

eventually reversing the city's economic slide and laying the groundwork for the vibrant Boston of today. He had a vision.

Boston was in Kevin's blood and so was politics. His father and maternal grandfather had been Boston city council presidents, and he married Kathryn Galvin in 1956, the daughter of another city council president. He was elected Massachusetts secretary of state three times before being elected mayor for the first time in 1967.

Kevin White was the right man for the job at the right time, as he proved so importantly and so poignantly within months of taking office on April 5, 1968—to be precise, the day after Dr. Martin Luther King, Jr. was assassinated. James Brown was scheduled to do a concert at Boston Garden that night. Rather than allow it to be cancelled, as many suggested, Kevin arranged for the concert to be televised live in hopes of minimizing unrest. He even appeared on stage himself to plead for calm. He stood on the stage and said:

All of us are here tonight to listen to a great talent. But we are also here to pay tribute to one of the greatest of Americans, Dr. Martin Luther King, Jr. Twenty-four hours ago, Dr. King died for all of us, black and white, so that we may live together in harmony, without violence, and in peace. I'm here to ask for your help. Let's make Dr. King's dream a reality in Boston. No matter what any other community might do, we in Boston will honor Dr. King in peace.

That was leadership, and it helped. Cities across the country exploded in violence, but Boston summoned relative restraint. James Brown called Kevin "a swinging cat." Of course, difficult times lay ahead, a turbulent period of racial strife. But Kevin White sought to shepherd Boston through those difficult times, and in the process he ushered in the remarkable city we know today. He did his best to hold the city together by walking the streets, reaching out and fighting with every ounce to get Boston where it is today. At one point, he led a march of 30,000 people to protest racial violence.

Kevin White was, according to his most famous campaign slogan, a loner, in love with the city. But this self-proclaimed loner did love Boston, and Boston loved him back. His wide circle of friends and former staff remained loyal and close throughout his life. Above all he was a family man, devoted to his wife Kathryn of 55 years, to his five children, and to his seven grandchildren. To all of them and to the rest of his family, we extend our deepest sympathy and a thank-you for sharing Kevin with us.

The devotion of Kevin's family was boundless throughout his long and valiant fight against Alzheimer's disease. From his diagnosis nearly a decade ago to the very end last Friday, they gave him all the love and care he needed to face his debilitating challenge with the same dignity and courage with which he served the city of Boston for so long.

Mr. President, Boston is that shining city on a hill that John Winthrop, one of the founders of the Massachusetts Bay Colony, spoke about in 1630 as he sailed to America. It is a city teeming with people of all kinds, a city of commerce and creativity, a city of grit and greatness. And Kevin White helped to make it that way.

I consider it a privilege to have watched his journey, to have enjoyed his friendship, support, and counsel. I join with so many in thanking him and his family for his service.

May he rest in peace.

Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

#### RECESS APPOINTMENTS

Mr. PAUL. Mr. President, I rise today in defense of the Constitution. I rise today to condemn the President for making appointments that are unconstitutional and illegal. Recently the President appointed members to the National Labor Relations Board and to the Consumer Financial Protection Agency. He did so by saying we were in recess.

This is news to us because those of us in the Senate maintain that we were never in recess. The President has usurped a power never previously taken by a President and has decided unilaterally that he gets to decide when we are in recess. These appointments are illegal and unconstitutional, and I am surprised—I am surprised—that no member of the majority party has stood to tell the President so.

I am not surprised that the President has engaged in unconstitutional behavior. His health care law is brazenly unconstitutional. His war with Libya was unconstitutional. He got no congressional authority. So, for a man who once gave lip service to the Constitution, the President now has become a President who is prone to lawlessness and prone to unconstitutional behavior.

Our Founders clearly intended that the President have the ability and the power to appoint advisers, but they also separated that power and gave power to the Senate to advise and consent on these high-ranking officers in government. The President has gone an end-around on this and has done something that breaks with historical precedent. It goes against the notion of checks and balances.

