45,000 a year, and we do the same job. Can you tell me?—that alone—that alone—makes that worker a target for dismissal, harassment, et cetera.

This should not be. We should be able to find out and ask. That is all we are trying to do here. We are trying to make sure that the Civil Rights Act which passed in the 1960s actually works. Because the Civil Rights Act said: equal pay for equal work. But then all these rules came down and loopholes came down, and employers can fire you, harass you, or do whatever, if you even ask about it.

Everyone knows—I should not say “everyone”—a lot of people understand the Lilly Ledbetter case. Lilly Ledbetter worked at a tire company. She was a manager. She was considered one of the top people in the company who did this work. She found out she was getting paid thousands of dollars less by the owner of the tire factory. She sued.

She won her lawsuit at the lower level. Then it went all the way to the Supreme Court. They said: Sorry, you waited too long to file your lawsuit. What? She said: I could not find out about it. I did not find out about it, she said, until a coworker left me a note and said:

Lilly, I admire you. You're great. Do you know you're getting paid X thousands less a year than your male counterpart?

But she did not find it out for many years. So we had to fix that problem. BARBARA MIKULSKI led us, and the President led us. He signed the bill, the Lilly Ledbetter Fair Pay Act, which expands the statute of limitations so when you find out you have been discriminated against you can bring a lawsuit.

All this is, is you can find out for sure earlier by asking someone. So I am in shock. Do not tell me women do not want fair pay, all they care about is flexibility. You cannot buy groceries with flexibility. If you want flexibility in the workplace, you can work that out. But set your pay first. I have employees, men and women, who want to get their pay settled. Then they will say: Is it okay if I work 4 days at the same level, but then I do not get paid for that fifth? That is fine if that is the flexibility workers want. But do not substitute flexibility and say: Well, if you want to work 4 days a week, we will give you that, but, guess what, you are going to be paid less for the job than a man. Please.

Yes, we are obsessed with this. We are because we Democrats believe in justice and fairness and equality, not just in words and speeches and reading great quotes from our Founders, but in reality.

That means, in reality, we want a woman in the workplace to be able to find out if she is getting paid fairly. I am disappointed, but I am also excited that HARRY REID is going to bring this back again and again and again in the hopes that our Republicans in the Senate relent and understand this is about

fairness and justice and equality and the right thing for women in this country. Not only women in this country, but for their families, their children. Two-thirds of women either are the sole supporters of their families or they are cosupporters of their families. This is an economic issue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEE. Mr. President, the American economy is the envy of the world, primarily because it is still seen as a place where anyone—regardless of who you are or where you come from—can work hard, play by the rules, and succeed. That belief is predicated on the notion that America has a thriving, competitive, and free enterprise economy in which the best ideas and hardest workers win the day, while those who are less successful always have a fair chance to try again.

The free enterprise system is not perfect, by any means, but it is fair. Unfortunately today, Americans increasingly believe our system is rigged. In President Obama's America, they have good reason. From the stimulus to Cash for Clunkers, from the bailouts to cap-and-trade, from Dodd-Frank to ObamaCare, every namebrand initiative of the President's term of office has distorted public policy to privilege well-connected insiders and elites at the expense of taxpayers and consumers.

The Export-Import Bank is another taxpayer-funded example of distorted public policy that further erodes Americans' confidence in our markets and our system. In short, the Ex-Im Bank exists to dole out taxpayer-backed loan guarantees to help American exporters. Most of the benefits go to large corporations that are perfectly capable of securing private financing anywhere in the world. That is to say, Congress allows Ex-Im Bank to risk taxpayer money unnecessarily to subsidize well-connected private companies.

This kind of public policy privilege, best described as crony capitalism, is a threat to the free market and to its moral underpinnings. Crony capitalism corrupts the free market by rewarding political connections over competitive excellence. It subverts the rule of law by codifying inequality. It undermines social solidarity by pitting citizens against one another, twisting cooperative communities into rival special interests.

That is why in Obama's crony economy, we are seeing record corporate profits but stagnant middle-class wages and an anemic, jobless recovery. Cronyism has promoted and exacerbated inequality. It has isolated the poor and it has squeezed America's middle class.

There are three principal reasons why we should start making this discussion part of the public debate and why we should start doing it right now: First, we should do this to fix the economy. Nearly all of our Nation's net job creation comes from firms that have existed for 5 years or less. But cronyist policies tilt the playing field against those very firms, and make it next to impossible for those companies to succeed, to grow, and to create new jobs that we so badly need, and that the American people so significantly deserve. Leveling the playing field creates competition in both directions. It allows smaller, younger firms to compete, and it forces larger, older firms to do the same. That dynamic competition is what creates new jobs. It is what creates new economic growth. It is what gives rise to new opportunities up and down the economy on every step on the economic ladder.

