

# CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS ACT OF 2013

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1392, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1392) to promote energy savings in residential buildings and industry, and for other purposes.

Pending:

Wyden (for Merkley) amendment No. 1858, to provide for a study and report on standby usage power standards implemented by States and other industrialized nations.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise again to talk about the urgent need, as October 1 approaches, to vote on a “no Washington exemption from ObamaCare” amendment or bill. Again, this need isn’t of my creating. I wish it weren’t here, but it is because of an illegal rule issued by the Obama administration to completely reverse the clear language on the subject in ObamaCare.

I will back up and give a brief history.

During the ObamaCare debate, a proposal was made by many of us, led by Senator CHUCK GRASSLEY of Iowa. The proposal was simple: Every Member of Congress and all congressional staff should live under the most onerous provisions of ObamaCare. Specifically, we should have to get our health care from the exchanges where millions of Americans are going against their will, having lost in many cases the previous health care coverage from employers that they enjoyed.

So Senator GRASSLEY said that is what Washington should have to live with, and there was explicit, specific language put in ObamaCare to that point for Congress—that every Member of Congress and all congressional staff have to go to the exchange. The intent behind this was crystal clear. As the Senator said, “The more that Congress experiences the laws that pass, the better.” I agree with that. I agreed with it then, and I agree with it now.

Amazingly, that provision got in the final version of ObamaCare. Then I guess it was a classic example, if you will, of what NANCY PELOSI said: “We have to pass the law to figure out what is in it.”

It did pass. Folks around Capitol Hill did figure out what is in it with regard to that section and they said: Oh, you know what. We have to go to the exchanges. We don’t like that. That is going to create out-of-pocket expense. We don’t like that.

Immediately, furious lobbying started, continued for some time, and sure

enough, as a result President Obama personally intervened. He was personally involved, and his administration issued a rule on the subject right as Congress safely had left town for the August recess. That rule said two things, basically. No. 1, it said this official congressional staff—we don’t know who that is, so every Member of Congress will get to decide what staff, if any, under their employment, will have to go to the exchange.

That is ridiculous. I think that is ludicrous on its face. That is not what the statute says at all. It says “all official congressional staff” and every Member of Congress should not be able to decide differently, Member by Member, whether anyone at all on their staff has to go to the exchange.

But the second part of this illegal rule is even more interesting. It said whoever does go to the exchange, in terms of Members and staff, gets to take their very generous taxpayer-funded subsidy from the Federal employee health benefits plan with them.

The ObamaCare statute doesn’t say that at all and, in fact, a different part of the ObamaCare statute says exactly the opposite. It is about employees in general who go to the exchange. It says when an employee goes to the exchange he or she loses any previous employer-provided subsidy. That is section 1512. That is explicit in the ObamaCare statute.

This special rule for Washington is illegal, flatout illegal and contrary to the statute in my opinion. But it goes into effect October 1 and that is why my colleagues and I who support the “no Washington exemption” language had to take action, had to fight for a vote now. We need this debate and vote now, before October 1. That is what it is all about.

As I said, my distinguished colleague from Iowa who authored this language could not have been more clear: “The more that Congress experiences the laws it passes, the better.”

Also, employment lawyers who have looked at the statute agree with me that there is no big subsidy we should be able to take with us to the exchange. For instance, David Ermer, a lawyer who has represented insurers in the Federal employee program for 30 years, said, “I do not think Members of Congress and their staff can get funds for coverage in the exchanges under the existing law.” That was in the New York Times.

Many other employment lawyers have said the same because it is crystal clear from the statute. As National Review Online reported:

Most employment lawyers interpreted that to mean that the taxpayer-funded Federal health insurance subsidies dispensed to those on Congress’s payroll—which now range from \$5,000 to \$11,000 a year—would have to end.

Yes. That is the clear language and the clear legislative history of the statute. Yet we have all this hocus-pocus to do exactly the opposite, contrary to the law. As the Heritage Foundation said:

Obama’s action to benefit the political class is the latest example of this administration doing whatever it wants, regardless of whether it has the authority to do so.

The Office of Personnel Management overstepped its authority when it carried out the President’s request to exempt Congress from the requirements of the health care law. Changing law is the responsibility of the legislative branch, not the executive branch.

Also, the Heritage Foundation said:

Washington’s political class and allied big special interest lobbyists are responsible. And until this bad law is fully repealed, the President’s team and Congress should submit fully to its multiple and costly requirements, just like everyone else.

The National Review Online has echoed the same, and they are right:

Under behind-the-scenes pressure from members of Congress in both parties, President Obama used the quiet of the August recess to personally order the Office of Personnel Management, which supervises federal employment issues, to interpret the law so as to retain the generous congressional benefits.

The Wall Street Journal opined:

... If Republicans want to show that they “stand for something,” this is it. If they really are willing to do “whatever it takes” to oppose this law, there would be no more meaningful way to prove it.

This is why we are here at this moment and this is why it is so important and necessary to have this debate and this vote now. I am very happy that at least some of my colleagues have properly recognized that, and that includes the distinguished majority floor manager of this bill, and have agreed in principle to this vote. The distinguished majority leader Senator REID has agreed in principle to this vote. But it is interesting that at least in his case, although we have some agreement in principle, we have no vote and, frankly, I am not surprised. The proof of the pudding is in the eating. If you agree to a vote, then you have to have a vote. We need to have a vote. We need to have a vote by October 1 and I am going to keep fighting for a vote. That is basic fairness, to deal with this illegal rule. Again, the timing is here and now and that is not of my doing. I did not favor the illegal rule that makes the issue come before us. I did not favor the October 1 deadline. That should never have happened at all. But it is before us and that deadline is before us because of the illegal rule from the Obama administration. That is why we need a vote. We need a vote before October 1.

As I said, the distinguished majority leader says he will permit a vote. He says that in theory but it does not happen in practice. Again we wait and wait and wait and demand a vote. It does not have to be on this bill. I will continue to come back. I will file this amendment with regard to the CR. That is a perfect place to have this debate and vote or we can do it as a stand-alone bill. We can do that easily next week, before October 1. We can do it without disrupting any other floor

business, without delaying any other action with regard to the CR or anything else.

