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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray. Gracious God, thank You for the love You give us each day. Great and holy is Your Name. Infuse our lawmakers with a spirit of humility that will empower them to do Your will. Lord, help them to embrace Your desire to bring healing to our world. Challenge the best in them so they will give You their supreme allegiance and love. Enable them to fill swift hours with meaningful and faithful deeds, to think clearly, to act kindly, and to make a better world.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 18, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. SCHATZ thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 99, which is the Transportation appropriations bill.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 99, S. 1243, making appropriations for the Department of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, there will be an hour of morning business, with the majority controlling the first half and the Republicans the final half.

Following morning business, the Senate will proceed to executive session to consider the nomination of Thomas Perez to be Secretary of Labor. We hope to confirm both the Perez and McCarthy nominations today.

We are ready to move on this whenever my Republican colleagues say they want to. What would be the right thing to do would be to vote on Perez this morning and vote on the cloture motion I filed regarding McCarthy. Then this afternoon, after our lunches, we would vote on confirmation of McCarthy. However, whatever the Republicans decide, I will be happy to work with them in whatever way is convenient.

MEASURES PLACED ON THE CALENDAR—S. 1315, S. 1316, AND H.R. 1911

Mr. REID. I understand there are three bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 1315) to prohibit the Secretary of the Treasury from enforcing the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010.

A bill (S. 1316) to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

A bill (H.R. 1911) to amend the Higher Education Act of 1965 to establish interest rates for new loans made on or after July 1, 2013, to direct the Secretary of Education to convene the Advisory Committee on Improving Postsecondary Education Data to conduct a study on improvements to postsecondary education transparency at the Federal level, and for other purposes.

Mr. REID. Mr. President, I object to all three of these matters proceeding further at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the Calendar.

NOMINATIONS

Mr. REID. Mr. President, today, as part of this week's agreement to process nominations, the Senate will vote on confirmation of the Perez nomination to lead the Department of Labor, and we will vote on the cloture motion on the nomination of Gina McCarthy to lead the Environmental Protection Agency.

I hope we can move forward on these matters as quickly as possible.

Gina McCarthy is an accomplished environmental official who has served under several Republican Governors, including Governor Romney. She has worked in Democratic administrations

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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also. As a top environmental official in Massachusetts and Connecticut, she has expanded energy efficiency and renewable energy programs.

We had a wonderful event yesterday morning where the EPA building was named after President Clinton. He stood and talked about what he and Vice President Gore had done to help the environment, and he stressed time and time again it is important to have a growing, strong economy and to make sure we take care of the environment in the process because those two things are not in conflict.

Gina McCarthy is now Assistant EPA Administrator, and it has been her job to come up with creative new ways to keep our air clean and our water safe while growing the economy, as President Clinton said.

She was nominated several months ago. I spoke to her yesterday morning, as she was with President Clinton, and she was anxious to have a vote today. She has a proven track record of public service, there is no question about that.

Tom Perez, the nominee to lead the Department of Labor, is also an experienced public servant. He is from Buffalo, NY, the son of Dominican immigrants. As we have heard, he put himself through college working at a warehouse and as a garbage collector. He graduated from Brown University, one of the most prestigious universities in America, and in fact the world, as is Harvard Law School. He went to both of those fine universities.

He served as Deputy Assistant Attorney General for Civil Rights under Janet Reno, who was Attorney General for our country. He was appointed by Governor O'Malley in 2007 to serve as secretary of the Maryland Department of Labor where he helped implement the country's first statewide living wage law.

Four years ago he was confirmed by the Senate with 72 votes to lead the Civil Rights Division at the Department of Justice in Washington. There he has helped resolve cases on behalf of families targeted by unfair mortgage lending.

He is very qualified, with his education and background, and he will be an excellent Secretary of Labor. So I look forward to our confirming him as soon as we can.

STUDENT LOAN INTEREST RATES

Mr. President, I am very hopeful we can wind up the discussions we have had for several weeks now on student loans. There has been wonderful bipartisan discussions in this regard. Again, the legislation that has been presented to me isn't everything I want, but it is the work of a number of Democratic and Republican Senators working very long hours—in fact, those Senators had a meeting the night before last with the President that lasted about an hour and a half.

So we have to get this done as soon as possible. Of course, we have made it retroactive because we know the student loan rate went up from 3.4 percent to 6.8 percent the first of this month, and we need to make sure that legislation gets done before we leave. With people processing their applications to go to school this fall, we should get it done as quickly as possible. It is possible we could do it today.

I appreciate—and I hope I don't miss mentioning anyone, though I am confident I will—the Senators who have worked so hard on this issue. But those who have worked together on this compromise have been Senators HARKIN, DURBIN, KING, and MANCHIN on our side; and on the Republican side, Senators ALEXANDER, COBURN, and BURR. There have been others. In the process, we also have a number of Senators who may not be totally pleased with this agreement that is contemplated, but they have all worked so hard—JACK REED and ELIZABETH WARREN.

What I would like to do, and I hope we can do it as soon as possible, with the compromise that has been worked out with the Senators I mentioned—and whatever Senator REED and others want to do—we would have a couple of votes to make sure everyone has the ability to vote on their legislation. I hope we can do it this way. It would be the right way to go in solving this issue.

If we do this, we would not be back next year to do it. It will be done. We would not be back in 2 years. It will be done. So I hope very much we can get this done. I applaud all these Senators who have worked so hard for so long to come up with an agreement.

Again, I repeat for the third time even this morning, this isn't going to be everything the Presiding Officer wants, the Republican leader or I want, but, hopefully, it will be a step forward.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

NOMINATIONS

Mr. MCCONNELL. Mr. President, today the Senate will consider the nominations of Thomas Perez and Gina McCarthy to head the Department of Labor and the EPA. I will be voting against both of these nominees, and I would like to explain why.

Tom Perez is someone who has devoted much of his career to causes he believes in. That is certainly admirable, but the duty of advice and consent is about more than just ascertaining whether a nominee has good intentions. Far more important is considering the way a nominee has gone about pursuing them. It is about what he or she would do on the job. And that—that—is where the Perez nomination begins to break down because based on the evidence, Tom Perez is more than just some leftwing ideolog, he is a leftwing ideolog who appears perfectly willing to bend the rules to achieve his ends. It is this ''ends justify the means'' approach to his work, not simply his ideological passion, that is so worrying to me about Mr. Perez.

A few examples from his past paint the picture. Media reports indicate that as a member of a county council in Maryland, Mr. Perez tried to get the county to break Federal law by unlawfully importing foreign drugs even after a top FDA official said Federal law was ''very clear,'' and that there was ''no question'' that doing so would be ''undeniably illegal.''

When the County Executive, a fellow Democrat, ultimately decided not to instruct county employees to break the law, as Mr. Perez advocated—which could have subjected those workers to criminal prosecution—he lambasted the County Executive as ''so timid.''

''Federal law is muddled,'' Mr. Perez argued, adding, ''sometimes you have to push the envelope.'' Sometimes you have to push the envelope.

Throughout his career, however, Perez has done more than just push the envelope. He once pushed through a county policy that encouraged the circumvention of Federal immigration law. As the head of the Federal Government's top voting rights watchdog, he refused to protect the right to vote for Americans of all races in violation of the very law he was charged with enforcing. He also directed the Federal Government to sue a law-abiding woman who was protesting outside an abortion clinic in Florida.

The Federal judge who threw out this lawsuit said he was ''at a loss as to why the government chose to prosecute this particular case in the first place.''

Just as troubling, when Mr. Perez has been called to account for his failures to follow the law, he has been less than forthright. When he testified that politics played no role in his office's decision not to pursue charges against members of a far-left group that may have prevented others from voting, the Department's own watchdog—their own watchdog—said ''Perez's testimony did not reflect the entire story,'' and a Federal judge said the evidence before him ''appear[ed] to contradict . . . Perez's testimony.'' Appeared to contradict Perez's testimony.

In short, Mr. Perez made misleading statements in this case, under oath, to both Congress and the U.S. Civil Rights Commission. Taken together, this is reflective not of some passionate leftwinger who views himself as patiently advocating policies within the bounds of a democratic system, but as a crusading ideologue whose convictions lead him to believe the law simply doesn't apply to him.

As Secretary of Labor, Mr. Perez would be handling numerous contentious issues and implementing many politically sensitive laws. Americans of all political persuasions have a right to expect the head of such an important Federal department, whether appointed by a Republican or a Democrat, would implement and follow the law in a fair and reasonable way. I do not believe they could expect as much from Mr.

Perez, and that is why I will be voting against him today.

As for Gina McCarthy, I have no doubt she is a well-meaning public servant. We had some good conversations when she came to visit my office earlier this year. But as the head of EPA's air division, she is overseeing the implementation of numerous job-killing regulations. These regulations, along with others promulgated by the EPA, have had a devastating effect in States such as mine.

They have helped bring about a depression—depression with a ''d'' in parts of Eastern Kentucky.

And there is no reason to expect a course correction from Ms. McCarthy if she were to be confirmed as Administrator.

In fact, one assumes she would be expected to carry forward the President's plan to impose, essentially by executive fiat, even more destructive policies—policies similar to those already rejected by a Democrat-controlled Congress.

As someone sent here to stand up for the people who elected me, I cannot in good conscience support a nominee who would advance more of the same, someone who is not willing to stand up to this administration's war on coal.

And remember, this ''war'' talk that is not me saying that. ''A war on coal is exactly what's needed.'' That is what one of the White House's own climate advisors said just the other week.

All of us—Republicans especially—believe in being good stewards of the environment. But Washington officials have to be rational and holistic in their approach. They cannot, as this administration seems to think, simply do whatever they want, regardless of the consequences for people who do not live or act or think the same way they do.

I do not blame Ms. McCarthy personally for all of the administration's policies. But I believe the EPA needs an Administrator who is ready to step up and challenge the idea that the livelihoods of particular groups of Americans can simply be sacrificed in pursuit of some ivory tower fantasy. That kind of nominee—the kind of nominee I can support—is one who is willing to question the status quo and to make Kentuckians part of the solution.

OBAMACARE

Later today, the President is scheduled to deliver a speech on Obamacare.

He is expected to say that, because of Obamacare, Americans can expect checks in the mail.

Sounds great, doesn't it? Free money.

But, as they say, most things in life that sound too good to be true very often are.

And, in this case, it is not so much that people will be getting free money, as that most people will be paying many dollars more for their healthcare and maybe—just maybe—getting a few bucks back.

In other words, if you are a family in Covington facing a $2,100 premium increase under Obamacare, then, really, what would you rather have: a check for $100 or so or a way to avoid the $2,100 premium increase in the first place?

I think the answer is pretty obvious.

I think most Kentuckians would agree that this is just another sad attempt by the administration to spin them into wanting a law they do not want.

And there is this to consider: Even though we expect the President today to tout about $500 million worth of these types of refunds, what he will not say is that next year Obamacare will impose a new sales tax on the purchase of health insurance that will cost Americans about $8 billion. That is a 16 to 1 ratio.

So if the administration is concerned with saving people money on their health care, I have some advice for them.

Work with us to repeal Obamacare and start over—work with us to implement common-sense, step-by-step reforms that can actually lower costs for Kentuckians. Because jacking up our constituents' health care costs is bad enough, but to try to then convince them the opposite is happening—that they have actually won some Publishers Clearinghouse sweepstakes, well, it is just as absurd as it sounds. It is really an insult and I know Kentuckians aren't going to buy it.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority leader controlling the first half.

The Senator from Colorado.

AURORA THEATER SHOOTING

Mr. UDALL of Colorado. Mr. President, I rise today to mark a somber milestone. Nearly 1 year ago, Colorado and the Nation were shocked by the horrific scene at an Aurora movie theater. Even before the sun rose that Friday, July 20, 2012, we began hearing of a senseless mass shooting that took the lives of 12 people and injured 70 more.

Today I want to mark the anniversary of this tragedy and to honor the strength that so many Coloradans have shown—both on that day and in the weeks and months since.

The Aurora theater shooting shook us, it shocked us, it outraged us, but, as I said one year ago, it did not break us. Even today we are seeing that the legacy of this terrible tragedy is not the horror of that day but, rather, the courage and resilience of the people who have refused to let this event define their lives.

Take, for example, 18-year-old Zack Golditch, who endured surgery and weeks of recovery so he could continue with his football career and become a repeat state discus champion. The Denver Post recently named him the winner of their Adversity Conquered through Excellence award and this fall he will begin his freshman year as an offensive lineman at CSU.

Or Marcus Weaver, who was shot twice but now hosts a weekly radio show in Denver that spotlights great Americans who are making a difference in the community. Marcus also works with his church to help people who have struggled through addiction or incarceration and now travels the country inspiring others with his story and pushing them to take charge of their lives.

These are just two of the countless examples of the perseverance of people who were affected by the Aurora shooting. Zack and Marcus's strength defines us as Americans. That is something in which we can take great pride.

It is the kind of strength we honor in remembering this tragedy now a year later. In particular, we look back and honor young men like 26-year-old Jon Blunk and 24-year-old Alexander Teves who sacrificed their lives to protect their friends. And then there were the countless police and other first responders who rushed to the scene to care for the wounded and to stop the shooter before he could injure others.

Colorado has known too many tragedies these past several years. From the Aurora theater shooting to wildfires in Colorado Springs, Fort Collins and elsewhere that have threatened and destroyed entire communities and left hundreds of our friends and neighbors without homes.

We have seen the same spirit of sacrifice and resilience, as firefighters and community members have banded together to fight the Black Forest Fire, the West Fork Complex Fire and the other blazes that have threatened entire communities across Colorado this year.

This Saturday, on the 1-year anniversary of the Aurora theater shooting, let's take time to remember those we have lost and to honor the resilience of our neighbors who press on with their lives, undaunted by this terrible act.

In that spirit, I want to read into the RECORD the names of the twelve people who lost their lives one year ago. We must never forget these names: Matt McQuinn, Micayla Medek, Jessica Ghawi, Gordon Cowden, Jesse Childress, John Larimer, Jonathan Blunk, Veronica Moser-Sullivan, Alex Sullivan, Alexander Teves, Rebecca Wingo, and Alexander Boik.

I hope that we can draw strength from the tragic loss of those 12 wonderful, beautiful people and that it leads

us to redouble our efforts to be better people—to be more understanding to our friends and more loving to our families and to aspire to live our lives with the courage that the people of Aurora and Colorado have shown over the course of this last year.

I think that the leaders here in Washington could learn from their courage. The victims of Aurora have not let setbacks stop them from achieving great things and making their community a better place to live. They, in fact, have refused to allow the word ''victim'' to define them.

Of course, we still have work to do to prevent future mass shootings. There are many commonsense steps that we can and must take to reduce senseless gun violence. But today is not a time for a policy debate. Today is a day to remember the victims, to honor the heroes from that terrible day last year, and to commit ourselves to never forgetting their memory.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, let me commend the Senator from Colorado for his critical reminder to all of us about how you can get up each day and never know what life brings to you, but to remember not that the people so senselessly lost their lives, but the courage and passion they have left for all of us. I thank him for that important reminder.

Mr. UDALL of Colorado. I thank the Senator.

PEREZ NOMINATION

Mrs. MURRAY. Mr. President, I want to speak briefly about our vote today to confirm Thomas Perez as our next Secretary of Labor, and I want to touch on a couple of reasons, of separate reasons, this particular confirmation is so important for this body and for our country.

First, something we have talked about for several days here is providing the President and his administration with the team he needs to help our country grow, for our economy, our families, and communities in every one of our home States. Filling the position of Labor Secretary could not be more important. We all rely on the Department of Labor to do a lot of important work for American workers and American businesses—providing critical workforce development and job training services to help get people back to work or into better jobs, making sure we have high workplace safety standards, improving conditions and opportunities for women, and helping our service men and women find good jobs when they come home. Our country and our economy are stronger when the Department of Labor has a talented, qualified leader at the reins.

That brings me to the second reason why this vote is so important, and that is the tremendous nominee we have before us today. In Thomas Perez, the President has nominated someone who will bring passion and integrity and a lifetime of experience to this very important position. Like so many Americans, Mr. Perez comes from very humble beginnings. He is a second-generation American who put himself through college by collecting trash and working in the university dining hall. Since that time, he has spent his career fighting for working families, protecting our important civil rights laws, and turning around troubled agencies.

There is no shortage of examples to demonstrate what an effective leader Mr. Perez has been throughout his career. He took an Office of Civil Rights at HHS that had been ignored and lifeless and breathed new life into it. He reformed and rebuilt the Department of Labor in Maryland, and he walked into a very troubled Civil Rights Division at DOJ and, by all credible accounts, he returned high performance, professionalism, and integrity to that agency.

In a time when we need to do everything we can to protect and grow our shrinking middle class, Mr. Perez is exactly the right person for this job because in tough times, while we are still recovering from recession, we need strong, experienced leadership at the Department of Labor.

My colleagues here today who support his confirmation from both sides of the aisle are not alone. From his time working at the local and State and Federal level, organizations from Maryland and throughout our country have come out to strongly support him as well. That includes organizations that represent women, the LGBT community, the Hispanic community, and many more.

Finally, throughout his confirmation process, which at times has been very difficult, Mr. Perez has shown nothing but openness, transparency, respect, and the ability to work together and solve problems. That is why I will vote to confirm him today, and I urge all my colleagues to support his confirmation as well.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

McCARTHY NOMINATION

Mr. MANCHIN. Mr. President, I rise today to explain my vote against Gina McCarthy, which I will cast later today or the first of next week, to be Administrator of the Environmental Protection Agency. My fight is not with her. My fight is truly with the agency itself, the EPA, and the President who nominated her to head the regulatory agency. That fight is not going to end with the Senate's vote on Ms. McCarthy's nomination. It will not stop there. The fight will continue until the EPA stops its overregulatory rampage and until the President comes up with feasible policies that achieve real energy independence, which is what I think we all wish for.

I don't want anyone to misunderstand me. I have serious disagreements with many of Ms. McCarthy's views on energy and the environment, but I will say I met her a couple of weeks ago for the first time when she came to my office, and I found her to be earnest, friendly, pragmatic, incredibly intelligent. She is a talented scientist who has dedicated her life to public service. As a matter of fact, she served under Democrats and Republicans alike. I certainly appreciate her pragmatism, her willingness to serve her country, and her stellar bipartisan credentials, an extremely rare quality in Washington these days, as everyone knows.

In fact, it is not hard to imagine this same lady could have been nominated to be the EPA Administrator—if Mitt Romney would have won—by another President from another party. After all, she advised him on climate change when he was Governor of Massachusetts.

My vote goes much deeper than her nomination, her views on energy and the environment or even her job performance for the last 4 years as head of air policy at the EPA. My vote against Gina McCarthy is a vote against the administration's lack of any serious attempt to develop an energy strategy for America's future, which we call an all-of-the-above policy.

We need to develop every source of American-made energy, such as coal, natural gas, nuclear, renewables, wind, solar, biomass, and biofuels. We need it all, and we are responsible to make sure we find a balance between the economy and the environment. Everyone knows it is common sense to use what we have in this country.

We need an all-of-the-above policy that includes nuclear, hydroelectric, biomass, renewables, such as wind and solar, fossil fuels, including oil, natural gas, and coal. I truly believe if we work together and focus on a commonsense approach, we can develop a strong bipartisan energy plan. Such a plan will not only break the power of foreign oil countries and speculators, it will also chart a new and promising energy future for this great Nation and increase our national security and prosperity. Think about that. It will increase our national security and the prosperity of our country.

The President often speaks about an all-of-the-above energy policy, but I have to say that his new global climate proposal amounts to a true declaration of war on one of the above. It is a true declaration of war on coal. In fact, the President plans to use the EPA to regulate the coal industry out of existence.

The coal industry in the United States of America burns 1 billion tons of coal. Eight billion tons of coal is burned in the world today. I don't believe the wind currents or the ocean currents start and stop in North America. If we stop burning every ton of coal and declare war on the economy, it will effectively destroy people's lives and jobs as well as their ability to take care of themselves. There is more coal

burned in the world now than ever before, and it is unregulated. We do burn coal better than anyone else, and we can even do it better if the government will work with us. All we are asking for is a partnership.

It doesn't matter who is elected as the Administrator of the EPA. If the President plans to use the EPA to regulate the coal industry out of existence, it doesn't matter who it is. It could be Ms. McCarthy or someone else because it is the President and the administration that will be calling all the shots. That is my fight, and it is a fight where I wish we could sit down and work together. It is a fight we cannot lose as the United States of America. There is too much at stake.

Coal is America's most abundant, most reliable, and most affordable source of energy. In fact, coal keeps the lights on and provides nearly 40 percent of the electricity in this country—40 percent. Almost half of the population of the United States of America depends on coal for their energy. It is the source of energy that built America. It made the steel that built the factories and defends our country with guns and ships. It has done it all. All we are asking for is a partnership so we can continue to keep the lights on.

With all the clean coal technologies we have—and will continue to have for decades—we can use it in a way that strikes a balance between the environment and the economy. There should always be a balance. It can't be all or nothing. It seems as if we have these extremes today where a person is either on the right or on the left, absolutely for an issue or absolutely against an issue. If there is never a compromise, how can we make it work?

There is nobody in West Virginia who wants to breathe dirty air or drink dirty water. Nobody in America wants to do that. We have a responsibility to do it better. In fact, in the last two to three decades, we have cleaned up the environment more than ever in the history of this country.

For the last 40 years, every President has talked about how to end our country's addiction to foreign oil in order to achieve energy independence. We know our dependence on oil has taken us to places in the world to fight wars that have sacrificed American men and women as well as the precious resources of this great country. We have been fighting wars we shouldn't be in because of our dependence on foreign oil.

We need to stop demonizing one energy resource—and I do mean demonizing it. When people say, I hate this or I hate that or I can't stand this—turn the lights off. Turn the air-conditioning off. Turn it all off and see how well you like it or don't like it.

If we start using all of our resources, we can, once and for all, end our dependence on foreign oil. If we end our dependence on foreign oil, we will be a stronger and more secure Nation. We can do that within this generation and keep our economy more secure and our economy producing jobs for generations to come.

All I ask is for a level playing field. I ask that our government—in this beautiful country of ours—partner with me and West Virginia so we can work together.

I yield the floor and 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.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. 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.

PEREZ NOMINATION

Mr. ALEXANDER. Mr. President, later today we will vote in the Senate on the question concerning whether the President's nomination of Thomas Perez to be the Secretary of Labor should be confirmed. I will vote no. I will vote against the confirmation of Mr. Perez. I do not believe he is the right man for this job.

The Secretary of Labor has immense influence over the lives of workers and the conduct of business in today's economy. Employees, employers, and unions must be able to trust the Secretary to faithfully and impartially execute our Nation's labor laws.

At a time when the official unemployment rate stands at 7.6 percent—meaning millions of Americans are looking for work and can't find it—and at a time when there is a growing gap between our workers' skills and our employers' needs, we need serious leadership on labor policy. We need someone who understands how to create an environment in which the largest number of Americans can find good new jobs. We need leadership that is committed to working in the best interests of the country. Unfortunately, I don't believe Mr. Perez meets that standard.

Mr. Perez's life story is one with many worthy accomplishments in public service, a devotion to representing disadvantaged individuals, and I commend him for that. But he has demonstrated throughout his career that he is willing to, in his words, push the envelope to advance his ideology.

I believe there are three significant problems with the nomination of Mr. Perez:

No. 1, in my view, his record raises troubling questions about his actions while at the Department of Justice and his candor in discussing his actions with this committee.

The Department of Justice inspector general recently published a detailed report that discussed problems in the voting rights section. It talked about a politically charged atmosphere of polarization. Mr. Perez has administered that section since 2009. The report talked about the unauthorized disclosure of sensitive and confidential information and about blatantly partisan political commentary. It specifically criticized the management of the Department and Mr. Perez's actions while at the Department. When questioned by members of our Committee on Health, Education, Labor and Pensions, Mr. Perez's answers were vague and nonresponsive.

No. 2, to preserve a favorite legal theory, Mr. Perez orchestrated a quid pro quo arrangement between the Department of Justice and the City of St. Paul in which the Department agreed to drop two cases in exchange for the city withdrawing a case, the Manger case, before the Supreme Court.

Mr. Perez's involvement in this whole deal seems to me to be an extraordinary amount of wheeling and dealing outside what should be the normal responsibilities of the Assistant Attorney General for Civil Rights. To obtain his desired results, Mr. Perez reached outside of the Civil Rights Division at the Department of Justice into the Minnesota U.S. Attorney's Office and into the Department of Housing and Urban Development. This exchange cost American taxpayers the opportunity to potentially recover millions of dollars and, more importantly, violated the trust whistleblowers place in the Federal Government. His testimony has been contradicted by the testimony of other witnesses in contemporaneous documents.

In short, it seems to me that Mr. Perez did not discharge the duty he owed to the government to try to collect money owed to taxpayers. He did not discharge the duty to protect the whistleblowers, who were left hanging in the wind. At the same time, he was manipulating the legal process to remove a case from the Supreme Court in a way that is inappropriate for the Assistant Attorney General of the United States.

No. 3, Mr. Perez's use of private e-mail accounts to leak nonpublic information is troubling to me.

Federal officials in this administration seem to have a penchant for using private e-mails to conduct official business. The Federal Records Act is designed to ensure that the government is held accountable to the American people to prevent the opportunity for a shadow government to operate outside of the normal channels of oversight. Using personal e-mails robs the Nation of the ability to know if the government is behaving appropriately.

Since Mr. Perez apparently is going to be confirmed despite my vote, I hope he will pledge to stop using personal e-mails to conduct official business.

For these three reasons, I cannot support the Perez confirmation. I will support and have supported the President's right to have an up-or-down vote on his Cabinet members. I always have. So I voted for cloture.

But what we have seen over the last several weeks—and I believe the reason the Senate did not come to a screeching halt this week—is that there is a widespread misunderstanding about what Senate Republicans have done with respect to President Obama's nominees for his Cabinet. The reality is that Republicans have respected the right of the President to staff his Cabinet. In fact, never in our Nation's history has the Senate blocked a Cabinet official from confirmation by a filibuster. Let me say that again. The number of Presidential nominees for Cabinet in our Nation's history who have been denied his or her seat by a filibuster, by a failed cloture vote, is zero.

The Washington Post and the Congressional Research Service have said that President Obama's Cabinet appointees in his second term are moving through the Senate at about the same rate as President George W. Bush's and President Clinton's.

Senators on both sides of the aisle have a long history of using the constitutional authority for advice and consent to ask questions. We have done that in the Committee on Health, Education, Labor and Pensions concerning Mr. Perez for the last 122 days. We have a historical right—and we have exercised it in a bipartisan way—to use our right to ask for 60 votes in order to advance our views. That is a part of the character of the Senate. But it is important to know that these fairy tales that have been suggested about Republicans somehow blocking President Obama's nominees are just that.

I ask unanimous consent to have printed in the RECORD at the end of my remarks an op-ed I wrote for the Washington Times yesterday supporting my remarks. The op-ed points out that most of this week's nuclear option debate about whether Senators should be permitted to filibuster Presidential nominees was not about filibusters, it was instead about whether a majority of Senators should be able to change the rules of the Senate at any time for any purpose.

Former Senator Arthur Vandenberg of Michigan once offered the precise trouble with this idea. He said:

> If a majority of the Senate can change the rules at any time, the Senate has no rules.

In other words, all of this fuss was a power grab.

In fact, most of the filibustering that has been done to deny Presidents confirmation of their nominees has been done by our friends on the other side. As I mentioned earlier, the number of Cabinet members who have been denied their seats by a filibuster is zero. The number of district judges in the history of the country who have been denied their seats by a filibuster is zero. The number of Supreme Court Justices who have been denied their seats by a filibuster is zero. There was the incident in 1968 when President Johnson engineered an opportunity for Abe Fortas to get a 45-to-43 vote so he could feel better about staying on the Court after a majority of the Senate clearly wasn't going to confirm him for the Supreme Court. But throughout our history, the right to advise and consent has been exercised by a majority vote even in the most controversial cases. The vote on Clarence Thomas for the Supreme Court was a majority vote. The vote denying Robert Bork an opportunity to go to the Supreme Court was a majority vote. While there never has been a Supreme Court nominee blocked by a filibuster, about a quarter of all of the Supreme Court nominees have been withdrawn or blocked by majority vote.

So elections have consequences, and I respect that whether it is a Republican or a Democratic President. Our tradition was that nominees were not denied their seat by a failed cloture vote. Other than Fortas, the only exception is that in 2003, about the time I came to the Senate, the Democrats, for the first time in history—the first time in history—filibustered 10 of President George W. Bush's nominees. That produced Republicans who wanted to change the rules of the Senate, and fortunately cooler heads prevailed. But five Republican judges—very meritorious people, such as Miguel Estrada; a real tragedy—were denied their seats by a filibuster.

So the usual and expected happened. Republicans have since denied two Democratic seats by a filibuster.

So my preference is much that Presidents have the opportunity to appoint their Cabinet members, to appoint their Supreme Court Justices, and if we don't like them, we can vote against them. There have been occasions where sub-Cabinet members have been denied their seats. The total number is seven, all since 1994, and there may be more again.

A simple objection by Republicans to the motion of the majority leader to cut off debate may simply mean we want more information. In the case of Senator Hagel, the majority leader sought to cut off debate 2 days after his nomination came to the floor, and we voted no. We were not ready to cut off debate. Then, 10 days later, we voted to confirm Senator Hagel.

I am glad that this week the Senate regained its equilibrium, so to speak, and stopped this talk of creating the Senate as a body where a majority of the Senate can change the rules at any time, which would make this a Senate without any rules.

I hope we do not hear any more about it because that is not appropriate. It is not appropriate in this body. John Adams, Thomas Jefferson, George Washington, Senator REID himself, and others have said that this body is different. It is a place where you have to come to a consensus. We are coming to one, for example, on student loans today. The President made a good recommendation to solve the student loan problem on a permanent basis. The House of Representatives passed something much like the President's, and hopefully we can do that later today.

So I believe the President deserves an up-or-down vote on his nomination for the Secretary of Labor and his nominee for any other Cabinet member. But in this case, for the reasons I stated, I am voting no on confirmation.

I see the Senator from Georgia is here.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, July 17, 2013]

THE POWER GRAB BEHIND THE CROCODILE TEARS

DEMOCRATS TRY TO CHANGE THE RULES WHEN THEY CAN'T GET THEIR WAY

(By Lamar Alexander)

This week's ''nuclear option'' debate about whether U.S. senators should be permitted to filibuster presidential nominations was not about filibusters.

It was instead about whether a majority of senators should be able to change the rules of the Senate anytime for any purpose. Former Sen. Arthur Vandenberg of Michigan once offered the precise trouble with this idea: ''If a majority of the Senate can change its rules at any time, there are no rules.''

In other words, this was a power grab.

Despite Democrats' crocodile tears, filibusters—the requirement of securing 60 senators' votes to allow a vote on a nomination—have done little to frustrate presidential nominations.

According to The Washington Post, President Obama's Cabinet nominees during his second term are moving through the Senate about as rapidly as those of Presidents Clinton and George W. Bush.

According to the Congressional Research Service, in the history of the Senate, the number of times filibusters have denied a seat to a nominee for the Supreme Court, the president's Cabinet or federal district judge is zero. (The only arguable exception is President Lyndon Johnson's engineering of a 45–43 cloture vote in favor of the nomination of sitting Supreme Court Justice Abe Fortas to be chief justice in order to lessen the embarrassment of Fortas' failure to attract the support of a majority of senators for confirmation.)

Ironically, most of the frustrating of presidential nominations by filibusters has been done by the Democrats themselves. The number of federal court of appeals nominees who have been denied their seats by filibusters would also be zero were it not for the decision by Democratic senators in 2003 to filibuster 10 of President George W. Bush's appellate court nominees. This led to the ''Gang of 14'' compromise that allowed five of those to be confirmed, but discarded the other five. Since then, Republicans have retaliated by denying two of Mr. Obama's appellate nominees.

Over the years, there have been seven sub-Cabinet nominees blocked by filibuster—three Republicans and four Democrats, all since 1994.

So the grand total of presidential nominees who have been blocked by filibusters (failure to obtain 60 votes to cut off debate) is 14. And it is fair to say that Democrats sowed the seeds of the current controversy when they filibustered Mr. Bush's appellate judges in 2003.

So, what were Democrats complaining about?

For many Democrats, getting rid of the filibuster for nominees is the first step in turning the Senate into an institution where the majority rules lock, stock and barrel.

The Senate would become like the House of Representatives, in which a majority of only one vote could establish a Rules Committee with nine members of the majority and four of the minority. Every meaningful decision would be controlled by the majority. The result: The minority, its views and those it represents would become irrelevant. It would be the same as having the power to add an inning or two to a baseball game if you don't like the score in the ninth inning.

Alexis De Tocqueville, the young Frenchman who traveled the United States in the 1830s, warned against this kind of governance. He wrote that the two greatest dangers to the American democracy were Russia and the ''tyranny of the majority.''

In his book on Thomas Jefferson, Jon Meacham writes of an after-dinner conversation between President Adams and Vice President Jefferson. Adams said that ''no republic could ever last which had not a Senate and a Senate deeply and strongly rooted, strong enough to bear up against all popular passions'' and that ''trusting to the popular assembly for the preservation of our liberties was [unimaginable].''

John Adams was right. And so was then-Minority Leader HARRY REID in 2005 when, opposing Majority Leader Bill Frist's effort to use the ''nuclear option'' to kill the filibuster on judicial nominations, he said: ''And once you open that Pandora's box, it was just a matter of time before a Senate leader who couldn't get his way on something moved to eliminate the filibuster for regular business as well. And that, simply put, would be the end of the United States Senate.''

The only real confirmation issue before the Senate is Mr. Obama's use of his recess appointment power to install two members of the National Labor Relations Board when the Senate was not in recess, a blatant affront to the constitutional separation of powers that the District of Columbia Circuit Court of Appeals said was unconstitutional. Fortunately, a compromise has been reached in which the president is sending to the Senate two new, untainted nominees for the board. This week's debate, however, shows the threat to the end of the United States Senate lingers.

