my home State newspaper, the Buffalo News, notes:

The STOCK Act would ensure that it's the people's business being attended to.

President Obama said in his State of the Union Address, send this bill and he will sign it right away. We should not delay. It is time to act and take a step right now to begin restoring the trust that is broken in Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

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

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

RECESS APPOINTMENTS

Mr. WICKER. Mr. President, I rise because I am deeply concerned about President Obama's unconstitutional overstep of executive authority in the ostensible appointment of Richard Cordray as the Director of the Consumer Financial Protection Bureau, the CFPB, and three new members of the National Labor Relations Board. These unilateral, nonrecess appointments are a blatant abuse of power, one that threatens the very legitimacy of the confirmation process and essentially undermines Congress's critical responsibility to restrain the excesses of the executive branch.

On January 4, mere weeks after this body had rejected Mr. Cordray's nomination, the President went ahead with his own agenda, disregarding our decision and the fact that the Senate was in pro forma session. Days later, unbelievably, the Obama Justice Department's Office of Legal Counsel defended the move, essentially saying that pro forma sessions do not matter anymore; that the President can determine whether the Senate is in recess.

Reversing years of precedent, the administration is asserting that the executive branch now has the authority to decide whether the legislative branch is or is not in session. This presumptuous action by the President goes far beyond the limited powers he is granted by our Constitution. It is an affront to the democratic checks and balances established by our Founders, and it constitutes a gross violation of precedents set by those who have come before us.

The courts surely will have a say in what the President has done, amounting to an expensive, unnecessary move for pure political reasoning. It was only a matter of days before business groups filed a legal challenge against the President's appointments to the NLRB.

To be sure, the President has the right to make recess appointments. This much is unquestioned and is clearly set forth in article II, section 2 of the Constitution, which states the President can ''fill up all vacancies that may happen during the recess of the Senate.''

But the power he has to execute this right nevertheless hinges on a condition that all parties have acknowledged: The Senate must be in recess. As it states in article I, section 5, clause 4 of the Constitution:

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than 3 days.

The House of Representatives had not formally given our Chamber that consent when the President made his appointments. Moreover, Senators had agreed by unanimous consent to remain in pro forma session.

What the President has done triggers a dangerous new precedent. With this overstep, those in the Obama administration have put their political agenda above the Constitution and above the founding principles that established our government's separation of powers. This is no trifling matter.

Equally troubling is this power grab could inspire further overreach, setting an unconstitutional model for future administrations. It stands to reason that if the President's judgment, not Congress's, dictates when the Senate is in recess, then what would stop him from making an appointment whenever he chooses?

Michael McConnell, a distinguished former Federal judge and director of the Constitutional Law Center at Stanford Law School, recently suggested in the Wall Street Journal that the President could, for example, make an appointment overnight or during a lunch break. The parameters of what recess means would be subject to his discretion and his discretion alone.

In 2007, majority leader HARRY REID kept the Senate in pro forma session to block nominations by President Bush. He said then that recess appointments are ''an end run around the Senate and the Constitution.'' The majority leader's position then was that pro forma sessions may be used to prevent recess appointments. The Democratic leadership was correct on the law then and they ought to be outraged now over President Obama's disregard of precedent and of the Constitution.

Instead, the Democratic leader, who should be protecting the institution that he currently has stewardship of, as well as protecting our Constitution, last week defended the President's appointments on the national news as ''a good move.''

The Constitution does not change based on which party occupies the White House. The same rules should apply no matter who holds office. America was not built upon nor did it rise to greatness because of a single branch of government. Our democracy sits on three separate pillars, and the decisions of the legislative branch are not merely a hurdle for the President to run around.

The Constitution endowed the Senate with exclusive authority to give advice and consent on the executive branch and official nominations. Senators upheld their role to advise when we rejected Mr. Cordray's nomination. Many of us made our reasons for the disapproval well known.

Last year, 44 Republican Senators sent a letter to the President stating that the Consumer Financial Protection Bureau established by the Dodd-Frank Act was in desperate need of reform before a Director could be appointed. This has nothing to do with Mr. Cordray as an individual, but it has everything to do with creating a flawed agency—an extremely powerful one at that. We pointed out our concerns about how unaccountable this Bureau will be to the American people. We raised a red flag about the extraordinary power it gives to unelected government bureaucrats, particularly the Bureau's Director. It is clear that our advice did not fit with the White House's agenda.