In that spirit, let me ask a unanimous consent in that regard. I ask unanimous consent that on Wednesday, September 25, 2013, at 10 a.m., the Senate discharge the Senate Committee on Finance from consideration of my bill, the No Exemption For Washington from ObamaCare Act, proceed immediately to consideration of that bill, S. 1497; that without any intervening motions or debate, the Senate proceed with 60 minutes of debate on the bill evenly divided and controlled by the majority leader and myself; that the bill not be subject to any amendments, points of order or motions to commit; and that after debate has expired the bill be engrossed for a third reading, read a third time, and the Senate immediately vote on passage, subject to a 60-affirmative-vote threshold; and that the motion to reconsider be made and laid upon the table following that vote.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WYDEN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. VITTER. I understand the floor leader is doing that for the majority leader and I think that is very unfortunate. If the distinguished majority leader agrees to a vote in principle, we need a vote in reality. I said at the time when he agreed to it in principle that is interesting but I did not think it would happen in reality, and sure enough, this week that is correct, it has not happened.

I think the majority leader, frankly, is very concerned about this vote. That is why he and others actually relied on threats and intimidation to try to avoid this vote. That did not work. It is not going to work. I am coming back with this amendment. I am coming back with this bill. He has agreed to a vote in principle, so let's have a vote. Clearly, not from my doing, but because of the illegal Obama administration rule, that vote is timely now. That vote has to reasonably happen before October 1, which is why I proposed that unanimous consent. That is a way to have the vote which the majority leader agreed to in principle without disrupting any other business on the Senate floor. It would literally take 60 minutes of debate and a 15-minute vote.

I am sorry that was not accepted by the majority leader, but needless to say I will be back with my bill, with my amendment. The American people deserve a vote because, however it comes out, the American people should be able to know what Senators will stand through that vote with Washington and what Senators will stand with America.

I yield the floor.

Mr. WYDEN. Mr. President, before he leaves the floor let me say to the Senator from Louisiana, I want to talk a little bit about exactly this question of

reality and how we can address the Senate's business and address the issue of the Senator from Louisiana as well—not in principle but with an actual vote, because the reality is there could have been already a vote on the amendment offered by the Senator from Louisiana. I will describe exactly why that has not taken place, but it could have and in my view should have already taken place. It should not have been about principles, it should have been about the reality of the vote the Senator from Louisiana is talking about.

Here we are. Of course it is hard for the public to figure out exactly how the Senate works. The new Senator from Hawaii is a student of this. We have a bipartisan energy efficiency bill on the floor of the Senate now.

As far as I am concerned, I describe it this way. This is a platonic ideal of what bipartisan consensus legislation ought to be all about. It is an extraordinary coalition built in favor of this—the Business Roundtable, the National Association of Manufacturers, the Chamber of Commerce—with some of the country's leading business organizations that favor energy efficiency, and they are doing it for a reason. This is going to increase American productivity. We are going to save money because we are not going to waste so much energy and this is going to create good-paying jobs in a variety of new fields and technologies that are going to be good for people in our country.

My view is we should have already finished this debate with relevant amendments—relevant amendments offered by both sides. In fact, when we started the debate, for the first 4 or 5 hours there was a good bipartisan amendment offered almost hourly. We have them all stacked up like planes hovering over an airport.

At that point conservatives indicated there were two areas they felt strongly about getting a vote on. Again, I am not talking about principles here. We are talking about the reality of a vote, a vote that could have already taken place. One of them was on the amendment offered by the Senator from Louisiana. I happen to disagree with the amendment strongly, but in all of the discussions I said it seems appropriate that there be a vote on that amendment and on another amendment which I disagree with, involving the Keystone Pipeline. At that point a very clear statement was made by the leadership that if we are talking about the energy efficiency bill and these two votes—not principles, but realities of having those two votes, a vote on the Vitter amendment and a vote on the Keystone Pipeline—and then have relevant amendments that relate to energy efficiency, we would be able to complete this bill. Since we started it last week, I am of the view that we would already have been done by now.

After that message was communicated by the leadership on this side of the aisle, we saw the response to that. It was in response to a vote on

the amendment offered by the Senator from Louisiana, a vote on the proposal offered by Senator HOEVEN from North Dakota, and a procedural agreement to vote on other relevant amendments. We had scores and scores of other amendments offered to this bill that were clearly not related to energy efficiency. So I say to the Senator from Louisiana: That is the reality—not the rhetoric from the Senator or principles—of why there has not been a recorded up-or-down vote.

By the way, this is a vote that would have met the Senator's principles, that he wanted the vote before October 1. We would have already had that up-or-down vote on the amendment offered by the Senator from Louisiana. It would have been done in accordance with the wishes of the Senator from Louisiana before October 1. The sole hurdle in terms of securing that has been the scores of amendments that have been offered primarily—really exclusively—from colleagues on the other side of the aisle who want to deal with other energy issues.

I want to make one other comment with respect to this. Senator MURKOWSKI and I—because we have worked in a bipartisan way since we were given the opportunity to lead the Energy and Natural Resources Committee at the beginning of this year, and we are honored to have the Senator from Hawaii on the committee—have said our sole focus is to try to find common ground on a host of energy issues that have been backed up, many of which colleagues on the other side of the aisle feel very strongly about.

I would highlight, for example, nuclear waste legislation, where there has been no progress for years and years. Senator MURKOWSKI and I, with Senator FEINSTEIN and Senator ALEXANDER, have a bipartisan bill we think would allow us to finally get on top of a critical issue. I feel very strongly—and I know the Senator from Louisiana cares a great deal about this—that we need to look at ways to cap the potential of natural gas, which is 50 percent cleaner than the other fossil fuels. I have been working with industry and environmental leaders on what I call a win-win solution where we could build more pipelines—the Senator from Louisiana knows it is important for the infrastructure of the natural gas business—and in the future we are going to make them better pipelines. We would have pipelines that don't leak so much methane, which would be good for consumers, good for the planet, and it would be good for the industry.