Second, this is a matter of basic justice. The American people have a fundamental right to equal opportunity under the law, and it is the job of the government to protect equal opportunity. If the very people who work hard and play by the rules are forced by government to bail out, prop up, and subsidize elite insiders who do not, then the land of opportunity, well, is not.

Third, as those who most support free enterprise and equal opportunity, Republicans must bear the burden of reform. We believe in the power of free markets and a voluntary civil society to expand, lift people out of poverty, and support a secure and prosperous middle class. So it is our responsibility to follow through on our own convictions and close our own branch of the beltway favor bank. It starts with conservatives having an agenda to reform government and to end cronyism. Fortunately, some of us have already started working on it.

These proposals focus on protecting the American people from the economic harm that comes from the collusion of big government, big business, and big special interests.

For example, we have policy reforms that force Congress to periodically reevaluate expensive regulations; level the playing field for all energy producers; open our higher education system to new students, teachers, and competition; give Americans the right to choose whether to join a union; cut out the bureaucrats who waste critical infrastructure funding; and, yes, eliminate taxpayer subsidies to organizations such as the Ex-Im Bank.

This agenda will create jobs, grow the economy, increase opportunities by allowing small businesses and forcing big businesses to compete on a level playing field where success depends on customer service and not on political connections. A conservative agenda to get right on cronyism will be good for jobs, for the economy, and above all it will be the right thing to do.

Eventually, later this year, the reauthorization of the Ex-Im Bank will be

before the Senate, and I hope my colleagues will keep these points in mind. But before us today is the nomination of Wanda Felton to be First Vice President of the Export-Import Bank. This is a position she already holds, but it is being renominated so that she can continue holding that position.

Ms. Felton, significantly, sat on the board of the Ex-Im Bank, and she did so at a time when the Ex-Im Bank declined to take several recommendations from its own inspector general to lower its risks, which, in turn, put taxpayers at greater risk.

The Ex-Im Bank has also continued to make claims about the importance of Ex-Im on job creation without necessary caveats or references to the bank's methodology—claims the GAO has heavily criticized.

I cannot support putting someone back into this position after that person largely ignored these recommendations by government watchdogs.

For all the reasons I have mentioned, I respectfully and strongly ask my colleagues to oppose the renomination of Wanda Felton to be the First Vice President of the Export-Import Bank of the United States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. CANTWELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Wanda Felton, of New York, to be First Vice President of the Export-Import Bank of the United States?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mr. CORNYN), and the Senator from Texas (Mr. CRUZ).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "nay" and the Senator from Oklahoma (Mr. COBURN) would have voted "nay."

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

The result was announced—yeas 75, nays 21, as follows:

[Rollcall Vote No. 104 Ex.]

## YEAS—75

Alexander	Graham	Murkowski
Ayotte	Hagan	Murphy
Baldwin	Harkin	Murray
Begich	Heinrich	Nelson
Blumenthal	Heitkamp	Portman
Blunt	Heller	Pryor
Booker	Hirono	Reed
Boxer	Hoeven	Reid
Brown	Isakson	Rockefeller
Burr	Johanns	Sanders
Cantwell	Johnson (SD)	Schatz
Cardin	Kaine	Schumer
Carper	King	Scott
Casey	Kirk	Shaheen
Coats	Klobuchar	Stabenow
Collins	Landrieu	Tester
Coons	Leahy	Thune
Corker	Levin	Udall (CO)
Crapo	Manchin	Udall (NM)
Donnelly	Markey	Walsh
Durbin	McCain	Warner
Feinstein	McCaskill	Warren
Flake	Menendez	Whitehouse
Franken	Merkley	Wicker
Gillibrand	Mikulski	Wyden

## NAYS—21

Barrasso	Hatch	Risch
Boozman	Inhofe	Roberts
Chambliss	Johnson (WI)	Rubio
Cochran	Lee	Sessions
Enzi	McConnell	Shelby
Fischer	Moran	Toomey
Grassley	Paul	Vitter

## NOT VOTING—4

Bennet	Cornyn
Coburn	Cruz

The nomination was confirmed.

#### NOMINATION OF TERRELL MCSWEENEY TO BE A FEDERAL TRADE COMMISSIONER

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consider the McSweeney nomination, which the clerk will report.

