[Rollcall Vote No. 196 Ex.]

YEAS—60

Ayotte	Hagan	Murkowski
Baldwin	Harkin	Murphy
Baucus	Heinrich	Murray
Begich	Heitkamp	Nelson
Bennet	Hirono	Pryor
Blumenthal	Johnson (SD)	Reed
Boxer	Kaine	Reid
Brown	King	Rockefeller
Cantwell	Kirk	Sanders
Cardin	Klobuchar	Schatz
Carper	Landrieu	Schumer
Casey	Leahy	Shaheen
Collins	Levin	Stabenow
Coons	Manchin	Tester
Donnelly	Markey	Udall (CO)
Durbin	McCain	Udall (NM)
Feinstein	McCaskill	Warner
Franken	Menendez	Warren
Gillibrand	Merkley	Whitehouse
Graham	Mikulski	Wyden

NAYS—40

Alexander	Enzi	Paul
Barrasso	Fischer	Portman
Blunt	Flake	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rubio
Chambliss	Heller	Scott
Chiesa	Hoeven	Sessions
Coats	Inhofe	Shelby
Coburn	Isakson	Thune
Cochran	Johanns	Toomey
Corker	Johnson (WI)	Vitter
Cornyn	Lee	Wicker
Crapo	McConnell	
Cruz	Moran	

The PRESIDING OFFICER (Mr. HEINRICH). On this vote, the yeas are 60, the nays are 40. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the nomination of Byron Todd Jones, of Minnesota, to be Director, Bureau of Alcohol, Tobacco, Firearms and Explosives?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 53, nays 42, as follows:

[Rollcall Vote No. 197 Ex.]

YEAS—53

Baldwin	Carper	Heinrich
Baucus	Casey	Heitkamp
Begich	Coons	Hirono
Bennet	Donnelly	Johnson (SD)
Blumenthal	Durbin	Kaine
Boxer	Feinstein	King
Brown	Franken	Kirk
Cantwell	Gillibrand	Klobuchar
Cardin	Hagan	Leahy
Levin	Nelson	Stabenow
Manchin	Pryor	Tester
Markey	Reed	Udall (CO)
McCaskill	Reid	Udall (NM)
Menendez	Rockefeller	Warner
Merkley	Sanders	Warren
Mikulski	Schatz	Whitehouse
Murphy	Schumer	Wyden
Murray	Shaheen	

NAYS—42

Alexander	Cruz	Moran
Ayotte	Enzi	Murkowski
Barrasso	Fischer	Paul
Boozman	Flake	Portman
Burr	Graham	Risch
Chambliss	Grassley	Roberts
Chiesa	Hatch	Rubio
Coats	Heller	Scott
Coburn	Hoeven	Sessions
Cochran	Isakson	Shelby
Collins	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Lee	Vitter
Crapo	McConnell	Wicker

NOT VOTING—5

Blunt	Inhofe	McCain
Harkin	Landrieu	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at 11 a.m., Thursday, August 1, the Senate proceed to executive session to consider the following nomination: Calendar No. 96; that there be 60 minutes for debate equally divided in the usual form; that following the use or yielding back of time, the Senate proceed to vote with no intervening action or debate on the nomination; the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mr. REID. I ask unanimous consent that on Thursday, August 1, 2013, at 2 p.m. the Senate consider Executive Calendar No. 220, the Samantha Power nomination under the previous order.

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that on Thursday, August 1, upon disposition of the Chen nomination and the resumption of legislative session, the Senate proceed to vote on the motion to invoke cloture on S. 1243, the THUD appropriations bill; further, that following the cloture vote, the Senate recess until 2 p.m. for the bipartisan caucus meeting we are having tomorrow.

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

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent that I be permitted to speak for 12 minutes as in morning business.

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

FIXING AMERICA'S WELCOME MAT

Mr. GRASSLEY. Mr. President they say history has a way of repeating itself. That certainly came true in June when the Senate approved a sweeping reform bill to revamp the nation's immigration laws. Unfortunately, the U.S. Senate failed to learn from the mistakes created by the 1986 overhaul.

In the 1980s, about 3 million people who were living in the country illegally were granted legal status. Today, 27 years later, the U.S. estimates 11 million undocumented immigrants are living here.

What should that tell us? It says that the 1986 law failed to stem the flow of illegal immigration. It sent the wrong signal by granting legal status to millions while ignoring the need to secure the border.