In fact, the notion that underlies the whole idea of recess appointments is mostly a historic relic. Alexander Hamilton explained in *Federalist 67* that the power was included so the

Senate did not have to remain in session year round to deal with nominations. This was also done at a time when Congress would go out of session for months at a time for members to return to their farms and their businesses. Now Congress meets nearly year round.

So, in other words, recess appointments should only happen rarely, in extreme occurrences, if at all. There also should be agreement that we are in recess, and there is no disagreement that we were in recess.

There is a lot of talk about bipartisan cooperation on the other side of the aisle, but I am disappointed that not one Senator has stood to tell the President this sets a terrible precedent; that this is a usurpation of power that is bad for the country and bad for the idea of checks and balances. I am disappointed that not one Senator from the other side of the aisle has stood to oppose this President on this unconstitutional power grab. This is an opportunity for us to stand together in defense of the Constitution.

I state now, unequivocally, if a Republican President tries to usurp his power, if a Republican President tries to define a recess and appoint people illegally, I will stand on the Senate floor and oppose him. This is not about being a Republican or a Democrat, it is about having respect for the Constitution. These lawless, illegal, and unconstitutional appointments fly in the face of the respect for our Constitution. This is an issue of separation of powers, of constitutional authority, and of Senate prerogative. It is sad that not one member of the opposition party will stand for the Constitution, will stand to the President.

Make no mistake, this is a huge breach of precedent. If the President is allowed to determine when we are in recess, nothing prevents him from making recess appointments this evening at 8 o'clock or on the weekends. If this precedent is allowed to stand, nothing stops the President from appointing a Supreme Court Justice tonight at 8 o'clock. Is that the kind of lawlessness we want in our country? Are we going to completely abandon the advise-and-consent role of the Constitution and of the Senate?

I ask today, is there not one Senator from across the aisle who will stand against this unconstitutional power grab? Is there not one Senator from across the aisle who will say to the President that these illegal appointments set a terrible precedent; that these appointments will encourage lawlessness; that these appointments eviscerate the advise-and-consent clause of the Constitution? I ask my colleagues from across the aisle: Where is your concern for the checks and balances? Where is your concern for the Constitution?

I am greatly saddened by this action, and I hope the President will reverse course. I hope the majority party in

the Senate will stand for the Constitution. But I am greatly disappointed in where we are in this debate.

I yield back my time.

The PRESIDING OFFICER. The Senator from Nevada.

#### THE STOCK ACT

Mr. HELLER. Mr. President, later today the debate will center on the fundamental question of whether Members of Congress should be responsible for upholding the same laws as the American people. The unified answer from this Congress must be an unequivocal yes. It is no secret that Congress has a track record of exempting itself from the very laws it writes.

Former Senator John Glenn said such exemptions are "the rankest form of hypocrisy. Laws that are good enough for everyone else ought to be good enough for us."

Former Congressman Henry Hyde once quipped that "Congress would exempt itself from the laws of gravity if it could."

I have long supported efforts to ensure that Congress refuses to give into any temptation to exempt itself. When I was serving in the House of Representatives, I was proud to be a leader in the effort to require Members of Congress and their staffs be subject to the same requirements that the Obama health care bill put on all citizens.

While the bad old days of Congress exempting itself from major occupational safety and health and fair labor standard laws were done away with to some extent after passage of the Congressional Accountability Act, and other reforms of the mid-1990s, Congress should not miss this opportunity to show the American people that it is willing to live by the very rules that are imposed on the American people. The people of this Nation are tired of business as usual in Washington. They are tired of the congressional exemptions or carve-outs that create a chasm between the working class and the political class.

My home State of Nevada is currently enduring the highest unemployment rate in the country. In fact, Nevada has led the Nation in unemployment for more than 2 years. As I travel the State, I hear from individuals who are frustrated because the public servants who are supposed to be representing them don't feel their pain. While our economy limps on, the Nation's Capital remains untouched by the difficulties Nevadans experience every day. In light of these facts, is it any mystery why Congress is currently experiencing its worst approval ratings in history?