Those Democrats still seeking to create a Senate in which a majority can change the rules whenever it wants should be prepared for what could happen next. Their dream of a Democratic freight train running through a Senate in which a majority can do whatever it wants might turn into their nightmare if, in 2015, that freight train is the Tea Party Express.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Mr. President, first, before the Senator from Tennessee leaves the floor, if he was getting ready to, I wish to commend him on his activities over the last 8 days. For the second time in a decade, we came to the brink of making a bad mistake in the Senate. But we proved—and Senator ALEXANDER really proved through the facts, which are stubborn things—that if you study history and you read the history of the Senate, you understand there is a purpose for the cloture rule, there is a purpose for the filibuster, but there is also a purpose for being judicious in its use.

I commend the Senator on his historic history lesson, his personal experiences as being one who has gone through the process himself when he was nominated to be Secretary of Education, and I appreciate very much his leadership on the Committee of Health, Education, Labor, and Pensions.

I will be brief, but I would like to speak for a minute about the nomination of Thomas Perez.

The Labor Department is an important Department in the United States of America, and jobs are an important need we have in this country. We need an aggressive leader at the Department of Labor who is trying to get the Workforce Investment Act passed, trying to get people trained, trying to get wrongs righted, trying to be a leader. But what we do not need to have is one who throws up stumbling blocks to progress, stumbling blocks to jobs, and stumbling blocks to business.

Thomas Perez has a history of using disparate impact to enforce or to move toward where he wants to go in terms of the regulations he has had responsibility for in the past, namely at the Department of Justice.

Disparate impact is where you take unrelated facts, pull them together to get a pattern or practice, and then make a case against somebody for something that because of those disparate facts you think could draw you to a conclusion that they discriminated or they overcharged or they redlined or whatever it might be. Disparate impact is a very difficult thing to use. It is an even more difficult thing to defend yourself against. It would certainly be the wrong way to run the Department of Labor.

We know from Thomas Perez's experience in St. Paul, MN, with a whistleblower that his use of disparate impact caused him to work with the City of St. Paul to deny a whistleblower what he deserved in terms of his rights and the American people in terms of what they deserved in being reimbursed for the money that had been lost because of the actions the whistleblower uncovered.

It is important for us to understand that the Department of Labor is a job creator, not a job intimidator. We have had an issue in the last 4 years with the Department of Labor about the fiduciary rule—a rule that, if put in place, would cause the American saver and investor, the small saver and the small investor—it would deny them investment advice or cause them to pay so much for investment advice that the cost of that advice would be more than the yield on the investment they have. That would be the wrong thing do. I fear Thomas Perez will regenerate the fiduciary rule—which we fortunately beat back 2 years ago—and try to bring it forward again.

Going back to disparate impact, with the regulation of OSHA, the Mine Safety and Health Administration, MSHA—all the things that are done by the Department of Labor—to begin to use disparate impact as a pattern or practice to enforce mine safety laws, occupational safety laws, or any other type of laws which are very definitive in the way they should be enforced would be the wrong direction to go.

But most importantly of all, the nomination of Thomas Perez demonstrates why it is important to have cloture, why the filibuster, used judiciously and timely, can be a benefit to the Senate.

I ask unanimous consent to have printed in the RECORD a letter dated July 8, 2013, from the Chairman of the Oversight and Government Reform Committee in the House of Representatives, DARRELL ISSA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, July 18, 2013.

Hon. THOMAS E. PEREZ,
Assistant Attorney General, U.S. Department of Justice, Washington, DC.

DEAR MR. PEREZ: I am in receipt of a letter dated June 21, 2013, from Peter J. Kadzik, Principal Deputy Assistant Attorney General, regarding your extensive use of a non-official e-mail account to conduct official Department of Justice business. I am extremely disappointed that you continue to willfully disregard a lawful subpoena issued by a standing Committee of the United States House of Representatives.

The subpoena issued on April 10, 2013, requires you to produce all responsive communications to and from any of your non-official e-mail accounts referring or relating to official business of the Department of Justice. The Department has represented that about 1,200 responsive communications exist, including at least 35 communications that violated the Federal Records Act. On May 8, 2013, Ranking Member Cummings and I wrote to you requesting that you produce to the Committee all responsive documents in unredacted form, as the Committee's subpoena requires. As of today, you have not produced a single document to the Committee; therefore, you remain noncompliant with the Committee's subpoena.

Your continued noncompliance contravenes fundamental principles or separation of powers and the rule of law. I once again ask that you immediately produce all responsive documents in unredacted form as required by the subpoena. Until you produce all responsive documents, you will continue to be noncompliant with the Committee's subpoena. Thank you for your attention to this matter.

Sincerely,

DARRELL ISSA,
Chairman.

Mr. ISAKSON. This letter demonstrates that Mr. Perez, as of that day, had still failed to comply completely with a subpoena issued on April 10, 2013, for information to be considered.

I recognize that Mr. ISSA is not a Member of the U.S. Senate, but he is the head of the Oversight and Government Reform Committee in the U.S. House of Representatives. He deserves to be responded to, and we deserve to know the facts.

I attended the hearing on St. Paul, MN, and the whistleblower there, Mr. Newell, when I went to the House about 2 months ago. I know there are unanswered questions, and the American people deserve them.

Cloture should be used judiciously, but this is a time—the reason I voted

no on cloture last night is because this is a time where we need all the answers. This is an appointee whose record demonstrates that he may be dangerous for the Department of Labor, not positive for the Department of Labor. I think it is important, when used judiciously, we get all the answers people need to know so that when we vote to approve or to deny an appointee, it is based on all the facts—not based on intimidation but all the facts the American people deserve.

For that reason, I will oppose the nomination today of Thomas Perez to be the Secretary of Labor for the United States of America.

I yield back my time.

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. BARRASSO. 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.

HEALTH CARE

Mr. BARRASSO. Mr. President, today I would like to address two topics. One is that within the hour President Obama is going to be delivering remarks about his health care law. I would like for all Americans to pay close attention to the President's remarks and see if he continues to make promises he knows he cannot keep.

Is he going to once again say that if you like what you have, you can keep it? Well, if so, we know that is not true. Just ask the unions that recently wrote a letter to Majority Leader REID and to NANCY PELOSI about how this law is not allowing them to keep the insurance they have.

Is the President going to call it affordable and say again that premiums will decrease by an average of $2,500 per family? Well, if so, we know that is not true. Just ask the folks in Ohio, where the average individual market health insurance premium in 2014 is going to cost about 88 percent more.

Is the President going to say again that the law is working as it is supposed to work? Well, if so, we know that is not true. Just ask the administration why they decided to delay the disastrous employer mandate that is making it harder for employers to hire new workers and for Americans to find full-time jobs.

Is the President going to say this law is good for young Americans? If so, we know that is not true. Just ask the young, healthy adults who will see insurance rates double or even triple when they look to buy individual coverage starting next year.

It is time for the President to level with the American people. This law has been bad for patients, it has been bad for providers—the people who take care of those patients, the nurses and the doctors—and it is terrible for taxpayers. We need to repeal this law and replace it with real reforms that help Americans get the care they need from a doctor they choose, at lower cost.

McCARTHY NOMINATION

Mr. BARRASSO. Mr. President, the second topic I would like to address is the issue of energy and a national energy tax, which the President essentially proposed in his June 25 speech. At that time he unveiled what I believe is a national energy tax that is going to discourage job creation and increase energy bills for American families.

This announcement that he made about existing powerplants—existing powerplants—came after the administration has already moved forward with excessive redtape that makes it harder and more expensive for America to produce energy. It also came as a complete surprise to Members of the Senate, especially since Gina McCarthy, the President's nominee to lead the Environmental Protection Agency—a nominee whom we will be voting on today—since that nominee told Congress that it was not going to happen. She is currently the Assistant Administrator of the Air and Radiation Office at the EPA. Here is what she told the Senate about regulations on existing powerplants, the ones the President talked about on June 25. She said:

> The agency is not currently developing any existing source greenhouse gas regulations for power plants.

None.

> As a result we have performed no analysis that would identify specific health benefits from establishing an existing source program.

So I would say it is clear with President Obama's June 25 announcement on existing powerplants that Gina McCarthy is either out of the loop or out of control. She either did not tell the truth to the Senate in confirmation hearings in response to questions or she does not know what is going on in her own agency. Either way, she is not the person to lead the EPA.

I would encourage all of my colleagues to oppose McCarthy in her nomination. This has nothing to do with ideology and everything to do with having an agency that is accountable to the elected representatives of the American people. I believe this behavior is indicative of the way the EPA has been run during Gina McCarthy's reign as an Assistant Administrator of the EPA.

Many of my colleagues on the Senate Environment and Public Works Committee have expressed concerns with the lack of transparency at this specific agency. One of the major areas of concern is the use of the so-called sue-and-settle tactics. This is where environmental activist groups sue the EPA or they sue other Federal agencies to make policy. Often, they find like-minded colleagues and allies in the EPA. Here is how it works. If environmental activists want to impose new restrictions on, say, farms, it is easy to sue the government to impose those restrictions. At the EPA, rather than fight the restrictions, they agree to this and they say: OK. We will do a court settlement. The EPA does not contest the new restrictions because the EPA wanted them in the first place. The agency just did not want to have to go through a lengthy rulemaking process with public comments in the light of day. The judge signs off on the agreement, and in a matter of weeks the law is made.

So I asked the nominee in writing: Do you believe sue-and-settle agreements are an open and transparent way to make public policy that significantly impacts Americans?

She stated in her answer:

> I recognize that this committee has focused many of its questions on EPA settlement practices and, if confirmed, I commit to learning more—

Learning more—

> about the Agency's practices in settling litigation across its program areas.

Well, some of the most egregious sue-and-settle agreements have dealt with the Clean Air Act, and she has been in charge of the air office at EPA for almost all of President Obama's first term. I find it very difficult to believe she did not know what was going on. In fact, in answering my next question to her—I asked: Do you believe States and communities impacted by sue-and-settle agreements should have a say in court agreements that might severely impact them—she said:

> [M]ost litigation against EPA arises under the Clean Air Act. . . .

Of course. So my question is, either she knew what was going on with regard to the Clean Air Act lawsuits against the Agency, the area that she completely was in control of, or she does not know what is going on in her own department. Once again, either way, such a person should not be confirmed to be in charge of the entire EPA.

As most folks know, my home State, Wyoming, is a coal State. The administration has actively sought to eliminate this industry from the American economy. It is no surprise to some that many of us coal-State colleagues fight vigorously to oppose the President's anti-coal policies. Ms. McCarthy has been the President's field general in implementing these policies. These policies greatly affect families all across Wyoming and across the country. So even though I strongly oppose these policies, I still wanted to meet with the nominee so I could explain to her how this administration's policies are hurting real people in my home State and across the country.

I believed if we had a face-to-face meeting I might be able to convince her to alter or alleviate the worst impact of the policies pursued by this administration through the EPA. In that personal meeting with me, the nominee

was very sympathetic with the concerns I and others had expressed regarding the impact of EPA regulations on jobs. She also expressed in many instances that she would look for flexibility, but she said she was unfortunately bound by agency processes and the law.

Well, if she is concerned with the impact EPA regulations are having on jobs and communities, I believe she should have sought the flexibility she needed from Congress to help save these communities and these jobs. In a followup to that meeting, I asked in writing: What specific legislative changes would you recommend to provide the flexibility to protect workers, to protect families, to protect communities from job losses that might occur as a result of EPA regulations?

What she stated was ''very sensitive to the state of the economy and to the impacts of EPA regulations on jobs.'' And then, ''If confirmed, I would continue to work hard to seek opportunities to find more cost-effective approaches to protecting human health and the environment.'' This administration has pummeled coal country, powerplants, manufacturing, and small businesses for 4 years, pursuing their preferred version of a clean energy future. Since 2009, unemployment has remained stagnant. Nearly 10 percent of our coal energy capacity is gone. Not once has Ms. McCarthy approached Congress for flexibility in implementing her own rules. I see no reason why that would happen in the future.

I would like to commend EPW ranking member Senator VITTER for leading an effort to secure information from the nominee. I signed a letter, along with Senator VITTER and other members of the EPW Committee, seeking access to the scientific data and the reasoning behind the justification for expensive new rules and regulations that hurt the economy, that cost jobs, seeking true whole economy modeling on EPA's Clean Air Act regulations, so we can understand the true cost of these rules.

I was also seeking an assurance that Gina McCarthy and this administration honor its commitment to transparency and stop using delay tactics to keep the true cost of these regulations from the American people. Senator VITTER was able to get some information on many of our requests. It was not easy and the nominee was not entirely forthcoming. In fact, she has not complied with many of the document requests we have made. I can assure the administration that none of us who signed that letter making these requests plan on giving up on securing basic information that should be readily available to the public.

Gina McCarthy is the wrong candidate to head the Environmental Protection Agency. America deserves better. I would ask that my colleagues oppose the nomination not on the content of this administration's policies but on the actions of this specific nominee with regard to accountability, competence, and transparency. I believe this nominee gets a failing grade on all three counts.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF THOMAS EDWARD PEREZ TO BE SECRETARY OF LABOR—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Thomas Edward Perez, of Maryland, to be Secretary of Labor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Mr. President, I rise today to voice my strong opposition to the nomination of Thomas E. Perez to be the Secretary of the U.S. Department of Labor. Simply put, there is no shortage of reasons why Mr. Perez should not be confirmed as our next Labor Secretary.

Several of my colleagues have come to the floor to discuss a number of troubling facts about Mr. Perez's professional history, each one of them reason enough to disqualify him for this nomination. I would like to discuss a few that are of significant concern to me. Without question, Mr. Perez has abused his position as Assistant Attorney General of the Civil Rights Division of the U.S. Department of Justice. Rather than seek out and expose instances of racial injustice, Mr. Perez has turned the office into his own personal tool of political activism, something that office was never meant to accomplish.

For example, a report issued by the Department of Justice Office of Inspector General found during Perez's tenure at the Civil Rights Division employees harassed colleagues for their religious and political beliefs. Despite having little if any evidence of racial discrimination, Mr. Perez has repeatedly opposed efforts by States to ensure the integrity of elections.

Under his direction, the Civil Rights Division has pursued frivolous lawsuits against State voter ID laws, has ignored statutes that require States to purge ineligible voters from their voter registration rolls, and has slow-walked attempts to protect the voting rights of our military members, our brave men and women serving in uniform for the United States.

While head of the Civil Rights Division, Mr. Perez's unit used spurious and misleading claims to allege racial discrimination and selectively enforced laws to target certain groups.

Most troubling, perhaps, was the fact that Mr. Perez has woefully disregarded a lawful subpoena from the House Committee on Oversight and Government Reform to produce certain documents relating to the use of his nonofficial e-mail account for official purposes. According to the chairman of that committee, ''Mr. Perez has not produced a single document responsive to the committee's subpoena'' and ''remains noncompliant.''

At a minimum this is a basic violation of the rule of law. It impedes a fundamental function of the legislative branch to provide oversight of the administration. Anyone showing this type of willful disregard for the law and ambivalence toward America's essential principles of representative government should not be considered for a top post in any administration.

I therefore strongly advise my colleagues not to support this nominee and to raise similar objections whenever someone comes up and is nominated by this President or any President who possesses and displays these characterizes that are so troubling.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

MILITARY SPENDING

Mr. BLUMENTHAL. Mr. President, I am here to speak on behalf of my good friend Gina McCarthy and her nomination to head the Environmental Protection Agency. But before I do so, I would like to raise an issue I raised during a hearing of the Armed Services Committee. I have come directly from that hearing.

I am here to express my deep dissatisfaction, in fact my outrage, at a form of military assistance that will literally waste a total of more than $1 billion in taxpayer money. In fact, we have just contracted and announced that contract in June for about 30 Russian Mi-17 helicopters that will cost American taxpayers $550 million to buy from Rosoboronexport, the Russian export agency, controlled by the Russian Government, those helicopters for the Afghan national forces that lack pilots and maintenance personnel to fly and repair and operate these helicopters. They will be sitting on the runways of Afghan airfields without any use, rusting, literally wasting American taxpayer funds.

Don't believe me when I make these statements. Those facts come from the Special Inspector General for Afghanistan who completed a report recently, stating succinctly, clearly, irrefutably, that we are wasting $1 billion in taxpayer money buying Russian helicopters for Afghan national forces that, very simply, cannot use them.

In fact, we committed to that contract before we even have a status of forces agreement with the Afghan Government for the period after 2014 when we will be leaving that country, fortunately. If we can leave sooner, all the better. But in the meantime, we are buying equipment from the Russian export agency that is at the same time

selling arms to Assad in Syria for the murder and slaughter of his own people, making money from those sales to Assad in Syria, and from the government that is harboring and providing refuge to Edward Snowden, who has illegally—I guess I should use the words allegedly illegally—but clearly violated American law in disclosing secrets from our government.

Last week I visited a National Guard helicopter repair facility in Groton, CT, where over 100 technicians—to be precise, 137 technicians—civilian employees at this facility alone have been furloughed. They are furloughed 11 days. It was originally 22, but it has been reduced to 11. Our helicopter repair function in that region, and similarly across the country, has been hampered and impeded because of the sequester and the impact in requiring furloughs. Our military readiness is suffering because of lack of funds on the part of the U.S. Government, when we are at the same time buying Russian helicopters that will have no use for the Afghan Government. In fact, they have no pilots to fly them or people to make repairs and maintain them. Something is wrong with this picture.

Yet in the hearing I have just left, the Chairman of the Joint Chiefs of Staff, General Dempsey, maintained to me his view that a waiver should be exercised under the National Defense Authorization Act providing for the purchase of these Russian helicopters.

I respectfully disagree. I strongly disagree. I think the American taxpayers, certainly my fellow residents of Connecticut, ought to be equally outraged. We should be outraged in this body that we are wasting this money when precious funds have been forgone that can be used for military readiness of our Armed Forces.

I ask my colleagues to join me in saying to our U.S. military leaders that our national security is imperiled, not by refusing to acquire those helicopters but in fact by wasting taxpayer money on those purchases for an Afghan army that cannot use them, and for purchasing from a country that certainly means us no good and, in fact, an export agency that is selling arms to a murderous government and harboring an individual who has violated our laws and endangered our national security.

I will not let this matter rest. I will not let this issue go. I intend to pursue it. I ask my colleagues to join me in making sure we stop these purchases. In fact, Senator AYOTTE and I have a bill, which is called No Contracting with the Enemy, to expand very useful contracting tools that now apply in Afghanistan, where we have found our aid and assistance finding its way to enemy hands. I can't think of a more blatant example of contracting with the enemy than handing over our taxpayer money to a company that is at the very same time selling S–300 air defense systems to the Syrian Government for use against its own people and violating international sanctions by helping Iran with that missile equipment.

MCCARTHY NOMINATION

I wish to turn to the reason I came to the floor, having just left that Armed Services Committee meeting, to speak on behalf of my very good friend Gina McCarthy.

I worked with Gina McCarthy over a number of years when she was, in fact, not only a fellow State official—I was then State attorney general—but also a client because I was her lawyer. I came to know her in a way that I think is very rare for any public official to know another, seeing her in times of crisis and public policy opportunity, the ups and the downs of public service.

I came to know her as a pragmatic person of consummate intelligence, integrity, an environmental protector for all seasons. She is not a partisan by any stretch of the imagination. There may be individuals who are more aggressive in the enforcement of environmental laws. There may be people who are more solicitous of economic progress and job creation, but I don't know. I certainly know no one who strikes the balance and seeks both goals of job creation, along with economic growth, and environmental protection with such zeal, passion, and great good humor.

I said before on this floor and I will say it again, Gina McCarthy knows how to bring people together. She knows how to work for a common goal.

We should seize this moment as a body to expand and enhance the bipartisan spirit of this past week and approve Gina McCarthy overwhelmingly because she epitomizes the kind of bipartisan spirit we should seek to grow and attract in our Federal Government, in fact, in all levels of government.

Let me give a few examples. My colleague Senator MURPHY spoke last night about a number of her specific accomplishments, but there are many more—maybe most important, which I don't think has been given enough attention on the floor, is her work in designing, building, and implementing the Northeast's pioneering cap-and-trade program, known as the Regional Greenhouse Gas Initiative, RGGI. Nine States currently participate in RGGI: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont. It is a highly innovative program. It is a model for the Nation and the world.

A 2012 report issued in 2012 estimates that RGGI investments will offset the need for more than 27 million megawatt hours of electricity generation and 26.7 British thermal units of energy generation. These savings will help avoid the emission of 12 million short tons of carbon dioxide pollution, an amount equivalent to taking 2 million passenger vehicles off the road for 1 year.

The numbers not only fail to tell the whole story about the environmental impact but also fail to tell about Gina McCarthy's role in bringing together Republican and Democratic Governors for a common good, what she will do in this country for environmental protection and what she has already done in her role at the EPA.

Under her guidance, the State of Connecticut settled a Clean Air Act suit against Ohio Edison on July 11, 2005, again requiring pollution reduction consistent with business needs and goals.

She settled a citizen suit against American Electric Power on December 13, 2007, a dramatic reduction in nitrogen oxide and tons of sulfur dioxide. These Clean Air Act suits, which I assisted her in bringing to conclusion, I think embody her goal of reducing air contamination and pollution consistent with the business community's concern for its bottom line. She is sensitive to both.

She is remarkable for her professionalism, for her zeal and passion as an environmental protector, and also for her willingness to listen, her willingness to hear and truly listen to people sitting across the table who may come into the room with different and sometimes conflicting views and come to a common conclusion. She knows how to get to yes, and she does it as a tough, fair, balanced environmental law enforcer.

I hope my colleagues will join me in my enthusiasm because the President couldn't have picked a more qualified person. Gina McCarthy is as good as it gets in public service. She is as good as it gets for integrity, intellect, and dedication to the public good.

It is my wish that we will move forward as united as possible, carrying forward the great bipartisan spirit that has characterized these last few days in our consideration of the President's nominees, which I hope will be enhanced and continue as we move forward today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican whip.

OBAMACARE

Mr. CORNYN. In a few minutes, President Obama is scheduled to give a major speech highlighting what he believes are the achievements of his signature health care law, the Affordable Care Act, otherwise known as ObamaCare.

I could understand why he is feeling a little defensive and why he feels he needs to frame the discussion because, after all, ObamaCare has disappointed some of its most ardent former supporters.

For example, back in 2009 and 2010, American labor unions were among the biggest supporters of the President's health care plan. Along with many of my friends across the aisle, they are having second thoughts and, in some cases, buyer's remorse.

Last week, three of the country's most prominent labor leaders, James Hoffa, Joseph Hansen, and Donald Taylor, sent a very concerned letter to

Senator REID and former Speaker PELOSI. Here is part of what they wrote:

> When you and the President sought our support for the Affordable Care Act, you pledged that if we liked the health plans we have now, we could keep them. Sadly, that promise is under threat.

Picking up on this chart, they went on to say:

> Right now, unless you and the Obama Administration enact an equitable fix, the ACA [Affordable Care Act] will shatter not only our hard-earned health benefits, but destroy the foundation of the 40-hour workweek that is the backbone of the American middle class.

They went on to say:

> The unintended consequences of the ACA [Affordable Care Act] are severe. Perverse incentives are already creating nightmare scenarios. . . . The law, as it stands, will hurt millions of Americans.

ObamaCare has been controversial since its passage in 2010. Some Members of Congress voted for it. Obviously, the Democratic majority voted for it. Some people voted against it, people such as myself in the Republican minority.

But whether you supported the law with the hopes and aspirations that it would somehow be the panacea or answer to our health care needs in this country or whether you were a skeptic such as I, who believed that this could not possibly work, the fact seems to be—as these labor leaders have said—it has not met expectations and certainly it has created many problems that need to be addressed.

This same letter went on to detail some of the nightmare scenarios these labor leaders have concerns about. They pointed out that many businesses are cutting full-time employment back to part-time in order to avoid the employer mandate.

As I mentioned yesterday, the number of people working part-time for economic reasons has jumped from 7.6 million to 8.2 million, just between March and June. In fact, last month alone that number increased 322,000.

A new survey reports that in response to ObamaCare, nearly three out of every four small businesses are going to reduce hiring, reduce worker hours or replace full-time employees with part-time employees.

We know the President has unilaterally decided to delay the imposition of the employer mandate until 2015, but that doesn't change a lot. These businesses have to plan for the future and small businesses still have the same perverse incentives to limit the hiring of full-time workers, as these labor leaders point out.

The employer mandate is one reason why ObamaCare needs to be repealed entirely and replaced with something better. As these leaders say in their letter, the law, as it stands, will hurt millions of Americans.

We have already seen its effect on job creation, not only with the employer mandate but also with the medical device tax that has prompted many companies, including those in Texas, to simply grow their businesses in places such as Costa Rica, where they can avoid that medical device tax, rather than in my State or in other States that have medical device companies. It has also caused these companies to close factories and cancel plans for new ones in the United States.

We have also seen, as these leaders point out, that ObamaCare will disrupt Americans' existing health care arrangements. As they point out in their letter, one of the promises the President made was that if you liked what you have, you can keep it, but, in fact, that has not proven to be true.

Indeed, my constituents are already getting their letters from health care providers informing them that their current policies are no longer going to be available because of the implementation of ObamaCare. Millions of people will eventually have that same experience, according to the Congressional Budget Office.

Why have we made this huge shift in one-sixth of our economy? What was the goal of the proponents of this piece of legislation? What we were told is that it was universal coverage. There were too many people who didn't have health care coverage. But as for this promise of universal coverage, I am afraid that is another broken promise as well.

According to the Congressional Budget Office, even if ObamaCare is fully implemented on schedule, there will still be 31 million people in America without health insurance by the year 2023. Even though the proponents of ObamaCare said we need to do this, as expensive as it is, as disruptive as it is to the existing health care arrangements, we need to do this because everybody will be covered, that promise is not going to be kept either.

Let me repeat, 13 years after the passage of ObamaCare, America will still have 31 million uninsured. Meanwhile, many of the newly insured under ObamaCare will be covered by Medicaid, a dysfunctional program that is already failing its intended beneficiaries.

I, perhaps unwisely, decided during the markup of the Affordable Care Act in the Senate Finance Committee to offer an amendment that said Members of Congress will henceforth be put on Medicaid. I told my colleagues that I knew if Congress was covered by Medicaid we would do our dead-level best to fix it because, as it exists now, it is a dysfunctional program. It is dysfunctional for this reason: Giving people coverage is not the same thing as access. Many Medicaid recipients have a very hard time finding doctors who will accept Medicaid coverage because the program reimburses providers at such low rates. In my State, it is about 50 cents on the dollar as compared to private coverage. In my State of Texas, fewer than one-third of physicians will accept a new Medicaid patient, and many of them are accepting no new Medicaid patients.

Most Texas physicians believe Medicaid is broken and should not be used as a mechanism to expand coverage, certainly if it is not fixed and reformed, which it needs to be. By relying on Medicaid as one of the primary vehicles for reducing the number of uninsured in America, the Affordable Care Act will make the program even more fragile and weaker and less effective at securing dependable health care for the poor and the disabled, the very people it is designed to protect.

We also have good reason to fear ObamaCare's Medicaid expansion will reduce labor force participation. A new National Bureau of Economic Research paper argues ObamaCare ''may cause substantial declines in aggregate employment.'' Rather than expand and damage an already broken system, the Federal Government should give each State more flexibility to manage the Medicare dollars that come from Washington so they can provide better value for recipients and taxpayers.

Right now, State policymakers can't manage Medicaid without first going through a complicated waiver process and obtaining Federal approval—too many strings attached. Ideally, Washington would give each State a lump sum—a block grant, if you will—as well as the freedom to devise programs that work best in their States and for the population covered.

Meanwhile, we should adopt health care reforms that would make health care more affordable and accessible to everyone—for example, equalizing the tax treatment of health insurance for employers and individuals; expanding access to tax-free health savings accounts so people can save their money, and if they don't use it for health care, they can use it for other purposes, such as retirement. We should let people and businesses form risk pools in the individual market, including across State lines. We should improve price and quality transparency.

One of the most amazing forces in economics is consumer choice and transparency and competition. It is called the free enterprise system, and we see it at play in the Medicare Part D Program, for example, one of the most successful government health care programs devised. We made a mistake when we passed Medicare Part D because it was not paid for—it should have been—but it has actually come in 40 percent under projected cost and it enjoys great satisfaction among its beneficiaries, seniors who have access to prescription drugs, some of them for the first time. But the reason why it has come in 40 percent under cost is because companies have to compete for that business, and they compete—as they always do in the marketplace—on price and quality of service, and we get the benefit of that market discipline.

We also need to address frivolous medical malpractice lawsuits—something my State has done at the State level, which has made medical malpractice insurance more affordable and

which has caused many doctors to move to Texas who otherwise might not have gone there, providing greater access to health care.

As I have said, we also need to allow the interstate sale of health insurances policies. There is no reason why I shouldn't be able to buy a health insurance policy in Virginia if it suits my needs better than one available in Texas. Why would we not allow that? Again, why would we not want the benefit of that competition and the benefits to the consumer in terms of service and price?

We also need to boost support for State high-risk pools to protect Americans with preexisting conditions. This is one of the reasons why the President and other proponents of ObamaCare said we have to have ObamaCare, because we need to deal with preexisting conditions, and we do. But we can do it a lot cheaper and a lot more efficiently by using Federal support for existing State preexisting condition high-risk pools. We don't have to take the whole 2,700-page piece of legislation that cost us several trillion dollars. We can do it much cheaper and more efficiently.

Finally, we need to save Medicare by expanding patient choice and provider competition. These policies would allow us to expand quality insurance coverage and improve access to quality health care without disrupting people's existing health care arrangements, without discouraging work and job creation, without raising taxes on medical innovation, and without weakening Medicaid and Medicare.

The chairman of the Senate Finance Committee, one of the principal Senate architects for the Affordable Care Act, famously described the implementation of ObamaCare as a train wreck. These three leaders of American labor would agree, and they have also warned us that unless we fix it, it could destroy the very health and well-being of millions of hard-working Americans.

It is time for us to acknowledge the reality that whether you were a proponent and voted for ObamaCare or whether you were an opponent and a skeptic that it would actually work, we need to deal with the harsh reality and the facts that exist. It is time for Democrats, including the President, to work with us to replace ObamaCare with better alternatives.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. REID. Mr. President, if my friend from Virginia will yield to me for the purpose of doing a unanimous consent request, we have an agreement as to when we will proceed with votes.

Mr. KAINE. I have no objection.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the confirmation of the Perez nomination as Secretary of Labor occur at 12:15 p.m. today; that if the nomination is confirmed, 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; and the President be immediately notified of the Senate's action; further, that following disposition of the Perez nomination, the time until 2:30 p.m. be equally divided in the usual form prior to the cloture vote on the McCarthy nomination.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, while I have the floor, I want the RECORD to reflect how fortunate the State of Virginia is for the work done by this good man. We have a good situation with our delegation from Virginia—two former Governors, and they are both such outstanding human beings and wonderful Senators.

As I have told my friend personally, the person whom I just interrupted—and I spread this in the RECORD here—there is no one I know in the Senate who is able to deliver the substance of what he says as well as the Senator from Virginia. He does such a good job of explaining things. We all have an idea of what we want to say, but sometimes we don't explain it very well. He does an excellent job.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. KAINE. I thank the majority leader for his kind words.

WAR POWERS RESOLUTION OF 1973

Mr. President, I rise in order to note an important anniversary. Forty years ago this week the Senate passed the War Powers Resolution of 1973. The resolution was passed in a time of great controversy—during the waning days of the Vietnam war. The purpose of the resolution was to formalize a regular consultative process between Congress and the President on the most momentous decision made by our Nation's Government—whether to engage in military action.

The question of executive and legislative powers regarding war dates back to the Constitution of 1787. Article I, section 8 of the Constitution provides that ''Congress shall have the power . . . to declare war.'' Article II, section 2 of the Constitution provides that the President is the ''Commander in Chief'' of the Nation's Armed Forces. In the 226 years since the Constitution was adopted, the powers of the respective branches in matters of war have been hotly debated. In a letter between two Virginians in 1798, James Madison explained the following to Thomas Jefferson:

> The Constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch most interested in war, and most prone to it. It has accordingly, with studied care, vested the question of war in the legislature.

Madison's definitive statement notwithstanding, the intervening history has been anything but definitive. Academics and public officials have advanced differing interpretations of the constitutional division of power. There is no clear historical precedent in which all agree the legislative and executive branches have exercised those powers in a consistent and accepted way. And the courts have not provided clear guidance to settle war powers questions.

Some facts, however, are very clear. The Congress has only formally declared war five times. In many other instances, Congress has taken steps to authorize, fund, or support military action. In well over 100 cases, Presidents have initiated military action without prior approval from Congress.

Congress supposed 40 years ago that the War Powers Resolution of 1973 would resolve many of these questions and establish a formal process of consultation on the decision to initiate military action. But this was not the case. President Nixon vetoed the resolution, and while Congress overrode the veto, no administration since has accepted the constitutionality of the resolution. Most recently, President Obama initiated American involvement in a civil war in Libya without congressional approval. The House of Representatives rebuked the President for that action in 2011. But the censure rang somewhat hollow because most legal scholars today accept the 1973 resolution is an unconstitutional violation of the separation of powers doctrine.

So why does this matter? We are in the 12th year of war. The attack on our country by terrorists on September 11, 2001, was followed 1 week later by the passage of an authorization for use of military force that is still in force today. The authorization is broadly worded and both the Bush and Obama administrations have given it an even broader interpretation.

In recent hearings before the Senate Armed Services Committee, administration officials expressed the opinion the authorization of September 18, 2001, might justify military action for another 25 to 30 years in regions spread across the globe against individuals not yet born or organizations not yet formed on 9/11. This was likely not contemplated by Congress or the American public in 2001.