We are interested in dealing with nuclear waste issues, natural gas issues, and offshore energy issues which, again, are important to the Senator from Louisiana. It is pretty hard to get Senators to focus on those kinds of issues if we cannot move a piece of legislation such as this energy efficiency bill which has an unprecedented coalition behind it. It has so many obvious benefits, without the mandates and

without a one-size-fits-all strategy from Washington.

I wanted to set the record straight in particular on that point.

The Senator from Louisiana and I are going to continue our discussions, as we have been doing, but I especially want to emphasize—since my colleague from Louisiana has been talking about whether people say you can vote in principle but you don't vote in reality—that the reality is: We could have already had a vote on the amendment offered by the Senator from Louisiana before the October 1 date, that he said he felt strongly about, if colleagues on his side had not insisted on all of these other amendments not related to energy efficiency.

By the way, I made it clear to them—coming from a State that doesn't produce fossil fuels—that I was willing to work with them, particularly in areas I have just described, such as tapping into the potential of natural gas.

So the reality is there could have already been a recorded up-or-down vote on the amendment offered by the Senator from Louisiana before October 1, and I hope he and others will continue to work with the bipartisan leadership so we can quickly get a finite list of additional relevant amendments that would be offered after the Senator from Louisiana gets his vote and after there is a vote on the amendment offered by the Senator from North Dakota. Those are the realities of what has happened over the last week.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I appreciate the comments of the distinguished majority floor leader, and I accept them. I know they are sincere in terms of his actions and in terms of his involvement.

My point, of course, was not about him. My point is I don't think it was an accident that we never got to yes in practice. I don't think that was an accident at all. I don't think it was an accident from the point of view of the majority leader. I don't think it was an accident from others' point of view.

If we want a clear glimpse into their true approach, we have to look at the amendments they floated last week, which were literally about threats, intimidation, and bribery. So that is a pretty clear window on where they are coming from. It is certainly not where the distinguished floor leader is coming from.

Let me close by saying there is one more point of reality I would underscore, and that is this: In the Senate there is one Member who can virtually guarantee that a vote happens, and that is the majority leader. He has promised an up-or-down vote on this before October 1 in theory. He has the power to clearly make that happen one way or the other in practice, so we will see if he does. It is as simple as that.

I thank the Presiding Officer, and I yield the floor.

Mr. WYDEN. Mr. President, I note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HOEVEN. Mr. President, I come to the Senate floor to mark the fifth anniversary—the fifth birthday, if you will—the fifth anniversary of the application of the Keystone XL Pipeline. TransCanada applied for approval of the Keystone XL Pipeline in September of 2008, and here we are, 5 years later to the date, without a decision.

Normally, when we celebrate an anniversary or birthday, if you will, it is a good thing. It is positive. Obviously, in this case, that is not the case. Five years have gone by with no decision from this administration on the Keystone XL Pipeline. It is mind-boggling.

How can we be following the laws, the rules, and regulations of this country when a company applies for approval of something and there is a decision the administration has to make—is it in the national interest or is it not? That is the decision before the administration. We have to make a decision. We elect Presidents to make decisions. So here we are 5 years later with no decision, not a yes, not a no—five years of study of the project and still no decision.

This project will help generate more energy for our country, more jobs, economic growth, and tax revenue without raising taxes. It is a project that will help us become energy secure, energy independent, with Canada. Working with Canada, our closest friend and ally, will enhance national security so we don't have to get oil from the Middle East, something Americans very much want.

As a matter of fact, there was a recent poll put out by Harris done this summer. In that poll—and I have it right here—in a Harris poll released this summer, 82 percent of voting Americans voiced support for the Keystone XL project—82 percent. Think about that: 82 percent of Americans want the project approved, but for 5 years the administration hasn't been able to make a decision, and they are still not making a decision. The indication now is this could go into next year. So now we are working on year 6.

Think about our economy. Our economy is stagnant. Businesses aren't investing in new capital and equipment and creating jobs. One of the reasons is because of burdensome regulation. This is a clear example: 5 years with no decision.

This poll I referred to, some of the other results of it: 82 percent of voting Americans support the Keystone XL Pipeline project. That is not an old poll; that was done this summer. Some

of the other information from that poll: 85 percent of people agree Keystone XL would help strengthen America's economic security—85 percent. Eighty-one percent of people agree Keystone XL would strengthen America's energy security.

Seventy-seven percent of the American people—voting Americans—agree that Keystone XL will help strengthen America's national security—as I just mentioned, not getting oil from the Middle East. That is a no-brainer. Seventy-five percent agree that Keystone XL would benefit the U.S. military by increasing access to oil from Canada, our closest friend and ally.

One of the issues this has brought up is concern about the environmental impact. Let's look at the facts: In the 5 years since TransCanada applied for approval—in that 5-year span—the State Department has done multiple environmental impact statements, I think on the order of four draft or supplemental environmental impact statements. The finding on the environment has been: "No significant environmental impact." That is the Obama administration's own State Department: "No significant environmental impact" after 5 years of study. How many more years of study do we need? How is our economy going to work when businesses that want to invest billions in building vital infrastructure for our economy and create jobs have to wait 5 years before they get a go-ahead? And we are wondering why we have a sluggish economy. We are wondering why we are still importing oil from the Middle East.

This isn't just about working with Canada to produce energy for this country. My home State will put 100,000 barrels of oil a day into this pipeline—the lightest, sweetest crude produced anywhere in the country—and take it to our refineries in this country to be used by American consumers and businesses.

Another criticism the opponents will sometimes bring up is that the oil is going to be exported.

They say: Oh, no, the oil is going to be exported; we shouldn't approve the Keystone XL Pipeline; we shouldn't work with Canada; we shouldn't move our own long-term refineries because it is going to be exported.

Again, let's take a look at the facts. In June 2011, the Obama administration's Department of Energy put out a study which said specifically that the oil will be used in the United States. The oil will be used in the United States and it will help reduce gasoline prices for Americans.

