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House of Representatives

The House was not in session today. Its next meeting will be held on Friday, February 1, 2013, at 11 a.m.

Senate

WEDNESDAY, JANUARY 30, 2013

The Senate met at 9:30 a.m. and was called to order by the Honorable HEIDI HEITKAMP, a Senator from the State of North Dakota.

PRAYER

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

Let us pray.

Gracious Father, Your loving kindness and faithfulness draw us to You, for You deserve our complete trust and allegiance. Thank You for giving us so much more than we deserve in blessings and withholding what we deserve for our transgressions.

Lord, work through our lawmakers today, making them Your partners in solving the problems that confront our Nation. May they do justly, love mercy, and walk humbly with You. Tune their minds to the frequency of Your guidance, surpassing human understanding with the gift of Your knowledge. When trying times provoke doubts and anxieties, remind them that You hold the future in Your hands.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HEIDI HEITKAMP 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, January 30, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HEIDI HEITKAMP, a Senator from the State of North Dakota, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Ms. HEITKAMP thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam president, following leader remarks, the Senate will be in a period of morning business for 2 hours. The majority will control the first half and the Republicans will control the second half. At 2:30 p.m. Senator KERRY will be recognized to deliver his farewell remarks. We hope to complete action on the debt limit legislation very soon.

MEASURE PLACED ON THE CALENDAR—S. 177

Mr. REID. Madam President, I am told that S. 177 is at the desk and due for a second reading. Is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 177) to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 entirely.

Mr. REID. Madam President, I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

HONORING SENATOR JOHN KERRY

Mr. REID. Madam President, I rise today to honor JOHN KERRY, our colleague, the senior Senator from Massachusetts. I congratulate Senator KERRY on his confirmation as our Nation's next Secretary of State.

I am pleased he will continue to serve his country in this important role. He will be missed by his Senate colleagues, that is for sure.

Senator KERRY said at his confirmation hearing that the Senate is in his blood, and that is true. As he represents America's interests around the world, his experience as a Senator will serve him and our country well.

For 28 years, Senator KERRY has been a dedicated representative of the people of Massachusetts in the Senate.

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

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Senator KERRY has also rendered distinguished service to his country in the Navy, to the Commonwealth of Massachusetts as Lieutenant Governor and as Senator, and to the Democratic Party and the people of this country as the 2004 Presidential nominee for the Democratic Party.

He is a brilliant man. He was a debater at Yale and won awards for his skilled oratory over a number of years. That talent has allowed him to speak for freedom and justice at each stage of his career.

Before he graduated college, he was a vocal critic of the Vietnam war. But upon graduation, Senator KERRY volunteered to serve in the U.S. Navy, and serve he did. Later he said he did it because ''it was the right thing to do.''

Senator KERRY learned the value of service at home. His father was a Foreign Service officer, and his mother was a nurse during World War II. He served two tours as a Navy lieutenant in the jungles and rivers of Vietnam. He was awarded the Silver Star for his gallantry, a Bronze Star for valor also, and three Purple Hearts. But even after his service in the war, his opposition continued.

On April 22, 1971, Senator KERRY became the first Vietnam veteran to testify before Congress about the war when he appeared before the Senate Foreign Relations Committee, which was chaired by the famous Senator William Fulbright—a committee he would later chair. It was a remarkable appearance. He was the first veteran to testify.

He went on to attend Boston College Law School. He worked as a prosecutor in Middlesex County before he was elected Lieutenant Governor in 1982. Just 2 years later he was elected to the U.S. Senate. He has served in the Senate for five terms. He has always been an unflinching advocate for veterans. He helped found the Vietnam Veterans for America and has worked tirelessly to secure treatment for servicemembers dealing with post-traumatic stress.

Senator KERRY has served 6 years on the Senate Intelligence Committee and, remarkably, 28 years on the Foreign Relations Committee. He has been a leading advocate of doing something about global climate change.

Senator KERRY has convened eight major hearings and roundtables on climate change and energy security since taking the gavel as chair of the Foreign Relations Committee, replacing Vice President BIDEN.