Congress is currently grappling with the status of the authorization and whether it should be continued, repealed, or revised. We face immediate decisions about the reduction of American troops in Afghanistan and the size of a residual presence we will leave in that country to support the Afghan National Security Forces. We are wrestling with the scope of national security programs that were adopted in furtherance of the authorization, and we are engaged in serious discussion about new challenges—from the rebellion in Syria to growing nuclear threats in Iran and North Korea.

All of these issues are very hard. I recently returned from a trip to the Middle East—a codel sponsored by Senator

CORNYN. Accompanying us were Senators COCHRAN, SESSIONS, BOZEMAN, FISCHER, and in Afghanistan, Senators MCCAIN and GRAHAM.

In Turkey and Jordan we heard about the atrocities committed by the Asad regime in Syria and the flood of refugees pouring into those neighboring countries. In Afghanistan we met with our troops and heard about the slow transition from NATO forces to Afghan security. In the United Arab Emirates we discussed the growing threat of Iran throughout the region, and we made a meaningful stop at Landstuhl Regional Medical Center in Germany to visit recently wounded Americans—and NATO partners—who have sacrificed so much in this long war against terrorism. In the voices of our troops, our diplomats, our allies, and our wounded warriors, we heard over and over again a basic question: What will America do?

Answering this question isn't easy, but I believe finding answers is made more difficult because we do not have any agreed-upon consultative process between the President and Congress. The American public needs to hear a clear dialogue between the two branches justifying decisions about the war. When Congress and the President communicate openly and reach consensus, the American public is informed and more likely to support decisions about military action. But when there is no clear process for reaching decision, public opinion with respect to military action may be divided, to the detriment of the troops who fight and making it less likely that government will responsibly budget for the cost of war.

I believe many more lawmakers, for example, would have thought twice about letting sequestration cuts take effect if there had been a clear consensus between the President and Congress about our current military posture and mission.

So at this 40th anniversary, I think it is time to admit that the 1973 resolution is a failure, and we need to begin work to create a practical process for consultation between the President and Congress regarding military action.

In 2007 the Miller Center at the University of Virginia impaneled the bipartisan National War Powers Commission under the leadership of former Secretaries of State James Baker and Warren Christopher. The Commission included legislative, administrative, diplomatic, military, and academic leadership. The Commission issued a unanimous report to the President and Congress urging the repeal of the War Powers Resolution and its replacement by a new provision designed to promote transparent dialog and decision-making. The Commission even proposed a draft statute, preserving the constitutional powers of each branch while establishing a straightforward consultative process to reach decision in a way that would gain support from the American public. The House and Senate Foreign Relations Committees held hearings on the report in 2008, but the time was not yet right for change.

I believe the time for change is upon us. We struggle today with urgent military decisions that demand better communication between the President, Congress, and our citizens. President Obama has discussed this very need during his 2013 State of the Union Address and also during his recent speech at the National Defense University.

As we reach the 40th anniversary of the failed War Powers Resolution, Senator JOHN MCCAIN has agreed to work with me to form a group of Senators committed to finding a better way. Senator MCCAIN and I serve together on both the Armed Services and Foreign Relations Committees. I have profound admiration for his service to this country, both as a military veteran and a veteran Senator. I am a newcomer, but veterans and newcomers alike have an interest in finding a more effective process for making the most important decision that our government ever makes—whether to initiate military action. We can craft a process that is practical, constitutional, and effective in protecting our Nation. We owe this to those who fight, and we owe this to the American public.

Mr. President, I yield the floor, and 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. RUBIO. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. RUBIO. Mr. President, I ask unanimous consent that I be recognized to speak for up to 12 minutes as in morning business.

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

OBAMACARE

Mr. RUBIO. Mr. President, just a few moments ago I heard the President speaking from the White House regarding ObamaCare. He was lamenting, saying: Why are we still litigating old news around here? Let's move on to other things. This issue has been finished.

The reason this issue is still being talked about is because ObamaCare is a disaster. I think it is important to remember when we talk about health insurance that most Americans do have health insurance they are happy with. But no one would dispute that we have a health insurance problem in this country.

For many who have insurance the cost of their insurance is getting unaffordable, and many others have no access to insurance at all. They have a job, perhaps, that doesn't provide it or they are chronically ill so insurance is impossible for them to find or they are young and healthy and they never go to a doctor, so they figure, why do they need it? Yes, for millions of people the cost and availability of insurance is a real problem, and we should do something about that.

The problem is ObamaCare, as a solution, is a massive government takeover of health insurance in America, and it does not fix the problem. It only makes it worse, and that is why we are still talking about it. It makes it worse for a number of reasons.

Tomorrow I am going to visit a business in Florida where the reality is growing every single day. Tomorrow I will visit Gatorland. Gatorland is in central Florida. It is a tourist destination where many Floridians and tourists have taken their kids to see alligators and to enjoy Florida's unique wildlife.

For 135 Orlando area residents, however, Gatorland is their workplace. It is their livelihood. It is how they feed their families. It is how they pay their mortgages. It is how they get ahead in life. The reason we are still litigating this, Mr. President, is because like hundreds of thousands of other businesses around the country, ObamaCare is threatening to unravel it all. It is threatening to unravel the livelihood of 135 Floridians who work at Gatorland, to shatter their financial security for them and their families.

Let me describe the problem. Gatorland has 135 full-time employees. Gatorland is currently paying 80 percent of the insurance cost for these employees. But now, under ObamaCare, evidently what they are doing is not going to be enough. ObamaCare, first of all, requires them not to just provide insurance but to provide for them a certain type of insurance, a type of insurance the government decided is enough.

Second, because of ObamaCare, the cost of the insurance that Gatorland wants to provide for its employees is going to go up; that is, if they want to continue to pay 80 percent of the insurance costs for the 135 Floridians who work there, it is going to cost them a lot more money. Those are the two problems.

No. 1 is they have to offer a certain type of insurance; the one they have potentially may not be enough according to the government. No. 2, because of all these changes, it is going to cost Gatorland more money to provide 80 percent of the cost of the insurance.

What does this mean in the real world? Here is what it means. It means that as Gatorland looks to next year and into the future, they now have a new cost on their books. As they look at their business plan for the coming year, all of a sudden they see on the cost side it has gotten more expensive. So if they want to stay in business, they are going to have to figure out a way to come up with that extra money.

What are their options to come up with this extra money? Option No. 1 is they can raise their prices. Option No.

2 is they can cut back on expenses, such as the number of employees and benefits and hours. Option No. 3 is just not to comply at all with ObamaCare and pay a fine. Basically, don't offer insurance to these employees; let them go off and find it in the so-called exchanges and pay a fine to the IRS.

I ask you, Mr. President, and I ask the people of this country, and I ask my colleagues, which one of these three options is good for our country? Which one of these three options is good for America, and which one of these three options is good for the 135 people who feed their families by working at Gatorland?

If they raise their prices, that means the cost of going to Gatorland will go up. I understand our economy is not doing very well these days. Millions of people are underemployed and unemployed. They are working twice as hard and making half as much, and you are going to make it more expensive for them to go on vacation. I would argue that raising their prices is probably not an option available to them anyway. Gatorland is not Disneyland and not Universal, and it is not one these big tourist destinations. It is a small place that has to compete, and if you raise prices there comes a point where people just will not go.

Not only is raising prices bad for our economy and people who want to visit Florida and take their families there, it might not even be feasible. So that certainly is not a good option. It may not even be an option at all.

The second option is they would have to cut down on their expenses with their employees. That means they can lay off some people; find the money by instead of having 135 employees, try to get by with 125 employees. That could mean not laying off people but as people retire or quit just not replacing them. That could also mean moving some of these people who are working full time to part time so they can get around the ObamaCare mandates, and so they can lower their costs. How is that good for our economy? How is that good for 135 people who work at Gatorland? How is that good for Florida? How is that good for us?

The third option is they could pay the fine, but it is going to cost at least 135 people in my State the insurance they are happy with. I want you, Mr. President, to remember what you said—in fact what you repeated today in your statements a moment ago at the White House. You said if you are happy with your insurance, you can keep it. For 135 people working in Gatorland in central Florida, that may not be true. They could lose their insurance that is working well for them, that they are happy with, because of this experiment. That is why we keep revisiting this issue.

Interestingly enough, by the way, that is not just me saying that. This week some prominent labor unions, labor unions who are actually in favor of this law—lead among them was the Teamsters head, Jimmy Hoffa—wrote a letter to the President attacking this very point. They said the new law is breaking the promise that was made that if you are happy with your coverage, you are not going to lose it.

I single out Gatorland because that is the real world. That is where I am going tomorrow, and that happens to be in my State. There are thousands of businesses like this that are facing these decisions. There is not one, there are hundreds of thousands of businesses that are facing this dilemma, that have these same concerns.

By the way, this is not the only problem with ObamaCare. There are many others. The President keeps saying: There are people in town who want this plan to fail. They keep bringing up ObamaCare because they want it to fail.

The plan is already failing. It is failing by your own admission. You just had to cancel, had to suspend one of the critical components of this bill because it is not doable. This plan is already failing on its own.

By the way, if you are going to accuse us of wanting ObamaCare to fail, you better accuse the Teamsters of it because they have the same criticisms on this point that I have raised today.

I think we have reached a point where no matter how you voted on ObamaCare—I was not here, but no matter how you may have voted on ObamaCare if you were here, no matter who you voted for for President, no matter if you are a Republican, a Democrat, or an Independent, it is bigger than politics—this is really about people. Today I highlighted the plight that 135 people in Florida are facing, but hundreds of thousands if not millions of others will soon face this plight as well. As Americans, we have to come to grips with the fact that this law is a terrible mistake, and we cannot go forward with it because it is going to hurt millions of middle-class Americans in the ways I have just described.

We are going to have an opportunity to get this right in September because we are going to have to vote on a short-term budget to fund the government. I implore my colleagues to use that as an opportunity to put the brakes on this terrible mistake before more people lose their insurance, put the brakes on this before more people lose their jobs, put the brakes on this before more people lose their businesses. In that short-term funding bill, we should not pay for the implementation of ObamaCare. Let me be clear. Anyone who votes for the short-term budget that funds ObamaCare is voting to move forward with ObamaCare. Don't come here and say ''I am against ObamaCare'' if you are willing to vote for a budget that funds it. If you pay for it, you own it.

I want to make myself clear to the employees of Gatorland, the working people of Florida, and anyone in America who is watching that I, for one, will not vote for any bill or any budget that funds the implementation of this disaster. Does that mean we shouldn't do anything about health insurance in America? Of course it doesn't mean that. We should do something—something that protects what is good about the current system and fixes what is bad with it. ObamaCare throws out what is good about the current system in order to try to fix what is bad with it, and in the end it messes up everything.

We should repeal ObamaCare and replace it. We should replace it with ideas that allow uninsured and underinsured Americans to find affordable insurance without taking away other people's insurance and other people's jobs.

For example, we should expand flexible savings accounts. These are accounts like the ones to which every Member of Congress has access. That allows us to take money out of our paycheck every month tax free and put it in a savings account for health purposes. We don't have to pay taxes on that money. A deposit is made every month, and it starts adding up. That money can be used to buy medicine or to pay for a copayment or any other medical expense. It is our money, and we control it. It has to be used on health care, but it is tax free. If Members of Congress get this, why shouldn't every American have a chance to have something like that?

I used that account last year to pay for my daughter's braces. Millions of Americans should have the chance to do that. Why don't they? Because ObamaCare undermines it instead of encouraging it. It lowered the amount we can save every year from $5,000 to $2,500. Ridiculously enough, it says that in order for me to pay for children's Advil for my kids with my flex savings account, I have to get a prescription from a doctor. Think about that. If you buy children's Advil because your child has a fever, you now have to go to a doctor and get a prescription if you want to use your money to pay for it. Instead of encouraging the flex savings account, ObamaCare undermines it.

Another good idea would be to allow people to buy insurance with their own tax-free money. Let's use the example of Gatorland. Let's say that the monthly premium is $1,000 and Gatorland pays $800 of it. They don't pay taxes on that $800. But let's say that tomorrow a business like that decides it is going to give you the $800 so you can go out and buy insurance from any company. If it does that, you have to pay taxes on the $800. If the employer buys the insurance for you, they don't pay taxes on the money. If you buy insurance for yourself, you pay taxes on the money. That is ridiculous. That is something we should be for.

Here is another one. Why can't we Americans buy insurance from any company that will sell it to us? I live in Florida. If there is a company in Georgia that will sell me health insurance, why can't I buy it? I can't buy it

because they are not licensed by the State of Florida. This ignores the fact that every American needs a different type of health insurance.

If you are like me, with four children, you need a family plan that will cover a lot of things, and that will cost more.

What if you are a 25-year-old healthy single person who hardly ever gets sick? What you probably want is a hospitalization and catastrophic insurance account and a health savings account. The health savings account can be used if you get the flu, so you can take out $50 or $100 with the tax-free money you have saved and pay for the doctor's visit. If, God forbid, you get hit by a car, your insurance steps up and pays for it. A plan such as that is a lot more affordable, but right now you can't buy it. Most States have rules, and most of the rules say: You either have to sell them a Cadillac or nothing at all. What if you don't want a Cadillac? What if you want a Geo? The same is true with health insurance, and it is wrong. We should encourage those things.

It is not too late to change all of this. It would be a terrible mistake to move forward. This is not about defeating a President's agenda or wanting or rooting for it to fail. We do have a health insurance problem, and we should address it. What we are doing now is going to hurt an economy that is already struggling. There are people who will lose their jobs, lose hours at their jobs, paychecks will be cut, and they will lose the health insurance they are happy with. There are businesses in America that are going to be forced to absorb these costs by laying people off or raising prices or both. There are people who will lose coverage now and be thrown into exchanges that don't exist yet. This is a disaster. We should take the time to slow this down, and we will have a chance to do that in September.

I will repeat it. I, for one, will not vote for any budget that funds the implementation of this disaster and hurts people in this way. I hope my colleagues will put partisanship and pride aside and come together. The fact is that if ObamaCare goes through and begins to be implemented, it is going to hurt us in ways that are potentially irreversible. It is not too late to stop.

I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Iowa.

Mr. HARKIN. Madam President, I am pleased we are finally at the point where we can vote on the nomination of Thomas Perez to serve as Secretary of Labor. Indeed, it seems as though the most important question before us today has gotten lost in all of the debate. Will Tom Perez be a good Secretary of Labor? The answer is unequivocally yes. There is no question that he has the knowledge and experience needed to guide this critically important agency.

His outstanding work in Maryland as their secretary of labor has won him the support of the business community and workers alike. Here is a quote from the endorsement letter from the Maryland Chamber of Commerce:

> Mr. Perez proved himself to be a pragmatic public official who is willing to bring differing voices together. The Maryland Chamber had the opportunity to work with Mr. Perez on an array of issues of importance to employers in Maryland, from unemployment and workforce development to the housing and foreclosure crisis. Despite differences of opinion, Mr. Perez was always willing to allow all parties to be heard and we found him to be fair and collaborative. I believe that our experiences with him here in Maryland bode well for the nation.

That is a pretty strong endorsement by a chamber of commerce for a nominee whom the minority leader this morning characterized as a ''leftwing ideologue . . . willing to bend the law to achieve his ideological ends.'' That is what the minority leader said this morning. That grossly unfair characterization is manifestly inconsistent with the experiences of the Republican leaders and business leaders who have actually worked with Tom Perez. These people clearly disagree with the minority leader's assessment of Mr. Perez's qualifications and character. I am informed that the minority leader never met with Mr. Perez. Mr. Perez offered to meet with him, but the minority leader said no. Yet the minority leader comes down here and makes these kinds of judgments as to his character and his integrity?

We have heard a lot of discussion about the controversy surrounding Mr. Perez's nomination over the last couple of days on the Senate floor. His integrity and character have been viciously and unfairly attacked.

I take particular issue with the minority leader's suggestion this morning that Mr. Perez doesn't follow the law or believe it applies to him. I respectfully suggest that the minority leader needs to check his facts. Those allegations couldn't be more to the contrary. Tom Perez believes deeply in the law. He believes that all the laws on the books, especially those that protect our most important rights—the right to vote, the right to be free from discrimination in the workplace, the right of people with disabilities to live in their own communities—Tom Perez believes strongly that these rights should be respected and enforced. These are the same laws that I sometimes think some on the Republican side would like to forget are on the books, but these laws matter. Voting rights matter. Fair housing rights matter. The rights of people with disabilities matter. And Tom Perez has fought for that.

We shouldn't shy away from using every tool in our arsenal to strengthen our enforcement of civil rights laws. These laws are part of what makes our country great. I am incredibly proud of the work Mr. Perez has done at the Department of Justice to make these rights a reality again after years of neglect. He should be applauded, not vilified, for the service he has provided to this country.

He is a leader whose career has involved passionate and visionary work for justice. Yes, he has had to make difficult decisions. He has faced management challenges. As we now know, he has been the target of accusations, mudslinging, and character assassination. I have looked carefully into Mr. Perez's background and record of service, as the chair of the authorizing and oversight committee. I can assure Senators that Tom Perez has the strongest possible record of professional integrity and that any allegations to the contrary are unfounded. They are simply unfounded allegations. There is absolutely nothing that calls into question his ability to fairly enforce the law as it is written. There is absolutely nothing that calls into question his professional integrity, moral character, or his ability to lead the Department of Labor.

I am particularly disappointed that Republicans continue to raise concerns regarding Mr. Perez's involvement in the global resolution of two cases involving St. Paul, MN—the cases called Magner and Newell. I spoke about that at length, and Republicans have talked about it. This has been debated exhaustively. Quite frankly, there is nothing there.

This is an issue the HELP Committee and the Judiciary Committee have thoroughly examined and found no cause for concern. The House Oversight and Judiciary Committees have also thoroughly explored the underlying facts. In fact, both the majority and minority staff on the House Oversight Committee have released reports on the matter. What the reports revealed is that the evidence is clear—Mr. Perez acted ethically and appropriately at all times. Indeed, he had clearance to proceed as he did from the appropriate ethics officers at the Department of Justice. Noted experts in legal ethics have confirmed this.

There is no foundation for any allegation of wrongdoing by Mr. Perez in these cases involving St. Paul, MN. Yet they keep being drummed up. But they are just allegations. Anybody can make an allegation—especially here on the Senate floor. Members can make all kinds of allegations. I simply ask for proof. Back up those allegations. There is no proof. There is nothing to back up those allegations that somehow Mr. Perez acted unethically or in violation of law.

I am also deeply disappointed that my Republican friends are suggesting that Mr. Perez has been unresponsive to requests for information by Members of this body. Nothing could be further from the truth. Mr. Perez has been as open and aboveboard as he possibly can be with both my committee and Members of the Senate. He has met with any Member personally who requested a meeting. He requested a meeting with the minority leader, and the minority leader said no. He appeared before our committee in a public hearing. He answered more than 200

written questions. He bent over backward to respond to any and all concerns raised about his work at the Department of Justice.

This administration has also been extraordinarily accommodating to my Republican colleagues—especially to their concerns about Mr. Perez's handling of the Magner and Newell cases while at the Department of Justice.

The administration has produced thousands of documents. They have arranged for the interview of government employees and access to transcripts of inspector general interviews. They have provided access to Mr. Perez's personal e-mails. They have facilitated almost unprecedented levels of disclosure to alleviate any concerns. They have responded to every request for information, including the letter by Chairman ISSA that Senator ISAKSON submitted for the RECORD this morning.

I ask unanimous consent to have printed in the RECORD the response to Chairman ISSA's letter from the Department of Justice at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE, OFFICE OF THE ASSISTANT ATTORNEY GENERAL,

Washington, DC, July 15, 2013.

Hon. DARRELL E. ISSA,

Chairman, Committee on Oversight and Government Reform, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN ISSA: This is in response to your letter, dated July 8, 2013, to Assistant Attorney General Thomas E. Perez, regarding your request for emails that existed both in Mr. Perez's personal email account and in the Department's email system.

As we explained in our letters of June 21, May 10, May 3, and April 17, 2013, we have gone to great lengths to accommodate the Committee's stated oversight interest in the Federal Records Act and the availability of emails for other records requests. The mails in question that were in Mr. Perez's personal account had also, before your inquiry, already been sent to or from a Department email address and thus were captured by the Department's system pursuant to the Federal Records Act (FRA). Nonetheless, we invited Committee staff to view the date, sender, and recipient fields of these emails so that they could confirm this fact. Indeed, following Mr. Cummings' staff's review of the emails, he wrote to the Department to state that the review had allowed him to ''verify that [all the emails] were, in fact, sent from or received by official government e-mail accounts,'' which addressed his concerns. The substantive content of these emails is not pertinent to an inquiry into FRA compliance.

Only 5 communications initiated by Mr. Perez—and just 30 initiated by others—had not already been captured in the Department's email system prior to your inquiry. When he located these communications, Mr. Perez immediately forwarded them to a Department email address, ensuring that they are now in the Department's system. These 35 communications were made available for review by your staff.

As a result, as we explained in our letter to you on June 21, 2013, we believe that we have addressed your stated oversight interest.

Sincerely,

PETER J. KADZIK,

Principal Deputy Assistant Attorney General.

Mr. SCOTT. Madam President, I rise today to express my opposition to the nomination of Thomas Perez to be Secretary of Labor.

Given our relentlessly high rate of unemployment over the past 55 months and stagnant economic growth, we simply must do more to foster lasting economic prosperity. After analyzing Mr. Perez's role at the Department of Justice, I do not believe he is the proper candidate to help our Nation return to full employment or reach our economic potential. I have great concerns regarding some of the decisions he has made, the professionalism and ethics of those decisions, and his overall management abilities. The Department of Labor has, unfortunately, pursued guidance and rulemakings that are daunting to large and small businesses alike, and I believe Mr. Perez would only exacerbate these problems.

Mr. Perez accrued an alarming record of mismanagement and utter politicization of the law during his tenure at the Department of Justice, DOJ. The DOJ's inspector general 2013 report gave a highly critical review of the Voting Section under Mr. Perez, citing the ''politically charged atmosphere and polarization within the Voting Section'' and the ''dysfunctional management chain'' under Mr. Perez. Furthermore, the report indicated that the handling of the New Black Panther Party case under his leadership ''risked undermining confidence in the non-ideological enforcement of the voting rights laws.''

When I look at the nonpartisan inspector general report and the way in which Mr. Perez has pursued policies singling out certain conservative States and industries, I simply cannot support his nomination. The Voting Section's decision to override career DOJ staff to block the implementation of my home State of South Carolina's voter ID law is a prime example of this trend. Only after South Carolina spent more than $3.5 million suing the DOJ in Federal court did our law take effect. Yet, even on the heels of defeat in Federal court, Mr. Perez was still dissatisfied and decided to send DOJ officials down to monitor a special municipal election in Branchville, SC—a town with a voting population of 800 and where fewer than 200 people voted in the special municipal election.

Finally, I believe it is irresponsible and an abdication of congressional authority to move a nominee who has repeatedly failed to comply with an outstanding congressional subpoena. The House Oversight and Government Reform Committee issued a bipartisan subpoena on April 10, 2013, regarding 1,200 e-mails sent from Mr. Perez's nonofficial e-mail account that referred to official business of the Department of Justice. Mr. Perez's failure to comply with this obligation casts considerable doubt on the deference he would give to Congress as Secretary.

What we need at the Department of Labor is simple: a Secretary who will put politics aside and a strong management structure in place to help get our economy back on track. States, businesses, and employees cannot afford to have a Secretary of Labor who seeks to micromanage and politicize the most mundane aspects of everyday life. For these reasons, I oppose Mr. Perez's nomination.

Mr. MENENDEZ. Madam President, once again I wish to reiterate my strong support for Tom Perez, a man eminently qualified to serve our country as the next Secretary of Labor.

Tom Perez was cleared by the HELP Committee over 2 months ago and should have been confirmed soon after, but we know that wasn't the case.

I am glad that Leader REID was able to break the nominations logjam this week so that we could begin confirming some very deserving nominees, including Tom Perez.

Tom Perez is the quintessential public servant. He is a consensus builder. As Secretary of Labor in Maryland, he brought together the chamber of commerce and Maryland labor unions to make sure workers received the level of wages and benefits they deserved and business had the skilled workforce they needed.

Most recently, he has served as Assistant Attorney General for the Civil Rights Division of the Department of Justice, where he increased prosecution of human trafficking by 40 percent, won $50 million for servicemembers whose homes were improperly foreclosed on while they served, and settled the three largest fair lending cases in the history of the Fair Housing Act, recovering more money for victims in 2012 than in the previous 23 years combined.

He has spent his entire career in public service.

He is a Brown University graduate with a master's in public policy from the Kennedy School and a Juris Doctorate from Harvard Law.

He is an advocate for people with disabilities and won the largest ever disability-based housing discrimination settlement.

Tom Perez is a civil rights champion. He obtained the first convictions under the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act, and has always supported ending discrimination on the basis of sexual orientation.

Tom Perez is a good man and a good nominee. So let's do what we should have done a long time ago.

He is a qualified, competent, professional public servant, nominated by the President, and already confirmed by the Senate to the post he holds today.

As I said when I first endorsed Tom Perez, and I will say again today; he is an outstanding public servant, and I applaud President Obama for selecting him to be our Nation's next Secretary of Labor.

I have no doubt that he will continue the administration's efforts to create

jobs and get people back to work. Mr. Perez has dedicated his career to championing the rights of workers and all Americans, and I am confident that he will continue to do the same if confirmed.

As former Secretary of Labor in Maryland, Mr. Perez prioritized matching community colleges, labor unions, and the private sector to help get people jobs that are in demand today and in the future—an initiative that is much needed on a national scale, and something I have proposed in legislation that would close the skills gap by training workers with the skills needed to fill such jobs.

This is a remarkable nominee who brings a compelling personal story and a wealth of knowledge and leadership to the Department of Labor.

I am very pleased the time has finally come for good people like Tom Perez to get the up-or-down vote they deserve.

I urge my colleagues to vote to confirm this qualified nominee who has waited too long.

Ms. MIKULSKI. Madam President, I rise in support of one of Maryland's favorite sons, Mr. Tom Perez, the President's nominee to lead the Department of Labor. Mr. Perez has been the Assistant Attorney General for the United States and has also been Maryland's Secretary of Labor and Licensing and also was a member of the Montgomery County Council. All three of these jobs show his expertise and his ability to navigate some very complex situations. I believe he is the right man for the job.

I support his nomination, not only because he is one of Maryland's favorite sons, but because I believe he brings integrity, competency, and commitment to the mission of the Department of Labor.

His resume is outstanding. A Harvard Law School graduate. He has served in public service at the Federal, State, and county levels and he has a commitment to the mission of each agency.

In terms of personal background, it is really the story of America. His father came to this country under very difficult circumstances. His grandfather was one of the leaders of the voices of freedom in the Dominican Republic—punished for that and declared a persona non grata. But his father was able to stay in this country as a legal immigrant, go on to military service, and become a physician. And to show his gratitude to this country, he worked only for the Veterans Administration serving the country that saved him and his family.

Tom grew up with public service in his DNA. His father died when he was a young boy and he will tell that compelling narrative, but through the dint of hard work, a loving mother, and a nation that offered opportunity—he was able to work his way through school, get the scholarships, worked even as a trash collector during summer break to be able to advance himself.

He knows what the American dream is, but he also knows what hard work is, and he knows what an opportunity ladder we need to have in this country.

But in addition to that, he brings a great deal of skill—we know Tom at the Montgomery County Council level where government is closest to the people had to really govern best. And it is a complex, growing county where you had to work with public-private partnerships.

I admire Tom so much for his work as head of the Maryland Department of Labor. They now have a letter in the RECORD recommending Tom to be the Secretary of Labor. Why? Because he listens, he learns, and he brings everybody to the table for a pragmatic, fair, and collaborative work.

That is how he earned support from worker advocates and many of the Maryland's largest employers, the Maryland University System, the Maryland Association of Community Colleges, the Maryland Minority Contractors Association, and the Greater Baltimore Committee.

I am confident Tom Perez will be an excellent Secretary of Labor. I know he will be a strong voice for the working class and for keeping the government on the side of the people who need it. I urge my colleagues to support his nomination.

Mr. LEAHEY. Madam President, today the Senate will finally proceed to a confirmation vote on the nomination of Tom Perez to serve as Secretary of the U.S. Department of Labor. This vote continues the progress we made on executive nominees this week following our bipartisan caucus on Monday night. I am pleased that six Republican Senators joined with Democratic Senators to invoke cloture on this nomination on Wednesday, and now we can proceed to getting this well-qualified nominee confirmed to lead the Department of Labor.

Tom Perez is a dedicated public servant, and since 2009, he has worked hard to restore the reputation of the Civil Rights Division at the Justice Department. This was no small task after the prior administration had amassed one of the worst civil rights enforcement records in modern American history. Under the leadership of Attorney General Holder, Tom Perez has guided the Civil Rights Division back to its core mission of vigorous civil rights enforcement. He has many accomplishments to be proud of under his stewardship of the Division. Among them is his successful implementation of legislation I offered in the Senate, the Shepard-Byrd Hate Crimes Prevention Act, which was signed into law by President Obama just after Tom Perez was confirmed as the Assistant Attorney General for the Civil Rights Division in October 2009. Under Tom Perez's leadership, the Division implemented this important law and brought several important hate crimes prosecutions. Under his leadership, the Division has also been vigilant in protecting American homeowners against discriminatory predatory lending, and in protecting our men and women in uniform from foreclosure by lenders while overseas on active duty. He also led the Division to expand the number of human trafficking prosecutions by 40 percent during the past 4 years, including a record number of cases in 2012.

I have no doubt that Tom Perez will bring to the Labor Department the same leadership and commitment that he brought to the Civil Rights Division, and our Nation will be better for it. As a former Secretary of Labor in Maryland, and a fierce defender of workers' rights and civil rights, he is uniquely suited to serve in this important post at a critical time.

Mr. HARKIN. Madam President, I ask unanimous consent for 1 more minute to conclude my remarks.

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

Mr. HARKIN. In short, the Department of Justice has made all e-mails available for review. It is true Congressman ISSA has continued to repeat his requests, but that doesn't mean Mr. Perez and the administration have not been responsive, because they have.

The fact is this nominee has been more than thoroughly vetted. He has the character and the integrity and the expertise to lead the Department of Labor. The President has chosen Mr. Perez to join his Cabinet, and there is absolutely no reason why the Senate should not consent to this choice.

I am proud to support Mr. Perez's nomination. He will be an asset to the Department of Labor and to our entire country. I look forward to the opportunity to work with him in his new position to help all working Americans.

I yield the floor.

Mr. RISCH. 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 question is, Will the Senate advise and consent to the nomination of Thomas Edward Perez, of Maryland, to be Secretary of Labor?

The clerk will call the roll.

The assistant bill clerk called the roll.

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 178 Ex.]

YEAS—54

Baldwin	Franken	Markey
Baucus	Gillibrand	McCaskill
Begich	Hagan	Menendez
Bennet	Harkin	Merkley
Blumenthal	Heinrich	Mikulski
Boxer	Heitkamp	Murphy
Brown	Hirono	Murray
Cantwell	Johnson (SD)	Nelson
Cardin	Kaine	Pryor
Carper	King	Reed
Casey	Klobuchar	Reid
Coons	Landrieu	Rockefeller
Donnelly	Leahy	Sanders
Durbin	Levin	Schatz
Feinstein	Manchin	Schumer

Shaheen	Udall (CO)	Warren
Stabenow	Udall (NM)	Whitehouse
Tester	Warner	Wyden

NAYS—46

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

The nomination was confirmed.

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

The Senator from California.

NOMINATION OF REGINA McCARTHY TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Mrs. BOXER. Madam President, I ask that the Senate resume consideration of Calendar No. 98, the nomination of Regina McCarthy to be Administrator of the EPA.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. will be equally divided in the usual form prior to a cloture vote on the McCarthy nomination.

The Senator from California.

Mrs. BOXER. Madam President, as chairman of the EPW Committee, this is a day I have longed for for a long time. This has been the longest time the EPA has been without an Administrator in all of history. We could not have a more qualified nominee. We could not have a more bipartisan nominee.

The bottom line is Gina McCarthy has worked for five Republican Governors. She is a beloved individual. I wish to thank so many outside of this body who have weighed in on her behalf, including Christine Todd Whitman, the former Republican Administrator of the EPA, and Gov. Jodi Rell. It has meant a lot to Gina McCarthy. It has meant a lot to us who know that the EPA deserves a leader, and this woman Gina McCarthy deserves a promotion.

I will be back on the floor in about an hour or so just to make some more brief comments. But I wish to thank my colleagues from both sides of the aisle. We did avert a tough challenge for both parties. We averted that. I am very happy we did. One of the benefits of that agreement is we are having votes on people as qualified as Gina McCarthy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask unanimous consent that after my remarks, Senator REED be recognized for up to 15 minutes.

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

Mr. SESSIONS. Madam President, I would like to talk about the nomination of Gina McCarthy to serve as Administrator of the Environmental Protection Agency. I had the pleasure of meeting with her earlier in the confirmation process and talking with her at length about many important issues. She is experienced. I believe she is a good person. She has given her assurance that EPA would become more responsive—at least my interpretation of her response would be that—and her management has been encouraging.

However, the Environmental Protection Agency appointment is no small matter. The job of EPA Administrator has the potential to impact the life of every American in both positive and negative ways. For example, in the 1970s, Congress passed the Clean Air Act. It focused on pollutants. We were talking about NO_X and SO_X, sulphur oxide, nitrogen oxide, particulates, things that adversely affect the health of Americans.

At that point in time, we had no dream in our mind of a problem—global warming—that might arise and become a big issue in the future, nor did Congress have any inclination that carbon dioxide, plant food, that product in the atmosphere that plants take in and breathe out oxygen—we breathe in oxygen and out CO_2—would be declared a pollutant.