I do not need a crystal ball to tell me what would happen on the road ahead if we repeat the mistakes of the past. I saw how legalizing before securing our borders turned out. It turned America's time-honored welcome mat into a timeworn doormat.

America's immigration system is broken. It is time to fix it so that a legal flow of immigration can help the economy and bolster areas of the workforce that are short of workers, from low-skilled to high-tech workers.

But immigration laws should not come at the expense of American workers or cause them to be disadvantaged, displaced or underpaid. Rooting out fraud and abuse from many of our visa programs should be a priority.

Unfortunately, the bill passed by the U.S. Senate would not fix what is broken and is chock-full of loopholes that make the legalization system far from ideal.

Thankfully our system of self-government protects representation of, by and for the people with a bicameral Congress. Now the U.S. House of Representatives has a chance to get it right.

The House is moving on a number of bills. They are having very thoughtful

discussions on how to improve the legal system while adhering to the rule of law. They also know that passing one sweeping bill is a recipe for disaster—one that inevitably creates loopholes and allows special interest provisions to override good policy.

I would like to discuss a few of their good ideas.

First, the House Judiciary Committee approved the SAFE ACT, a bill that beefs up our interior enforcement efforts. It provides tools to State and local law enforcement agencies to help the government enforce immigration laws.

It enhances the 287(g) program, which I helped author. It gives the States and localities the power to enact and enforce their own immigration laws as long as they are consistent with Federal law. The bill would improve our country's ability to remove criminal aliens. Dangerous individuals would be detained, sex offenders would be made inadmissible, and gang members would be both inadmissible and deportable.

These are provisions that are omitted from the Senate bill. Dangerous criminals are ignored in the Senate bill, and it was apparent that the other side of the aisle did not want to have votes that would bar these dangerous criminals from receiving legal status.

Securing the border is very important, but so is focusing on individuals who violate our laws and violate the terms of their stay in the U.S. If we are serious about being tough on sex offenders, domestic abusers, drunk drivers, and other criminals, then the SAFE Act needs to be passed by the Senate and sent to the President.

Second, the House Judiciary Committee approved a bill that improves the existing E-VERIFY program. This program is a valuable tool and should be made mandatory for all businesses. While the Senate bill does make it mandatory, it does so over 6 years and provides exceptions for certain employers. The House bill would implement the program on a faster timetable, for which I have advocated.

Third, the House Judiciary Committee approved bills that improve the legal system for people who want to live and work in the United States. The committee approved a bill that focuses on high-skilled workers that are needed in the country, and another bill that improves the legal channels for people who want to work in agriculture. If we want to ensure that we do not deal with millions of people here illegally in the future, then we have to focus on getting our legal immigration system in order.

Now, I would like to talk about the border bill that was approved by the Committee on Homeland Security. This is a bill I am not ready to endorse. Let me explain why.

The bill, known as the Border Security Results Act, is not a serious and comprehensive approach to border security. While it takes a good first step in requiring metrics to assess whether the borders are secured, there is nothing that ensures that results are achieved.

The bill requires the Department of Homeland Security, within 6 months of enactment, to develop a strategy on how to secure our borders. The strategy includes an assessment of threats along the border. It will take into consideration the coordination of departments and the cooperation of foreign countries. The strategy calls for an assessment of technology needed. But, it does not actually do anything to give agents the resources they need. It does nothing to require fencing to be built.

After the strategy is submitted to Congress, the Secretary develops an implementation plan and provides that to Congress and the Government Accountability Office.

But like the Senate bill, there is no repercussions if the Secretary does not actually submit a strategy. And, there is no verification or approval of the strategy by Congress. Instead, it relies on this or a future administration to make promises they will not keep. It relies on them to fulfill the law, but we have seen time and again that they thumb their nose at bills we send them. They not only refuse to implement laws they like—such as ObamaCare—but they will refuse to carry this one out as well.

The bill requires the Secretary to develop metrics to measure the ''effectiveness'' of security at ports and between ports of entry. That is a good start. But, there are no consequences if the Secretary does not develop such metrics. The GAO would evaluate the metrics, but again, there is no real consequence if they are flawed metrics. The border still will not be secured.

The Secretary then certifies that her department has achieved ''operational control.'' The definition of ''operational control'' is weakened from current law. The bill defines it as a ''condition in which there is a not lower than 90 percent illegal border crossing effectiveness rate, informed by situational awareness, and a significant reduction in the movement of illicit drugs and other contraband through such areas is being achieved.''