It was in the early 1990s that Senator KERRY's brilliant mind and exceptional dedication came to my attention. I had the good fortune of being chosen by Leader Mitchell to be a member of the select committee on MIAs—missing in action—and POWs. It was very controversial at that time. There was a belief by many that there were live Americans either in Cambodia, Laos—maybe in Vietnam. We had not done as much as people thought we should do about those missing in action, and it was a very volatile period of time in the history of this country.

I saw him with patience, with wisdom, serve as chairman of that select committee. As I have indicated, it was a difficult assignment, an important assignment, and he handled it—as he has done everything I have watched him do—thoughtfully and with integrity.

Since coming to the Senate I have been fortunate to be invited to his home for lengthy but fascinating foreign policy discussions with Senate colleagues and foreign policy experts. In recent years, Senator KERRY was also instrumental in securing passage of the New START treaty with Russia, which is helping to reduce the danger of nuclear proliferation.

He has served as an unofficial envoy for President Obama to Afghanistan, Sudan, Pakistan, and some countries probably none of us even know where he went. There were many times he came to me and said: I have to go, and he tells me where he is going, and there was nothing in the newspapers about where he had gone. But he is a great evaluator of people, and because of that, the President has trusted him and has sent him on all these missions. Now he will do that as Secretary of State.

He has authored numerous pieces of legislation to prevent the global spread of HIV/AIDS. He has also played a central role in crafting American policy in Iraq and Afghanistan, the war on terror. I can remember one very difficult time when he spent days and days, principally with President Karzai, working out a difficult issue following the elections they had there. He has been focused on the Middle East peace process and Israel's security for his entire time as a member of that committee, the Foreign Relations Committee.

For more than 30 years, Senator KERRY has been a powerful voice for his constituents in Massachusetts as well as an engaged citizen of the world. Throughout those years, JOHN has matched his unflinching passion for democratic values with forward-thinking actions to advance those values.

No one is better qualified than JOHN KERRY to continue the exceptional work of Secretary of State Hillary Clinton. While we are saddened to lose his leadership in the Senate, we saw yesterday the support he has, where virtually every Senator voted to support him as the next Secretary of State. I wish him well as he embarks on this next challenge, and I am confident he will meet the challenge.

RECOGNITION OF THE MINORITY LEADER

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

SPENDING REFORM

Mr. MCCONNELL. Madam President, a few weeks ago, President Obama reportedly said America does not have a spending problem. Well, of course, we know that is not accurate. This is completely at odds with what independent experts tell us and what is perfectly apparent to anybody who is alert. Last week, I brought this chart behind me to the floor to illustrate the point.

As everyone knows, we are running trillion-dollar annual deficits. What this chart shows is that the gap between government spending and revenue just keeps getting wider and wider and wider. So let's take a look at it.

The occupant of the chair is relatively new to the Senate but not new to the facts. The green area here represents both historic and projected tax revenue. The dark blue area—as you can see, the really kind of flat lines out here to 2040—is the new revenue the President received at the end of the year as a result of operation of the law. The tax rates sunsetted, expired at midnight on New Year's Eve. The Congress then wisely continued the current tax rates for 99 percent of Americans, made those rates permanent so we would not have another event like New Year's Eve where we came to an abrupt conclusion. Most importantly, for States such as the State of the occupant of the chair and my own, a $5 million per person exemption on the death tax was made permanent and indexed to inflation.

The President wanted more revenue than that and continues to talk about more revenue. So if we take all the revenue the President said he wants to get, over and above the revenue he got as a result of the law expiring—that is this dark blue area—if we gave him every bit of new tax revenue he wanted over and above that, we would have this light blue area like this.

So we can see, colleagues, that even if the President got all the revenue he wanted, it only produces this much in a pretty flat line going way out into the future.

So, clearly, what one can conclude from this—whether you think the revenue the President got is enough or you think the President ought to have as much revenue as he wants—factually, it does not solve the problem. It does not solve the problem because we do not have this problem because we tax too little; we have it because we spend way too much because the red area is the spending trajectory.

So it is perfectly obvious for anybody who is not going to ignore the facts that this is not a revenue problem; this is a spending problem. And until we solve this problem, we cannot leave behind for our children and our grandchildren the kind of country our parents left behind for us.