By a 5-to-4 decision, the Supreme Court seemed to declare that, although it was not absolutely mandatory, EPA could regulate CO_2 under the Clean Air Act. EPA has seized that authority. They say that, for example, CO_2 is a pollutant. Congress has never voted to declare CO_2 a pollutant. I believe it is a stretch and an abuse of the Supreme Court's authority to interpret the law we passed in the 1970s as including that.

If CO_2 is a pollutant, as the EPA now assumes and asserts it is, every backyard barbecue, every lawnmower as well as every factory and plant in America is subject to their control because they are required to limit and control pollutants. This is how things happen in America.

So we have an unelected bureaucracy, the Environmental Protection Agency, virtually unaccountable to the public, often refusing steadfastly to produce reasonable answers to inquiries put to them by the Congress. They dictate matters that impact every person in America. It is an awesome power. It is something too little discussed in America.

I am going to talk about another subject briefly. I understand Ms. McCarthy and her experience. She is going to be elevated now from EPA's Air Office, where they have been hammering coal, hammering natural gas, and other fuels, carbon fuels, in their regulations to a degree that it is driving up the cost for every American to obtain energy, their electricity, their automobiles, and the heating in their homes.

I wish to focus for a few minutes on a central problem at the EPA: its disregard for Congress, the law as written, and the use of unlawful agency guidance.

Agency guidance. These are documents they issue to effectively rewrite the law in a way that favors the administration's policies and political agenda. That is what we are seeing too much of. People say: Oh, they just do not like the EPA. All of these complaints from farmers and businesses, it is all just overreaction. Those are guys who want to pollute the atmosphere and the farmlands and do all of these things. They are not reasonable people.

Most Americans are not dealing face-to-face with the guidance, the regulations of the EPA officials who attempt to dictate so much of what they do. There is perhaps no better illustration of the dynamic than in the context of the administration's effort to grasp control over every ditch, stream and creek and pond in the country.

We actually had a vote on this issue in May during the debate on the Water Resources Development Act. I joined with my colleague Senator BARRASSO in introducing an amendment, the Barrasso-Sessions amendment No. 868 to the Water Resources Development Act. A clear majority of the Senate, 52 Members, voted for our amendment that would stop EPA from implementing an agency guidance document that would vastly expand the Agency's jurisdiction over the Clean Water Act.

So they issue a guidance, direct it to all of their subordinates, and tell them how the law is to be enforced. So actually it becomes a new law; it becomes the effect of an actual statute. First, the problem with what they have been doing is it is contrary to the plain reading of the statute, the Clean Water Act.

This law, enacted in 1972, requires a Federal permit for activities impacting navigable waters—navigable waters. That is what is in the statute, which Congress has defined as waters of the United States. EPA's guidance document broadly interprets this term—broadly interprets it and would give Agency employees throughout the country the authority to make case-by-case determinations with virtually no jurisdictional limits whatsoever.

I recently asked Ms. McCarthy about this issue. She did not detail her views. She would not answer specific questions.

The Supreme Court has ruled several times on the meaning of this jurisdictional term, most recently in its 2006 decision, just a few years ago, Rapanos

v. United States. That 4–1–4 decision—which, I think the Chair did not often see in her State when she was attorney general, not often did I see that, a 4–1–4 decision. The Supreme Court held that the Army Corps of Engineers overreached by asserting jurisdiction under the Clean Water Act over nonnavigable wetlands in that case.

On behalf of the four-member plurality comprised of Justices Roberts, Scalia, Thomas, and Alito, Justice Scalia wrote that ''waters of the United States'' include nonnavigable wetlands only if there is an ''adjacent channel [that] contains a . . . relatively permanent body of water connected to traditional interstate navigable waters.'' That is stretching it pretty far, is it not?

So at least there is a stream that is supposed to be connected to some navigable water. Further, Justice Scalia concluded ''the wetland has a continuous surface connection with that water . . . '' So there is at least some continuous connection to the water. It does not just dry up for most of the year and only have water in it when it rains heavily. The opinion of Justice Scalia is, to me, in line with the Clean Water Act's original meaning of the term ''navigable waters.'' The key swing vote was provided by Justice Kennedy, who joined Justice Alito, making five votes and remanding the Army Corp's decision in that case but under a different interpretation of ''waters of the United States.''

With Justice Kennedy's concurrence, five of the nine Justices rejected the idea that the EPA and the Army Corps have unlimited jurisdiction over anything wet in the United States. As a result, in 2008, EPA, under the Bush administration, issued a guidance document explaining the Agency interpretation of ''waters of the United States'' in light of the Supreme Court decision. That document did not seek to expand the Agency's decision or change existing regulations.

Rather, in that guidance document, the Agency adopted a reasonable view that recognizes the need for a significant nexus to traditional navigable water, so a connection at least to navigable water. We call them branches in Alabama. Sometimes they dry up. They are not a navigable stream. However, soon after entering office, the Obama administration sought to replace that 2008 guidance document, expanding their power with a guidance document, even though there had been no intervening Supreme Court case. They submitted a guidance document that would vastly expand the Agency's assertion of jurisdiction and power.

A second problem with EPA's approach is that their approach is contrary to the principle of cooperative federalism, which was foundational to the enactment of the Clean Water Act from the beginning. That principle recognizes that there must be a strong partnership between the Federal Government and the States if we are to address environmental challenges.

One way the law recognizes this approach is through giving a limited role for the Environmental Protection Agency. The States have the primary responsibility for protecting water quality, not the EPA. Water is primarily to be protected by the States. This was contemplated in the Clean Water Act.

But EPA's guidance document would seek to involve EPA in a wide range of permitting actions that should otherwise be left to the States. I believe this guidance is based on a false premise that water quality is protected only by EPA—only they can be trusted, not the people who live in the States where the water is. So, finally, EPA is circumventing Congress by using a guidance document to rewrite the law.

For those reasons, I will be continuing to work on this issue. It is very important in our EPW Committee. I would urge the Senate to act to stop the power grab by EPA. As I noted, a majority of the Senate has voted for that but did not receive the 60 votes required for passage.

I am disappointed, to date, that Ms. McCarthy has not agreed to push back and back down from the aggressive bureaucratic power grab that has come to define this administration's use of EPA. There are many more problems within the Environmental Protection Agency. They are unelected. They have used powers Congress has never explicitly given them to regulate virtually every aspect of the American economy.

I hope Ms. McCarthy will do a good job if she is given this position, but she serves at the pleasure of the President. She will take her lead from him. It is quite clear he has no intention of constricting the expansion of EPA power but indeed is behind expanding it to the fullest extent he can achieve. That is very troubling.

I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Rhode Island.

STUDENT LOANS

Mr. REED. Mr. President, over the last few weeks many of my colleagues have been engaged in a very serious, very deliberate, very thoughtful attempt to deal with the issue of student loan interest rates, which doubled July 1 for subsidized loans. They have contributed significantly in terms of trying to move this issue forward to reach a thoughtful and appropriate conclusion.

From what I have heard, under their approach—the Bipartisan Student Loan Certainty Act of 2013—I don't think, despite the good efforts and good intentions, that they have reached the objective, which is to make college affordable for all of our students and to somehow try to prevent this tidal wave of student financial debt, which is in some cases overwhelming to so many students and families across the country. Instead of emphasizing the students, I think what they have done is just tried to shield the government from investing in those students.

The clear impact of the legislation that is being proposed is that it will increase the cost of education for students. We were in a position where we legislatively reduced the rate to 3.4 percent. We had an extension for 1 year to this July. It doubled to the previous rate in existing law of 6.8 percent.

What this proposal does is to keep the rate relatively low at first—although it goes up a bit higher than the 3.4 percent—but invariably, mathematically, it gets very high. They have placed some caps there—and that is something for which I salute the authors, their efforts to put caps on the different programs—but those caps are very high also.

The inevitability is that the one sure thing is that over the course of the next few years, students will pay more for higher education at a time when they can afford it less and less and at a time when we need more fully qualified graduates to take the jobs of this new century to be competitive internationally.

I think we have before us, despite all these great efforts, legislation that will shift more and more costs to students. Instead of preventing the doubling of these rates to 6.8 percent, it would gradually raise these rates above 6.8 percent. We might see 1, 2, or 3 years of rates that are relatively below that number, but inevitably, mathematically, those rates will go beyond 6.8 percent, and the caps are rather high.

High school students of today will be paying a lot more for their student loans, and their families will be paying a lot more. It will add to the debt of these students and their families. It will restrict their ability to become not only qualified workers in our economy but also the people who drive the economy, young people who buy homes, buy automobiles, and who are able, because of their skills, to earn enough to contribute not just to the productivity of the country but their own ability to make purchases and keep that engine of the economy moving forward.

There is no real guess as to what level it would go up to because now we are moving away from fixed rates and moving toward an adjustable-rate. The rates have been pegged to a 10-year Treasury bill—a rate that we know is going up. It has gone up nearly 1 percent since just May, and in this environment it is likely to continue to go up. The rate students could pay could rise much more quickly than the projections even that CBO is suggesting. It could rise because of Federal Reserve policy. If they decide to unwind quantitative easing, and in such a way that rates shoot up, then those rates could spike very dramatically.

Students and advocates have raised their voices loud and clear urging us not to take this kind of action. They have said that no deal is better than a bad deal. The people we are trying to

help are actually saying: No, that is not the kind of help we need.

With deep regret, I believe this is not the right approach going forward. What the students and advocates have asked us to do is to keep it at 3.4 percent. I have proposed legislation to do that for a year so that we could work on some of the fundamental issues that are driving costs, such as the incentives and disincentives in colleges for tuition; the issue of—which is separate but very important—how we not only provide reasonable interest rates but how we refinance all those students who are overwhelmed by debt, how they take advantage of the historically low rates of today. All of those difficult issues are being put off. I think they should be engaged, and I think we need the time to engage on those issues.

Unlike the approach of at least another year of 3.4 percent, the proposal before us would lock in about $184 billion in student loan revenue. That is in the current CBO baseline. Then there is an additional $715 million that this proposal would generate. All of that is coming out of the pockets of students and families.

Paying for college is tough. This legislation, unfortunately, could make it tougher because it would put in a permanent structure for setting student loan interest rates that could quickly result in students and parents paying more for student loans. This is not a temporary fix to get us to a better place in terms of incentives for tuition, in terms of refinancing, in terms of letting students more actively and more affordably pursue college education; this is the long term.

It is simple math. In a zero budget environment—and that is one of the principles incorporated in this legislation—reducing what students pay today means that students will have to pay more tomorrow. If we are assuming a 6.8-percent fixed rate over 10 years and we lower that rate, as this legislation does, then just do the math—it is going to have to be higher to keep it zero or neutral with respect to the budget, and that is what is going to happen. So we are going to have some relief today, but it will be followed inevitably by students who will pay more and individually have a much larger burden to bear.

I think we are in the position of taking steps that are going to make college more expensive at a time when we have to make it more affordable not only for individual families and students but for the future and success of our economy.

We are also departing from our past experience with market-based interest rates in the Federal student loan programs. This proposal also locks in historically high surcharges on top of basing the loans on a higher cost instrument. Previously we were using the 91-day T-bill, and because it was a short-term note, the interest rates were lower relative to the 10-year note. Now we are using a much higher baseline, and then we are adding historically higher premiums to that baseline for graduate students and parents. So the legislation builds in additional costs that we haven't used even when we had rates that were based on market conditions.

Under the market-based rates that were in effect from 1998 to 2006, students benefited from historically low interest rates. These rates were indexed, as I said, at the lower 91-day Treasury bill rate rather than the 10-year Treasury bill rate. As I mentioned before, we already know this 10-year Treasury bill rate is moving up.

We are making these changes from the perspective of interest rates at exactly the wrong time—at the bottom of the interest rate curve as it starts its climb up. That argues, to me—and, frankly, I think most people, if they were going to make a choice on a loan today, would try to pick a fixed rate, even if it was a little higher than the introductory rate on a variable loan, because of the experience of the last several years and because of what they are seeing all around them—rising interest rates over time.

This year, borrowers who are repaying these loans—I am talking about the loans that were made in that period of time, 1998 through 2006—have an interest rate of 2.35 percent, and over the last 5 years their rate averaged 2.41 percent. They have benefited from the declining rate. They have benefited from the huge expansion of Federal Reserve quantitative easing. They have benefited from an economy that slowed down, ironically, so that interest rates were falling. Now we are on the other side of that curve, and students won't benefit from the market rates. They will actually see higher rates as we go forward.

We offered these rates in the context of the old program where we had to also subsidize banks. Today, I would think, with the banks out of the picture and with the government, through direct lending, doing the lending, we should be able to find a solution where we can actually lock in much lower rates for students. This is the kind of solution that will take time—the time, I believe, that we could have spent and should spend by extending the 3.4 percent rate another year and looking creatively and thoughtfully at a whole spectrum of issues but with the goal of trying to give students and families the assurances that they can afford college and also that college will be affordable in the sense that the cost of college will start coming under some type of control. That takes a lot of work, and we are not doing that work today. Instead, under this proposal, we are adopting a rate structure permanently that, because of where we are in the economy, will invariably mean that students will pay more and more each year.

I have mentioned before that because of the great effort of some of my colleagues—Senator MANCHIN, Senator KING, Senator ALEXANDER, Senator BURR, Senator DURBIN, and Chairman HARKIN, I could go on and on—there have been some improvements made in the initial version of this legislation, particularly caps on individual loan programs. Those caps are very high. Under the new proposal, the cap for the undergraduate loans is 8.25 percent, and then there are caps that go all the way up to 10.5 percent. Again, let's step back here. We are putting a cap at those levels because there is a reasonable expectation that we will reach those levels. As a result, we are going from the current law, which is 6.8 percent, to as high as—in some cases for parent loans—10.5 percent. This is a huge swing not in favor of the students but to their disadvantage.

This is why I am working on an amendment, which I hope to offer, that would put the cap at 6.8 percent for all Stafford loans and at 7.9 percent for the parent PLUS loan.

Again, if we are looking at a fixed rate of 6.8 percent and we can't do better than that 2, 3, 4, 5 years from now, we have to ask ourselves whether we really need to make these changes or whether we should make these changes.

If we adopt the amendment I propose, at least we are telling parents they won't be worse off than current law and they will be better off—because of interest rates at the moment—in the next several years. I hope we can do that.

We are looking at Federal student loan debt that is over $1 trillion. This can only mathematically increase that debt. We should be investing in our students, giving them the benefit of relatively low-cost loans so they can go to school, get on with their lives, and get our economy moving again.

This is also an issue that goes to one of the core issues we face as a country, and indeed it is a core issue across the globe—the growing inequality of income and, in a sense, opportunity in our country and countries across the globe.

In the United States, the great engine for opportunity has always been education. If we make it more expensive, then fewer people can take advantage of it. If fewer people take advantage of it, the inequality will grow because they won't have the chance for the good-paying jobs. By the way, in a competitive global economy, we could see our position slip because we don't have these talented people.

So this is an issue that strikes not only at the technical aspects of a program, this goes to the heart of what it is that gives opportunity to America, and I believe it is education. I believe that if we make it expensive, fewer opportunities will be available. If we make it expensive, we will be less productive and less competitive.

I believe that despite the efforts of extraordinarily talented and dedicated colleagues, we can do better and we should do better. As such, I reluctantly

oppose the underlying legislation. I would at least hope we could cap it if the amendment I offered would be accepted.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I think we are going to have a cloture vote in the early afternoon, and I wish to share a few thoughts. The nominee, Gina McCarthy, is a fine person.

I have been on the Environment and Public Works Committee since I came to the Senate in 1994. In fact, when the Republicans were in the majority, I chaired that committee, and then, as a minority, I was the ranking minority member. So I was there when Lisa Jackson was the Administrator of the EPA—someone I had a great deal of respect for. In fact, some of my Republican friends criticized me. I was the only one who really liked her because, in spite of the fact we disagreed with each other philosophically, she always answered honestly, even when it was uncomfortable for her to do so.

I remember one time I asked her a question during a hearing that was live on TV, as our hearings were at that time. We were talking about one of the cap-and-trade bills that had come up. I don't know how many we have had—10 or so in the last 12 years. I asked her: If you really believe—which I don't—that CO_2 is bad, it is a pollutant and all that—if we were to pass this cap-and-trade bill, which is going to cost in the range of between $300 billion to $400 billion—with a ''b''—would that reduce worldwide emissions of CO_2? She said: No, it wouldn't.

The reason is very obvious. People hide from this. They are not honest, as she is. Obviously, if we just do this in the United States, where we already have emission controls on a lot of pollutants, but they don't do it in China and India, they don't do it in Mexico, then it is not going to reduce CO_2. In fact, the reverse would be true. It would have the effect—if we only had limitations on CO_2 in this country—of causing an increase in CO_2 worldwide because our manufacturing base and others would go where the energy is and that would be to countries such as China where they don't have any controls on anything.

A lot of people say: Oh, well, they are waiting for us. They are going to follow our example. That is garbage. What the Chinese want to do, they are waiting, anticipating, hoping, and praying we will start having restrictions on our emissions because they know our manufacturing base will end up going over there.

Here is another thing I can remember also. One of the problems I have with the United Nations is they are trying to become independent. It just kills them every time they have to say or do something because we threaten to withhold our contributions to the United Nations. So they have been attempting for a long period of time to get themselves in a position where they are self-supporting and they do not have to be answerable to anyone or accountable to anyone. Consequently, they are the ones who started this whole global warming matter.

If you follow through, going all the way from the Kyoto convention of 12 years ago and up through all these bills, all these pieces of legislation, they are the ones, if that becomes a reality, we will have to turn to. All of a sudden they will have a source of income, so they will not have to be dependent upon the United States, which pays 25 percent of their bills, or any of the other countries.

One of the things the United Nations does and has been doing for 10 years or so—I guess longer than that—is they have the biggest party of the year in the most exotic places in the world they can find to have these parties, and they invite all the countries—192 countries—to come to it. When they have these big conventions, the only price of entering is to agree with the concept of global warming and that you are going to start restricting your CO_2. Obviously, these countries are not going to do it, but it is worth lying to be able to go to the party.

The biggest one of those parties was held in Copenhagen in 2009. At that time, Lisa Jackson was the Administrator at the EPA. Quite frankly, I don't wish to be disrespectful, but all those who attended from the United States—and I am talking about John Kerry, the President, BARBARA BOXER, NANCY PELOSI, and all of them—had said: Yes, the United States of America is going to pass cap and trade. We will be right there with you.

That wasn't true and they knew it wasn't true. So I decided to go there. In fact, I went all the way there, stayed 3 hours, and came all the way back, as the one-man truth squad.

I can recall right before I left to go to Copenhagen we had a hearing and Lisa Jackson was a witness at the hearing, and I said to her: It is my feeling, as I leave to go to Copenhagen as the one-man truth squad, to let them know we are not going to pass anything over here, and since you know we can't get this done legislatively, that you are going to have an endangerment finding in the United States and then use that as an excuse to pass with regulation what you couldn't do with legislation. She kind of smiled. I could tell that was going to happen. I said: When this happens—when I leave town and you come out with an endangerment finding—it has to be based on science. So what science will you use?

She said: The IPCC. The IPCC is the Intergovernmental Panel on Climate Change, and the Intergovernmental Panel on Climate Change is the United Nations. They were formed by the United Nations. They were formed and stacked with scientists who were all preprogrammed to believe all this garbage, and they did.

Then something happened, and it couldn't have happened at a better time because it wasn't but a few days after Lisa Jackson had said we were going to be depending upon the IPCC. Here we were, preparing to pass the largest tax increase in the history of America, and doing it through regulations, which was the same thing as cap and trade, only more expensive, and it was going to be based on science and that science was the IPCC. It wasn't but hours after that when climategate came in—and all of a sudden the things we had been saying for 10 years on the floor in talking about the scientists who had been shut out of the process at the United Nations—and they were totally discredited. They had cooked their science, cooked the numbers, and climategate was the result. It was so bad the major newspapers in London characterized it as the greatest single scientific scandal in the history of the world. Now, that is a big deal.

Anyway, that went on, and then they started working on doing this through regulation since they couldn't get it done through legislation. The reason I bring that up is because during that timeframe, while Lisa Jackson was the Administrator of the EPA, Gina McCarthy, the one who is coming up for a cloture vote in maybe an hour or so, was the Assistant Administrator of the EPA in charge of air issues. What went on during that time were these huge punitive things.

We can forget about the greenhouse gases or the cap and trade they are going to be coming up with, even though that is the largest of all of them, they passed Utility MACT. MACT means maximum achievable control technology. What Utility MACT does is ask the question: What technology is out there to restrict and to reduce emissions? What technology? So what they have done in Utility MACT is put a restriction on emissions—and this was impossible technologically to achieve, but the whole idea was to run coal out of business. Quite frankly, they were able to get it through.

I remember at that time there was this little provision that isn't very often successfully used, but it is called the CRA—the Congressional Review Act. That provision says if an unelected bureaucracy that is not accountable to anyone comes out with regulations that are so onerous, so bad that it is going to be very costly and is something that doesn't make any sense, then we in the Senate and House can do a CRA—a Congressional Review Act. We have to get 30 cosponsors—30—and then we have to get a majority—51 in the case of the Senate—to pass it. I did a Congressional Review Act on the Utility MACT, which was to cost us $100 billion and 1.65 million jobs. These numbers, by the way, are not denied by anyone, to my knowledge.

So there we were, in a position to get this through. I got my 30 cosponsors and we came within 2 votes of getting it done. So the CRA is something where it does inject something to reflect the will of the people, because we

are elected by the people, and we came very close to doing it. Nonetheless, that is now a law, and there are millions of people out there—right now in excess of 1 million people—who have already lost their jobs because of that.

Boiler MACT is the same thing—maximum achievable control technology—for a boiler. Every manufacturer has a boiler. So this would do the same thing to manufacturers as Utility MACT did to coal. That involved $63.3 billion and 800,000 jobs lost.

The next was cement MACT. That would have been—here they are on the chart. Cement MACT is one that would cost $3.5 billion and 80,000 jobs. That is already implemented.

If ozone, the next one, should come up, that would perhaps be even more serious than the top 3—second only to greenhouse gases—and that would mean 2,800 counties in the United States would be out of attainment. In my State of Oklahoma, we have 77 counties. All 77 counties would be out of attainment.

I can remember when I was mayor of Tulsa, Tulsa County was out of attainment. That meant we couldn't recruit jobs, we couldn't start new industries, and we had to fire a lot of people who were working there because we were out of attainment in ozone emissions.

That had been delayed until after the election. Now that the election is over, they can go ahead with some of these they hadn't done before.

Hydraulic fracturing. I have talked from this podium I don't know how many times about the President's war on fossil fuels. It is critical. Here we are in a position in the United States where we can be totally independent of any country—the Middle East or anybody else—if we only will use our own resources, but we don't do that. We are in a position right now where we have, in the last 4 years, increased our production by 40 percent because of getting into the shale areas and the tight formations and using hydraulic fracturing to extract the oil and gas. But that is all on either State or on private land. On Federal land, because the Obama administration will not let us drill on Federal land, it has actually decreased by 7 percent. Is that possible, to increase all of our production by 40 percent except that part which is on Federal lands? Yes. In fact, that is exactly what has happened.

When they talk about hydraulic fracturing, this is something that has been regulated by the States, and there is a reason for that, by the way. The reason is my State of Oklahoma has different formations than Alaska, for example, or now with the Marcellus, going through Pennsylvania and New York. That is different—different depths. So the regulation has been very successful. The first hydraulic fracturing job was done in my State of Oklahoma in 1949, and there has never been a case of groundwater contamination in over 1 million applications of it.

Again, this gets back to Lisa Jackson. I asked her that question, when I asked: Has there ever been a confirmed case of groundwater contamination from hydraulic fracturing? She said: No, there hasn't been.

That is the kind of honesty I like in the answers we get. The only reason I bring that up is the President is trying to use hydraulic fracturing. He will stand, as he did in the joint session, and say: We have an abundance of good, clean, cheap natural gas, and that is what we need to be turning to, but we have to do something about hydraulic fracturing. We can't get to the natural gases necessary without using this technique called hydraulic fracturing. So they are trying to kill it that way.

I could go on and on—this is on this chart behind me—but the only reason I bring this up is we do have a vote coming up on a very fine lady, Gina McCarthy. But we have to keep in mind when all these air regulations were conceived, they were done when she was the Assistant Administrator of the EPA for air. These are all air regulations. So she is certainly more than just partially responsible for that. She was the engineer of all these regulations.

If we add up all of these regulations, the total figure we had—do we have it on the chart? It was the NAM that did a study that no one has challenged, where they say we now, just because of these air regulations—what we have done already exclusive of cap and trade—have lost $630 billion from our GDP and 9 million jobs have been lost.

That is how critical this is to our economy. That is how expensive it is. All these things translate into taxes. I do a calculation every year. In my State of Oklahoma, the $300 billion to $400 billion would cost the average taxpayer in Oklahoma $3,000. Yet, by their own admission, the greenhouse gas cap-and-trading CO_2 would not reduce CO_2 emissions at all. I am sure a lot of people have been notified by their manufacturers and businesses back home: We can't allow the increase of cost of all these regulations, so we want you to oppose it.

Two votes are going to take place today. The first is the cloture vote. It takes 60 to pass a cloture vote. The next vote, if they should be successful to have cloture, will be the vote to put her into office. That would be only 51 votes.

I hate to say this about my fellow Senators, but I know there are going to be some Senators out there who say, I will fool the people back home; I will vote against her confirmation, but I will go ahead and vote for cloture, because they have to have my vote to reach 60. So they vote for cloture, and then, to make the people at home think they are against all these regulations, they will vote against her. I am predicting that is going to happen. We will know in a couple of hours.

The second vote is not important. The only important vote is the cloture vote. The cloture vote would be the first one that comes at 2:30 today. So you are going to see a lot of people voting for cloture and then end up voting against her. That is what there is to look for.

This will be the last time I say this; tThat is if you really want to do something about the regulations and you feel she has demonstrated she will not be helpful in this respect, the one important vote is going to be the cloture vote that takes place at 2:30 this afternoon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COATS. Mr. President, we are about to vote on a new Administrator for the Environmental Protection Agency. I have a real problem with the individual who has been nominated to direct that Agency. I will cast my vote shortly, but I want to take the opportunity here to talk about the EPA, an Agency that I think has exceeded the authority given to it by this body, it has overstepped its role and its bounds, and has had an enormous negative impact on my State and on our country.

The overreach, the regulation after regulation and rule after rule that has come out of EPA may have achieved some benefit in some places, but these benefits have come nowhere close to exceeding their costs.

The Competitive Enterprise Institute totals EPA regulations at roughly $350 billion a year, making it the single most expensive rulemaking agency in government. This is particularly relevant now, because a vote on the new Administrator is before us and I think it is important that we focus on what the EPA's impact has been over the last 4 or 5 years and what the EPA rules and regulations have imposed upon our economy.

Whether it is the war on fossil fuels, whether it is the war on the production of energy, or any of a number of other issues that have been brought forward through their rules and regulations, the EPA has had a serious negative impact on our ability to be an energy-secure, energy-efficient, and low-cost Nation.

Our country has taken great strides to improve air quality over the years. To date, the utility industry has spent over $100 billion in capital investment for air pollution controls which have resulted in significant declines in emissions. By singling out these providers and effectively prohibiting coal-fired electricity generation, the administration is putting our economic well-being, grid reliability, and American jobs at risk.

Air quality and energy production don't have to be at war with each

other. They don't need to be incompatible. We can, and must, achieve both. But we also must have some flexibility and transparency from this administration and its rulemaking agencies if we are going to accomplish that goal.

I applaud my colleague from Louisiana, Senator VITTER, for his persistence in seeking responses from the EPA. So often this Agency researches benefits and secondary benefits but does not reveal a detailed economic analysis of the true costs associated with their rules. Senator VITTER's work in getting a commitment from the Agency to convene independent economic experts to examine the Agency's economic model is something that I believe needs to be done.

I think the administration should welcome this, because we are trying to find that balance between putting people back to work, getting our economy moving again, and imposing, yes, necessary health and safety regulations but not one at the cost of the other. These can be compatible.

Senator MANCHIN and I, on a bipartisan basis, have sought not to give the electricity coal-fired plants across our country—and many of which are in our respective States—an excuse not to comply with the clean air laws, but simply to extend the time in which they are mandated to bring new pollution control measures onboard. Some of these industries are halfway through the production process of doing this. They have made the commitment. All we asked for was a temporary waiver—nothing to do with achieving the goal, but a temporary waiver to give them a little more extra time to comply and finish what they were doing.

Some of these coal plants were in the middle of installing extremely expensive air pollution control measures. Yet the hard and fast rule imposed upon them by the EPA—with no ability to give them a waiver for demonstrated good-faith effort to comply—and because they couldn't get all the construction and implementation made by a certain date, they now have to switch to another source of fuel or shut down. Many had to shut down, at significant economic impact not just to my State but to many States, particularly those States that have heavy manufacturing that needs a lot of electricity.

So while I don't want to go into great detail in terms of which specific regulations and rules ought to be looked at and given some flexibility, I want to make the larger point that if we are sincere about dealing with issues and policies that will allow us to achieve economic growth and put more people back to work, we need to have responsible rules and regulations—not this onslaught of rules and regulations that continues to come out of EPA, some of which seem driven by ideology rather than by effective cost-benefit analysis—with the understanding that we are in a precarious economic time. We have a lot of people out of work, and that delay or an advancement of time in which to achieve certain regulations and a sincere evaluation on the basis of what is the real cost-benefit of going forward with this ought to be imposed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. TESTER. Mr. President, I ask unanimous consent to speak as in morning business.

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

PANCREATIC CANCER

Mr. TESTER. Mr. President, I rise today to speak about the need to invest in research to fight pancreatic cancer.

Just six percent of Americans diagnosed with pancreatic cancer live more than 5 years—6 percent.

Sixty-five percent of folks with colon cancer survive that long; 90 percent live 5 years with breast cancer and nearly every man diagnosed with prostate cancer is still living after half a decade.

Why is pancreatic cancer a different story? It is because we do not have a reliable way to detect this deadly disease in its earliest stages.

As a result, nearly 40,000 Americans will die from pancreatic cancer in 2013. But despite being a leading cause of cancer death, pancreatic cancer receives far less support—and far fewer research dollars—than other forms of cancer.

This must change because support for cancer research saves lives.

Supporting pancreatic cancer research will lead to breakthroughs in treatment. It will lead to needed advances in early detection. And it will show the American people that we are serious about saving the lives of their closest family and friends.

For Leigh Enselman, it will make it clear that we are standing with her and her mother.

Leigh lives in Bozeman, MT while her mother, who suffers with pancreatic cancer, lives in Seattle.

Leigh works hard to support her mom during chemotherapy and radiation treatments. She also volunteers her time to support pancreatic cancer patients and raise awareness about the disease.

But Leigh worries what is in store for her and her mom. She prays every day that her mom will be among the 6 percent of pancreatic cancer patients who survive.

Myra and Ed Pottratz from Great Falls, MT know what Leigh and her mom are going through. Together, they are fighting Ed's cancer. Ed recently had surgery, but the tumor spread to his liver. He now faces painful chemotherapy treatments, something far too many cancer patients experience.

Supporting pancreatic cancer research will also honor the life of Lanny Duffy of Darby, MT.

Lanny and his wife Deborah were not born and raised in Montana. They came west from Chicago so in retirement Lanny could be closer to his beloved fly fishing. But Lanny was diagnosed with pancreatic cancer, and he only got to enjoy the State he loved for a year before the disease took his life.

Congress took a big step forward last year to support folks such as Leigh, Ed and Lanny. We passed the Recalcitrant Cancer Research Act. This bill—supported by a bipartisan majority—increased research into pancreatic cancer. It gave the National Cancer Institute the tools it needs to tackle this lethal disease.

But the sequester is taking back our promise. The sequester cut funding to the National Institutes of Health—which does most of our country's research into this form of cancer—by 5 percent.

That 5 percent cut eliminated 250 million dollars-worth of funding for cancer research.

Talk about sending mixed messages. One moment, we are telling Leigh and her mom that we're fighting cancer with them. The next moment, we are telling them they are on their own.

Just last week, the Senate Appropriations Committee restored the funding that was cut by sequestration so NIH could beat pancreatic cancer. This is my first year as a member of the subcommittee that funds the NIH. It has been an honor to work with Chairman HARKIN to ensure that the NIH and medical research all over the country is well funded by this bill.

But this measure—which I wholeheartedly support—has a long way to go before becoming law.

We need to rein in our spending. We need to get our budget in order. But we cannot hurt our neighbors in the process. We owe that to people like Leigh, and Ed and Deborah. For their sake, we need to find a responsible solution to our budget problems.

Folks around the country are skeptical right now in Congress' ability to make smart, responsible decisions.

And cutting funding to fight deadly diseases like pancreatic cancer only adds to their frustration. That is because they know it will slow down the progress we have made toward detecting pancreatic cancer early on and saving lives.

This disease touches me and my office personally. Two members of my office have lost relatives to pancreatic cancer. Chances are I am not alone in this regard. Chances are each of my Senate colleagues knows a Leigh, an Ed, or a Deborah.

In support of those we know, those we've met, and those we love, I urge my colleagues to support increased research into pancreatic cancer, to support the Appropriations Committee's recent NIH budget plan, and to stand for smart and responsible measures to balance our budget.

GOVERNMENT SURVEILLANCE

I also want to talk about the need to protect our civil liberties and our Constitutional rights. When I joined the Senate in 2007, I was a bit of an outlier. But I am not referring to my status as the only working farmer in the Senate or to my haircut.

I am referring to my opposition to the Patriot Act.

Montanans elected me to the U.S. Senate after I made it clear that I didn't just want to fix the Patriot Act, I wanted to repeal it. I still do. But recent events have focused many of us in the Senate on my concerns with the Patriot Act and some parts of the Foreign Intelligence Surveillance Act or FISA.

A recent national survey reveals Americans are shifting in favor of reining in government surveillance programs. In fact, since 2010, nearly twice as many Americans say government spying is going too far and restricting our civil liberties.