I am a cosponsor of the STOCK Act because I believe confidential information acquired as a result of holding public office should not be used for private gain. The STOCK Act would prohibit Members or employees of Congress and executive branch employees from profiting from nonpublic informa-

tion obtained because of their status and requires greater oversight of the growing political intelligence industry. Members and employees should also be required to report the purchases, sales, and exchange of any stock, bond, or commodity transaction greater than \$1,000 within 30 days.

As a strong supporter of transparency in Congress and the Federal Government, I believe the STOCK Act is an important step for Congress to take and start earning back the trust and faith of the American people. Restoring that confidence will surely be a long journey because public servants have in too many cases not taken their job seriously. But through legislation such as the STOCK Act, we send an important message to the citizens of this Nation that we understand our position requires us to uphold the highest ethical and moral standards, and we are willing to undergo the scrutiny required to regain that trust.

Members of Congress should follow the same rules as every other American. No American can trade on insider information without the risk of prosecution, and Congress should be held to the same standard. Elected officials should take every precaution to ensure that they do not use public information for personal gain.

I hope both Chambers will take the time to thoughtfully consider this legislation and send it to the President for his signature. My hope is that the American people will view passage of this legislation as an earnest bipartisan effort to change the way Washington does business.

I appreciate the opportunity to discuss this important bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### THE ECONOMY

Mr. LEE. Mr. President, I rise today to talk about the state of the Nation's economy. Upon taking office, President Obama encountered one of the worst recessions in this country's history. He faced tremendous challenges under any standard. To be sure, it would have been difficult for any President to make the kinds of reforms that would have had an immediate effect on an economy this bad. But at the end of the day we see that although he was handed something that we can fairly characterize as an economic emergency, he, through his actions and through his policies, turned that emergency into a national tragedy.

In his first 2 years, instead of focusing on creating jobs and creating a set of circumstances in which the private

sector could bring jobs to fruition, President Obama and his substantial majorities in both Houses of Congress used their tremendous advantage to push for greater government control over America's health care choices, more burdensome and debilitating regulations on businesses, and a failed stimulus package that led to record-setting annual deficits.

Just look at America before President Obama took office and compare it to our economic situation now. For example, unemployment is up 9 percent from when President Obama took office. The price of gasoline is up 83 percent compared to when he took office. Long-term unemployment is up 107 percent. The median value of a single-family home in America is down 14 percent, and the U.S. national debt is up 43 percent. He has added over \$4 trillion to our national debt.

Then, last year, President Obama created a standoff with Republicans by refusing to accept a reasonable compromise on spending reforms as a condition for raising the Nation's debt ceiling. He presided over the downgrading of America's credit rating, the first in our country's history, and he has taken every opportunity to block the development of America's energy resources, a source of much-needed revenue and jobs.

Perhaps most troubling, this President has intentionally divided the country by waging vicious class warfare campaigns separating average, hard-working Americans by income and then pitting them against one another. The President's record on this score has been repugnant and damaging.

Instead of working with Congress to address our genuine economic challenges, the President has responded by starting his reelection campaign early. In a series of taxpayer-funded campaign stops, the President sharpened his divisive message and astoundingly blamed Republicans for legislative gridlock—never mind that the President's most recent budget proposal failed to attract even a single vote in the U.S. Senate, and it was, in fact, Senate Democrats who refused to bring the President's own jobs plan to the floor for a vote. Even today, members of the President's own party are lining up against him to oppose his tone-deaf decision on the Keystone XL Pipeline. This project would create 20,000 American jobs, it would inject much needed private sector capital into our economy, and it would increase the country's energy security, but the President has chosen to block the project as an election-year nod to his friends in the extreme leftwing of the environmentalist movement.

President Obama has put the state of our Union in disarray. Certainly he inherited a poor economy, but the decisions he has made and implemented since taking office are making it worse. He was handed an economic emergency, and instead of taking the