This, my colleagues, is the Europeanization of America. This is the pathway to Greece and Italy and Spain, and maybe now even France as

well—perpetual high unemployment, an economy kind of in a death spiral that just kind of bumps along like ours, which is now bumping along at a 1.5-percent growth rate.

It is time to get serious about solving this problem. This ''red'' rises like a mountain over a relatively flat plain of green.

Now, I know there is almost an article of faith on the other side with some—maybe not all—that it is a revenue problem. Clearly, it is not a revenue problem. More to the point, tax revenue as a share of our gross domestic product is today about the same as it has been over the last four decades. Spending, on the other hand, averaged just 18.5 percent over that same period but today stands at about 23 percent of gross domestic product—one of the highest spending levels since World War II. It is about to get much worse, growing to nearly 40 percent of GDP in just a few decades—40 percent of GDP. There is simply no other way to solve this problem—no other way to solve the problem—than to get our spending under control.

A significant portion of the dramatic spending increase to come is the result of tens of millions of baby boomers reaching retirement age. We know this. Erskine Bowles, the Chairman of the Bowles-Simpson Commission, said it was the most predictable crisis in American history.

We are in a position to do something about this. We should. But that is only one part of the problem. It is the biggest part of the problem, but it is only one part of it. We need to shine a light into every corner of the budget, especially the dark corners that often evade real scrutiny. Programs that do not work should be scrapped, and when considering those that do, we still need to ask the question, Can it be done better, faster, more efficiently?

We need to root out waste, which will serve as the first real test of the Democrats' seriousness in this debate. I mean, why is the Federal Government funding Chinese studies on pig manure—why—and research into the smoking habits of Jordanian college students and reality TV shows in India? Are our friends on the other side prepared to cut this kind of waste? Because if they are not, if they demand a 1-to-1 ratio between tax increases and pig manure cuts, then there is really no hope of ever putting our country back on the path to prosperity.

The Senate will soon begin consideration of H.R. 325. If it passes, we will have a few more months to come up with the kinds of spending reforms necessary to secure a longer extension of the debt ceiling. That extra time will give us a chance to break the Democrats' other bad habit of leaving everything—literally everything—until the last minute. But we can only do it if we get to work now and return to what we call around here the regular order. Remember, regular order is how the Senate is supposed to function. Committees are supposed to be allowed to evaluate legislation. Amendments are supposed to be considered. The public is supposed to have a chance to scrutinize the proposals that are actually before us.

Look, I know that solving the debt challenge is not going to be easy. Putting our country on a sustainable fiscal and economic path is going to require both parties committing to serious spending reforms. But this is a challenge we must overcome. By doing the hard work today, we can avoid a European-style catastrophe tomorrow. By reforming the functions of government that no longer make sense in 2013, we can do more than just control spending, we can encourage private sector growth and job creation and finally get the economy back on its feet. And by ridding ourselves of this massive burden of debt, we can remove the greatest obstacle to recovery.

As I said yesterday, this is ultimately a conversation about growth and opportunity. It is not a conversation about austerity. It is one that Republicans are eager to have. For those who want to pretend our country does not have a spending problem, this is a pretense which is not borne out by the facts. Now is the time to face reality. We have known this for literally years. When are we going to face it? There is no better time than now.

We can take on this challenge together if both sides are ready to do the necessary work to reform spending, but we need to get started today—not next week, not in April—today.

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 2 hours, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first half.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I am delighted to see the Presiding Officer in that seat. I ask unanimous consent to speak for up to 20 minutes.

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

ECONOMIC MELTDOWN

Mr. WHITEHOUSE. Madam President, I actually came to speak on another subject, but I had the opportunity to hear the minority leader's remarks as I was waiting to speak. I would point out in response that our friends on the other side love to characterize the spending that has taken place in recent years as something that was the will and choice and desire of President Obama. What they fail to recall is that during that period, we actually had an economic meltdown. Most Americans remember that economic meltdown. States such as Rhode Island are still in the aftermath of that economic meltdown—an economic meltdown, by the way, that occurred at the end of the last Republican administration and was caused by those policies.

The economic meltdown was relatively global. We have very practical examples of countries that went the path of spending cuts that the Republicans recommend—recommended through the whole economic meltdown. Just take a tour of Europe and you will see where the austerity plan was followed, the results have been far worse: lower GDP growth, higher unemployment. We are actually struggling through better in America by understanding that when the economy is collapsing, if the Federal Government withdraws even more money from it, it just collapses faster and you postpone the period of growth and recovery.