Folks like me are now mainstream. Support for repeal—or at least changes—to the Patriot Act is up among both Democrats and Republicans.

As a result, more Members of Congress are expressing their concerns about the extent of the government's spying programs, and the Nation is finally talking about how to fundamentally balance our civil liberties with our national security.

Of course, the recent NSA scandal is at the heart of Washington's newfound interest in standing up for our civil liberties. And lawmakers should be outraged, because the secret collection of our phone and internet records is a perfect example for what happens when government ignores our Constitutional rights. We didn't need Edward Snowden to tell us the Federal Government is circumventing our Constitutional rights.

Whatever one thinks of Edward Snowden—and I think what he did was wrong and hurt our country—the reality is that he was not blowing the whistle on illegal activities. He disclosed information about programs that were perfectly legal.

And that is the problem. The NSA is using bad laws to undertake massive data collection on American citizens.

Just over 2 years ago—here on the Senate floor—I said the Patriot Act is compromising the very liberties and rights that make our Nation great and respected around the world.

At that time I said the Patriot Act gives our government full authority to dig through our private records and tap our phones—without even having to get a judge's warrant.

It did not take rocket science to figure it out, it is in the law.

And now it is time to have a full, open debate about the Patriot Act and the FISA amendments.

The Patriot Act is an invasion of privacy. The FISA Amendments Act is no better.

Both are an affront to our freedoms, and—to me—they raise constitutional questions. I am not a lawyer, so I do not know if they are unconstitutional. But I can tell you that they do not represent the values and the privacy rights of law-abiding Americans.

That is why I have voted to repeal it. And it is why I voted against extending the FISA Act in December.

But we can not go back in time. We can only move forward and take action now to better balance our civil liberties with our national security.

To get our intelligence policy back on track in a way that is true to our values, here is what we need to do:

First, we have to fix our laws. We need to do more than just put the government's spying programs under the microscope and we need to rein them in.

That is why I am also supporting a bill that makes it harder for the government to obtain phone call records and forces Federal officials to prove that sought-after records can be linked to a foreign terrorist or group.

The Chairman of the Senate Judiciary Committee wrote this bill. I certainly would not call the senior Senator from Vermont an outlier.

We must have increased transparency and accountability about how these programs are being implemented and why they are being run the way they are.

That is why I joined with one-quarter of the Senate to call on the Director of National Intelligence to justify the collection of Americans' phone and personal information. It has been 3 weeks, and we have not gotten a response yet.

We need answers, and they need to be truthful.

That is also why a bipartisan group of Senators has once again introduced legislation to declassify important Foreign Intelligence Surveillance Court opinions.

Americans deserve to know what legal arguments the government is using to spy on them, and this bill will do just that.

We need a functioning Privacy and Civil Liberties Oversight Board. The Privacy and Civil Liberties Board is charged with making sure national security measures do not violate the rights of law-abiding Americans. For years, seats on the panel sat empty.

But soon after I called on the panel to investigate the NSA, board members found themselves at the White House meeting with the President.

That is a good thing. And they need to continue to have the access and the ear of the President to do their job effectively on behalf of the American people.

It is a new day. Times are changing. The American people are taking a hard look at what Federal officials are doing in the name of national security, and what it means for them and their families. The question is whether this body will live up to the American people's new expectations.

After the attacks of September 11, Congress approved the PATRIOT Act and our Nation went to war. We stamped out Al Qaeda cells and put terror on its heels around the world.

Then and now, our military and intelligence communities performed bravely. They are better trained, stronger, smarter, and more effective than any other force on the planet. I thank them for their service. From top to bottom, I thank each and every one of them for doing their difficult jobs each and every day.

Congress did not give our intelligence community a blank check to walk all over the constitutional rights of law-abiding Americans and Montanans. I am confident American citizens can be kept safe without snooping around in our private lives.

Americans and Montanans are concerned about the government right now. They have seen the recent news about the government missteps, overreach and scandals and wonder where Washington's priorities lie. They wonder whether anyone is looking down the road to see where this country is going.

Every measure I have outlined today will help restore the balance between national security and privacy, and every one of them has strong bipartisan support.

I will keep working with Democrats, Republicans, Independents, and anyone else to defend our civil liberties and for the ideals of our Founding Fathers. Freedom, privacy, and a government controlled by the people are the principles on which our forefathers founded our Nation, and they are the principles that led Montanans to send me to Washington and represent them.

Our constitutional rights are what make us the greatest country in the world, and we cannot let them be taken away one new law at a time.

PANCREATIC CANCER

Mr. BLUMENTHAL. Mr. President, today I wish to remember all those we have lost in Connecticut and throughout the Nation due to pancreatic cancer and other types of recalcitrant cancers, and to raise awareness of the importance of continued efforts to bring about more effective treatments and widespread education to fight this pernicious disease.

Lisa Hayes was a journalist from Connecticut. She worked for an international nonprofit organization that worked to get medications and health care to developing countries. She was the editor for Doctors without Borders, and a fearless advocate for the underdog. Lisa was 45 when she was diagnosed with stage IV pancreatic cancer. Her symptoms were dry skin and fatigue. Being a working mother of two and it being winter, Lisa thought nothing of it. When she was diagnosed, she was told ''There is no hope. Go home and kiss your kids good-bye.'' Lisa tried an oral chemotherapy regime, but it was unsuccessful. She lived for 4 months afterwards, then died four days

shy of her 46th birthday, leaving behind a husband and two children under the age of 12.

While overall cancer incidence and death rates are declining, that is far from the case for pancreatic cancer. Pancreatic cancer is the deadliest of all major forms of cancer, having the lowest 5-year survival rate of only 6 percent. It will strike more than 45,000 Americans this year—73 percent of whom will die within a year of their diagnosis.

Recalcitrant cancers, such as those that develop in the pancreas, are difficult to detect. By definition, these cancers have low survival rates; and, sadly, we have not seen substantial progress in diagnosing or treating these diseases. For these reasons, I was proud to cosponsor the Recalcitrant Cancer Research Act, which was passed and signed into law near the end of the 112th Congress. In addition to other provisions, this law authorized the National Cancer Institute, NCI, to implement a strategic plan to battle pancreatic cancer. This law takes further steps to establish a committee to advise the NCI on research goals for pancreatic cancer, and also requires the creation of an education program to train health care providers, patients, and their families on issues specifically related to this devastating disease.

As required by the Recalcitrant Cancer Research Act, the NCI recently released its report on these issues. The report includes four recommended research initiatives as identified by a working group of leading health experts. I applaud the NCI for taking this important step, and I look forward to continuing to support the agency's work in this area. Efforts such as these are vital to improving our health, and I invite my colleagues to join me in their support.

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

The PRESIDING OFFICER (Ms. BALDWIN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BLUNT. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BLUNT. Madam President, I rise to discuss my hold on the nominee whom we will be voting on this afternoon, Gina McCarthy. Gina McCarthy is the President's nominee to lead the Environmental Protection Agency. There is no doubt that there are lots of things to be concerned about with the Environmental Protection Agency.

There are 12 States that just sued the EPA over the Agency's sue-and-settle tactics. There are rules and regulations, if they are allowed to go forward, that will raise energy prices. There are lots of issues to debate, and we will continue to debate those.

This is about a more targeted area. I have only been in the Senate for a couple of years. What is a hold? A hold is put on a nomination when there is a problem that needs to be solved or for a problem that just can't be solved. Some may object to the nominee or some may object to something that has happened that should permanently disqualify that particular individual from any job.

This is a hold on a problem that could be solved. This is one of the things that individual Senators still have the ability to do. This is not intended to stop a nominee but to at least make it more difficult for that nominee to be confirmed. It is one of the things we can do to say: Let's do what we can to solve this problem. It has to be defensible. In my view, it has to be something a Senator is willing to talk about. We did away with the so-called secret holds in the Senate in recent years so we know who has the hold. If anyone wants to know, I suppose they could almost always find out why they have it.

In my case, I would like the administration to do something they promised to do in February; that is, to reach an agreement on a set of facts that relate to a longstanding project in my State of Missouri. Let me be clear: I am not asking anybody to spend any money. I am not asking anybody to approve a project. This is about a draft statement that is out there that the government keeps arguing with itself about.

There is an old saying that you are entitled to your own opinion, but you are not entitled to your own facts. I don't care what opinion any of these agencies have. That is outside of this discussion.

What I care about is agreeing on the facts. There is a project in the ''bootheel'' of Missouri. Actually, for anyone who has a map of the United States, you can get pretty close to where the project is located. The bootheel in southeast Missouri is pretty easy to find on any map that identifies the States. Anybody can get very close to this project. The St. Johns Bayou-New Madrid Floodway Project has been mired in bureaucratic infighting and unresolved government disputes for at least 30 years.

In fact, 1954 was when the government said they would take care of this levee problem. They said it again in 1986. It is as if every 32 years we need to renew our commitment to do this job.

Congress authorized this project. It would add 1,500 feet of levee. It would close a gap in the levee system around the river; 1,500 feet is not a long space. It can be measured by football fields or however else you want to measure it. We are talking about 1,500 feet. We are talking about how that would work.

After years of going back and forth over the first environmental impact statement, the Army Corps of Engineers produced a second draft of this statement in July of 2011. What do I mean by agreeing to the facts? One of the facts in dispute in any levee flood is always wetlands. In this case, the U.S. Department of Agriculture said there were 500 acres of wetlands. The Environmental Protection Agency said: No, there are 118,000 acres of wetlands.

Obviously, this is a pretty big floodway if 117,500 acres of it could be in dispute as to whether it is wetlands, and that is a pretty big discrepancy. These are two government agencies. There is only one definition for wetland. Is it 500 acres or is it 118,000 acres? I think the U.S. Fish & Wildlife Service had some number somewhere in the middle, but that is no way to solve disputes.

The facts are the facts. What meets the definition? This draft of the environmental impact statement—people could comment on this draft if it became public. It is not a final statement. I have been asking for a draft statement. It has now been out there for 2 years. In March of 2012, I sent two letters to try to address this problem. One letter went to the Fish & Wildlife Service and one was sent to the EPA.

In June of 2012, the Army Corps withdrew the revised statement due to ongoing concerns with these other two agencies.

In September of 2012, Congresswoman Emerson—who is from that congressional district in Missouri—and I sent a letter expressing our disappointment about all of this foot dragging.

In October of that year, we visited the project to try to figure out what the problem could be for all the farm families and those who would be impacted as well as others who want to be sure they have the right kind of flood protection.

In December of 2012, Missouri colleague Senator MCCASKILL wrote the heads of the EPA and Fish & Wildlife demanding that they reach a resolution in 30 days and that they present this new environmental impact statement in 60 days. So now there is a Republican Senator and Democratic Senator asking the government to quit arguing with itself and come up with an agreement on the facts. This is about the facts, not about opinions.

In July of 2013, the Army Corps withdrew its revised draft statement once again and the EPA said: We are going to take this all the way to the White House for review.

In February of this year, 2013, Senator MCCASKILL and I had a meeting in her office with representatives of these agencies. During that meeting in February, all the agencies agreed to reach an agreement surrounding the facts by March 15.

They came up with this deadline. Senator MCCASKILL and I didn't ask them when or how quickly they could do this. They said: We will get this done by March 15.

Unfortunately, on March 15 they called and said: We couldn't quite get it done by March 15. So I said: OK. One way I can have some impact is with this nominee for EPA. So the next week, March 18, I placed a hold on her nomination.

Frankly, I thought this would be a couple of weeks. After all, 1 month earlier they thought they could do this in 2 weeks. Now I am saying: OK, let's get this done. They can't just promise Members of the Senate that they are going to do something and then decide to ignore it. As a result, nothing has happened yet. The March 15 deadline has come and gone.

In May of 2013, I went to the project site again. I met with Gina McCarthy that month to express my concerns over this bureaucratic infighting. I contacted the White House to attempt to get this situation resolved for southeastern Missourians and people in neighboring States who benefit from this floodway as well. Unfortunately, we are still waiting.

Ten days ago, the EPA, the Corps, and Fish & Wildlife sent a letter on the status. They said there was a common understanding. I wrote back and said: What does that mean? Does that mean you don't understand how you don't agree with each other? What does it mean? Can we get these facts determined?

So far I have heard nothing. I want to know whether the Natural Resource Conservation Service agrees with the new definition. The EPA came up with a new definition of farmable wetlands. No one I know has heard of this before. It is not defined anywhere in law. It is just at the EPA.

Finally, has there been an agreement with the Corps, EPA or Fish & Wildlife on whether proposed mitigation actions are both valid and adequate? Of the 471 comments that came out, 115 of them concerned mitigation, and most of them came from EPA. I am referring to internal comments. We have not gotten to a point where a citizen can say: I like this project or I don't like it, and here is what I think is wrong with it. I sent a response to the administration on July 9 with more questions.

The most pressing question is: Why can't we manage the government? The administration on this issue said: The government is big and complicated and we can't expect the President to run everything in the administration. Actually, I do expect the President to do that. The Constitution expects the President to do that.

Again, as I conclude, let me just say I will vote to not go forward with her nomination, although I may not prevail. This is a reasonable question. I am not asking the Federal Government to spend a dime or to approve construction; I am just asking them to agree to the facts. One wouldn't think that would be hard to do, but in this case it has been pretty hard to do.

The government needs to stop arguing with the government. I am going to keep fighting for the people I work for to have a right to know what the facts are and what we should be considering as we decide whether we should move forward with this project. The Federal Government said, in 1954 and again in 1986, here is something we are going to do and here is the authorization to do it. Let's find out if it really works by just putting the facts on record.

Mr. LEVIN. Madam President, I support President Obama's nomination of Gina McCarthy to be the Administrator of the U.S. Environmental Protection Agency, EPA. The work of the EPA is critical to protecting Americans from toxic air emissions, polluted waters, harmful chemicals, and contaminated soils. EPA restores habitats enabling flora and fauna to flourish, improving drinking water supplies, enhancing our quality of life, and providing recreational opportunities. Since the EPA was created in 1970, the air we breathe is safer, our waterways are cleaner, and hundreds of thousands of contaminated acres have been cleaned up.

This progress needs to continue, and Gina McCarthy would be an excellent leader to protect our treasured environment and improve public health, while at the same time promoting economic growth. I had the pleasure of meeting with Gina McCarthy this April and we had a frank discussion about commonsense environmental regulations. For example, I support strong ballast water regulations to protect the Great Lakes from destructive invasive species, but a patchwork of various State regulations would be impossible for shippers to comply with and thus we need a single strong federal standard. While Ms. McCarthy was not able to comment on this specific matter, she assured me that she would move forward with environmental regulations that are practical and workable. Her work on other EPA regulations, including those addressing toxic air pollutants from power plants and boilers, demonstrate that she has a history of doing this, of listening to all stakeholders and addressing valid concerns.

Gina McCarthy has worked at the local, State, and Federal levels on environmental issues, as well as with coordinating policies related to economic growth, energy, transportation and the environment. She has led EPA's air office, overseeing a number of important regulations to reduce toxic pollutants in the air we breathe. She is committed to serving the public. I support her nomination because we need the type of leadership she has already demonstrated: willingness to work on a bipartisan basis, commitment to responding to what science tells us, and understanding the economic consequences of regulations.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, this is a very important day for the American people. We are beginning to give President Obama the team he wants to work with. I am not suggesting everyone here likes his choices, but he won the Presidency. Every President, whether I agree with him or disagree with him, or whether I agree with her or disagree with her, or whether it is a Republican or Democrat, every President deserves a team in place.

If I were to ask people how important clean air is to them or how important it is that when children breathe the air they don't wind up with asthma, I will tell my colleagues that 80 percent of them will say it is very important. If I were to ask them how important clean water is, the quality of our lakes and streams and oceans, I would say they would think it over and they would say it is pretty important. That is where we get our fish. That is where we go to recreate. That is a legacy we want preserved.

If I were to say: How about safe drinking water, do you think you ought to be nervous when you or your child drinks your water out of the tap—and, sadly, fewer and fewer people are drinking water out of the tap—I would suggest to my colleagues, knowing what the American people know and seeing how smart they are about what bacteria could be in the water, I would say they would think it very important—at least 80 percent.

If I asked them: How important is it that Superfund sites that had dangerous toxins on them be cleaned up? How important is it to clean up Superfund sites that are dangerous to the health of our children and dangerous to the health of our families? Brownfield sites that are dangerous to our families, how important is it that those responsible for making that mess clean up their mess so those sites can be restored and they can be, in fact, built upon again? I would say vast majorities would say it is very important.

If the Presiding Officer ever goes to visit a school and talks to the kids and asks them to raise their hands if they have asthma or someone they know has asthma, I guarantee too many kids will raise their hands. We know asthma is the greatest cause of school absences.

So why am I starting off discussing the EPA by raising these issues of clean air, clean water, safe drinking water, Superfund sites, brownfield sites? Because the Administrator of the EPA will be carrying out the laws that make sure our air is safe, our water is safe, our drinking water is safe, and the Superfund sites are cleaned up. That is what the Administrator of the EPA does.

For the longest time, we have had a holdup of Gina McCarthy, who was nominated by our President, not because people don't respect her and not because people don't like her. The woman served five Republican Governors, one Democratic President. She got a unanimous vote in her current position as Deputy Administrator. They did it because, frankly, I don't think they like the Clean Air Act. I don't think they like the Safe Drinking Water Act. I don't think they like the Clean Water Act. I don't think they like the Superfund Act. So instead of

going at it head on, because they know they don't have a chance to repeal those laws because the American people revere those laws, they go about it in a roundabout way: Oh, I didn't get the papers I wanted. I didn't get the questions answered. Well, how about 1,000 questions being submitted to Gina McCarthy and she answered every one.

So all of this holdup—stopping this woman from getting the promotion she deserves—isn't about her—it isn't about her. It is about the fact that they don't like the Environmental Protection Agency, even though it was created by a Republican President named Richard Nixon and supported by every President, Democratic and Republican.

Then, of course, there is the issue of climate change. There is the issue of too much carbon pollution in the air, which we are seeing the results of almost every day. The Administrator of the EPA will be carrying out the President's vision for how to get that carbon pollution out of the air, and she will be good at it.

When 98 percent of scientists tell us climate change is real, it is real. I guess 2 percent of scientists are still saying tobacco doesn't cause cancer. Well, bless their hearts, that is their right, but I am not following them, nor are the American people following the 2 percent of scientists who say tobacco isn't linked to lung cancer. And, thank God, we are seeing more and more Americans walk away from smoking. But I have to tell my colleagues, for years we had doctors paid by the tobacco industry and scientists paid by the tobacco industry to say, under oath: We don't see the connection. The tobacco officials themselves actually said that. I will never forget the sight of one after the other: We swear to tell the truth. There is no connection.

Today we had a hearing in the environment committee. It was a terrific hearing about the science of climate change. The Republicans brought forward two witnesses. They were not scientists; they were economists. They said doing anything about climate is terrible for the economy.

I have to tell my colleagues, I looked at the organizations they represented: funded by the Koch Brothers, funded by ExxonMobil. That is a fact. So this isn't about Gina McCarthy, this whole holdup where we had an agency with an acting head—a very good guy, but we need someone in this position who is going to have the gravitas of this confirmation to head the agency.

If we look at the lives that have been saved because of the Clean Air Act, and if we look at the economic prosperity that came about because of the Clean Air Act, it would shake people up. Over a 200-percent increase in the GDP as the Clean Air Act was being carried out; jobs and jobs and jobs created after the special interests told us it would be calamitous.

Do my colleagues know what we found? And we will find it out, as President Clinton just said yesterday at a ceremony where I was proud to be present. When we clean up the environment and we do it in a good way, a wise way, a way that Gina McCarthy will lead us toward, we will create hundreds of thousands of good jobs. We will bring alternative clean energies to the table that will wind up saving money for the American people.

I drive an electric hybrid car, and I hardly ever go to the gas station. It cost a little bit more in the beginning, but after a few years I had it paid for, and after that our family is saving money. I was able to put a solar rooftop on my home. Granted, it is in California where the Sun shines a lot. The fact is, in a few years, I will be reaping the benefits of it because I do not pay for electricity.

So we can reap the benefits. Instead of telling people it is going to hurt them, the truth is it is going to help them.

I will never forget when the wall came down in Eastern Europe. I visited that wall in Germany. When that wall came down, the first thing Eastern European countries did was clean up the air. People could not see. The truth is, if a person can't breathe, they can't work, period. In China, they can barely see, and they are going to undertake a huge cleanup of their environment.

So this battle about Gina McCarthy is not about Gina McCarthy; it is about the fact that a lot of our colleagues simply believe we would be better off without an EPA. If my colleagues look back at the lives saved because of the EPA, if they look at the jobs created because of the EPA, my colleagues would think, I believe—if they really looked at it without a prejudice—they would agree with the American people who support the Environmental Protection Agency in numbers that are 70 percent, 80 percent.

So to say that I am relieved we are having this vote is an understatement. I am so happy to see this moment come, when we will put in place an Administrator for the EPA who will do us all proud, who will be fair to all sides, and who will move our Nation forward in both cleaning up the environment and creating good jobs in the process.

I thank the Chair very much. I don't see anyone else here, so I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency.

Harry Reid, Barbara Boxer, Benjamin L. Cardin, Christopher A. Coons, Patrick J. Leahy, Tom Carper, Ron Wyden, Patty Murray, Tom Udall, Martin Heinrich, Bernard Sanders, Sheldon Whitehouse, Max Baucus, Richard J. Durbin, Kirsten E. Gillibrand, Jeff Merkley, Brian Schatz.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 69, nays 31, as follows:

[Rollcall Vote No. 179 Ex.]

YEAS—69

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

NAYS—31

Barrasso	Grassley	Paul
Blunt	Hatch	Risch
Boozman	Heller	Roberts
Chiesa	Hoeven	Rubio
Coats	Inhofe	Scott
Coburn	Johanns	Shelby
Cornyn	Johnson (WI)	Thune
Crapo	Lee	Toomey
Cruz	Manchin	Wicker
Enzi	McConnell	
Fischer	Moran	

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Pursuant to S. Res. 16 of the 113th Congress, there will now be 8 hours of debate equally divided in the usual form prior to a vote on the McCarthy nomination.

Who yields time?

The Senator from Louisiana.

Mr. VITTER. Madam President, I rise to talk about the substance of the Gina McCarthy nomination. It is a very important nomination. It is a very important Agency that has been taking dramatic action in the last 4 years. Gina McCarthy is not some outsider coming to this anew. She has been at the center of that very dramatic, and in my

opinion, draconian action, in a methodical march against affordable, reliable energy.

The EPA has crafted and will continue to put forward multiple rules to stop the use of coal as part of our energy mix, to increase prices at the pump, to create energy scarcity at a time when energy independence is within our reach. This is a crucial debate. Because while the President says he is for all of the above, while he says he wants to pursue that strategy, the particular policies of EPA have done the opposite. It has not been all of the above. It has been a war on coal. It has not been energy security, it has been increasing prices at the pump. It has not been energy independence, it has been trying to muffle the progress we can make to produce good, reliable, affordable energy right here in our country.

The EPA will play a pivotal role in the execution and implementation of the President's recently announced climate action plan. With this edict from the President, EPA is further emboldened and will strengthen its grip on the Nation's economy.

EPA's significant rulemaking agenda is not only estimated to cost billions of dollars, but it suffers from inherently flawed foundations. In the recent past, this has necessitated the reconsideration or revision of multiple rules after they were promulgated—for instance, reconsideration and revisions to the mercury and air toxics rule, the boiler MACT rule, the cross-State air pollution rule, the oil and gas NSPS rule, and the Portland cement rule. So there alone you see the deep flaws in what they have been doing, because they have had to back up and clean up the mess.

EPA needs to show the public the truth and the ultimate consequences of its actions. The extent of the economic harm of the rules put forward during the last 4 years and those they are talking about for the next 4 years must be known to the public not only through FOIA requests, not only through congressional inquiries, not only through more accessibility to information which we have won, but by being honest with the American people about their policies.

Let me talk about a few areas where this is particularly important.

First, greenhouse gas regulation. The regulation of greenhouse gases alone is expected to cost more than 300 to $400 billion a year, and it will raise energy costs across the board.

EPA will continue to issue regulations industry by industry until virtually all aspects of the American economy are constrained by regulatory requirements and high energy prices.

When the EPA IG investigated the basis upon which EPA moved forward with a greenhouse gas regulation endangerment finding, the IG found that EPA did not follow its own peer-review procedures to ensure that the science behind the decision was sound. This is a very important point, and we need more and different action from the EPA.

Directly related to that are the so-called social costs of carbon. In order to justify this regulatory regime that I am talking about, put forward by the administration, including unilateral action to be undertaken as part of the climate action plan, for the second time in just a few years an interagency working group crafted, behind closed doors, a monetized estimate of the damages caused by emitting an additional ton of CO_2 in 1 year. These estimates are referred to as the social cost of carbon.

The problem is that the EPA completely jiggered the methodology behind that to obtain a certain result. In fact, OMB has guidance on how to go about this. They have specific guidance on what discount rates to use. And the IWG failed to use their normal recommended discount rate for a very simple reason: it wouldn't get them to the end goal, the objective they needed to get to. This is more evidence of the serious problems we have with EPA.

Another important category is the ozone national ambient air quality standards. Beyond the regulation of greenhouse gases, EPA will propose revisions to the ozone national ambient air quality standards which, if set between 60 and 70 ppb, would cost potentially hundreds of billions of dollars annually. EPA itself estimates now that this would cost between 19 and $90 billion annually and would likely find 85 percent of U.S. counties designated ''nonattainment.'' This is a big deal. EPA needs to talk honestly with the American people about where it is pushing us.

Overreach. In general, this Agency's overreach has been historic. For instance, in an attempt to smear the idea of hydraulic fracturing, EPA has carried out a campaign against that process in an attempt to justify unnecessary Federal regulations that would usurp the successful and traditional regulation of that process.

The EPA, in three separate instances—Pavillion, WY; Dimock, PA; and Parker County, TX—came out with outlandish and unsubstantiated claims of contamination and ridiculous claims of dangers, such as houses exploding due to hydraulic fracture. In all three of those cases, EPA has been forced to walk away from their baseless claims and withdraw from their investigatory witch hunts.

There is yet another example of improper action and complete overreach and mismanagement of existing programs—the renewable fuel standard. While that fuel standard, in my opinion, is inherently flawed and may be in need of outright repeal, EPA is in charge of its current implementation. It is not taking action while a crisis mounts under that current implementation.

As renewable fuel mandates increase each year while demand for transportation fuels decreases, refiners are forced to blend more biofuels into a gasoline and diesel pool that is shrinking. We are hitting a blend wall. It is a mounting crisis. It is right before us. EPA is managing—or I should say mismanaging—this existing program. EPA has existing powers to do something about it so we don't hit the blend wall, so we don't cause unnecessary spikes in prices at the pump, and it is not happening.

Those are the highlights—or I should say the low lights. Those are some of the obvious areas where this Obama EPA—with Gina McCarthy as a key player—has acted to the detriment of the American people, jobs, the economy, and our future.

It is for those reasons that I continue to have profound concern with this direction at EPA. As I have said, the present nominee is not an outsider. She is not new. She does not have no element of involvement. She has been at the very heart of many of these matters as head of the clean air program. For those reasons, I not only express my strong reservations, I will vote against the nomination of Gina McCarthy.

I urge my colleagues to look long and hard at the record of this EPA. It has been a job killer. It has slowed economic recovery, and it threatens to do even more damage. I urge a ''no'' vote.

I yield back my time and invite others who would like to speak to come to the floor immediately.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. WARREN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. BOXER. Madam President, I yield back all remaining time.

I understand the Republican side has yielded all time, and I would like to see us get to a vote.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency?

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Mississippi (Mr. WICKER).

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

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 180 Ex.]

YEAS—59

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

NAYS—40

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

NOT VOTING—1

Wicker

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I am 95 percent certain there will be no more votes today. The question I am not as certain about is what happens on Monday. We will know before the day is out whether we will have to have a Monday vote or votes. We will keep that in mind. Everyone should keep it in mind.

I ask unanimous consent the motion to reconsider be considered made and laid on the table, there being no intervening action or debate; that no further motions be in order; and that President Obama be immediately notified of the Senate's action and the Senate resume legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate resumes legislative session.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BENNET. Madam President, I ask to speak as in morning business.

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

COMMEMORATING THE AURORA TRAGEDY

Mr. BENNET. Madam President, on Saturday, July 20, Colorado will commemorate a solemn anniversary because a year ago, almost exactly to the day, in Aurora, CO, a theater full of people, who at that moment wanted nothing more than to escape the heat and enjoy a movie with their family and with friends, found themselves in the middle of a senseless and violent tragedy. A gunman opened fire and took 12 lives a year ago, innocent people, loved by family and by friends. He physically wounded scores of others.

Days later, as this photo shows, thousands of Coloradoans attended a vigil hosted by the city of Aurora. We shared tears and prayers. We also resolved to support each other, to heal, and to always remember those who lost their lives—which is what brings me here today.

Since that time, we have continued to see an outpouring of support all across Colorado and, for that matter, all across the United States of America for those we lost, their loved ones, and for the city of Aurora. The grace and courage of the families and survivors affected by this terrible tragedy serve as a powerful reminder to all of us of the resilience of the human spirit.

Today we remember the victims, victims such as Jessica, an aspiring young journalist; Rebecca, a mother of two who joined the Air Force after high school; and Veronica Moser Sullivan, age 6, who had just learned to swim and loved to play dressup.

We also remember the acts of heroism and the resolution demonstrated by so many Coloradoans in the aftermath of this tragedy, people such as Matt McQuinn, who threw himself in front of his girlfriend on the night of the shooting, saving her life; and the brave first responders and volunteers who helped save lives and comforted those in shock and heartbreak.

We remember the city of Aurora and the State of Colorado, which has once again come together to help one another through unspeakable loss and heartache.

At a recent service of over 3,000 people at the Potter's House, an Aurora-based church, Rev. Chris Hill told those in attendance that ''We believe morning is coming to Aurora. Aurora means the dawn.'' I think that captures the spirit of resilience and toughness that characterized Aurora, my beautiful State of Colorado, and these United States of America.

Before I leave the floor, I want to read once again the names of the victims in Aurora: Jon Blunk, AJ Boik, Jesse Childress, Gordon Cowden, Jessica Ghawi, John Larimer, Matt McQuinn, Cayla Medek, Veronica Moser, Alex Sullivan, Alex Teves, and Rebecca Wingo.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from West Virginia.

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

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

Mr. MANCHIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

COAL IN AMERICA

Mr. MANCHIN. Mr. President, weeks and months ahead and maybe even for years to come, we will be debating President Obama's latest global climate proposal. It is crucial that this debate be based on crystal clear facts and not clouded by political ideologies on either side.

So, starting today, I plan to deliver a series of speeches on energy, and I plan to start with coal, which I know is no surprise to the Presiding Officer. Coal is America's greatest energy resource. I think it is important to lay out the facts about coal for several reasons.

No. 1, coal is America's most abundant, most reliable, and most affordable source of energy, and it will be for decades to come.

No. 2, the coal industry and its supporters have been falsely portrayed by opponents as monsters who have done something wrong, that they value money over health and the environment.

No. 3, I think the American public has some basic misconceptions about coal and how important it is to keeping our economy growing and our Nation secure.

I think that because I was recently asked: If coal is so controversial, then why don't we as a nation just use more electricity? The question shows that, basically, people don't understand where their electricity comes from. When we turn the lights on, over 40 percent of the people depend on coal. Most of this industry and this country has been built on the back of coal and what coal has produced.

I didn't know how to respond to the person who asked that. It was one of those rare moments when I was at a loss for words. Just imagine standing there and being asked: Why would we continue to keep mining coal? Why wouldn't we just use more electricity?

I guess what I should have said was this: When we surf the Internet, watch TV or play video games, when we charge a cell phone or turn on an air-conditioner or plug in our hybrid car to charge it, we are using electricity, and there is a good chance that electricity came from coal.

Coal has a distinguished past. In fact, one can't tell the history of America without telling the history of coal. It fueled the industrialization of America in the 19th and early 20th centuries, making us what we are today: the richest and most powerful Nation in history.

Coal also has a distinguished present. It is responsible for 37.4 percent of all electricity generated in the United States today—more than any other source of energy.

Just as important, coal has a distinguished future ahead of it. The U.S. Department of Energy says it will remain

the dominant fuel for electricity generation in our country at least through 2040.

Despite so many attempts to kill it, coal is critical to meeting the future energy needs of America. In other words, we can't make it without coal.

Coal has the longest and perhaps the most varied history of all fuels. It has been used for heating since the caveman. It was once prized as the best stone in Britain by Roman invaders who actually carved jewelry out of it. Native Americans used it long before the New World settlers to bake their pottery, and blacksmiths have used coal to forge tools and all kinds of metal objects at least since the Middle Ages. In fact, a deep, rich vein of coal runs through all of human history and not just American history. Given all the blame it gets for carbon pollution today, it is worth remembering that coal was universally regarded as a carbon treasure.

It is difficult to exaggerate the importance of coal to both the American and British economies in the 19th and 20th centuries. Coal was the fuel that fired the Industrial Revolution. In the popular imagination, the industrial revolution is cotton mills, railways, steamboats, engines, and factories. But at the core of the industrial revolution was our use of energy, and the energy that powered the mills, the railroads, the steam engines, and the factories was coal. In fact, when James Watt invented the steam engine, he used coal to make the steam to run his engine, making it possible for machinery to do work previously done by humans and animals.

But perhaps the most important role coal played in the industrial revolution was in the making of steel—the predominant building material of the time. In 1861, when the country was torn by Civil War, factories used coal to produce steel for the guns, the bullets, and the cannons that preserved this Union.

By 1875, coke, which is made from coal, replaced charcoal as the primary fuel for iron blast furnaces to make steel. With the rise of iron and steel, coal production increased by 300 percent during the 1870s and early 1880s. By the early 1900s, coal was supplying more than 100,000 coke ovens, mostly in western Pennsylvania and northwestern West Virginia.