That wasn't some proponent who put that out; that was the Obama administration's own Department of Energy after doing their study.

Again, let's take a look at the facts. In my State, this kind of pipeline, as I said, will move 100,000 barrels a day on this pipeline which we are now moving by truck and by train. This pipeline will help take 500 trucks a day off our

highways, saving incredible wear and tear but also providing greater safety because we will not have all of those trucks transporting this oil and gas.

Another argument is, if we don't build the Keystone XL Pipeline, then the oil in the oil sands in Canada will not be produced. Those who are against using fossil fuels—folks who just say, no, we are not going to use fossil fuels anymore, we don't want to use them—they say we don't want to use the pipeline because then the oil sands in Canada will not be produced. Again, look at the facts. The facts are very straightforward. The oil is already being produced and it is moving by truck and train, not by pipeline. If we don't utilize it in the United States, then instead of coming to the United States, it will go to China, where now we are moving it by tanker across the ocean, and it is going to refineries that have much higher emissions. So we have worse environmental standards, and instead of us working with Canada to get our oil rather than getting it from the Middle East, which we are doing now, all of that oil goes to China.

Think about it. Is this what Americans want? Go out and ask them. That is why I cited the poll just a minute ago, saying 80 percent-plus support this project. I think some of them who don't, aren't aware of the project. But if we ask any American, they are going to say they don't want to rely on the Middle East for oil. They would much rather work with Canada. They would much rather produce it here, such as in my home State, and work with Canada so we are energy independent, we are energy secure, we don't have to rely on the Middle East. Let China and the other countries work with the Middle East to get their oil. Ask any American what they think about that proposition and we know what answer we will get. But the President, for whatever reason—here we are 5 years later and he is still not making a decision.

Today is the fifth anniversary. We are starting on year 6, and the question is, How much longer does this go on?

I have spoken about this in terms of energy and energy security for this country: low-cost, dependable energy, so when American families and businesses need energy to fuel their vehicles, they know it is reliable, dependable, it is produced in this country and in a country such as Canada, our closest ally, not in the Middle East, and that we are not going to have to send our men and women in uniform into a very difficult situation. We will not have to send them, at a minimum, into the middle of a situation where—look at what is going on in Syria. Look at the volatility. We want to depend on that area for our oil? Of course not.

It is about energy. It is about energy security. It is a national security interest. It is about jobs.

There have been many studies on the number of jobs; the proponents argue for one and the opponents argue for another. But let's go back to the State

Department's own numbers after 5 years of study. They say more than 42,000 jobs will be created by the project. Don't take a study from the opponents of the project. Don't take a study from the proponents of the project. Take the State Department's own study: more than 42,000 jobs, at a time when our economy badly needs quality construction jobs, and it doesn't cost one penny of taxpayer money. As a matter of fact, the project produces hundreds of millions to help reduce debt and deficit without higher taxes.

For all of these reasons, this project should be approved. For all of these reasons, this project is very much in the national interest.

I have worked in this body, and I have worked with our friends and colleagues in the House, to see if we can't approve this congressionally. This is a Presidential decision. The decision before the administration is to decide is this project in the national interest or is it not in the national interest. The American people have already decided. In poll after poll, 70, 80 percent of the American people have decided—it doesn't take them 5 years—but the administration can't decide. So Congress should. Congress should step up and decide. I believe it is very clearly in the national interest for all of the reasons I have clearly laid out. I think we need to work with our colleagues in the House and find a way to make a decision that the President seems to be unable to make.

I believe that this project is in the national interest; that we do need to be energy secure; that we do want the jobs and the economic activity for our people in this country. And I believe this decision needs to be made not on the basis of what special interest groups want but on the basis of what the American people want, and that verdict is in, and it is overwhelming.

Thank you.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

#### HELIUM STEWARDSHIP ACT

Mr. WYDEN. Mr. President, there are four Senators on the floor who are each going to take about 5 minutes or so as we try—the leadership is now working to make it possible for us to have a unanimous consent request so that we can have a vote on the helium legislation after the respective caucus lunches.

So as of now we all will take, the four of us involved—Senator MURKOWSKI, Senator BARRASSO, Senator CRUZ—about 5 minutes. We hope to be able to propound the unanimous consent request as we all talk. We want all

Senators to know that we hope to be able to vote on the legislation shortly after lunch.

We know that in Washington, DC, it is almost as if there is an inexhaustible capacity to manufacture false crises. I am here to say that if Congress does not act immediately to pass the legislation we are discussing, scores of American manufacturing and technology companies employing millions of American workers are going to find it impossible to continue their current operations. That is because without this legislation, those workers and companies would no longer be able to get access to helium, which is a critical industrial gas without which these companies cannot operate.

Every week in our country there are 700,000 MRI scans performed. Without liquid helium, which is used to cool these superconducting magnets, without which you cannot run MRIs—if you did not have that capacity, millions of Americans would lose access to a critical diagnostic test. Helium is also used for welding in the aerospace industry, and it is essential for manufacturing optical fiber for the telecommunications industry and for chip manufacturing in the semiconductor sector.

Without going into all of the history, our government got involved with helium after World War I because the defense sector needed it.

Ever since that time—I have been discussing this with colleagues—President after President, Congress after Congress, has tried to come up with a policy that finally gets government out of the helium business while still ensuring the needs of the military business and our taxpayers were protected in the process.

Senator MURKOWSKI and I have worked for many months on this legislation in the Energy and Natural Resources Committee, and we believe our bipartisan bill accomplishes this. That is because the bill requires the Federal Government to shift from selling helium at a government-set price to selling helium at a market-based price. The bill does this over a 5-year period, so there is no panic, no sudden changes in supply, and American businesses can stop worrying about whether the helium supply truck is going to actually show up in the next month.

The bill phases out commercial sales over the next 7 or 8 years and then gets the Federal Government out of the helium business entirely. With prices for helium now reflecting their real value in the marketplace, the private sector would have the incentives it needs to invest in new helium supplies to replace what is now a Federal reserve. I will wrap up by saying there have been loads of bad puns over the years about Congress floating various ideas for new helium legislation, but this is no joke. If Congress does not pass legislation to extend operation of the Federal Helium Reserve, 40 percent of the U.S. supply of this absolutely necessary industrial

commodity will disappear at the end of the month.