The GAO would attest if the certification for operational control is truly done. What if the Secretary never certifies this? What if the GAO says the Secretary's certification is not accurate? If the Department fails to achieve control of the border, then they have to issue a report to explain why. Again, it lacks any true accountability for this or any future administration to secure the border.

Finally, I want to mention one part of the House border bill that is most concerning to me. During committee mark-up, an amendment was accepted that would require a plan on the exit tracking system, but unfortunately there is no beef to it. Implementation of a biometric exit system was a key point when the Senate considered immigration.

The Congress has passed several laws that require the executive branch to track the entry and exit of foreign nationals. Those mandates have been ignored. The airline industry has resisted. Instead of building upon current law and finding a way to make it happen, the House bill provides a way out if the exit system is not deemed feasible by the Secretary—the same Secretary that has made no progress on the system.

Border security is not only putting manpower and technology along the southern border. It is also about tracking people that enter this country. Given that 40 percent of our undocumented population consists of visa overstays, we must address this problem immediately.

This problem is highlighted by a GAO report that was issued on Tuesday. GAO found that the Department has lost track of more than 1 million people. We know they arrived in the United States, but we do not have departure records.

By statute, the Department is required to report overstays. They claim they do not report the estimates because of lack of confidence that the data is reliable. After 17 years, the law has been ignored. The government is not sophisticated enough to match incoming and outgoing travel records, and that is a serious risk to our national security.

Over the years, the GAO has highlighted the challenges that the Department faces in putting the entry and exit system in place. Their new report casts more doubt on the Department's competency.

When the Senate passed the immigration bill in June, I was very clear in suggesting that the bill would have to be fixed by a conference committee with the House, if it ever goes to a conference. With the exception of the border security bill, the House has presented some valuable ideas.

While I want an immigration reform bill sent to the President, I want it done right. We can take our time to get it right.

Over the August recess, the American people will get their opportunity to inform members of Congress how they feel about the immigration proposals on the table.

But I can predict what many will say. I know from previous townhall meetings in my State, the people do not want more laws that will go ignored. They want the laws we have in place to be enforced.

We need legislation that upholds American values of hope, freedom and opportunity. We need immigration laws in place that welcome law-abiding immigrants to share their entrepreneurial spirit, build better lives for themselves, and help make America a better place for generations to come.

But we need legislation that upholds the rule of law and ensures that we do not saddle future generations with the same problems we are faced with today.

It is my hope that Congress, over the August break, will listen to the American people and work to enact true reform that achieves real results and makes good on the promises made in Washington.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I rise again for the 41st time to ask my colleagues to wake up to the threat of climate change. Today I come to discuss the serious risks that climate change poses to our energy sector.

It is no controversial idea that our climate affects our energy infrastructure. In the Northeast, when we think about what causes power outages, we naturally think of bad weather. In fact, the American Society of Civil Engineers reports that between 2007 and 2012, weather-related events were the main cause of electrical outages in the United States.

That same report said: ''The average cost of a one-hour power outage is just over $1000 for a commercial business,'' just for 1 hour. This takes a serious toll on our economy.

A recent Department of Energy report has highlighted how sensitive our energy sector is to climate change and to extreme weather.

In September 2011, the Department of Energy reports:

> High temperatures and high electricity demand-related loading tripped a transformer and transmission line near Yuma, Arizona, starting a chain of events that led to shutting down the San Onofre nuclear power plant with power lost to the entire San Diego County distribution system, totaling approximately 2.7 million power customers, with outages as long as 12 hours.

Earlier that summer:

> Consecutive days of triple-digit heat and record drought in Texas resulted in the Electric Reliability Council of Texas declaring power emergencies due to a large number of unplanned power plant outages and at least one power plant reducing its output.

The report says the Browns Ferry Nuclear Plant in Athens, AL, ''had to reduce power output because the temperature of the Tennessee River, the body of water into which the plant discharges, was too high to discharge heated cooling water from the reactor without risking ecological harm to the river.''

This happened in 2007, 2010, in 2011, and, in some cases, the power production was reduced for nearly 2 months. The Department of Energy reports that ''the cost of replacement power was estimated at $50 million.''

It is not just power generation, energy exploration has been affected too. The DOE report explains that last July: ''In the midst of one of the worst droughts in American history, certain companies that extract natural gas and oil via hydraulic fracturing faced higher water costs or were denied access to water for six weeks or more in several States, including Kansas, Texas, Pennsylvania, and North Dakota.''