In the 1880s, coal was first used to generate electricity for factories and homes. Long after homes were being lighted by electricity produced by coal, many of them continued to have furnaces for heating and stoves for cooking that were fueled by coal. I can remember as a young person at my grandparents' home, I would always stoke the fire at night and bank up the coal so it would be warm all night long.

Of course, political, economic, and intellectual conditions also contributed to the industrialization of America. Representative government, capitalism, and the free expression of new ideas all played their part. But at the heart of this sweeping industrial revolution, a profound transition from hand production to machines, was because of coal.

The first coal miners in the American Colonies were likely farmers who dug coal from beds exposed on the surface and sold it by the bushel—by the bushel. In 1748, the first commercial coal production began from mines around Richmond, VA. By the late 1700s, coal was being mined on what was known as Coal Hill. Now it is known as Mount Washington in Pittsburgh, PA. The early settlers there used coal to heat their homes, but they also carried it in canoes across the Monongahela River to provide fuel for the military garrison at Fort Pitt.

Coal was first discovered in what is now West Virginia by German explorer John Peter Salling in 1742 in what is now Boone County. I have to wonder how hard it was to discover coal in West Virginia because coal occurs in 53 of West Virginia's 55 counties.

As early as 1810, the residents of Wheeling—once a part of Virginia and now a treasured part of West Virginia—used coal from nearby mines to heat their homes. By 1817, coal began to replace charcoal as a fuel for the numerous salt furnaces on the Kanawha River. But it was not until the mid-1800s that there was extensive mining in West Virginia.

The coalfields in southern West Virginia opened in the 1870s, and many of them owed their success to the coming of the Chesapeake and Ohio Railway.

Of course, you cannot talk about coal without talking about coal miners—the bravest and most patriotic men and women I have ever met in my life. A lot of Americans only know the TV and movie stereotypes of coal miners, so they do not always give miners the respect they deserve. The fact is that they deserve the same respect as our military veterans because they go down into the mines for the same reasons our veterans took up arms—to protect this country. It is not just a job, it is a calling, it is a way of life, even an act of patriotism in the defense of this great country, and to tell you the truth most of the coal miners I meet in West Virginia are also military veterans.

Coal miners are vital to the security of this Nation. That was never so clear than in World War II when Franklin Roosevelt nationalized America's coal mines—it was that important to us.

In a fireside chat in 1943 explaining his actions, Franklin Delano Roosevelt said:

> A stopping of the coal supply, even for a short time, would involve a gamble with the lives of American soldiers and sailors and the future security of our whole people.

That was the President of the United States in 1943.

A stopping of the coal supply is still a gamble with the future security of our country.

My own family first came to America to work in the mines back at the turn of the 20th century. Growing up in the small coal-mining town of Farmington, I saw just how proud and courageous all these miners were. In 1968, after the horrific Farmington No. 9 mine disaster that claimed 78 victims, including my uncle, I experienced the healing strength of coal-mining families.

Working conditions and living conditions were difficult for miners in the early days, but they did their best to make a living and provide for their families. They fought and struggled for everything—first alone, then as union members led by the legendary John L. Lewis, the lion of labor. Lewis pleaded the case of the miners in what was once described as ''the thundering voice of the captain of a mighty host, demanding the rights to which free men are entitled.''

If you ever have any doubt about the courage of coal miners, read the scribbled last words of one of the miners who died in the mining accident at Sago, WV, in 2006. I was Governor at that time. In the pitch black of the mine, the miner, Mr. Martin Toler, Jr., wrote:

> Tell all I'll see them on the other side. I love you. It wasn't bad. Just went to sleep.

Can you imagine? They were all sitting in that area knowing what their fate would be.

From the very beginning coal mining was tough and demanding. It still is. But today it is also safe and efficient, and it is even high-tech. In the 1880s coal miners were learning how to use mules and donkeys to haul coal through the mines. Today they are training in robotics, automation, and positioning technologies. And the pay is good—starting out around $60,000 a year, sometimes even starting at as much as $80,000 a year.

Coal mining provides more than 20,000 direct jobs in West Virginia at an average wage above $79,000 per person, generating more than $1.6 billion in income, but it also accounts for another 25,500 indirect jobs in West Virginia. The most recent available data show that the economic impact of the coal industry in West Virginia equals nearly $20 billion a year—$20 billion a year in my little State.

To the miner, coal is the energy business, so they are mystified when they hear talk out of Washington about getting rid of coal, even as we continue to try to achieve energy independence. They cannot understand why their own government tries to kill the good well-paying jobs that support their families and provide the energy this country needs. And I cannot understand it either. I really cannot. It does not make any sense.

Coal is America's most significant source of electricity, and it will continue to be for decades to come. The United States holds the largest estimated recoverable reserves of coal in the world—enough to last nearly 300 years. Coal currently generates almost 40 percent of the electricity in America, and our own Energy Department

reports that our country will get 37 percent of its energy from coal at least through 2040. So it is obvious that removing it from our energy mix will have disastrous consequences for our economy, which is still trying to get back on both feet. We need an ''all of the above'' energy policy that uses every energy source we have—hydroelectric, nuclear, biomass, renewables, and fossil fuels, including coal. You cannot tell the history of America without telling the history of coal, and you cannot plan an energy future for America without coal.

To put it in a nutshell, there are 8 billion tons of coal being burned in the world today. One billion tons of coal are being burned in America. For those who are saying we are destroying the global climate because of the coal we are burning, we burn it better and cleaner than most any nation on Earth.

I am not a climate scientist, but I do know that the ocean currents and the wind currents do not start and stop in North America. I do know that. And I know that if you stop burning every ton of coal in America, thinking you are going to save the climate of the world, when there are 7 billion other tons of coal being burned—and it is growing faster than any time in history—we have oceanfront property in West Virginia at a bargain for you. That is what we are dealing with today. It does not make any sense at all.

I know I have my good friend Senator HOEVEN here from the good State of North Dakota, which is the leading energy producer in the country.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I am pleased to join my distinguished colleague from West Virginia in this discussion of an energy source that is vital to our Nation, and that is coal. North Dakota, like the great State of West Virginia, is a major coal-producing State and a major energy-producing State.

I think my distinguished colleague from West Virginia hit the nail on the head when he said we need a comprehensive energy plan in this country that is truly ''all of the above.'' We need to use all of our energy resources. And different States have different types of energy, and every type of energy has different strengths and weaknesses. The kind of energy we produce in one part of the country or the source of producing that energy is different than in another part of the country.

But the point is that if we take an ''all of the above'' approach, we can be truly energy independent in this country, but also think of the jobs and the economic growth that come with it. My colleague just went through how coal, for example, creates tremendous jobs, and he is right—good-paying jobs. So when we talk about an ''all of the above'' energy approach, we are talking not just about national security in terms of energy independence—not depending on the Middle East or Venezuela or these other places for our energy; that is national security—but it is also about economic growth and jobs and opportunity, a great living for families, a great way to earn and generate income for families across this Nation. That is what a real ''all of the above'' energy approach is about.

So when the administration talks about an ''all of the above'' energy plan, they have to not just talk about it, they have to do it. It is not just talking about it; it is making it happen. The way you make it happen is you have a clear legal, regulatory, and tax climate that encourages investment, does not hold it up, encourages investment, does not tie it up in redtape and regulation that prevents that investment. When you make that investment, what happens is you not only produce more energy, but you deploy these new technologies that do it with better environmental stewardship.

So let's go back to the issue of coal. My distinguished colleague is talking about coal in his State. Well, coal in North Dakota—we are a major producer of coal, and we are a powerhouse for energy in this country—not just coal but oil and gas. We do renewables, solar, biodiesel, ethanol. We do wind. We do all of them. But in the area of coal, we are one of the leaders in deploying these new technologies, and as a result we are one of 14 States in the Nation that meet all ambient air quality requirements nationally. Think about that. Here we are, we are a major coal-producing State, we are a major electricity-producing State, yet we are one of 14 States in the country that meet all ambient air quality requirements.

What am I saying? What I am saying is that when you empower that investment that gets that capital invested in these new technologies, you deploy that technology, you produce more energy, you create great jobs, you grow our economy, and you get better environmental stewardship.

Mr. MANCHIN. Will the Senator yield for a question.

Mr. HOEVEN. I will.

Mr. MANCHIN. If I may ask the Senator this, the Senator and I know the facts of what we do in our States and how we do it and how much energy we produce. Both of our States are energy-producing States. We are net exporters of energy, correct?

Mr. HOEVEN. Correct.

Mr. MANCHIN. Here in Washington, in the atmosphere that you are looked upon, let's say, in the atmosphere you enter into, do they believe we just throw caution to the wind and we do not care about the environment because we come from an energy State? Is that what the Senator is finding when he talks to other colleagues who might not know what an energy-producing State is about, but they sure like what we do?

Mr. HOEVEN. I would respond to my colleague, that is exactly what I am saying. Here we are, a major coal-producing State. We are one of 14 States that meet all ambient air quality requirements. We are No. 1 in surface reclamation, land reclamation—No. 1 in the country. We are rated right at the top in terms of our water and saving our lakes and protecting our water programs.

That is the point the Senator is making. That is the point I try to make all the time. With a States-first approach, States are the ones that can not only encourage that investment but take tremendous pains to make sure they are protecting the environment, growing the economy, and taking care of people who live in those States as well. That is why what we need to do to truly have an ''all of the above'' energy plan for this country is to empower States and empower that investment that we are talking about for all types of energy. Do not say ''all of the above'' as a Federal Government and then come up with regulations that prevent, block, preclude the very investment we need to deploy these technologies and produce energy from coal and other sources.

Mr. MANCHIN. Let me ask another question. If the plan the President has put forward makes it almost impossible to build another coal plant—and maybe shut down many in this country—is there still going to be a demand for our coal overseas? Will we be exporting that coal? It will be burned somewhere in the world.

Mr. HOEVEN. Again, my colleague makes a great point and a factual point; that is, what we are seeing happening as a result of the redtape and the regulations the administration is continuing to put forward and is proposing again to add to in its most recent policy pronouncement on energy—the net effect of that is to preclude investment, is to preclude not only developing new plants with the latest, greatest technologies that will help us take steps forward, exciting steps forward in clean coal technology, but it is forcing existing plants to shut down because the requirements are not feasible, they cannot be met with the current technology. As you shut those plants down, you not only lose the energy, lose the jobs, lose the economic growth here at home, but the coal then is still mined and now exported to other countries, where it is consumed in those other countries that have lower standards than we do.

And think—and think—if, instead, you empower the kind of investment in technology I am talking about in this country, other countries would follow us, so that then when they use their coal, they use these new technologies as well, and on a global basis you start to actually reduce emissions and produce better environmental stewardship.

Again, I would turn back to my colleague for his thoughts.

Mr. MANCHIN. Let me just say this to the Senator. I found out today—the

information I received today was most disturbing from this standpoint: We all know that if we could develop and have a partnership with our government—with the EPA, with the Department of Energy—of finding the latest, greatest of technology that helped us still be able to use the most abundant resource—and the resource that is in the most demand for the whole world, correct—if we could do that, then we could truly make a difference in the global climate—we truly could—worldwide.

I found out today—I am going to make sure these figures are accurate—that there is $8 billion. So the administration can tell me and you: Senators, guess what. We still have $8 billion for clean coal technology in a line item for the Department of Energy.

Guess what. That $8 billion has been line-itemed since 2008. Not one project has been approved for which to use the money. I do not know if you found that. We have not had the technology perfected on a commercial basis for carbon capture sequestration. You have a coal-to-liquid plant, I believe. It has worked well for how many years?

Mr. HOEVEN. I would say to my colleague, he is exactly right. He hit the nail on the head. We are talking about clean coal technology and encouraging development in clean coal technology. But to do it, we have to have regulations that are attainable and feasible that encourage the kind of investment we are talking about.

The project the Senator is referring to is the Dakota Gasification Company, which has been operating now in our State successfully for years. It actually takes coal and converts it to synthetic natural gas—natural gas. That natural gas then goes into a pipeline, goes for all different uses, and meets the CO_2 requirements the administration is talking about attaining right now because it is natural gas.

So it meets that natural gas standard. The coal, we burn. Then we capture the CO_2, we compress it, put it in a pipeline, and it goes into the oilfields for a tertiary or secondary recovery. So we are also producing more oil for mature oilfields. That is an example of the technology and the capital investment and kind of regulatory environment that encourages technology development to not only produce more energy, more jobs, and growing the economy, but as my colleague is pointing out, better environmental stewardship.

That is how to get it done, not just in this country but globally. So the Senator is exactly right.

Mr. MANCHIN. I want to ask my friend this question: Does he believe he could have built that plant in North Dakota today under the regulations that the EPA and this administration were to put in front of him?

Mr. HOEVEN. This is exactly the point. We need these kinds of projects. Work with us as States to empower that kind of development, not shut it off. The Senator is exactly right.

Mr. MANCHIN. What we are saying is how many people would think in West Virginia we have one of the largest wind farms east of the Mississippi? How many do you think really understand that? They think we are all just a one-horse show. We have wind, we have gas, we have coal. We have hydro and biofuel. We are all in. We are trying to use every resource we have the best we can.

All we are asking for is a partnership. It is so hard to find. The people cannot understand. There is an old saying back home: You cannot live with me, and you cannot live without me. I guarantee you will live a lot better with me than you will without me.

This country cannot live with us today and cannot live without us, but they have lived pretty darn good and will live a lot better if they will work with us than against us. I think that is what we are seeing. Our little States are doing the heavy lifting. Our little States have done the heavy lifting. We are providing the energy this country needs. We are providing the economic opportunities to compete globally. If they continue to overregulate to the point they strangle us, they are strangling the economics of this country.

I am just praying to the Good Lord they will listen to us.

Mr. HOEVEN. I would say to my distinguished colleague, I have been to West Virginia. It is an absolutely beautiful State. It is breathtaking, with its hills and valleys and bridges over rivers. It is just a gorgeous, beautiful State.

As my distinguished colleague was saying, what we are talking about is an opportunity. We have a real opportunity to do this and do it right, but we have to get the Federal Government to work with us, whether it is the great State of West Virginia, the great State of North Dakota, or across this country. And it is not just in coal. It is in all of these different types of energy. But you have to work with the States. You have to take a States-first approach that empowers them, that unleashes the entrepreneurial spirit of this country. That is what we need, not a big regulatory maze that nobody can get through. We are talking about common sense that empowers us to do things that can make a big difference for this country.

Mr. MANCHIN. The only thing I would say to my good friend is, we are a Democrat and a Republican from two energy States. It is not bipartisan. Energy should have no partisanship. Energy basically is something we all need and we all use. When you open that refrigerator, you need that energy to keep it cool. When you go into a house out of 100-degree weather, you need to be cool and comfortable. You need energy as a basic quality of life. That has basically made us different from most every Nation.

Every developing nation today is trying everything they can to deliver what we take for granted. All we are asking for is for our President—he is my President, he is your President, he is all of our President. We want to work with him. We want him to be our partner. Do not be my adversary; be my ally. Work with me. We can do it. But we have to be serious about it.

If there is $8 billion sitting on the sideline at the Department of Energy, and you are telling me you are going to use that for clean coal technology, let's start using it. Let's be a leader of the whole world and show the other 7 billion tons of coal that is being consumed in the world how you can do it and do it better. I think that is really what we are saying.

To my good friend from North Dakota, I appreciate so much the approach he has been taking, a most commonsense, a most reasonable, responsible approach. We have been friends for a long time. We were both Governors of our respective States. We worked together. We tried to solve problems. It is exactly what we are still doing here in the Senate. I thank the Senator.

Mr. HOEVEN. Mr. President, I would like to thank my distinguished colleague not only for his work on energy—he is already recognized as an energy leader in this body—but also most recently for student loans. He has taken a bipartisan lead on student loans that I believe has produced a great product, which I am pleased and proud to cosponsor, and on which I believe this body will come together next week and pass.

I think if we pass it, the House will take it up and pass it right away. It is so important for students, so important for our students and their families. It is just such a great example of what we can do working together. I think the good Senator from West Virginia does this so well. I thank him. Whether it is energy or student loans or just a lot of other issues, I want to express my deep appreciation and my fondness for working with him on these important issues.

Mr. President, I ask unanimous consent to speak for 5 minutes on another very important issue.

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

THE FARM BILL

Mr. HOEVEN. I rise today to speak on an issue of great importance to our country, and one that we need to act on and we need to act on now. That is the farm bill. We in the Senate have passed a strong farm bill. It saves $24 billion to help reduce our debt and our deficit. It streamlines our farm programs to make them more efficient and more usable for our farmers and our ranchers. It ensures that our farmers and ranchers continue to have good risk management tools that they need to manage their operations, particularly enhanced crop insurance which is so important for our farmers and ranchers.

Now the House has also passed a farm bill and sent it over to us in the Senate. So we have it. I rise today to urge

my colleagues to join with me and form a conference committee with the House now to get this farm bill done for our farmers and ranchers—not just for our farmers and ranchers but for the American people. This really is about serving the American people, and it is about making sure that we continue to have the highest quality, lowest cost food supply in the world.

That means every single American benefits from good farm policy. We need to move on this bill. We need to act. The current farm bill expires September 30. We are already operating under a 1-year extension. It is time. We need to get going. We need to get this done. We need a long-term farm bill in place for our farmers and for our ranchers.

As I said right now, all Americans benefit from the highest quality, lowest cost food supply in the world. But the farm bill is more than just a food bill, it is a jobs bill as well. Right now in our country there is something on the order of 16 million jobs on a direct and indirect basis—more than 16 million jobs that depend on agriculture. So businesses large and small across this great Nation depend on agriculture.

In addition, agriculture has a favorable balance of trade for our country. Let me just give you a few of the statistics. This year it is estimated that we will export almost $140 billion worth of ag products. Think of all the dollars, the revenue that comes back to our country, the job creation, the economic growth, the employment, at a time when we need to create more jobs in this country, $140 billion that we export in food products all over the world supporting jobs and economic activity in this country.

A favorable balance of trade helps us in terms of our financial situation—a favorable balance of trade of almost $30 billion. In 2012, exports, more than $135 billion; in 2011, more than $137 billion in ag products from this country supporting jobs and economic activity in this country, and a favorable balance of trade of more than $40 billion.

Finally, agriculture is about more than just food. It is about fuel and fiber, and it is about national security. We do not have to depend on other countries for our food supply because our farmers and ranchers take care of it right here at home. So it is even a national security issue as well, making sure that we have the food supply that is dependable, nutritious, the highest quality, lowest cost in the world right here available to us at all times.

One other point I will make before I conclude; that is, our farmers and ranchers are stepping forward at a time when we have a deficit and a debt, and they are doing their part to help address this deficit and debt—$24 billion in savings, when the actual portion of the farm bill that actually deals with farmers is actually less than 20 percent of the whole bill.

Our farmers are stepping forward and helping the deficit with $24 billion in reduction. Just think for a minute. If we can do that across government, think of the impact it would have in terms of helping us to reduce this deficit and get our deficit and debt under control in this country.

It is time to move forward with the farm bill. The next step is to go to a conference committee with the House. We need to get that done. We need to get that done now and get a long-term farm bill in place for our farmers, for our ranchers, and for this great Nation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

STUDENT LOAN PROGRAM

Ms. WARREN. Madam President, it has been 18 days since the interest rate on new direct student loans doubled from 3.4 percent to nearly 7 percent. Students will head off to college in a few weeks and Congress still has not found a way to keep their interest rates low. In Massachusetts, our kids, our parents, our schools are worried.

I want to go over the history so we are all clear about how we got here. For months Democrats have argued we need to keep interest rates low. We have made at least three attempts to do this. For example, I introduced a bill that would have dropped interest rates on direct loans for 1 year to the same level at which banks borrow from the Federal Government, which is currently less than 1 percent. I introduced that proposal because I believe the Federal Government should invest in our students, not just in our biggest banks.

We also proposed to extend the current interest rates at 3.4 percent for 2 years, paid for by closing tax loopholes, and Senator REED and Senator HAGAN offered a bill to keep rates low for 1 year. All three proposals had two features in common: They cut costs for students, and they gave us some short-term breathing room to take on bigger problems, including how to refinance $1 trillion in outstanding student loan debt, and how to reduce the overall costs of college for all our students.

When we brought the last two proposals to a vote, they won by a majority, but they didn't pass because the Republicans filibustered both bills. We could have kept rates low, but the Republicans, every single one of them, voted to block that. Instead, Republicans put together their own long-term plan. It was an amazing plan. According to official government accounting, it would have generated $184 billion in profit that the government is already projected to make by doubling interest rates on student loans over the next 10 years; and then the Republicans would have added another $16 billion in new profits.

That is billions in pure profit—profit after we have accounted for the cost of money, after the cost of administering the loan, and after the cost for bad debt losses. All those profits would be made off the backs of our kids who are trying to get an education.

So here we are, 18 days past the July 1 deadline, and students are being hurt because Republicans filibustered these reasonable plans, even though the plans had support from a majority of Senators.

Chairman HARKIN, who has been a leader on this issue from the very start, has been doing his absolute best to find a solution that Republicans would not filibuster so when students start taking out loans in a few weeks they won't be the ones to pay for Republican obstruction. Others, such as Senator JACK REED, Senator STABENOW, and the majority leader, have also worked very hard to find a solution. But here is the problem: From the very beginning, Republicans have dug in their heels and insisted that any new student loan proposal maintain the same $184 billion in profit the government will make on new student loans over the next 10 years. They insist that whatever we do, the government must make the same profits off the students they will make now by doubling the interest rate to 6.8 percent. They say: Whatever you do, make sure the government makes $184 billion off our students.

Many Senators who care deeply about this issue, such as Chairman HARKIN, Senator DURBIN, Senator MANCHIN, and Senator KING, have been doing their best under these circumstances to help the students, and I applaud their commitment to our students. They have succeeded in getting at least some Republicans to support a proposal that will result in lower interest rates for some students for a couple of years. But in the end, this is a simple math problem. If Republicans insist we continue to make the same amount of profit in the student loan program, that means students in future years will have to pay even higher rates to make up the difference. In other words, kids who are sophomores in high school right now will end up paying even more so students who are sophomores in college today can pay a little less. I don't believe in pitting our kids against each other. I don't think high school sophomores should pay more so college sophomores can get a little break. In fact, I think this whole system stinks.

We should not go along with any plan that demands our students continue to produce huge profits for the government. This is wrong. Making billions and billions in profits off the backs of our students is obscene. The Republican position is that they refuse to give up a single dime of these profits. In fact, the latest proposal adds another $715 million in additional profits. The Republican position is we don't

need to close tax loopholes or to ask wealthy Americans to pay their fair share because we have a ready-made profit center for funding the Federal Government—middle-class families who are struggling to pay for college.

I have the deepest respect for the Senators who have tried so hard to come up with a deal for our students under these Republican conditions, and I have no doubt their intentions are honorable. But I can't support this proposal. I have fought hard for working families and middle-class families for nearly all of my grownup life. I fought back against credit card companies that put out zero-interest cards planning to make all their profits in the fine print. I fought back against teaser-rate mortgages that promised low rates in the first 2 years but then shot up to rates that pushed millions of people into foreclosure. And now the Senate is offering its own teaser-rate loan program? A great deal for students this year and next, but every kid who borrows after that gets slammed. That is not the business the U.S. Government should be in.

I understand compromise isn't always pretty, but there is no compromise in this bill. With the student loan rates now at 6.8 percent, if Congress does nothing, the government will make $184 billion in profits. Under the new proposal, the government will make the same $184 billion in profits plus another $715 million in additional profits. And that all comes directly off the backs of our students.

I want to see these profits go down. I know we may not be able to do it all at once, but we need to take a step now to lower the profits we make off the backs of our kids, not lock them in for the next 10 years. At a minimum, I urge my colleagues to support the amendment of Senator JACK REED to cap the interest rate under this plan at current law. That amendment is the only way to ensure no student ever ends up paying more than they would if Congress did nothing.

Long term, we need to do three things: First, eliminate government profits from new student loan programs, period. Second, refinance existing student loan debt to reduce the profits that are crushing our people. And third, reduce college costs so that American families can pay for college without burying themselves in debt. That is what we need to do. And no matter what happens with this current proposal, that is exactly for what I am going to keep fighting.

I appreciate the hard work my colleagues have done to try to defeat the Republican filibuster on keeping student loan rates low, but our students are drowning under $1 trillion in student loan debt, and I cannot support a compromise proposal that squeezes even more profits off our kids.

Madam President, I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Madam President, I wanted to come to the floor while the Senator from Massachusetts was giving her remarks and was still here to say a few things about the bipartisan student loan proposal.

There are a couple of things I want to point out for the RECORD. She has made a point about our student loan programs and how much they cost students, and she is right about the basic $184 billion the government is going to generate over 10 years in this program. I would support a proposal to change that, but the fact is it doesn't have the votes to pass.

Here is the reality. We are talking about this issue with a divided Congress. We are talking about this issue where the House of Representatives is controlled by the other party and doesn't see this issue at all the same way the Senator from Massachusetts and I do. Secondly, we are up against the filibuster rule in the Senate requiring 60 votes. We have 54 Democrats. So this global change she has spoken of and referred to is one she and I could probably agree on in a hurry but it is not going to happen. The question is: What can we do now to help students?

On July 1, because we did nothing, the student loan interest rate on subsidized loans went from 3.4 percent to 6.8 percent. Students are now facing 6.8-percent interest rates on subsidized loans. I think that is just plain wrong. What can we do about it? One version says nothing, do nothing. Don't change anything. Let the students right now continue to pay 6.8 percent. What is wrong with that?

It is obvious. Basic interest rates in this country are dramatically lower than that. You can get mortgage interest on a home for 3 or 4 percent, maybe even lower in some places. In addition to that, we have students who have to make some life decisions pretty quickly. They need some certainty about what is going to happen here. So I have set out to bring that interest rate down as quickly as possible, as low as possible. That is the bipartisan proposal before us. Those who vote against the bipartisan proposal are voting to keep interest rates now at 6.8 percent—the interest rates that have doubled from 3.4 percent to 6.8 percent. And the Senator from Massachusetts can tell you that will generate many billions of dollars to the Treasury at the expense of these students. So a vote against any change, a vote for the status quo, is a vote to charge students $37 billion in interest over the next 5 years.

I don't think that is right. I think it is far better for us to bring these student interest rates down as quickly as we can and hold out the possibility we will revisit this again and bring them down even further in the future. Maybe things will change politically. But to step away from this whole conversation and say that because we can't change the global problem of student loans, because we can't bring them down to the level we want, we will leave them at 6.8 percent, I don't think is a good outcome. I don't think that is in the best interests of the students and their families. They are going to be facing more debt for the next 5 years with that approach than they would under the bipartisan bill. And that is the one thing I would like to correct for the RECORD. I believe the Senator mentioned that students would be paying more than 6.8 percent in 2 or 3 years. Under the proposal before us, based on projections on interest rates, the same projections everyone is using here, it isn't until after the fifth year that students would pay anything near 6.8 percent. It would be 6.29, 6.3 percent that fourth year, and then 7.0 percent the fifth year.

So doing nothing means students who would be protected with lower interest rates, for 4 out of the next 5 years by this projection, are going to pay more. How is that a victory for students? How do they come out ahead in that deal? They didn't. They are paying higher interest rates.

There are some who want to hold out for something different. I would like to join them, but I have watched the votes. The Senator from Massachusetts and I have both voted the same way. We voted with Senator JACK REED: Let's keep that rate at 3.4 percent—and we lost. Then he came back and said: Let's try it again—and we lost. Now he is going to propose a 6.8-percent cap—which I can vote for—and we will lose again.

Then you face the reality, are you going to say at that point: I don't want to talk about this anymore. I just want to go home. That is the end of the story. Students pay 6.8 percent. Sorry, we couldn't solve it—or do you accept this bipartisan compromise, which brings the interest rates down for the next 4 years below 6.8 percent? I think that is a pretty easy choice. I think it is one that may not be what I want to see, but I am dealing with the reality of Congress as it currently exists and what we are currently faced with.

In terms of the cost of education, though, the Senator from Massachusetts and I do agree on this part of it: Kids pay too much for college today virtually every place they go, and the interest rates are too high. But it is a dual problem. Simply addressing student loan interest rates, even for 4 years, still leaves the overall arching issue of the cost of higher education.

I have had several conversations with the President over the last several days. I know he is going to come back quickly with a proposal from this administration to deal with the cost of higher education. I am going to support him too. I don't know the particulars. Maybe I will disagree with one thing or another, but I will sure support his effort to bring down the overall cost of higher education. That is an important part of this conversation.

I just was on the phone with him a few minutes ago talking about the student loan program and what we are faced with. He doesn't like the choices we are faced with, but he wants to keep

interest rates below 6.8 percent, if we can. The bipartisan approach keeps them below 6.8 percent. Voting against it means that students for the next 4 years will pay higher interest rates on their student loans than they have to.

So I would encourage my colleagues, don't dismiss the bipartisan plan. Vote for the alternatives. JACK REED may offer one, BERNIE SANDERS of Vermont may offer one. Vote for those. We know what will happen. We will not get enough votes. But then make the hard choice: Do you want students to face 6.8 percent this year, next year, and the 2 following years or a lower interest rate, which is what this bipartisan plan will produce.

We went through a lot of negotiations on this. Many Republicans have a much different view than we do on this whole subject. I was lucky. I am old enough to have benefited from the first student loan program. It was a student loan program that came about because the Soviets launched a Sputnik satellite that scared the world out of the United States. We didn't have one. They sent a rocket to space and launched a Sputnik satellite and we thought: Oh, my goodness. They have the bomb and now a satellite and we are doomed. Congress, in a bit of a panic, created the National Defense Education Act. The Presiding Officer remembers that and maybe she benefited from it. I did and so did the Senator from Massachusetts.

I borrowed money to go to college and law school and 3 percent was the interest rate. I think it was a fixed interest rate, if I am not mistaken. One year after I finally graduated from school, I started paying it back in 10 installments, paying 3 percent—a pretty good deal. I paid my money back, thinking now the next generation can benefit from it.

My personal point of view is that education is worth a subsidy. So when JACK REED comes to the floor and says a 6.8-percent cap and will pay for it by closing a tax loophole, he has my vote. But he will not have 60 votes on the floor.

So if that fails, what do we do next? Nothing? If we do nothing, the 6.8-percent interest rate stays in place, and students pay it, even though under the alternative they wouldn't have to face it for the next 4 years. I think in 4 years we can do better. I think, within that 4-year period, protecting them from 6.8 percent, we have a chance to do even better, and I would like to work to achieve that goal.

Congress may change. Maybe it will change with a more positive viewpoint toward student loans. But at the moment, we have to make a choice, and the choice involves buy-in on the Republican side.

What they are looking for—not unreasonable but different—is to have a long-term approach rather than a short-term approach. I would rather have a short-term approach. They prefer a long-term approach. They want it based on some basic interest rate we can calculate, a 10-year Treasury rate, as applied to virtually every option we have considered, save one. All the others have had a 10-year Treasury rate as a basis. They say you can add to that 10-year Treasury rate what it costs for defaults on loans and administration of loans, and we have tried to do that. We have said to them, at the end of the day, we don't want to add more money from the students and their families to pay off the deficit. It shouldn't be viewed as a tax on students.

Here is where I would disagree with the Senator from Massachusetts: $715 million over 10 years is a lot of money. It is a huge amount of money. Let's put it in context, and here is the context: Each year, student loans amount to about $140 billion; over 10 years, $1.4 trillion. What percentage of $140 billion is $71 million? That is 715 divided by 10. I did the calculation, and it is something like .0005 percent. It is decimal dust: $71 million a year out of $140 billion in loans. I would like to get it down to nothing.

But here is the bottom line. This tiny fraction of decimal dust, $71 million a year, is no reason not to protect these students from 6.8 percent interest.

By my calculation, if you accept the notion we are going to go to 6.8 percent interest and stay there as our solution, for the time being, students are going to pay about $100 more a month, as I understand it, on the basic loans they are faced with. That, to me, is an unacceptable alternative.

For $71 million a year, for $140 billion in loans, this tiny fraction of a percentage is no reason to walk away from a loan package that is much more generous to students and their families. If we can get it down to zero, let's get it down to zero. But please, walking away from that just doesn't make sense.

Here is what students will face. If this bipartisan proposal goes through, the interest rates students pay now on their student loans, subsidized and unsubsidized, will go down from 6.8 percent to 3.8 percent. That is the immediate savings this year for students who are enrolling in college, 6.8 to 3.8. For students who are borrowing money, it is a lot. To walk away from that and say: I am sorry. If I can't get a better deal, then students are just going to have to pay that extra 3 percent interest, I don't think that is a good outcome.

It is better for us to give this relief to the students and their families and work to improve it. I will work with the Senators from Massachusetts and Hawaii to do that. But simply saying 6.8 percent forever is a victory is not. It is a penalty. It is a penalty on a lot of hard-working families and the students who come from those families. Let's avoid that if we can.

Let me add one particular footnote and chapter to this. The worst offenders when it comes to student loans and student loan defaults are the for-profit colleges.

I always ask people to remember three basic numbers about the for-profit students: What are the for-profit schools? Let me give you the big names. The University of Phoenix is the biggest one, with more than the combined enrollment of all the big 10 schools. The University of Phoenix, Kaplan University, which is owned by the Washington Post Company, DeVry University out of Chicago, those are the three big ones.

As a category, for-profit colleges educate 12 to 13 percent of all the high school graduates in this country. So stick with the number, 12 percent of high school grads go to for-profit schools. For-profit schools receive 25 percent of all the Federal aid to education. They are soaking up the dollars for students by a margin of 2 to 1 over the students they are taking. Here is the kicker: 47 percent of all student loan defaults come from students in for-profit schools.