This business us only having a spending problem—well, you can look at the revenues as adequate, but it depends what you are measuring it against. If you are measuring revenues against the times when we had a balanced budget, it has always averaged 20 percent. It averaged around 20 percent of GDP. We are at 16 percent right now. This is a huge gap. If we drop and try to balance the budget, which is what I think we would like to achieve at 16 percent, we are going back to the social conditions of the early 1950s, conditions where many seniors still lived in poverty. I know the party on the other side likes looking back, but I do not think they want to look back to that. I really do not think most Americans want to live in a country in which that is the case.

So, do we have a spending problem? Yes, of course, we do. But when revenues are at 16 percent of GDP and we have never balanced the budget in recent history at 16 percent of GDP—in recent history, it has always been with revenues around 20 percent of GDP.

When you have these unbelievable revenue giveaways to special interests—Big Oil getting these huge subsidies, hedge fund managers paying these favored low tax rates, tax rates lower than their chauffeurs and their doormen and their maids pay—the Tax Code is riddled with those kinds of special interest giveaways, and if we can bring some of that back into the equation, not only does that add revenue and move us better toward the goal of a balanced budget and a reduced deficit but, frankly, in most of those cases, it is the right thing to do all on its own. It is the fair thing to do all on its own.

Yes, there are things that are idiotic buried away in the Federal budget. I am not here to defend studies about pig manure or reality TV shows. But the

problem is that once you actually get into discussions on this subject with the other side, it is not long until their guns turn on Medicare, it is not long until their guns turn on Social Security. We have seen it before. They tried to privatize Social Security. They thought they had the power to do it, and the American people told them: Heck no. But that is where the discussion goes. It may start with reality TV shows and pig manure, but before you know it, they have their guns trained on Medicare and Social Security. We need to defend programs such as those on which families depend.

CLIMATE CHANGE

Mr. WHITEHOUSE. So on the subject of what we leave to our children and grandchildren, let me turn to the point of my remarks, which is that it is time to wake up in this body to the reality of what we are doing to our climate. It is time to wake up.

Madam President, 2012 was the warmest year in the continental United States since records began being kept in 1895. It is not a unique single anomaly of a year. If you look at the first 12 years of this century, 2000 to 2012, they are all in the 14 warmest years on record. This is not just about future generations, it is not just about polar bears and sea turtles. These trends are being felt right now in real places by real people.

The recent draft of the Federal Government's National Climate Assessment shows, at a local level, why every one of us should care that carbon emissions are causing climate change.

Let's take a little tour. I will start in the Northeast, which includes my home State of Rhode Island. In this region, which is defined in the assessment as from West Virginia to Maine—that is not the Northeast we usually talk about, but that is the way it is defined in this report—annual temperatures have increased by almost 2 degrees Fahrenheit since records began. The entire range between high and low is only about 4.2 degrees, so an increase of 2 full degrees is a big deal in that scale.

If greenhouse gas emissions remain at current levels, the projection is another 4.5 degrees to 10 degrees Fahrenheit of warming by the end of the century. That will change all of our lives in very significant ways. Even if we do reduce emissions, the Northeast is still projected to experience an increase in the frequency, intensity, and duration of heat waves.

By as soon as 2050, Delaware, Maryland, and West Virginia could experience twice as many days per year—that is 15 more days in some places—with temperatures over 95 degrees Fahrenheit. In western New York and Massachusetts, where 95-degree days are rare, there may be an additional 5 days per year over that mark. In Rhode Island, a lot of people stay cool in the summer by opening the windows at night, letting the cool night air fill the house, and then closing the drapes or the screens or the shades in the morning. That is not going to work any longer when persistent high nighttime temperatures allow no relief from the heat.

Without significant upgrades, our region's electric grid will not be able to sustain the power demand as more and more air-conditioning becomes necessary for people to be comfortable in the summertime. As we see more hot days, we also see more bad ozone days, which still keep people indoors in Rhode Island or even send them to the hospital, as pollution from Midwest coal plants settles in on us.