We have been informed the Federal agency that handles this, the Bureau of Land Management, would actually start closing the valves on October 1 if Congress has not acted.

I note Senator MURKOWSKI is here. I would ask my colleagues if Senator MURKOWSKI could go next.

Senator CRUZ has been very gracious in terms of how we are trying to handle this. Both Senator MURKOWSKI and Senator CRUZ could speak and Senator BARRASSO is here. I think we would all be done by the 12:30 window.

Let me say to my partner, once again, this is the kind of bipartisan approach we have tried to show in the Energy and Natural Resources Committee. I am very appreciative of all she does to make our partnership to work.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. If I may, I would at this time defer to Senator BARRASSO and Senator CRUZ before my comments. I know both of them need to dash off the floor.

If Senator CRUZ wishes to speak at this point in time, then I will wrap up after he and Senator BARRASSO have spoken.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. I thank my friend from Oregon and my friend from Alaska for their leadership.

As do they, I support extending the Helium Program. This is a good and important program that is critical to industry, it is critical to jobs, and it is critical to our high-tech community. I salute both the Senate and the House for a positive bill that generates revenue for the Federal Treasury and that gets the Government, in time, out of the helium business. I think that is a good and positive step.

I would note the House of Representatives passed a bill that continued this program but that devoted the revenue that came from this to deficit reduction. At a time when our national debt is approaching \$17 trillion, I think devoting that revenue to deficit reduction is a good and appropriate place to direct that revenue.

When the bill came to the Senate—this bill is projected to generate approximately \$500 million in new revenue for the Federal Government over 10 years. When it came to the Senate, roughly \$400 million in new spending was added to the bill that came out of that \$500 million that was generated.

In my view, given the fiscal and economic challenges in this country, that revenue would be better spent paying down our deficit, reducing our national debt, than it would be on new spending. Indeed, over the course of this week, I have had numerous conversations with my colleagues where I have urged them that if new spending were to be added, for them to endeavor to find other areas of Federal spending that could be

reduced, that could be cut to make up for that, so we could devote the full \$500 million to reducing the deficit. I think that would be the most fiscally responsible approach to be taken.

For that reason, I have had concerns about proceeding on this bill with unanimous consent, proceeding on this bill authorizing an additional \$500 million in new spending without debate, without a vote. Earlier this week, I had lodged internally an objection to do so.

I am pleased to note that in conversations with Senator MURKOWSKI and Senator WYDEN, we have reached an agreement where this matter will not proceed by unanimous consent but, rather, will proceed with a rollcall vote to be scheduled this afternoon, where each Senator will cast his or her vote.

With that agreement, I am happy to withdraw any objection and allow us to go forward.

I would note it is important for economic growth and for the high-tech industry to maintain this program, but at the same time I hope going forward, when new spending is authorized, all of us will work to cut spending to compensate so we can devote the maximum resources possible to paying down our deficit and paying down our debt.

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

Do I understand the Senator does not oppose the bill as passed in the House that would have authorized this program to go forward, but the concern is new revenue has been generated that is being spent for other programs?

Mr. CRUZ. That is correct. In terms of a technical offset, the spending is offset by the revenue. I am not arguing that it fails to offset in the typical language of the Senate; rather, my concern is that is \$500 million in new revenue that could be directed to deficit reduction. Given the magnitude of our national debt, if we have \$500 million in new revenue from selling helium, sending it to the private sector, I would far rather see that \$500 million used to pay down our deficit.

What I have urged my colleagues to do is, if there are new spending programs that are of particular concern to the citizens of their States, to find other aspects of the Federal budget that could be cut to offset it so that entire \$500 million could go to deficit reduction rather than to funding the new spending.

Mr. WYDEN. Would the Senator yield for a question—I am going to ask a question and respond to Senator SESSIONS' point in one second.

There are differences between the House bill and the Senate bill. The House bill does not get the government out of the helium business permanently. The Senate bill gets the government out of the helium business permanently; A, it does it in a way that is fully offset and, B, not only is it offset under our proposal, passed unanimously in the Energy and Natural Resources Committee, \$51 million would actually be used to lower the

deficit. There is a full offset, A; get the government out of the helium business permanently, and \$51 million would be returned to be used for deficit reduction.

What I wish to do, by way of moving things along—and Senator CRUZ has been very gracious in terms of the handling of this and saw me on short notice. I am very appreciative.

I wish to propound the unanimous consent request at this time. I am asking the Senator from Texas, Mr. CRUZ, a question, if this is acceptable, and then we will go right back to my colleagues.

I wish to ask the Senator from Texas if we would now move to ask unanimous consent that at 2 p.m. the energy committee be discharged from further consideration of the House bill and the Senate proceed to its consideration; that the substitute amendment at the desk, which I have been discussing and I have talked about, be agreed to.

We would then have 15 minutes of debate equally divided between yourself and myself or our designees; that upon the use or yielding back of time, the bill would be amended and be read a third time and the Senate would proceed to vote on passage of the bill, as amended; that motions to reconsider would be considered made and laid upon the table, with all of the above occurring with no intervening action or debate.

I ask the Senator from Texas would this unanimous consent request be acceptable?

Mr. CRUZ. I am pleased to tell my friend it would be acceptable. I have no objection to that. I appreciate the willingness of the Chairman, along with Senator MURKOWSKI, to allow this to come to a rollcall vote so each Senator may be on the record with their views.

Mr. WYDEN. When the Senator—who was good enough to yield me time—has completed with Senator SESSIONS and colleagues to whom he may wish to yield, I will then propound that unanimous consent request.

I don't anticipate any objection. Colleagues will know that we would then have a vote shortly after 2 p.m.

I thank Senator CRUZ.

Mr. SESSIONS. I would just say this. We need to get in our heads in this body that just because you raise revenue and pay for a new spending program, that doesn't have implications for the Federal Treasury and the budget. In fact, we have rules that guard against it.