What does that tell you? They are being charged too much for their education, they can't get a job to pay it back, and they default on the loan. The bottom line on student loans is they are not dischargeable in bankruptcy. A student who can't pay that loan still has that debt and burden for a lifetime. The parent who cosigned? They are on the hook as well—not dischargeable in bankruptcy. It is a lifetime debt.

So we have a lot to do to clean up higher education, and I hope we go after for-profit schools as part of it. They need to be held accountable.

I will close by saying this. I accept the premise of the statement made earlier by the Senator from Massachusetts: We can do better on student loans. I am for it.

We don't have the votes to achieve it. We don't have them in the Senate. We don't have them in the House. So the question is, will we do nothing? Doing nothing means that students and their families will pay 6.8 percent interest on their loans for the foreseeable future, 1 year, 2, 3 or 4 years. Taking the bipartisan compromise reduces the interest rate on student loans for both subsidized and unsubsidized loans from 6.8 percent to 3.8 percent immediately—a 3-percent savings right now for students and families—and it doesn't reach 6.8 percent until the fifth year from now. Between now and then we can do better.

Walking away from this bipartisan approach is going to mean more debt for today's students and higher interest payments, and I don't think that is fair.

So let's do the best we can to change the system, accept the political reality, and come out with the best outcome for students and families.

I hope that at the end of the day we can see some change in the composition of Congress and move closer to a model we all accept.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, I thank my friend from Illinois for all the work he has done on this issue and so many other issues. He knows I disagree with him on this and do not intend to vote for this bipartisan agreement.

He makes a good point in saying we don't have the votes. We don't. We don't have the votes because we have a political party here that could care less about the needs of working families and about college affordability.

I would say to my friend from Illinois that if we are going to win this fight and protect college students, we have to take the fight to the American people. When we work with Republicans to make college unaffordable, then the American people are going to say: What is the alternative?

So from a political strategy, I would say to my friend from Illinois we have the people on our side. We have parents on our side and we have young people on our side. Our job is to bring forth a proposal that they can demand be accepted. If we collapse on this issue, then they are going to be looking out and saying: What is the alternative?

The Senator from Illinois makes a valid point; that in the next few years, in fact, it is not a bad deal. It is not as good as I would like, but it is not a bad deal. That is why, as I mentioned to the Senator a few moments ago, I will be bringing forth an amendment to say: Let us sunset this agreement in 2 years. We are bringing up the higher education authorization bill. It will give us an opportunity to deal with this issue of student loans and the higher cost of college in general. Why do we need a permanent bill right now when we are going to be working in the fairly near future on the higher education bill?

So my view is a 2-year sunset to this bill. It is not everything I want, but it will protect students. If we are going to talk about variable interest rates, let them at least take advantage of lower interest rates.

What CBO is projecting is that in years to come interest rates are going to go up. According to the CBO, under this legislation, the good news is that interest rates would only be, for Stafford subsidized, 3.86; in 2014, it will be 4.6, not so good; 2015, 5.4, really not good; 2016, 6.29, worse; 2017, 7 percent; 2018, 7.25; and, by the time we get to 2023, it would also be at 7.25.

We have a crisis right now in terms of student indebtedness. Why would we want to make that crisis even worse?

The second point I would make is that right now it is estimated that the Federal Government will earn about $180 billion in profits over the next 10 years on student loans. I suggest that while I have no problem with the Federal Government making profits on this or that endeavor, this is not a particularly good area to be making profits because they are making profits off of low- and moderate-income people who want to send their kids to college.

I can think of a lot better ways to make money, to help us with the deficit, than by forcing low- and moderate-income parents and students to pay more than they should be paying. If we want to do deficit reduction, maybe we can ask the one out of four corporations in America that pays nothing in taxes to start paying their fair share of taxes. Maybe we can address growing wealth and income inequality in a way that brings us in more revenue. But it is almost a form of regressive taxation to say to low- and moderate-income students and families: You want to go to college, you want to make something of yourself, you want to make it into the middle class, you want to help make our Nation more competitive—and in a 10-year period we are going to make $180 billion in profits off of your desire to go to college. I think that is wrong.

If we look around the world, in an increasingly competitive global economy what we find is that we are at the very bottom in terms of the kind of support we give our young people and their families to go to college. Right now in Vermont, which is a little bit higher than the national average, our young people are graduating from a 4-year school $28,000 in debt. That is on average, meaning lower income young people will graduate deeper in debt.

What does it mean in a difficult economy, a challenging economy, to start off your adult life $40,000 or $50,000 in debt? If you go to graduate school, that number goes way up. I talked to a couple of young dentists in Vermont last year. They had over $200,000 in debt starting off their professional careers—dentists, doctors, people in graduate school.

A couple of months ago I had the Ambassador from Denmark come to the State of Vermont to do some town meetings with me. Do you know how much debt young people who graduate college, graduate school, medical school, in Denmark have? They have zero because that country and many other countries have made what I think is the rational conclusion that it is important to invest in our young people. We need their intellectual capital, we need the best educated workforce that we can get, and we want to encourage people to go to college, not discourage them by high college costs.

I think we can do a lot better than this bipartisan bill. The danger with the bipartisan bill is that the CBO and virtually all economists tell us interest rates are going up. If you peg your student loan to a variable interest rate, and those interest rates are going up, then the proof is in the pudding, according to the CBO, that in a number of years students are going to be paying very high interest rates.

Given the fact we are going to be dealing with higher education reauthorization within a year, which needs to tackle a whole lot of issues within the issue of higher education, including student loans, my suggestion will be, and my amendment will be to say: Let's sunset this legislation at the end of 2 years. Let's take advantage of the low-interest loans and give us the time to come up with a long-term plan.

I look forward to my colleagues supporting that amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

FEDERAL AGRICULTURE REFORM AND RISK MANAGEMENT ACT OF 2013

Ms. STABENOW. Madam President, it is my pleasure to ask unanimous consent that the Senate proceed to the consideration of Calendar No. 136, H.R. 2642; that all after the enacting clause be stricken and the text of S. 954, as passed by the Senate, be printed in lieu thereof; that H.R. 2642, as amended, be read a third time and passed; the motion to reconsider be considered made and laid upon the table; that the Senate insist upon its amendment, request a conference with the House on the disagreeing votes of the two Houses; and the Chair be authorized to appoint conferees with the ratio of 7 to 5 on the part of the Senate, all with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2642), as amended, was read the third time and passed.

Ms. STABENOW. Madam President, let me just take a moment to thank my ranking member Senator COCHRAN and to indicate we are in fact now officially sending back our Senate bill to the House and requesting a conference on the farm bill. This is a very important step this evening.

I thank the senior Senator from North Dakota Mr. HOEVEN, who has done yeoman work this evening and today, and the senior Senator from Georgia Mr. CHAMBLISS, who has been very involved, as well as other members of the committee, for working hard to bring us to this point.

As everyone knows, we have been working very hard on a bipartisan basis in the Senate. We have produced a product that is comprehensive, bipartisan, balanced; that addresses the agricultural needs and concerns of our country in a 5-year farm bill; that addresses food security and conservation of our soil and land and water; bioenergy, rural development—we could go on and on with all of the pieces of the farm bill that are so important.

We also do this on behalf of the 16 million men and women in America

who work hard every day in some part of agriculture and the food industry, the riskiest business in the world. Nobody else has to worry for their products or services, about whether it is going to rain or not today or be too hot or too cold. There are folks who do that every single day. Because of them we have the safest, most affordable food supply in the world.

On behalf of all of them, I truly thank my committee, our committee that has worked incredibly well together. As I said, we have had tremendous leadership shown as we have moved to this process to go to conference. I could thank every member of our committee, but I do believe I need to, one more time, indicate that Senator HOEVEN and Senator CHAMBLISS have been invaluable in this process. Senator HOEVEN was spending a lot of time tonight, as everyone else was getting on airplanes, to help be able to get to this point.

I certainly could go down the list. I hate to always not mention someone I may have missed because we certainly had a strong committee presence and a desire to continue to do great work in the Senate on the issue of supporting farmers and ranchers. This is a very important step as we move forward in what I am very confident, despite the twists and turns, will result in a bipartisan farm bill.

I commend, despite terrific odds and challenges, the chairman in the House and ranking member in the House for their efforts. I am confident that working together we will be able to get this done for the American people.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TRANSPORTATION, HOUSING, AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014—MOTION TO PROCEED—Continued

Mr. REID. Madam President, what is the matter before the Senate?

The PRESIDING OFFICER. The motion to proceed to S. 1243.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 99, S. 1243, a bill making appropriations for the Department of Transportation, and Housing and Urban Development and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

Mark Begich, Barbara A. Mikulski, Patty Murray, Mark R. Warner, Tom Udall, Martin Heinrich, Angus S. King Jr., Sheldon Whitehouse, Elizabeth Warren, Dianne Feinstein, Patrick J. Leahy, Tom Harkin, Jack Reed, Richard J. Durbin, Richard Blumenthal, Mary L. Landrieu, Jeff Merkley, Harry Reid.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived; that the vote on the motion to invoke cloture on the motion to proceed occur at 12 noon on Tuesday, July 23; that if cloture is invoked, all postcloture time be yielded back and the Senate proceed to vote on the motion to proceed; that if the motion to proceed to Calendar No. 99, S. 1243, is adopted, the text of H.R. 2610, as reported by the House Appropriations Committee, be deemed House-passed text for the purposes of rule XVI.

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now 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.

CONSULTATION REQUEST

Mr. COBURN. Madam President, I ask consent that the following letter be placed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 18, 2013.

Hon. MITCH MCCONNELL,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I request that I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding S. 162, the Justice and Mental Health Collaboration Act of 2013.

I support the goals of this legislation and believe incarcerated offenders suffering from mental illness should have access to treatment. However, I believe the responsibility to address this issue, as it relates to inmates in state and local prisons and jails, lies with the state and local governments that manage these correctional systems. Furthermore, while I do not believe this issue is the responsibility of the federal government; if Congress does act, we can and must do so in a fiscally responsible manner. My concerns are included in, but not limited to, those outlined in this letter.

While this bill is well-intentioned, it authorizes $40 million per year for five years, costing the American people at least $200 million dollars without corresponding offsets. Furthermore, the Congressional Budget Office (CBO) has not yet scored the legislation. This bill authorizes new permissible purposes for the existing grant program including, among others, funding for veterans' treatment courts, correctional facility programs, and state and local law enforcement academy training. Expansion of services through additional permissible purposes or new grant programs, however, requires the Department of Justice (DOJ) to carry out additional responsibilities. Thus, even if the legislation may be implemented by existing DOJ staff, it is not free of future administrative expenses or costs the CBO may identify that would result in a score beyond the bill's stated funding authorization.

It is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. The U.S. national debt is now over $16.7 trillion. That means almost $53,000 in debt for each man, woman and child in the United States. A year ago, the national debt was $15.9 trillion. Despite pledges to control spending, Washington adds billions to the national debt every single day. In just one year, our national debt has grown by $800 billion or 5%.

In addition to these fiscal concerns, there are several problems specific to this legislation. First, while I recognize both our federal and state criminal justice systems must accommodate mentally ill offenders, which is a difficult and costly task, it is not the responsibility of the federal government to provide funding to treat this population of offenders within state and local prison systems.

In fact, states face a much larger challenge than the federal government, as they incarcerate the vast majority of inmates in this country. According to the Department of Justice Bureau of Justice Statistics (BJS), of the 1.59 million total inmate population in 2011, 1.38 million are incarcerated in state facilities compared to 216,362 in the federal system. As a result, states also care for the largest population of mentally ill offenders. The most recent BJS data notes 56 percent of state inmates and 64 percent of jail inmates displayed a mental health problem compared with 45 percent of federal inmates. Furthermore, BJS found only 8.9% of federal inmates displayed both a history and symptoms of mental health problems, while over 17% of state and local inmates experienced those problems. Thus, although states have an awesome responsibility in this area, they also have a great opportunity to lead by way of experience and example. Many have done so by developing and funding their own innovative ideas to enhance programs for and treatment of mentally ill inmates.

In September 2009, the Senate Judiciary Committee, Subcommittee on Human Rights held a hearing entitled, ''Human Rights at Home: Mental Illness in U.S. Prisons and Jails,'' in which we heard testimony from representatives of two state prison systems and a state court judge who outlined the different challenges faced by their states. These states and others have taken action to address their mentally ill prison populations, but often each tackles the problem with a different approach. For example, from 2003–2007, New York legislators and governors engaged in a battle over reforming the slate's policies on this issue, and in 2007, Oklahoma established a program to provide inmates with serious mental illness a comprehensive plan for release, including access to support services and medication. The program set up two intensive care coordination teams in Oklahoma City and Tulsa to help state inmates close to release obtain access to community mental health centers, among other services.

There is significant diversity within the inmate population both among states and between state and federal prison systems, Oklahoma and New York incarcerate different types of inmates with different mental

health needs. Indeed, each addressed the problem with diverse solutions—New York focused on in-prison treatment alternatives, while Oklahoma chose to provide post-incarceration support services. Thus, the one-size-fits-all approach to treating mentally ill state and local inmates outlined in this legislation also fails to address the variety of state needs.

Second, Congress should focus instead on its duty to federal inmates within the DOJ Bureau of Prisons (BOP). Over the last several years, BOP costs have significantly increased such that its budget is poised to surpass the Federal Bureau of Investigation (FBI) as the largest percentage of the entire DOJ budget. In its FY 2014 budget submission, the DOJ requested approximately $6.9 billion for the federal BOP, an increase of $295.1 million over FY 2012. As a result, the BOP represents 25 percent of the entire DOJ budget ($27.6 billion), with the FBI barely ahead at $8.44 billion, representing 30.5 percent of the DOJ budget. Congress must live up to its responsibility to conduct oversight and set an example to the states by ensuring the BOP's massive budget appropriately allocates taxpayer dollars for all of its programs, including services for mentally ill offenders who are truly in need of treatment.

However, S. 162 ignores the problems within the federal BOP. The bill funds the Adult and Juvenile Collaboration Program grant for state and local governments to use federal dollars to support treatment and services for state and local inmates who are mentally ill. It also expands this grant program to allow funds to be used for services for veterans treatment courts, training for employees of state and local correctional facilities to respond to incidents involving mentally ill inmates, and support for state and local law enforcement orientation programs, continuing education and academy curricula. By failing to address the challenges faced by mentally ill inmates within the federal BOP, Congress exacerbates its misplaced spending priorities.

Finally, I do not believe the federal government has the authority under the Constitution to provide federal funds to state and local governments to provide services to state and local inmates with mental health problems or provide training to state and local law enforcement officers. Article I, Section 8 of the Constitution enumerates the limited powers of Congress, and nowhere are we tasked with funding or becoming involved with state and local corrections issues.

There is no question those who suffer from mental illness should be treated appropriately while incarcerated. However, I believe this issue, as it pertains to state and local inmates, is the responsibility of the states and not the federal government. Despite these Constitutional limitations, if Congress does act in this area, like most American individuals and companies must do with their own resources, we should evaluate current programs, determine any needs that may exist, and prioritize those needs for funding by cutting from the federal budget programs fraught with waste, fraud, abuse, and duplication.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator.

TRIBUTE TO AMBASSADOR JOSEPH V. REED

Mr. MURPHY. Madam President, I rise today to recognize a distinguished and outstanding citizen of the State of Connecticut, Ambassador Joseph Verner Reed.

Ambassador Joseph Verner Reed has served as a senior diplomat at the United Nations for 30 years. A diplomat's diplomat, he was appointed by President Ronald Reagan as Ambassador of the United States of America to the Kingdom of Morocco in 1981 and in 1985 as the Representative of the United States to the Economic and Social Council of the United Nations as Deputy Permanent Representative at the United States Mission. In 1987, he was appointed Under-Secretary-General of the United Nations for Political and General Assembly Affairs. In early 1989, President George H. W. Bush appointed Ambassador Reed the Chief of Protocol of the White House, where he served until late 1991.

In 1992, the then Secretary-General of the United Nations, Dr. Boutros Boutros-Ghali, appointed Ambassador Reed Under-Secretary-General of the United Nations and Special Representative for Public Affairs, concluding his assignment in February 1997. In June 1997, Secretary-General of the United Nations, Mr. Kofi A. Annan, re-appointed Ambassador Reed as President of the Staff-Management Coordination Committee, SMCC, the highest internal body of the World Organization. Ambassador Reed served SMCC for 12 years, concluding his assignment in December 2004.

In January 2005, Secretary-General Kofi A. Annan appointed Ambassador Reed as Under-Secretary-General and Special Adviser. In February 2009, Secretary-General Ban Ki-moon reappointed Ambassador Reed as Under-Secretary-General and Special Adviser. Ambassador Reed continues to serve the organization.

Recently, Ambassador Reed was honored with the presentation of the distinguished achievement award by the American Society of the French Legion of Honor. I ask unanimous consent that the remarks made at that event by the President of the Society, Guy Wildenstein, as well as Ambassador Reed's response, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANNUAL MEETING OF THE AMERICAN SOCIETY OF THE FRENCH LEGION OF HONOR

PRESENTATION OF THE DISTINGUISHED ACHIEVEMENT AWARD TO AMBASSADOR JOSEPH VERNER REED

INTRODUCTION BY MR. GUY WILDENSTEIN, PRESIDENT OF THE SOCIETY, WEDNESDAY, NOVEMBER 14, 2012, THE LINKS CLUB, NEW YORK CITY

Fellow Legionnaires, Dear Friends, It is always a privilege and an Honor to be able to present our Society's most prestigious medal.

On December 6, 1966, at our Society's Annual Meeting, almost 46 years ago, a new resolution was adopted.

It was decided that a medal of the American Society of the French Legion of Honor be struck and that such medal would be awarded yearly for distinguished achievement to individuals whom the Society may wish to especially honor.

According to the minutes of the December 1966 meeting, the medal would be presented to persons esteemed by the Society to honor their humanitarian acts for cultural, educational, artistic, scientific or business objectives.

Today, we are gathered to present this prestigious medal to such an outstanding individual, Ambassador Joseph Verner Reed.

In some cases, such as this one, there is an added emotion for me; the one I feel when presenting it not only to someone I profoundly admire, but also to a friend.

Mr. Ambassador, dear Joseph, I have learned that your ancestors arrived by means of a very small boat called the Mayflower.

Little did they know that the land they were setting foot on would become the most powerful country in the world, and that their descendant would be traveling the globe on board Air Force One.

To get back to you, you were born in New York City and after graduating from Deerfield Academy and Yale University, in 1961, you joined the World Bank as Private Secretary to the President.

From 1963 to 1981 you were Vice President and Assistant to the Chairman of the Chase Manhattan Bank, Mr. David Rockefeller.

Your brilliant diplomatic career started, when President Ronald Reagan appointed you Ambassador of the United States to the Kingdom of Morocco in 1981.

Upon leaving this post in 1985, you were conferred the prestigious Order of Commander of the Throne, the only time a foreigner had received this honor. President Reagan then appointed you as the Representative of the United States to the Economic and Social Council of the United Nations and as Deputy Permanent Representative at the United States Mission.

In 1987, you were appointed Under-Secretary-General of the United Nations for Political and General Assembly Affairs, and later President George H. W. Bush appointed you the Chief of Protocol of the White House, where you served until late 1991.

In 1992, the then Secretary-General of the United Nations, Dr. Boutros Boutros-Ghali, appointed you Under-Secretary-General of the United Nations and Special Represetative for Public Affairs.

In 1997, his successor, Secretary-General Kofi Annan, re-appointed you as Under-Secretary-General and as President of the Staff-Management Coordination Committee, the highest internal body of the World Organization, on which you served for twelve years.

In 2005, you were appointed Under-Secretary-General and Special Adviser by Secretary-General Kofi Annan, and re-appointed in 2009 by the current Secretary-General, Mr. Ban Ki-moon.

This past April you became the Dean of UN Under-Secretaries General, having served at that level with various capacities for almost three decades.

Today, you continue to serve the organization with the same fervor and polished savoir-faire than when you started.

Along your prosperous career, you have also received numerous honors and decorations.

You have been described as courteous, elegant and knowledgeable: in my humble opinion an understatement, when describing the consummate diplomat that you are.

When decorated Officier of the French Legion of Honor in 1991, you were cited for your special talents for the profession of diplomacy.

''Who can say how much diplomacy—and I am thinking, of course, not only of United States diplomacy, but of diplomacy at large—would have been lost if Joseph had not entered its ranks?'' asked the Ambassador of France to the US Jacques Andreani.

Additionally, you have received many decorations from Italy, Spain, Egypt, Jordan, Central and South America and Africa.

You also received several honorary doctorates, and Yale University awarded you their highest honor: The Yale Medal.

You have served on this Society's Board as a Director and Vice President for many years, and in addition currently serve on our Executive Committee.

We could not imagine running this Board without your distinctive expertise and knowledgeable guidance, and the Society is extremely honored to count you among its Life Members.

And today, Mr. Ambassador, dear Joseph, I am very proud to present you with our Society's 2012 Medal for Distinguished Achievement.

RESPONSE BY AMBASSADOR JOSEPH VERNER REED UPON RECEIPT OF THE MEDAL FOR DISTINGUISHED ACHIEVEMENT AT THE ANNUAL MEETING OF THE AMERICAN SOCIETY OF THE FRENCH LEGION OF HONOR

WEDNESDAY, NOVEMBER 14, 2012 THE LINKS CLUB NEW YORK CITY

I am greatly honored to receive this ''Award for Distinguished Achievement'' from the Society.

I love France. I have great admiration and affection for the People of France.

My spouse of more than fifty years is the daughter of a lady of France.

We have lived in Grasse and enjoyed numerous visits to every part of this noble nation.

My Father was born in Nice at the Hotel Negresco. He lived with his parents in the Loire until a teenager. He later lived in Paris and Senlis.

I was honored to receive the Legion of Honor from President Mitterrand when I served as Chief of Protocol of the White House under President Bush Senior. As Chief of Protocol I organized more visits between President Bush and President Mitterrand than Mr. Bush had with any other Head of State.

In my youth I had the privilege of having a Governess from France.

Soon after the close of World War Two I had the pleasure of being with a French Family for a Summer near the City of Tours. That started my love affair with ''La Belle France''.

It was France that turned the American quest for Independence into a reality.

France's legendary culture has spread her elegant language (the language of Diplomacy) across the globe with 73 French speaking nations forming the Francophonie.

France shapes global tastes.

Everyone's second country is France.

I have worked at the United Nations for thirty years. France is a powerhouse at the Parliament of Man being a Permanent Member of the Security Council.

France is at the peak of success with her Couture, Painting, Music, Film, Drama, Cuisine, Wines from Bordeaux and Burgundy, Champagne (who wouldn't love a country with 640 types of cheese?).

My mind turns to -

The City of Lights, the Statue of Liberty, La Cote D'Azur, Versailles, the Tricolor, Normandy and the bluffs of the beaches of Utah and Omaha, Talleyrand, Le Musee D'Orsay, Napoleon, La Marseilles, Chartres, The Chateaux of the Valley of the Loire, President Wilson, General De Gaulle, General Eisenhower, Françoise Mitterrand.

President Wildenstein and friends, thank you, thank you, thank you for bestowing on me this great honor. I am touched, humbled and proud.

Encore, Bon Soir

Bon Thanksgiving and Dieu Vous Benisse.

ADDITIONAL STATEMENTS

CONGRATULATING RENO TUUFULI AND ASHLIE BLAKE

• Mr. HELLER. Mr. President, I rise today to recognize two exceptionally talented young people from my home State of Nevada, Ashlie Blake and Reno Tuufuli. These two young athletes were selected to represent the United States as members of the U.S.A. Track and Field World Youth Team, and competed in the International Association of Athletics Federations—IAAF, World Youth Championships in Donetsk, Ukraine. These dedicated and hardworking young Nevadans competed with great skill against the best young athletes in the world, and they represented their State and their Nation admirably at the competition.

Ashlie Blake and Reno Tuufuli helped lead Team USA to its best showing at the World Youth Championships. The team took home 17 medals over the course of the competition, more than any other country. Ashlie placed third out of 55 athletes from around the world, winning the U.S.A.'s first medal of the competition for her performance in the women's shot put event. Reno surpassed his personal best record in the men's discus throw and placed seventh out of 30 international athletes in the men's discus competition.

There is no doubt that both of these outstanding performances were the result of many hours of hard work and dedicated training, and Ashlie and Reno should be proud of their efforts and achievements. I congratulate Ashlie Blake and Reno Tuufuli on their success, and I wish them all the best as they continue their athletic endeavors.•

REMEMBERING GORDON BELCOURT

• Mr. TESTER. Madam President, today I wish to honor the life and legacy of Gordon Belcourt, the executive director of the Montana-Wyoming Tribal Leaders Council. Gordon passed away on July 15 in Billings, MT.

Gordon was a tremendous leader and advocate for Indian Country. A trusted and experienced voice, Gordon could always be counted on to use common sense to get to the heart of the issue and find a solution. He leaves big shoes to fill, and he will be missed by all Montanans. Sharla's and my heart goes out to all of Gordon's friends and family who are mourning his loss.

Gordon grew up on the Blackfeet Indian Reservation and graduated from Browning High School. He attended the University of Santa Clara in California, where he participated in the ROTC Program, before becoming a second lieutenant in the U.S. Army. He earned a master's degree in public health from the University of California at Berkeley and returned to the Big Sky State to attend law school at the University of Montana. He also served as president of the Blackfeet Community College. Gordon, who was honored by the State of California and the University of California Berkeley as a Public Health Hero, received an honorary doctorate from the University of Montana for his work to improve Native American health.

Gordon built the Montana-Wyoming Tribal Leaders Council from the ground up, serving as executive director beginning in 1998. He gave the council a powerful voice—both throughout the region and across the Nation. He worked tirelessly to improve life in Indian Country through infrastructure projects, the permanent reauthorization of the Indian Healthcare Improvement Act, and the creation of the Tribal Law and Order Act. He also created the regional Tribal Institutional Review Board for the protection of the rights of Native Americans.

Gordon was a courageous leader on issues of alcoholism and suicide in Indian Country. Due to Gordon's leadership, the Tribal Leaders Council received $5 million in 2009 to combat alcohol abuse among American Indians. His extensive knowledge of the issues facing the community and his commitment to doing what was right made him an outstanding advocate for Native Americans.

As we bid farewell to Gordon, we recognize that he was a true warrior for Indian Country. His given Blackfeet name, Mixed Iron Boy, was in remembrance of the combat his uncle endured in World War II, and it will serve as a reminder to all of us of Gordon's remarkable strength, unwavering courage, enduring compassion, boundless vitality, and lasting legacy.

Our thoughts and prayers are with Gordon's widow, Cheryl, and all of his family and many friends.•

ROSHOLT, SOUTH DAKOTA

• Mr. THUNE. Madam President, today I recognize Rosholt, SD. Founded in 1913, Rosholt will celebrate its 100th anniversary this year.

Located in Roberts County, Rosholt possesses a strong sense of community that makes South Dakota an outstanding place to live and work. Julius Rosholt presented the plan of the town site next to the proposed railroad. The town of Rosholt was built and born on the economy of agriculture beginning with the first lots sold on August 11, 1913. Rosholt has continued to be a strong reflection of South Dakota's greatest values and traditions. The community of Rosholt has much to be proud of and I am confident that Rosholt's success will continue well into the future.

Rosholt will commemorate the centennial anniversary of its founding with celebrations held from August 13–18 featuring a centennial play, fireworks, 3K run, alumni reunion, and a kiddie parade. I would like to offer my congratulations to the citizens of Rosholt on this milestone anniversary and wish them continued prosperity in the years to come.•

NEW EFFINGTON, SOUTH DAKOTA

• Mr. THUNE. Madam President, today I recognize New Effington, SD. Founded in 1913, New Effington will celebrate its 100th anniversary this year.

Located in Roberts County, New Effington possesses a strong sense of community that makes South Dakota an outstanding place to live and work. New Effington was named after Effie

Staffer Pratt, who was one of the women who secured the homestead. New Effington has continued to be a strong reflection of South Dakota's greatest values and traditions. The community of New Effington has much to be proud of and I am confident that New Effington's success will continue well into the future.

New Effington commemorated the centennial anniversary of its founding with celebrations held from July 5 through July 7 which featured events such as an Alumni Day, Centennial 5K run, parade, and fireworks display. I would like to offer my congratulations to the citizens of New Effington on this milestone anniversary and wish them continued prosperity in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1315. A bill to prohibit the Secretary of the Treasury from enforcing the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010.

S. 1316. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

H.R. 1911. To amend the Higher Education Act of 1965 to establish interest rates for new loans made on or after July 1, 2013, to direct the Secretary of Education to convene the Advisory Committee on Improving Postsecondary Education Data to conduct a study on improvements to postsecondary education transparency at the Federal level, and for other purposes.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

S. 1334. A bill to establish student loan interest rates, and for other purposes.

S. 1335. A bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

S. 1336. A bill to amend the National Voter Registration Act of 1993 to permit States to require proof of citizenship for registration to vote in elections for Federal office.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2303. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the semi-annual reports of the Attorney General relative to enforcement actions taken by the Department of Justice under the Lobbying Disclosure Act for the periods beginning on January 1, 2011, and July 1, 2011; to the Committee on the Judiciary.

EC–2304. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Additions to the List of Validated End-Users in the People's Republic of China: Samsung China Semiconductor Co. Ltd. and Advance Micro-Fabrication Equipment, Inc., China'' (RIN0694–AF93) received during adjournment of the Senate in the Office of the President of the Senate on July 12, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2305. A communication from the Deputy Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Eliminating the Prohibition Against General Solicitation and General Advertising in Rule 506 and Rule 144A Offerings'' (RIN3235–AL34) received in the Office of the President of the Senate on July 11, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2306. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Retail Foreign Exchange Transactions'' (RIN3235–AL19) received in the Office of the President of the Senate on July 17, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2307. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Rescission of Supervised Investment Bank Holding Company Rules'' (RIN3235–AL35) received in the Office of the President of the Senate on July 17, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2308. A communication from the Director of Legislative Affairs, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Definition of 'Predominantly Engaged in Activities That Are Financial in Nature or Incidental Thereto''' (RIN3064–AD73) received in the Office of the President of the Senate on July 15, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2309. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting, pursuant to law, the Bank's 2012 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2310. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to the obligation and expenditure of funds for the implementation of Cooperative Threat Reduction activities (DCN OSS–2013–1046); to the Committee on Armed Services.

EC–2311. A communication from the Acting Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for Residential Clothes Dryers and Room Air Conditioners'' (RIN1904–AC98) received in the Office of the President of the Senate on July 16, 2013; to the Committee on Energy and Natural Resources.

EC–2312. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Wyoming Regulatory Program'' (Docket No. WY–043–FOR) received in the Office of the President of the Senate on July 16, 2013; to the Committee on Energy and Natural Resources.

EC–2313. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Proposed Section 274b Agreements with States'' (Management Directive 5.8) received in the Office of the President of the Senate on July 17, 2013; to the Committee on Environment and Public Works.

EC–2314. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''State of Kansas; Authorization of State Hazardous Waste Management Program'' (FRL No. 9833–7) received during adjournment of the Senate in the Office of the President of the Senate on July 12, 2013; to the Committee on Environment and Public Works.

EC–2315. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment for the Sacramento Nonattainment Area for the 2006 Fine Particle Standard; California; Determination Regarding Applicability of Clean Air Act Requirements'' (FRL No. 9833–2) received during adjournment of the Senate in the Office of the President of the Senate on July 12, 2013; to the Committee on Environment and Public Works.

EC–2316. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New York State Ozone Implementation Plan Revision'' (FRL No. 9830–7) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC–2317. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuels and Fuel Additives: Additional Qualifying Renewable Fuel Pathways under the Renewable Fuel Standard Program; Final Rule Approving Renewable Fuel Pathways for Giant Reed (Arundo Donax) and Napier Grass (Pennisetum Purpureum)'' (FRL No. 9822–7) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC–2318. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Second Ten-Year PM10 Maintenance Plan for Canon City'' (FRL No. 9832–1) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC–2319. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Approval of 'Infrastructure' SIP with respect to Source Impact Analysis Provisions for the 2006 24-Hour PM2.5 NAAQS'' (FRL No. 9832–4) received in the Office of the President of the

Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC–2320. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of the Indianapolis Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter'' (FRL No. 9832–3) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC–2321. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans for North Carolina: Partial Withdrawal'' (FRL No. 9831–6) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC–2322. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans for Georgia: Partial Withdrawal'' (FRL No. 9831–5) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC–2323. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Interstate Transport of Fine Particulate Matter'' (FRL No. 9831–1) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC–2324. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''National Coverage Determinations for Fiscal Year 2012''; to the Committee on Finance.

EC–2325. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid and Children's Health Insurance Programs: Essential Health Benefits in Alternative Benefit Plans, Eligibility Notices, Fair Hearing and Appeal Processes, and Premiums and Cost Sharing; Exchanges: Eligibility and Enrollments'' (RIN0938–AR04) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Finance.

EC–2326. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a notification that a report relative to the Palestinian Authority with respect to the Foreign Assistance Act of 1961 is not required; to the Committee on Foreign Relations.

EC–2327. A communication from the Executive Director, U. S. Agency for International Development (USAID), transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Administrator, U.S. Agency for International Development (USAID), received in the Office of the President of the Senate on July 9, 2013; to the Committee on Foreign Relations.

EC–2328. Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the obligation and expenditure of funds for the implementation of the Department of Defense Cooperative Threat Reduction activities; to the Committee on Foreign Relations.

EC–2329. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–106); to the Committee on Foreign Relations.

EC–2330. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–094); to the Committee on Foreign Relations.

EC–2331. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2013–0119—2013–0126); to the Committee on Foreign Relations.

EC–2332. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's fiscal year 2012 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–2333. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Use of Meeting Rooms and Public Spaces'' (RIN3095–AB77) received during adjournment of the Senate in the Office of the President of the Senate on July 12, 2012; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. LANDRIEU, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2217. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2014, and for other purposes (Rept. No. 113–77).