The bill clerk read the nomination of Terrell McSweeney, of the District of Columbia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2010.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided in the usual form.

Mr. HARKIN. Mr. President, today the Senate is voting to confirm Terrell McSweeney's nomination to an open seat on the Federal Trade Commission. This vote is long overdue as the FTC has lacked a full complement of Commissioners for more than a year. The confirmation of Ms. McSweeney will bring the Commission to a full complement of Commissioners and ensure that the mission of consumer protection can be fully realized.

Ms. McSweeney is a highly qualified candidate. She has already served as Domestic Policy Advisor to Vice President JOE BIDEN. She has worked here in the Senate—first as a page while still in high school and later as then-Senator BIDEN's Deputy Chief of Staff and Policy Director, and she has been a lawyer in private practice. She is a graduate of Harvard University and Georgetown University Law School. I have had the privilege of knowing Terrell McSweeney for a number of years, and I have every confidence that

she will make an excellent FTC Commissioner.

The FTC undertakes critical work to ensure that Americans are protected from deceptive and misleading advertising and marketing and to ensure that American businesses do not engage in unfair and anticompetitive practices. I would like to commend the Senate for taking up her nomination and urge my colleagues to support Ms. McSweeney's confirmation as a Commissioner on the Federal Trade Commission.

Mr. REID. Mr. President, I yield back the time.

The PRESIDING OFFICER. Without objection, it is so ordered. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Terrell McSweeney, of the District of Columbia, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 2010?

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET) is necessarily absent.

Mr. REID. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mr. CORNYN), and the Senator from Texas (Mr. CRUZ).

Further, if present and voting, the Senator from Oklahoma (Mr. COBURN) would have voted "yea" and the Senator from Texas (Mr. CORNYN) would have voted "yea".

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

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 105 Ex.]

## YEAS—95

Alexander	Gillibrand	Merkley
Ayotte	Graham	Mikulski
Baldwin	Grassley	Moran
Barrasso	Hagan	Murkowski
Begich	Harkin	Murphy
Blumenthal	Hatch	Murray
Blunt	Heinrich	Nelson
Booker	Heitkamp	Paul
Boozman	Heller	Portman
Boxer	Hirono	Pryor
Brown	Hoeven	Reed
Burr	Inhofe	Reid
Cantwell	Isakson	Risch
Cardin	Johanns	Roberts
Carper	Johnson (SD)	Rockefeller
Casey	Johnson (WI)	Rubio
Chambliss	Kaine	Sanders
Coats	King	Schatz
Cochran	Kirk	Schumer
Collins	Klobuchar	Scott
Coons	Landrieu	Sessions
Corker	Leahy	Shaheen
Crapo	Lee	Shelby
Donnelly	Levin	Stabenow
Durbin	Manchin	Tester
Enzi	Markey	Thune
Feinstein	McCain	Toomey
Fischer	McCaskill	Udall (CO)
Flake	McConnell	Udall (NM)
Franken	Menendez	

Walsh
Warner

Warren
Whitehouse

Wicker
Wyden

## NAYS—1

Vitter
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## NOT VOTING—4

Bennet
Coburn

Cornyn
Cruz

The nomination was confirmed.

The PRESIDING OFFICER (Mr. BROWN). The majority leader is recognized.

Mr. REID. We have a number of votes scheduled. They are going to go by voice, I am told.

Mr. President, we are going to have a cloture vote an hour after we come in tomorrow morning, and there is no reason we cannot be finished tomorrow, but that doesn't mean we will be finished tomorrow.

We will have to cooperate and have to work out the time problems we have with the matters that will be pending after we complete the votes on these two measures now.

So we could finish tomorrow. It is up to all of us. Otherwise, we may have to spill over a little into late on Friday.

#### NOMINATION OF DEBRA L. MILLER TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD

#### NOMINATION OF STEVEN JOEL ANTHONY TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD

#### NOMINATION OF DANIEL W. YOHANNES TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of the following nominations which the clerk will report.

The legislative clerk read the nominations of Debra L. Miller, of Kansas, to be a Member of the Surface Transportation Board; Steven Joel Anthony, of Virginia, to be a Member of the Railroad Retirement Board; Daniel W. Yohannes, of Colorado, to be Representative of the United States of America to the Organization for Economic Cooperation and Development.

The PRESIDING OFFICER. Under the previous order, 2 minutes will be equally divided for the Miller nomination.

Who yields time?

Ms. STABENOW. Mr. President, I yield back all time.

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

All time is yielded back.

## VOTE ON MILLER NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Debra L. Miller, of Kansas, to be a Member of