I thank Senator CRUZ for raising and highlighting that. We need to consider it. Because the idea that you can just do that is dangerous and it creates more taxing and more spending, more revenue and more spending.

The Senator from Texas raised the point, just because you raised revenue doesn't mean the people who raise the revenue get to spend it on what they want. He is perfectly correct to say I think it should be used for deficit reduction. I thank the Senator for raising the issue.

I yield the floor.

Mr. CRUZ. I thank the Senator from Alabama, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I appreciate the fine work done by all of our colleagues.

I wish to support this bipartisan helium bill, S. 783. This is a bill which is critical to maintaining a stable supply of helium now and into the future. This bill accomplishes that.

As a physician, I know how important it is that helium is available for the newest technologies, specifically for use to cool MRI scanners and manufacture products such as semiconductors and fiber optic cables.

Helium also has important applications for the Department of Defense, for NASA, and the scientific research community. This bill extends the authority of the Secretary of the Interior to sell helium from the Federal Helium Reserve in Texas, including important reforms such as provisions already outlined by the chairman of the Energy Committee: The Secretary sells helium at market prices and the Federal Government gets out of the helium business once and for all. This, to me, is one of the key components of this legislation.

In June, the Energy Committee, on which I serve, voted to report the helium bill by voice vote—22 members of the committee. There were no objections stated. This was bipartisan.

The House has already passed its own helium bill, which is different than this. I think the Senate should pass its helium bill as soon as possible today so we can have an opportunity to negotiate with the House, get something passed, and then to the President for signature.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I am pleased we are at this point. We will be able to move forward with this important legislation relating to our Nation's Helium Program. I would certainly encourage my colleagues to support passage of this bill that we have spent several years now developing in the energy committee to reform it.

The bill, as has been mentioned by my colleagues, is a bipartisan bill. It was an important piece of legislation that was reported to the Senate floor in June by a voice vote. It is yet again another good product coming out of the energy committee.

We need to move to pass this bill but also to reconcile the remaining issues we have with the House and we have to do this before October 1. October 1 is coming at us like a freight train on a lot of different issues. But if we want to prevent a shortage of helium gas in this country, we are going to need to do it and do it now.

Again, the chairman referenced some jokes about helium. Unfortunately, a lot of folks associate helium with he-

lium balloons, party balloons, and not the things we are talking about. It is such an essential component to everything from medical imaging equipment, semiconductor manufacturing, rocket engines, and precision welding. I think folks would be amazed at how helium plays such a significant part in our high-tech world and our manufacturing world.

We have to act. What we need to do is prevent a massive disruption in the supply chains for all of these important economic sectors. We need to pass this bill.

As has been mentioned, what we are doing is we are reforming and reauthorizing the Federal Helium Program. This program provides 40 percent of our domestic and 30 percent of our global helium supplies from the Cliffside field near Amarillo, TX.

The energy committee, as I noted, developed this bill before us. What we focused on was bringing market-based price discovery to the sale of this taxpayer-owned resource.

The approach we have taken in committee will ensure a better return to the taxpayer, which is what we are all looking for. It prevents a small number of corporations from effectively being able to pocket value that which belongs to the American public. It will also improve the management of the Helium Program to account for diminishing production and provide greater transparency for a program that clearly needs it.

So there are a lot of good reasons why we need to do this legislation. And as the chairman has mentioned, we are getting government out of the program. That ought to be something certainly all of us on this side of the aisle would agree on—getting the government out of the business altogether.

This bill completes a privatization process Congress set in motion back in 1996. It sets a hard-and-fast deadline for getting the Federal Government out of the helium business once and for all.

As has been mentioned, we do have a bill on the other side, in the other body, that doesn't take it all the way; it doesn't fully get the government out of the business. In our legislation, not later than 2022, all of the assets that are associated with the helium reserve will be sold off and the Federal Government's involvement in what should be a private market will end.

Of all the options before us for preventing an imminent helium shortage, this Senate bill is the only one that also addresses the long-term goal of exiting the sector and leaving the development of future supplies to private industry. As has been mentioned, when we do this—when we get out of the business, when we conduct these auction sales—we will generate revenue of approximately \$500 million. That is both a good and important thing around here. So what the energy committee did, in a very bipartisan and very open process within our committee, we chose to devote some of this

revenue to other programs within our committee's jurisdiction—not creating new programs but basically providing funding for obligations that have already been made.

One way or another, we are going to be providing for these payments—whether it is to the abandoned mine land fund, to the Secure Rural Schools Program, adjusting the royalty rates for the soda ash operators, or addressing the National Park Service backlog or the mess left by the Federal Government when it comes to drilling exploratory wells and then abandoning them. So what we have done is we have looked critically at these areas where we have had funding shortfalls within the energy committee's jurisdiction, and a portion of these revenues has been dedicated to that. But we also heard from our colleagues—members on the committee and others—who said we need to make an effort to take some of these revenues and direct them to deficit reduction. So we have reduced the Federal debt by at least \$56 million. This was a priority of Senator FLAKE and Senator RISCH on the committee, and we have directed that.

Again, all of these are priorities among programs within the jurisdiction of the Energy and Natural Resources Committee, and given the \$56 million that is devoted to deficit reduction, the resources we have devoted to addressing them are more than offset. I think our success in striking this balance has been confirmed by both the Congressional Budget Office and the bipartisan staff of our Senate Budget Committee.

We have an opportunity before us today, and I think we have a responsibility to act now, as this October 1 deadline is looming. First and foremost, we have to act to prevent a massive disruption to the helium supply chain that could harm so many sectors of our economy. This bill prevents that from happening. We also need to finish what the Congress started back in 1996 and fully and finally privatize the helium business so that the Federal Government can get out of the industry. And we should address these other priorities—including deficit reduction and other obligations the Federal Government has already taken on—by making responsible, thoughtful decisions about the use of the revenues associated with the reauthorization and the eventual closure of the Federal Helium Reserve.

For these reasons I would certainly encourage my colleagues to support the bill when we go to a vote in just about an hour and a half.