By Ms. MIKULSKI, from the Committee on Appropriations, without amendment:

S. 1329. An original bill making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2014, and for other purposes (Rept. No. 113–78).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. JOHNSON, of South Dakota, for the Committee on Banking, Housing, and Urban Affairs.

*Melvin L. Watt, of North Carolina, to be Director of the Federal Housing Finance Agency for a term of five years.

*Richard T. Metsger, of Oregon, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2017.

*Jason Furman, of New York, to be a Member and Chairman of the Council of Economic Advisers.

*Mary Jo White, of New York, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2019.

*Kara Marlene Stein, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2017.

*Michael Sean Piwowar, of Virginia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2018.

By Mr. LEAHY for the Committee on the Judiciary.

Todd M. Hughes, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit.

Colin Stirling Bruce, of Illinois, to be United States District Judge for the Central District of Illinois.

Sara Lee Ellis, of Illinois, to be United States District Judge for the Northern District of Illinois.

Andrea R. Wood, of Illinois, to be United States District Judge for the Northern District of Illinois.

Madeline Hughes Haikala, of Alabama, to be United States District Judge for the Northern District of Alabama.

James B. Comey, Jr., of Connecticut, to be Director of the Federal Bureau of Investigation for a term of ten years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself and Mr. GRASSLEY):

S. 1318. A bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, and for other purposes; to the Committee on Finance.

By Mr. BLUNT (for himself, Mr. HOEVEN, Mr. KIRK, Mr. COATS, Mr. PORTMAN, and Mr. MCCAIN):

S. 1319. A bill to require the Administrator of the Environmental Protection Agency and the Secretary of Energy to conduct a fuel system requirements harmonization study, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DONNELLY (for himself, Mr. LEAHY, and Mr. CRUZ):

S. 1320. A bill to establish a tiered hiring preference for members of the reserve components of the armed forces; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Ms. AYOTTE):

S. 1321. A bill to amend title 31, United States Code, to provide that the President's annual budget submission to Congress list the current fiscal year spending level for each proposed program and a separate amount for any proposed spending increases, and for other purposes; to the Committee on the Budget.

By Ms. KLOBUCHAR (for herself, Mr. GRAHAM, and Mrs. FEINSTEIN):

S. 1322. A bill to amend the Controlled Substances Act relating to controlled substance analogues; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Ms. KLOBUCHAR, Mr. MANCHIN, and Mr. SCHUMER):

S. 1323. A bill to address the continued threat posed by dangerous synthetic drugs

by amending the Controlled Substances Act relating to controlled substance analogues; to the Committee on the Judiciary.

By Mr. BARRASSO (for himself, Mr. ENZI, Mr. RUBIO, Mr. ALEXANDER, Mr. PAUL, Mr. BLUNT, Mrs. FISCHER, and Mr. CRAPO):

S. 1324. A bill to prohibit any regulations promulgated pursuant to a presidential memorandum relating to power sector carbon pollution standards from taking effect; to the Committee on Environment and Public Works.

By Mr. BEGICH (for himself and Ms. LANDRIEU):

S. 1325. A bill to amend the Internal Revenue Code of 1986 to modify the small employer health insurance credit, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mrs. BOXER, Mr. CORKER, and Mr. ALEXANDER):

S. 1326. A bill to amend the Internal Revenue Code of 1986 to extend and make permanent the rule providing 5-year amortization of expenses incurred in creating or acquiring music or music copyrights; to the Committee on Finance.

By Mr. BEGICH (for himself and Ms. LANDRIEU):

S. 1327. A bill to make enrollment in health benefits plans under the Federal Employee Health Benefits Program available to employees of qualified employers when fewer than 2 qualified health plans are offered through the Small Business Health Options Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KIRK (for himself and Mr. DURBIN):

S. 1328. A bill to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI:

S. 1329. An original bill making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2014, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BEGICH:

S. 1330. A bill to delay the implementation of the employer responsibility provisions of the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. HATCH):

S. 1331. A bill to extend the Generalized System of Preferences, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself and Mr. SCHUMER):

S. 1332. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; to the Committee on Finance.

By Mr. BEGICH (for himself, Ms. LANDRIEU, Ms. HIRONO, Mr. CASEY, and Mr. NELSON):

S. 1333. A bill to reinstate funding for the Consumer Operated and Oriented Plan Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MANCHIN (for himself, Mr. BURR, Mr. KING, Mr. COBURN, Mr. CARPER, Mr. ALEXANDER, Mr. HARKIN, and Mr. DURBIN):

S. 1334. A bill to establish student loan interest rates, and for other purposes; placed on the calendar.

By Ms. MURKOWSKI:

S. 1335. A bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; placed on the calendar.

By Mr. CRUZ (for himself, Mr. VITTER, Mr. LEE, Mr. CORNYN, Mr. COBURN, Mr. COCHRAN, Mr. CRAPO, Mr. SESSIONS, Mr. JOHNSON of Wisconsin, and Mr. RISCH):

S. 1336. A bill to amend the National Voter Registration Act of 1993 to permit States to require proof of citizenship for registration to vote in elections for Federal office; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself and Mr. SCHUMER):

S. Res. 198. A resolution expressing the sense of the Senate that the Government of the Russian Federation should turn over Edward Snowden to United States authorities, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 40

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 40, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 232

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 232, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 313

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 395

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 395, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 398

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 398, a bill to establish the Commission to Study the Potential Creation of a National Women's History Museum, and for other purposes.

S. 399

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 399, a bill to protect American job creation by striking the Federal mandate on employers to offer health insurance.

S. 425

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 425, a bill to amend title XI of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing maternity care quality measures and supporting maternity care quality collaboratives.

S. 429

At the request of Mr. NELSON, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 429, a bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 462

At the request of Mrs. BOXER, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 577

At the request of Mr. NELSON, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 577, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes.

S. 603

At the request of Mr. BARRASSO, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 603, a bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

S. 709

At the request of Ms. STABENOW, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 709, a bill to amend title XVIII of the Social Security Act to increase diagnosis of Alzheimer's disease and related dementias, leading to better care and outcomes for Americans living with Alzheimer's disease and related dementias.

S. 731

At the request of Mr. MANCHIN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 731, a bill to require the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency to conduct an empirical impact study on proposed rules relating to the International Basel III agreement on general risk-based capital requirements, as they apply to community banks.

S. 734

At the request of Mr. NELSON, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 734, a bill to amend title 10, United States Code, to repeal the

requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 765

At the request of Mr. BENNET, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 765, a bill to help provide relief to State education budgets during a recovering economy, to help fulfill the Federal mandate to provide higher educational opportunities for Native American Indians, and for other purposes.

S. 878

At the request of Mr. FRANKEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 878, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 967

At the request of Mrs. GILLIBRAND, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 967, a bill to amend title 10, United States Code, to modify various authorities relating to procedures for courts-martial under the Uniform Code of Military Justice, and for other purposes.

S. 1028

At the request of Mr. SANDERS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1028, a bill to reauthorize and improve the Older Americans Act of 1965, and for other purposes.

S. 1046

At the request of Mr. SCHATZ, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1046, a bill to clarify certain provisions of the Native American Veterans' Memorial Establishment Act of 1994.

S. 1072

At the request of Ms. KLOBUCHAR, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1072, a bill to ensure that the Federal Aviation Administration advances the safety of small airplanes and the continued development of the general aviation industry, and for other purposes.

S. 1143

At the request of Mr. MORAN, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 1143, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 1152

At the request of Mr. REED, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1152, a bill to amend the Public Health Service Act to help build a stronger health care workforce.

S. 1158

At the request of Mr. WARNER, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Montana (Mr. TESTER) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1166

At the request of Mr. ISAKSON, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1166, a bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

S. 1271

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1271, a bill to direct the President to establish guidelines for the United States foreign assistance programs, and for other purposes.

S. 1274

At the request of Mrs. GILLIBRAND, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1274, a bill to extend assistance to certain private nonprofit facilities following a disaster, and for other purposes.

S. 1300

At the request of Mr. FLAKE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1300, a bill to amend the Healthy Forests Restoration Act of 2003 to provide for the conduct of stewardship end result contracting projects.

S. 1302

At the request of Mr. HARKIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1302, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

S. 1310

At the request of Mr. PORTMAN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1310, a bill to require Senate confirmation of Inspector General of the Bureau of Consumer Financial Protection, and for other purposes.

S. 1313

At the request of Mr. RUBIO, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1313, a bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes.

S. RES. 75

At the request of Mr. KIRK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Res. 75, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 197

At the request of Mr. MURPHY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. Res. 197, a resolution recommending the posthumous award of the Navy Cross to Lieutenant Thomas M. Conway of Waterbury, Connecticut.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Ms. KLOBUCHAR, Mr. MANCHIN, and Mr. SCHUMER):

S. 1323. A bill to address the continued threat posed by dangerous synthetic drugs by amending the Controlled Substances Act relating to controlled substance analogues; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Protecting Our Youth From Dangerous Synthetic Drugs Act of 2013 along with my colleagues and friends, Senators KLOBUCHAR, MANCHIN and SCHUMER. This bill will provide law enforcement and prosecutors with an important new tool to address the growing threat posed by dangerous, synthetic drugs.

Synthetic drugs are unregulated substances designed by scientists to mimic the effects of controlled substances. They are packaged in a manner which is intended to appeal to our Nation's youth and are sold at gas stations, head shops and over the Internet.

Manufacturers of these products boldly seek to circumvent Federal law by marketing their merchandise as innocuous items like potpourri, incense, bath salts and plant food and stating that they are ''not intended for human consumption.'' Make no mistake; the individuals who produce, distribute and sell these products are nothing more than drug traffickers who seek to profit from the human use of these drug products.

When Congress outlawed several of these synthetic drugs last year, traffickers did not stop producing them. Instead, they made slight alterations to the chemical structure of the illegal drugs to skirt the law. By doing this, the traffickers produced ''controlled substance analogues.''

The bill I am introducing today will give law enforcement the tools they need to prosecute individuals who produce and distribute controlled substance analogues.

Many of the controlled substance analogues on the market today are designed to mimic the effects of THC, the principal chemical in marijuana. The Monitoring the Future survey, which tracks the drug-using behaviors of adolescents, began studying the use of synthetic marijuana in in 2011. Their 2012 report found that 11.3 percent of 12th graders had used synthetic marijuana in the prior 12 months. Aside from alcohol and tobacco, synthetic marijuana was the second most widely used drug among 12th graders after marijuana.

There are many other ''families'' of controlled substance analogues which

have been encountered in the market place. They mimic the effects of drugs like ecstasy, PCP and LSD and therefore produce strong stimulant and/or hallucinogenic effects when ingested.

Altogether, there are an estimated 200 controlled substance analogues available today. The threat is global and is rapidly expanding.

Fortunately, the Obama Administration has made progress combatting this threat. Two nationwide operations targeting designer synthetic drugs—one in 2012 dubbed Operation LogJam and the other which culminated approximately two weeks ago named Operation Synergy—demonstrate this progress. These operations resulted in at least 318 arrests; 681 executed search warrants, including at least 29 for drug manufacturing facilities; $93 million in cash and assets seized; and the removal of 10 tons of synthetic drugs from the supply chain.

Today, I am introducing a bill that will put these drug traffickers on notice that if they seek to develop products containing controlled substance analogues that put our nation's youth in harm's way, then they will be brought to justice. This will be accomplished by creating a new tool by which the administration can designate, and publish, an administrative list of outlawed controlled substance analogues.

First, the Protecting Our Youth from Dangerous Synthetic Drugs Act of 2013 will establish an inter-agency committee of scientists, headed by the Drug Enforcement Administration, DEA, which will be responsible for establishing and maintaining an administrative list of controlled substance analogues. The Committee is structured so that it can respond quickly and robustly to the threat.

Second, DEA officials have informed my staff that virtually all of these controlled substance analogues arrive as bulk powders from outside our borders. My bill will make it illegal to import a controlled substance analogue on the list unless the importation is intended for non-human use.

Third, the bill directs the U.S. Sentencing Commission to review, and if appropriate, amend the federal sentencing guidelines for violations of the Controlled Substances Act pertaining to controlled substance analogues.

Finally, it is important to note that controlled substance analogues are not controlled substances, meaning that the registration, reporting and recordkeeping requirements of the Controlled Substances Act do not apply to those who seek to perform bona fide scientific research or use a controlled substance analogue for non-human industrial applications.

This bill sends a strong message to drug traffickers who continue to circumvent our Nation's laws. Congress recognizes that no matter how you alter the chemical structure of synthetic drugs to get around the law, they remain dangerous and should not be available for human consumption.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Our Youth from Dangerous Synthetic Drugs Act of 2013''.

SEC. 2. ENFORCEMENT.

(a) IN GENERAL.—The Controlled Substances Act (21 U.S.C. 801 et seq) is amended—

(1) in section 102(32), by striking subparagraph (A) and inserting the following:

''(A) Except as provided in subparagraph (C), the term 'controlled substance analogue' means—

''(i) a substance whose chemical structure is substantially similar to the chemical structure of a controlled substance in schedule I or II—

''(I) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or

''(II) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or

''(ii) a substance designated as a controlled substance analogue by the Controlled Substance Analogue Committee in accordance with section 201(i).''; and

(2) in section 201, by adding at the end the following:

''(i)(1) The Attorney General, in consultation with the Secretary of Health and Human Services, shall establish an inter-agency committee, to be known as the Controlled Substance Analogue Committee (referred to in this subsection as the 'Committee').

''(2) The Committee shall be—

''(A) headed by the Administrator of the Drug Enforcement Administration; and

''(B) comprised of scientific experts in the fields of chemistry and pharmacology from—

''(i) the Drug Enforcement Administration;

''(ii) the National Institute on Drug Abuse;

''(iii) the Centers for Disease Control and Prevention; and

''(iv) any other Federal agency determined by the Attorney General, in consultation with the Secretary of Health and Human Services, to be appropriate.

''(3)(A) The Committee shall convene, on an as needed basis, to establish and maintain a list of controlled substance analogues.

''(B) A substance may be designated as a controlled substance analogue by the Committee under this subsection if the substance is determined by the Committee to be similar to a Schedule I or II controlled substance in either its chemical structure or its predictive effect on the body, in such a manner as to make it likely that the substance will, or can be reasonably expected to have a potential for abuse.

''(C) Evidence of human consumption by an individual or the public at large is not necessary before a substance may be designated as a controlled substance analogue under this subsection.

''(D) The Attorney General shall, through rulemaking, establish procedures of operation for the Committee.

''(4)(A) Not later than 30 days before each meeting of the Committee, the Attorney General shall submit to the Secretary of Health and Human Services a notice of the meeting of the Committee, which shall include—

''(i) a list of the substances to be considered by the Committee during the meeting for designation as a controlled substance analogue; and

''(ii) a request for the Secretary of Health and Human Services to make a determination of whether an exemption or approval for each substance listed under clause (i) is in effect under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355).

''(B) Not later than 30 days after the date on which the Secretary of Health and Human Services receives notice under subparagraph (A), the Secretary shall submit to the Attorney General a written response to the request described under subparagraph (A)(ii). The Committee shall consider the response submitted by the Secretary of Health and Human Services in determining whether to designate a substance considered by the Committee at the meeting as a controlled substance analogue.

''(5)(A) The Attorney General shall publish in the Federal Register any designation made by the Committee under this subsection.

''(B) The Administrator of the Drug Enforcement Administration shall publish, on the website of the Drug Enforcement Administration, a description of each designation made by the Committee under this subsection, which shall include—

''(i) the chemical and common name of the controlled substance analogue;

''(ii) the effective date of the determination, as described in paragraph (6)(A); and

''(iii) any Schedule I or II controlled substance that the Committee has determined a substance is an analogue of.

''(6) A designation made by the Committee under this subsection shall take effect on the date that is 30 days after the date on which the designation is published in the Federal Register under paragraph (5)(A).

''(7) If a substance designated as a controlled substance analogue by the Committee under this section is subsequently scheduled through a rulemaking proceeding under subsection (a), (d), or (h), the substance shall be automatically removed from the controlled substance analogue list.

''(8) If a defendant challenges the designation of a controlled substance analogue made by the Committee under this subsection the issue shall be considered a question of law.''.

(b) FUNDING.—Section 111(b)(2)(B) of Public Law 102–395 (21 U.S.C. 886a(2)(B)) is amended by inserting ''controlled substance analogues,'' after ''substances,''.

SEC. 3. IMPORTATION OF CONTROLLED SUBSTANCE ANALOGUES.

Section 1002 of the Controlled Substances Import and Export Act (21 U.S.C. 952) is amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (b) the following:

''(c) It shall be unlawful to import into the customs territory of the United States from any place outside thereof (but within the United States), or to import into the United States from any place outside thereof, any controlled substance analogue designated pursuant to section 201(i) of the Controlled Substances Act (21 U.S.C. 811(i)) unless the controlled substance analogue is imported pursuant to such notification or declaration

as the Attorney General may by regulation prescribe.''.

SEC. 4. DIRECTIVE TO SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements to ensure the guidelines and policy statements provide adequate penalties for any offense involving the unlawful manufacturing, importing, exporting, or trafficking of controlled substance analogues under part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) or part A of the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) and similar offenses, including unlawful possession, possession with intent to commit any of the foregoing offenses, and attempt and conspiracy to commit any of the foregoing offenses.

(b) COMMISSION DUTIES.—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentences, guidelines, and policy statements relating to offenders convicted of these offenses are appropriately severe and reasonably consistent with other relevant directives and other Federal sentencing guidelines and policy statements;

(2) make any necessary conforming changes to the Federal sentencing guidelines; and

(3) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

By Mr. KIRK (for himself and Mr. DURBIN):

S. 1328. A bill to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KIRK. Mr. President, I am pleased to join with Senator DURBIN to introduce a bill in support of New Philadelphia, the first town founded by a freed African-American. This bipartisan legislation directs the Secretary of the Interior to conduct a special resource study of New Philadelphia to determine the feasibility of designating the area as a unit of the National Park System.

In 1836, Frank McWorter platted and officially registered the town of New Philadelphia, the first known town founded by a freed African-American before the Civil War. After saving money from neighboring labor jobs to purchase his own freedom and the freedom of fifteen additional family members, Mr. McWorter purchased a plot of land between the Illinois and Mississippi Rivers in Pike County to establish New Philadelphia. The town became a station along the Underground Railroad and was a community where European-American, freeborn African-Americans and formerly enslaved individuals were able to live together during a time of intense racial strife.

In 2005, the town of New Philadelphia was designated as a National Historic Place and in 2009 the town was designated a National Historic Landmark. Further designating New Philadelphia as a unit of the National Park System will ensure that its historical legacy is preserved as an inspiring example of freedom and opportunity for future generations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''New Philadelphia, Illinois, Study Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Frank McWorter, an enslaved man, bought his freedom and the freedom of 15 family members by mining for crude niter in Kentucky caves and processing the mined material into saltpeter;

(2) New Philadelphia, founded in 1836 by Frank McWorter, was the first town planned and legally registered by a free African-American before the Civil War;

(3) the first railroad constructed in the area of New Philadelphia bypassed New Philadelphia, which led to the decline of New Philadelphia; and

(4) the New Philadelphia site—

(A) is a registered National Historic Landmark;

(B) is covered by farmland; and

(C) does not contain any original buildings of the town or the McWorter farm and home that are visible above ground.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''Study Area'' means the New Philadelphia archeological site and the surrounding land in the State of Illinois.

SEC. 4. SPECIAL RESOURCE STUDY.

(a) STUDY.—The Secretary shall conduct a special resource study of the Study Area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Study Area;

(2) determine the suitability and feasibility of designating the Study Area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the Study Area by—

(A) Federal, State, or local governmental entities; or

(B) private and nonprofit organizations;

(4) consult with—

(A) interested Federal, State, or local governmental entities;

(B) private and nonprofit organizations; or

(C) any other interested individuals; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under paragraph (3).

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

(e) FUNDING.—The study authorized under this section shall be carried out using existing funds of the National Park Service

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By Ms. COLLINS (for herself and Mr. SCHUMER):

S. 1332. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; to the Committee on Finance

Ms. COLLINS. Mr. President, I rise today on behalf of myself and Senator SCHUMER to introduce legislation to ensure that our seniors and disabled citizens have timely access to home health services under the Medicare program.

Nurse practitioners, physician assistants, certified nurse midwives and clinical nurse specialists are all playing increasingly important roles in the delivery of health care services, particularly in rural and medically underserved areas of our country where physicians may be in scarce supply. In recognition of their growing role, Congress, in 1997, authorized Medicare to begin paying for physician services provided by these health professionals as long as those services are within their scope of practice under state law.

Despite their expanded role, these advanced practice registered nurses and physician assistants are currently unable to order home health services for their Medicare patients. Under current law, only physicians are allowed to certify or initiate home health care for Medicare patients, even though they may not be as familiar with the patient's case as the non-physician provider. In fact, in many cases, the certifying physician may not even have a relationship with the patient and must rely upon the input of the nurse practitioner, physician assistant, clinical nurse specialist or certified nurse midwife to order the medically necessary home health care. At best, this requirement adds more paperwork and a number of unnecessary steps to the process before home health care can be provided. At worst, it can lead to needless delays in getting Medicare patients the home health care they need simply because a physician is not readily available to sign the form.

The inability of advanced practice registered nurses and physician assistants to order home health care is particularly burdensome for Medicare beneficiaries in medically underserved areas, where these providers may be the only health care professionals available. For example, needed home health care was delayed by more than a week for a Medicare patient in Nevada because the physician assistant was the only health care professional serving the patient's small town, and the supervising physician was located 60 miles away.

A nurse practitioner told me about another case in which her collaborating physician had just lost her father and was not available. As a consequence, the patient experienced a two-day delay in getting needed care while they waited to get the paperwork signed by another physician. Another nurse practitioner pointed out that it is ridiculous that she can order physical and occupational therapy in a subacute facility but cannot order home health care. One of her patients had to wait eleven days after being discharged before his physical and occupational therapy could continue simply because the home health agency had difficulty finding a physician to certify the continuation of the same therapy that the nurse practitioner had been able to authorize when the patient was in the facility.

The Home Health Care planning Improvement Act will help to ensure that our Medicare beneficiaries get the home health care that they need when they need it by allowing physician assistants, nurse practitioners, clinical nurse specialists and certified nurse midwives to order home health services. Our legislation is supported by the National Association for Home Care and Hospice, the American Nurses Association, the American Academy of Physician Assistants, the American College of Nurse Practitioners, the American College of Nurse Midwives, the American Academy of Nurse Practitioners and the Visiting Nurse Associations of America. I urge all of my colleagues to join us as cosponsors of this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 198—EXPRESSING THE SENSE OF THE SENATE THAT THE GOVERNMENT OF THE RUSSIAN FEDERATION SHOULD TURN OVER EDWARD SNOWDEN TO UNITED STATES AUTHORITIES, AND FOR OTHER PURPOSES

Mr. GRAHAM (for himself and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 198

Whereas Edward Snowden leaked classified information to various sources including the Guardian and the Washington Post;

Whereas Mr. Snowden fled the United States to Hong Kong on May 20, 2013, with multiple laptops containing highly classified information;

Whereas, on June 5, 2013, the press reported classified information relating to the national security of the United States;

Whereas Mr. Snowden's actions have compromised the national security of the United States;

Whereas, on June 9, 2013, Mr. Snowden publicly stated, ''I have no intention of hiding who I am because I know I have done nothing wrong.'';

Whereas, on June 23, 2013, Mr. Snowden departed Hong Kong en route to Moscow, Russia;

Whereas Mr. Snowden has been staying on Russian territory in the Sheremetyevo Airport since his arrival;

Whereas the Sheremetyevo Airport is part of the sovereign territory of the Russian Federation;

Whereas, on June 14, 2013, the United States Government filed a criminal complaint against Edward Snowden for charges under section 641 (relating to theft of Government property), section 793(d) (relating to unauthorized communication of national defense information), and section 798(a)(3) (relating to the willful communication of classified communications intelligence information to an unauthorized person) of title 18, United States Code.

Whereas Mr. Snowden has stated his intentions to continue to leak classified information and poses a continuing threat to the security of the United States;

Whereas Mr. Snowden has applied for asylum in at least 21 countries, including a number of countries with some of the worst human rights records, including the Russian Federation, Cuba, Venezuela, Nicaragua, Bolivia, and Ecuador;

Whereas, on July 16, 2013, Mr. Snowden applied for temporary asylum in the Russian Federation in order to facilitate his transit to Latin America;

Whereas the Department of State Human Rights Report for 2012 cites the Russian Federation's restrictions on civil liberties and the denial of due process, allegations of torture and excessive force by law enforcement officials; life-threatening prison conditions; interference in the judiciary and the right to a fair trial; abridgement of the right to privacy; restrictions on minority religions; widespread corruption; societal and official intimidation of civil society and labor activists; limitations on the rights of workers; trafficking in persons; and attacks on migrants and select religious and ethnic minorities;

Whereas, on July 6, 2013, President of Venezuela Nicolas Maduro offered asylum to Snowden, stating, ''In the name of America's dignity. . . I have decided to offer humanitarian asylum to Edward Snowden.'';

Whereas the Department of State Human Rights Report for 2012 cites the Government of Venezuela for corruption, inefficiency, and politicization in the judicial system; government actions to impede freedom of expression; harsh and life-threatening prison conditions; government use of the judiciary to intimidate and selectively prosecute political, union, business, and civil society leaders who were critical of government policies or actions; government harassment and intimidation of privately-owned television stations, other media outlets, and journalists throughout the year, using threats, fines, property seizures, targeted regulations, and criminal investigations and prosecutions; and failure to provide for due process rights, physical safety, and humane conditions for inmates, which contributed to widespread violence, riots, injuries, and deaths in prisons;

Whereas, on June 25, 2013, President of Russia Vladmir Putin stated that the Russian Federation would never extradite Edward Snowden to the United States;

Whereas, on July 16, 2013, White House spokesman Jay Carney stated that Mr. Snowden should be expelled from the Russian Federation and returned to the United States to face trial, stating, ''He is not a human rights activist, he is not a dissident. He is accused of leaking classified information.''; and

Whereas, on July 16, 2013, President Putin stated that Mr. Snowden ''came to our territory without invitation, we did not invite him'' and that ''[we] have certain relations with the United States and we don't want [Snowden] to damage our ties'': Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government of the Russian Federation's continued willingness to provide shelter to Edward Snowden is negatively impacting bilateral relations with the United States;

(2) the Government of the Russian Federation should immediately turn Edward Snowden over to the appropriate United States authorities so he can stand trial in the United States;

(3) the President should consider options, including recommending a different location for the September 2013 G20 summit in St. Petersburg, Russia, should the Russian Federation continue to allow shelter for Mr. Snowden; and

(4) the United States Government should consider all economic and diplomatic options when pursuing Mr. Snowden.

NOTICE OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, July 23, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled ''Hearing on National Labor Relations Board Nominees.''

For further information regarding this meeting, please contact Sarah Cupp of the committee staff on (202) 224–5441.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, July 24, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to mark-up the nominations of Kent Yoshiho Hirozawa, to be a Member of the National Labor Relations Board and Nancy Jean Schiffer, to be a Member of the National Labor Relations Board, as well as any additional nominations cleared for action.

For further information regarding this meeting, please contact the Committee at (202) 224–5375.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Subcommittee on Public Lands, Forests, and Mining. The hearing will be held on Tuesday, July 30, 2013, at 10:00 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 37, to sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, and for other purposes;

S. 343, to provide for the conveyance of certain Federal land in Clark County, Nevada,

for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes;

S. 364, to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, and for other purposes;

S. 404, to preserve the Green Mountain Lookout in the Glacier Peak Wilderness of the Mount Baker-Snoqualmie National Forest;

S. 753, to provide for national security benefits for White Sands Missile Range and Fort Bliss;

S. 1169, to withdraw and reserve certain public land in the State of Montana for the Limestone Hills Training Area, and for other purposes;

S. 1294, to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee, and for other purposes;

S. 1300, to amend the Healthy Forests Restoration Act of 2003 to provide for the conduct of stewardship end result contracting projects;

S. 1301, to provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon;

S. 1309, to withdraw and reserve certain public land under the jurisdiction of the Secretary of the Interior for military uses, and for other purposes;

H.R. 507, to provide for the conveyance of certain land inholdings owned by the United States to the Pascua Yaqui Tribe of Arizona, and for other purposes;

H.R. 862, to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960;

H.R. 876, to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes, and;

H.R. 993 and S. 507, to provide for the conveyance of certain parcels of National Forest System land to the city of Fruit Heights, Utah.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to John__Assini@energy.senate.gov.

For further information, please contact please contact David Brooks (202) 224–9863, or John Assini (202) 224–9313.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks. The hearing will be held on Wednesday, July 31, 2013, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 398, to establish the Commission to Study the Potential Creation of a National Women's History Museum, and for other purposes;

S. 524, to amend the National Trails System Act to provide for the study of the Pike National Historic Trail;

S. 618, to require the Secretary of the Interior to conduct certain special resource studies;

S. 702, to designate the Quinebaug and Shetucket Rivers Valley National Heritage Corridor as ''The Last Green Valley National Heritage Corridor'';

S. 781, to modify the boundary of Yosemite National Park, and for other purposes;

S. 782, to amend Public Law 101–377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes;

S. 869, to establish the Alabama Black Belt National Heritage Area, and for other purposes;

S. 925, to improve the Lower East Side Tenement National Historic Site, and for other purposes;

S. 995, to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia, and for other purposes;

S. 974, to provide for certain land conveyances in the State of Nevada, and for other purposes;

S. 1044, to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on D-Day, June 6, 1944;

S. 1071, to authorize the Secretary of the Interior to make improvements to support facilities for National Historic Sites operated by the National Park Service, and for other purposes;

S. 1138, to reauthorize the Hudson River Valley National Heritage Area;

S. 1151, to reauthorize the America's Agricultural Heritage Partnership in the State of Iowa;

S. 1157, to reauthorize the Rivers of Steel National Heritage Area, the Lackawanna Valley National Heritage Area, the Delaware and Lehigh National Heritage Corridor, and the Schuylkill River Valley National Heritage Area;

S. 1168, to reauthorize the Essex National Heritage Area;

S. 1252, to amend the Wild and Scenic Rivers Act to designate segments of the Missisquoi River and the Trout River in the State of Vermont, as components of the National Wild and Scenic Rivers System;

S. 1253, to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes;

H.R. 674, to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System;

H.R. 885, to expand the boundary of the San Antonio Missions National Historical Park, and for other purposes;

H.R. 1033 and S. 916, to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program, and

H.R. 1158, to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to John_Assini@energy.senate.gov.

For further information, please contact please contact David Brooks (202) 224–9863 or John Assini (202) 224–9313.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 30, 2013, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on S. 1240, the Nuclear Waste Administration Act of 2013.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Lauren_Goldschmidt@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571, Dave Berick at (202) 224–2209, or Lauren Goldschmidt at (202) 224–5488.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 18, 2013, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 18, 2013, at 10:30 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 18, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Environment and Public

Works be authorized to meet during the session of the Senate on July 18, 2013, at 10 a.m., in room SD–406 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Climate Change: It's Happening Now.''

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

COMMITTEE ON FINANCE

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 18, 2013, at 2:30 p.m., in room 215 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 18, 2013, at 9:30 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 18, 2013, at 2 p.m.

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

MEASURES PLACED ON THE CALENDAR—S. 1334, S. 1335, AND S. 1336

Mr. REID. Madam President, I ask unanimous consent that the following bills be considered read twice and placed on the calendar: S. 1334, S. 1335, and S. 1336.

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

ORDERS FOR FRIDAY, JULY 19, 2013 THROUGH TUESDAY, JULY 23, 2013

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12:15 on Friday, July 19, 2013, for a pro forma session only, with no business conducted; that following the pro forma session, the Senate adjourn until 10 a.m. on Tuesday, July 23, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; that following the remarks of the two leaders, the time until noon be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each; further, that the Senate recess from 12:30 until 2:15 to allow for the weekly caucus meetings.

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

PROGRAM

Mr. REID. Madam President, the next rollcall vote will be Tuesday at noon.

ADJOURNMENT UNTIL 12:15 P.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Friday, July 19, 2013, at 12:15 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

ADAM M. SCHEINMAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE SPECIAL REPRESENTATIVE OF THE PRESIDENT FOR NUCLEAR NONPROLIFERATION, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF DEFENSE

JESSICA GARFOLA WRIGHT, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, VICE ERIN C. CONATON, RESIGNED.

DEPARTMENT OF ENERGY

ELIZABETH M. ROBINSON, OF WASHINGTON, TO BE UNDER SECRETARY OF ENERGY, VICE KRISTINA M. JOHNSON, RESIGNED.

DEPARTMENT OF STATE

FRANK A. ROSE, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF STATE (VERIFICATION AND COMPLIANCE), VICE ROSE EILENE GOTTEMOELLER.

PEACE CORPS

CAROLYN HESSLER RADELET, OF VIRGINIA, TO BE DIRECTOR OF THE PEACE CORPS, VICE AARON S. WILLIAMS, RESIGNED.

DEPARTMENT OF STATE

NISHA DESAI BISWAL, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS, VICE ROBERT ORRIS BLAKE, JR.

TIMOTHY M. BROAS, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

DEPARTMENT OF LABOR

SCOTT S. DAHL, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF LABOR, VICE GORDON S. HEDDELL, RESIGNED.

DEPARTMENT OF STATE

JULIA FRIFIELD, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF STATE (LEGISLATIVE AFFAIRS), VICE DAVID S. ADAMS, RESIGNED.

LEGAL SERVICES CORPORATION

MARTHA L. MINOW, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2014. (REAPPOINTMENT)

JOSEPH PIUS PIETRZYK, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2014. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate July 18, 2013:

ENVIRONMENTAL PROTECTION AGENCY

REGINA MCCARTHY, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF LABOR

THOMAS EDWARD PEREZ, OF MARYLAND, TO BE SECRETARY OF LABOR.