It was a similar story in the fall of 2011:

> Due to extreme drought conditions, the city of Grand Prairie, Texas, became the first municipality to ban the use of city water for hydraulic fracturing. Other local water districts in Texas followed suit by implementing similar restrictions limiting city water use during drought conditions.

In July of 2011, the report recounts that:

> ExxonMobil's Silvertip pipeline, buried beneath the Yellowstone River in Montana, was torn apart by flood-caused debris, spilling oil into the river and disrupting crude oil transport in the region. The property damage cost was $135 million.

Senator VITTER, our ranking member on the Environment and Public Works Committee, has told us that 18 percent of the Nation's oil supply passes through his home State of Louisiana at Port Fourchon. A recent Government Accountability Office report found that the only access road to that port is closed 3½ days a year on average because of flooding, effectively shutting down that port. With sea level rise climbing due to climate change, NOAA is now projecting that within 15 years portions of that highway will flood an average of 30 times each year—again shutting down access to that port 30 times a year.

Vital infrastructure such as powerplants, power lines, roads, and pipelines are all designed to stand up to historical weather patterns. What happens when the weather stops following historical patterns?

According to the draft National Climate Assessment:

> U.S. average temperature has increased by about 1.5 degrees Fahrenheit since 1895; more than 80% of this increase has occurred since 1980. The most recent decade was the nation's hottest on record.

Oceans and other bodies of water are warming right along with the atmosphere.

The seasons are shifting. Research shows that in the last two decades the frost-free season has increased in every region of the contiguous United States compared to the average between 1901 and 1960.

In the Southwest, the record shows the frost-free season has increased 3 weeks and the western wildfire season has expanded by more than 2 months since the 1970s. Precipitation patterns and the availability of water are changing throughout the Nation. One study concluded that snow in the western mountains is melting, on average, 1 to 4 weeks earlier now compared to the 1950s.

The draft National Climate Assessment shows that the amount of rain falling in what we call heavy precipitation events or, more colloquially, downpours is up in every region of the Nation. It is up 45 percent in the Midwest and 74 percent in the Northeast.

Sea level is rising about 8 inches, on average, globally, but in some parts of the country it is much higher. NOAA reports that mean waters off the Galveston, TX, coast are rising more than 2 feet per century. At Grand Isle, LA, the rate is nearly 3 feet per century.

These aren't just projections of what is to come, these are actual measurements of changes that have already happened or are happening around us. The result is that we have an energy infrastructure built for a different climate than the one which now exists and the one which is to come. Conditions are only predicted to get worse.

The threat to our energy sector from changes in the climate should be neither controversial nor partisan. There are a lot of commonsense solutions here. Adapting our infrastructure for climate change is smart, and it will save us from costly repairs.

Investing in energy efficiency by reducing the demand for power will relieve pressure on the burdened systems. Investing in a diverse energy sector will protect against the unique vulnerabilities of specific types of power sources.

Rhode Island is part of the Regional Greenhouse Gas Initiative, nicknamed Reggie, along with eight other Northern States. Our region caps carbon emissions and sells permits to powerplants to emit greenhouse gases, which creates economic incentives for both States and utilities to invest in energy efficiency and renewable energy development. These efforts also reduce load demand on the region's electrical grid.

We are proud of the effort we are making in New England. I know a lot of States are working just as hard. I say to my colleagues, our home States are hampered by the inaction in Congress.

We have received credible and convincing warnings. We have received compelling calls to act. The overwhelming majority of the scientific community recognizes climate change is real and we are causing it.

Our national security and intelligence community, our faith leaders, major American corporations, including the insurance and reinsurance industry and most Americans all agree we need to act. It is time for Congress to wake up, do its work to slow the onslaught of climate change, and to prepare for what are now unavoidable, inevitable effects. Yet here in Congress we sleepwalk on.

This is an issue I know hits home in your home State in very different ways than it hits home in my State. But In each of our own ways, our States are already experiencing the hit from climate change. It is caused by carbon pollution that we are putting into the air, that our companies, our smokestacks are launching into the atmosphere. It changes our weather, changes our temperature, changes our seasons, changes our oceans, changes our waterways, changes our weather, and changes our lives.

The tragedy is that we sleepwalk on because we are unwilling to address the special interests that are preventing us from taking the action that all Americans need. This is the archetypical