With that, I yield for my friend and colleague.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, let me thank the Senator from Alaska for an excellent statement. It very much reflects our desire to make this bipartisan.

I particularly appreciate her noting the contributions of two of the members of our committee, Senators RISCH



and FLAKE, who also made the point that, yes, we are getting the government out of the helium business; yes, we are making sure we are not putting at risk millions of high-skilled, high-wage jobs; but we have to be serious, as my friend from Alabama likes to say, about this budget deficit. And so I will be. He and I have talked often about Medicare and other areas. We will be serious about that deficit reduction, as Senator MURKOWSKI has talked about. And particularly in light of the comments of Senator RISCH and Senator FLAKE, we were able to meet the needs of people, working families across this country who depend on these high-skilled, high-wage jobs. So we are meeting those needs, and we are contributing to deficit reduction. So I thought the Senator's points were well taken.

UNANIMOUS CONSENT REQUEST—H.R. 527

At this point, Mr. President, I ask unanimous consent that at 2 p.m. today, the energy committee be discharged from further consideration of H.R. 527 and the Senate proceed to its consideration; that a Wyden substitute amendment, which is at the desk, be agreed to; that there be 15 minutes of debate equally divided between Senators WYDEN and CRUZ or their designees; that upon the use or yielding back of the time, the bill, as amended, be read a third time and the Senate proceed to vote on passage of the bill, as amended; that the motions to reconsider be considered made and laid upon the table, with all of the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WYDEN. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, let me say to the Senators who have worked on ending the Federal Government's involvement in this program that this is a great accomplishment, and I thank them for that. I do think there is technically not a budget point of order for the process they have used in funding this bill, although I think Senator CRUZ is raising a valid concern. I guess if we could do \$50 million on deficit reduction, we could do more. But I did want to say that I am proud of the thrust of the legislation. I think it is good legislation. I thank them for it. And it does not, I am informed, violate the Budget Act.

Mr. President, I have directed my staff on the Budget Committee to conduct a detailed analysis of the economic conditions facing working Americans—their wages, their employment conditions, and their household finances. I will give a series of talks over the coming weeks looking at that financial situation and the state of our Nation as a whole economically. I will also attempt to look at the causes leading to our current financial difficulties and suggest some steps to restore America's financial future.

This topic is very important. The sad fact is that the state of middle and lower-income Americans is worsening on virtually every front. The slow growth of the economy (and this has been the slowest recovery from a recession since World War II or the Great Depression) is restraining the normal upward movement of income that previous generations have experienced. It has accelerated in the last several years, but it has been going on—we have to be honest with ourselves—for a much longer period of time. If you don't have a job now, you are twice as likely to only find a part-time job as full-time work, if you can find one at all.

According to the U.S. Census Bureau, middle-class incomes have declined for 18 years. That has happened with different parties, different Presidents, and different majorities in the House and Senate. That decline means that savings for college and retirement are growing at all-time lows. Young people are not marrying as early as they want, sometimes due to bad economic prospects. That means families are launching later in life, which gives couples less years to pay down a mortgage or raise children.

Perhaps the greatest single source of our economic anxiety, however, is the fear of losing a job or that our children won't be able to get a job or our grandchildren won't be able to get a good job.

It is not just the unemployment rates that remain too high—at 7.3 percent as of August 2013—it is the number of people we all know who are working well below their potential because nothing is available that uses their job skills. It is the number of people we know who have given up looking for work or who are working part time because nothing full time is available to them.

Fewer people are working today than in 2007. Almost 4 million fewer people are working today than in 2007, but during that time our population has increased and the number of workers of working age has increased. Just before the recession hit in December 2007, about 62.7 percent of the working-age population was working—62.7. If that same percentage was working today, we would have 154 million jobs. But we don't have 154 million, we have 144 million. And only 58.6 percent of the population is working, which is a marked decline. In short, we are missing 9.9 million jobs when we compare this economy to the one in 2007.

Here is another way to look at the job problem. In 2007 we had 363,000 discouraged workers—people who had given up looking for work because they couldn't find a job but still had not disappeared from the rolls of employment security offices. Today we have 866,000. That is an increase of 140 percent in discouraged workers.

Here is another barometer of the middle-class difficulties. We have 1,988,000 fewer full-time jobs today than

in December 2007; however, we have 3,627,000 more part-time jobs. How we calculate this is important. People with part-time jobs, according to the jobs people at the Department of Labor, are not counted as unemployed, they are counted as employed, although they may want a full-time job, and most do. So our economy is producing part-time jobs rather than full-time jobs. That has been going on for a long time, and it is not acceptable. These jobs often have no health care program or retirement plan.

A very high percentage of all jobs created this year are not full-time jobs, and workforce participation—the percentage of people who are actually working today—is the lowest since 1975. That is not acceptable. And these trends have been going on for some time.

Let's take a look at median family income. The Census Bureau published new estimates of household income on Tuesday, August 17. They report that the median income of American households is lower than last year, lower than the year before, and, in fact, is lower than at any time since 1995, adjusted for inflation.

This is a very serious trend. While we have done a lot of things to make this economy better, few benefits are going to main-line, hard-working American people. They are struggling out there. You have to go back to 1995 to find median household income that is lower than today's household income.

Even if we take broad measures of income, we get similar results. If we divide all of the income by the population to come up with a per-capita income concept, per-person income is lower today than at any time since 1997. This is an unacceptable trend. It is clear it is not a short-term phenomenon. It is now a negative trend for almost 18 years, and it cannot continue.

While the stock market has rebounded and corporate profits have remained strong, that should not and cannot be used to obscure these trends, trends that have accelerated after we emerged from the recession of 2008 and 2009.

Many are concerned that the Federal Reserve is furthering the Nation's economic problems with a growing wealth gap. Their quantitative easing has boosted the wealth of the investor class but has not benefited the working class. This is not the way our policies should work. People who know what to do with low-interest money seem to be coming out ahead. But the people who don't have money, don't have jobs, who are working part time instead of full time, are slipping.