This happens in a functioning democracy, and this should be honored. The President has decided not to honor the will of the Senate. He has tried to make an unauthorized appointment that the Members of this body have rejected. In doing so, in circumventing the decisions of elected public servants, his Executive order ultimately diminishes the voice of the American people.

In recent months, the President has made it obvious that he wants to rail against a do-nothing Congress. Perhaps it is part of his reelection strategy. Yet, instead of working with Congress to make needed reforms, he fuels an already polarized environment with this move on recess appointments.

I say this with all sincerity to the President and to my colleagues on the other side of the aisle: There is a time for spin and there is a time to make political points, but politics and theater ought to stop short of trampling on our Constitution.

Like each of you, I made an oath to support and defend the Constitution when I took this office. I would not be upholding this pledge if I did not speak out now about what the President has done. Preserving the constitutional sanctity of the decisions of the Senate and the role it serves is one way we support and defend our founding document and the democratic ideals of those who created it.

The chair of the Banking Committee has scheduled a hearing on Tuesday, supposedly to hear testimony from Mr. Cordray on his plans for the Consumer Finance Protection Board. Let me be explicitly clear. Richard Cordray is not the duly constituted Director of the CFPB. His purported recess appointment does not comply with the Constitution and is, in fact, a nullity. I will not provide the administration with an appearance of legitimacy in this action, and I will therefore not be in attendance at next Tuesday's hearing. This may seem to be a small step, but I hope it is the first of what will become a debate in this Senate by both parties about the constitutional system of checks and balances. This matter will also go to the courts, and I pray that somewhere in the process the sanctity of our Constitution will be upheld.

I approach this matter regretfully and soberly but with apprehension about what the Obama administration is trying to do to our 225-year-old Constitution. I call upon Members of both parties in this Senate to rise in solemn defense of this institution and the constitutional principle of the separation of power.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Alaska.

THE STOCK ACT

Mr. BEGICH. Before I speak on my formal comments, I just want to say one thing. I know the Senator from New York was here a little bit ago talking about the STOCK Act. She made an incredible presentation to us in the Homeland Security and Government Affairs Committee, and I am grateful she is moving forward on that. We actually added a piece to the STOCK Act that I think makes it a lot stronger than it was by making sure that as officials report their transactions, they are done electronically and are searchable. That means anybody in this country can go to the Senate's Web site and find the information about their Senator.

As you know, as a new person in this office, as I am, when we file our disclosure forms, they are sent to the Senate Clerk, and then if you want them, they have to copy them and send it off to someone else. You cannot search for them and you cannot get them, which is unbelievable. So we made sure in the committee that if we do this act—I think it is a strong act; it is something we should do—we make sure it is searchable and available electronically in this age we live in today.

I already put my disclosure form on my Web site. I have put it on there since the day I came into office. I think people need to know exactly what their Senator's investments are. If they have spouses—in my case, all of my spouse's information is on there even though I am not required to do it. I put it on there because I think people need to know the household income of their Senator and where it comes from and where their investments are. We overreport. After I fill out the forms, we have an attorney review it, and he always tells me we are giving too much information. I have to remind him that is what I am doing. That is the way I think it should be done.

Again, I congratulate the Senator from New York who was here for the work on the STOCK Act, and I am glad I could participate in making it even stronger.

NOME REFUELING SITUATION

Mr. BEGICH. Madam President, I seek to speak on the floor to speak of my residence of Alaska, a State that constantly overcomes adversity in its tough winters. This year has been an especially tough winter.

Alaska's history is marked by stories of people coming together to overcome extreme hardships and save their communities. None is more memorable than the 1925 Serum Run, when diphtheria ravaged the remote Arctic community of Nome. The needed vaccine was raced to the community by a team of 20 mushers and some 150 sled dogs. They faced brutal February weather and extreme cold, with winds and snowdrifts, and carried their precious cargo—the vaccine—some 700 miles in just 5½ days. It is a speed record that has never since been broken, and it saved the community. The feat is memorialized by the 1,000-mile Iditarod sled dog race known as the last great race on Earth.