Our civil society, the great foundation of the our economy, today has certain weaknesses that we have to talk about. I will address more in a separate speech, but let me give a few thoughts.

Few social institutions are more important in helping us through difficult economic times than marriage. However, marriage is disappearing in the

bottom 50 percent of the income distribution. Many people stay too long in low-income unemployment situations, and it is not healthy. And too often, the fathers are not in those households. If you are in the bottom 50 percent of the income distribution and give birth, there is a greater than 50-percent chance that the father will not be living with you when the child comes home from the hospital. Perhaps, as many suggest, our welfare policies are exacerbating these trends. We need to look at that.

Also worrying is the decline of charitable giving since 2007. Like the overall economy, this vital part of our social and economic system has not recovered effectively. Total charitable giving fell in 2008 to \$303 billion from \$326 billion. As of the end of 2012, total giving was only \$316 billion—still 3 percent below what it was 6 years ago.

I would conclude and note that the road we are on is leading to the continued erosion of the middle-class civil society, the quality of life for hard-working Americans is not improving financially, and the continued expansion of the welfare state and the permanent entrenchment of a political class that profits from the growth of government. It is time we recognize both the disastrous conditions facing working Americans and the moral obligation we have to replace dependency on government with the freedom and dignity that comes from work and independence. That has got to be our goal.

There are things that can be done to improve these conditions. It is time for us to defend working Americans and their undeniably legitimate concerns about current trends. I will talk about that as we go forward. It is something we need to seriously consider.

Relevant here is this question, can we bring into our country more people than we have jobs for? Won't that pull down wages and make it harder for people to get work? And this question, shouldn't we defend more effectively our workers against unfair trade and competition from around the world? Both of those policies are ones I hope we could have bipartisan support on, although I am worried. The Senate's immigration bill would increase permanent immigration by 50 percent, would increase guest workers—people who come and take jobs—by double, all in addition to the 11 million who would be given legal status here.

I do think our colleagues are correct to say we should do more about trade and have fair competition on the world stage for our workers. I think we have got to convert more of this welfare spending, the 80-some-odd programs that are fundamentally geared to lower income Americans, that spend \$750 billion a year—which is larger than Social Security, larger than defense, and larger than Medicare—we need to convert some of that to better use.

For example, for every \$100 spent on these programs, only \$1 goes to job training. Shouldn't we focus more on

getting our unemployed, our people who need more training, trained, ready to move into the workforce, to take jobs? Can we afford to bring in millions of people to take jobs and to leave our people on welfare and the unemployment rolls?

Those are some of the fundamental questions we as Americans need to be asking. But first and foremost, colleagues, we are not able to deny the unassailable fact that we have had a slide in the financial well-being of millions of Americans, and that this has been going on for well over a decade.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### MORNING BUSINESS

Mr. WYDEN. Mr. Chairman, I ask unanimous consent that we be in a period of morning business until 2 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Pennsylvania.

#### CYBER BULLYING

Mr. CASEY. Mr. President, I rise today to speak about an issue we don't talk about here, and I am joined by my colleague, the senior Senator from Florida, Senator NELSON.

We appear on the floor today to talk about an issue which I would argue is a clear and present danger to young Americans. What is that? We could probably make a long list of things we are concerned about as it relates to young people, but we are here today to talk about bullying and harassment.

According to the Department of Education, nearly one in three students ages 12 to 18 is affected by bullying and harassment. Another study estimates that 60,000 students in the United States of America do not attend school each day because they fear being bullied.

With the advent of text messaging and social media, many children find they cannot escape the harassment when they go home at night. It follows them from the moment they wake until the moment they go to sleep. This problem was brought once again into the national consciousness in the last couple of days.

I am reading a headline from the Tampa Bay Times, dated September 12, 2013: "Lakeland Girl Commits Suicide After Being Bullied Online."

Senator NELSON will be talking about that, as will I.

Here is the other headline from the Washington Post about the same incident: "Police: Florida Girl Who Committed Suicide Had Been Bullied for Months by as Many as 15 Girls."

I am the father of four daughters and I remember times when my daughters were going through high school. We have one in high school, one in college,

and two out of college. I remember when our daughter was going through high school and instant messaging was one way to communicate, kind of a back and forth between some of the girls in her high school class. She was about 15 or 16 at the time. It never rose to the level of any kind of serious harassment. It was something that a lot of families I am sure have experienced. But my wife and I were blessed that our daughters never were exposed to what this young girl was exposed to. I won't show her picture, but I am looking at a picture of her right now. Her name is Rebecca Ann Sedwick, 12 years old, of Lakewood, FL, a beautiful girl subjected to the most horrific kind of harassment and abuse. It is almost unimaginable that a group of human beings could do this to another person. Unfortunately, it happens all too often.

Because my colleague from Florida knows the case and the news articles better than I, I ask him to highlight this. But I think we all have the same reaction, one of horror, and we are summoned by our conscience to do something about this. We can't just say, as some say, Well, every generation has faced some kind of harassment, some kind of bullying, so it is part of growing up. I have heard this argument. The argument is without validity, because no generation prior to this generation has had the technological burden. When I was growing up and someone was bullied at school, that was bad enough, but it ended when the schoolday ended. But today that is not possible if you have determined and vicious people who want to bully another student, because technology allows that person to be bullied when they leave school, all throughout the night, and then throughout the next day and day after day.

I turn with respect to my colleague to talk a little bit more about this particular case.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, many States such as mine, Florida, have strict bullying policies in place. But we need to go beyond that, and Federal legislation is needed because, as the Secretary of Education has said, these laws in the States "lack consistency and enforcement mechanisms" across the country.

So you get to the tragic case in Florida of Rebecca Ann Sedwick. It is a tragic reminder that bullying in the social media is increasing in both method and mercilessness.

Here is a girl with a single mom. She gets subjected to this bullying in class, so her mom takes her out of the school and puts her into another school. This is a 12-year-old little girl. She then is bullied online.

This occurs for 2 years. This is what she gets: Why are you alive? You should die. You are ugly. Can you die, please? She gets a constant dose of this not only at school, but then in the social media. Her mom tried to take