This year, the city of Nome faced a 21st-century challenge: the need for energy. The fall fuel barge—the last scheduled before winter set in—was blocked first by a mammoth October storm which swept up western Alaska and then by heavy sea ice. The barge had to turn back, but without the delivery Nome would run out of fuel by March. Nome is not connected by road, and the earliest the next barge would arrive would be this June. Flying in 1.3 million gallons of fuel would have taken 300 flights and would have boosted the cost of an already expensive gasoline and home-heating fuel to over $9 a gallon. As you can see here, the price of fuel in the community right now is over $5 a gallon.

The Sitnasuak Native Corporation and Vitus Marine proposed to do what has never been done before: bring over 1 million gallons of diesel fuel and gasoline to Nome in the dead of winter. They contracted with a Russian-flagged tanker, the Renda, which was ice-capable and double-hulled.

To ensure the safety of the delivery, the Coast Guard immediately recognized it had a mission and the right equipment. The Coast Guard icebreaker Healy had just completed a lengthy scientific tour off the Arctic. Rather than return home, they stayed on the job as winter set in, breaking open lanes through the ice to allow the tanker to arrive.

The Healy and the Renda encountered conditions more severe than anticipated, with colder temperatures, stronger winds, and thicker ice. Some days their progress was frozen, literally, but the Healy pressed on through the ice. With the determination that is the hallmark of the U.S. Coast Guard, they succeeded. They did not make it to Nome Harbor, which was frozen solid, but close enough to top off the city's fuel tanks through a half-mile-long hose. Now they are on their way back home but not out of the ice yet. The Healy and the Renda still have several hundred miles before they reach open water.

I take to the floor today to offer my thanks and congratulations to Captain Beverly Havlik and the men and women aboard the Healy for a job well done and also the crew of the charter tanker, the Renda, and many others who helped ensure that the transfer of fuel was safe, workers from the Sitnasuak Corporation, Vitus Marine, the city of Nome, State of Alaska, and others who have played their part, even the University of Alaska researchers who flew aerial drones to inspect ice conditions in advance of the approaching vessels. Together they proved that winter operations are possible even in the most challenging circumstances.

I speak today not just to congratulate all those who pitched in to help refuel this community but to consider its broader implications and lessons.

First, America is an Arctic nation. The residents of cities such as Nome and Kotzebue and Barrow and numerous smaller villages thrive in the often challenging but rich Arctic environment. The Alaska Native peoples have thrived for generations and for thousands of years, living off the resources of the land and the sea.

Second, the Arctic offers much to our Nation. Its offshore oil and natural gas is our most promising energy province, which is actively being considered by industry. Trade routes over the top are increasingly being explored by shippers eager to cut up to 40 percent off trade routes between the east and the west.

Yet, while we are an artic nation, we lack the basic infrastructure to serve its people, to fulfill our responsibilities and take advantage of its opportunities. But it is not just me saying it. Just today the Northern Waters Task Force released a report calling for a better Arctic infrastructure. The Healy is our Nation's only operational polar icebreaker, and it is only rated as a medium-duty vessel. Our two heavy-duty icebreakers are both idle. The 36-year-old Polar Star is being retrofitted and should be operational again soon, but it has been proposed to send her sister ship, the Polar Sea, to the scrap heap.

Since taking office, I have repeatedly called for recapitalizing the Nation's icebreaker fleet. A comprehensive Coast Guard study recently found that 6 to 10 icebreakers are needed just to meet the Coast Guard's statutory responsibilities. Until we have a firm plan to meet these needs, I have introduced legislation with Senator CANTWELL to halt the dismantling of the Polar Sea until all options can be considered. Without icebreakers, we can neither meet our responsibilities nor take advantage of our opportunities as an Arctic nation. We are falling behind Arctic nations such as Russia, China—which is not an Arctic nation but is building icebreakers—Canada and others as well. Russia is building a year-round Arctic port. Canada is conducting military operations. And, as I mentioned, China is building new icebreakers.

America must build its Arctic infrastructure, such as a deepwater port to maintain our national presence as other nations make their claims to the