In addition to heat, precipitation in the Northeast increased almost one-half of an inch per decade over the last century. Extreme precipitation—very heavy rain or snow—has increased 74 percent between 1958 and 2010. That is the sharpest increase in the Nation.

On our shores—we are a very coastal State—due to a combination of warming and expanding oceans and other tectonic conditions, sea level has risen about 1 foot in the Northeast since 1900.

That is higher than the 8-inch global average sea-level rise. Sea-level rise is actually up 10 inches at the Newport tide gauge since our terrible hurricane of 1938. Because of extreme precipitation and sea-level rise, more and more populated areas are at risk of flooding.

Let's move to the Southeast where the draft assessment predicts more extreme heat with the number of 95-degree or hotter days in the region from Louisiana through central Florida expected to quadruple by mid-century. If you like it hot down there, you are a lucky person because you are going to get a lot more of it.

Southerners will likely see something much less appealing, which is more ground-level ozone, better known as smog, which poses serious health risks especially to children and the elderly. But the real story of the Southeast is one of disastrous weather. Between 1980 and 2011, the Southeast was struck by more billion-dollar disasters than any other part of the country. The region is particularly vulnerable to extreme weather, and sea-level rise makes things worse.

The RAND Corporation notes that 1,800 square miles of Louisiana have been lost to the sea since the 1930s. Entergy, a regional utility, predicts $23 billion in losses by 2030, factoring just a 6-inch increase in sea level and a 3-percent increase in hurricane wind speed. Communities in the Southeast need to take real steps to become more resilient in the changing environment. North Carolina, for instance, is raising highway bridges out to the Outer Banks as seas rise and storms worsen.

In the Midwest, temperatures are increasing rapidly. From 1900 to 2010, average temperatures increased about 1 degree Fahrenheit, and the rate of warming tripled between 1980 and 2010. Under the assessment's worst-case scenarios, temperatures across the Midwest are projected to rise 8.5 degrees Fahrenheit by the year 2100. If you are a farmer, that means everything will have changed.

Hotter temperatures are having a far-reaching impact on the Great Lakes. According to the Cleveland Plain Dealer, scientists at NOAA's Great Lakes Environmental Research Laboratory have found that the Great Lakes are taking in more heat from the air during the summer and storing it longer. The result: On average, ice on the Great Lakes is forming later in the winter and disappearing earlier. In fact, total ice cover has fallen 71 percent on the Great Lakes from 1973 to 2010.

That is not good for the lakes, the people, and species of this region. Ice cover protects the lakes from evaporation, and it protects the eggs of fall-spawning fish from winter weather. Coastal areas unprotected by shore ice are more susceptible to erosion. Less ice means less snowmobiling or ice fishing. As anyone in Cleveland or Buffalo can tell you, open water fuels the dread lake-effect snows that wallop leeward shores. All of this can be traced, in part, to climate change driven by greenhouse gases.

In the Great Plains, the most significant consequence of a changing climate will be changes in rainfall. This is already beginning to happen. Total rain is expected to increase in Wyoming, Montana, North Dakota, South Dakota, and Nebraska, while Kansas, Oklahoma, and Texas are projected to get less. Farming and the energy sector, including oil and gas exploration, will feel increased pressure and competition for water supplies. Eighty percent of the population of the Great Plains depends on the High Plains aquifer for drinking water. Projected temperature increases, more frequent droughts, and higher rates of evaporation spell serious trouble for the region's water supply if water isn't managed better.

The availability of water, and even snow, will also affect the Southwest. People of the Southwest are acutely aware of how their history and their fate is tied to the availability of water. According to the draft assessment:

> Over the past 50 years across most of the Southwest, there has been less late-winter precipitation falling as snow, earlier snow melt, and earlier arrival of most of the year's streamflow.

These changes can ripple through the economy and the health of the region.

In the western mountains, massive forests stand dead on the mountainsides, as warmer winters allow the killer bark beetle to swarm northward into higher latitudes and uphill into higher altitudes. Ominously, the draft assessment says that the combined impact of increasing wildfire, insect outbreaks, and diseases will cause:

> Almost complete loss of subalpine forests . . . by the 2080s.

Separate studies by scientists at NASA and at the University of Washington predict increasing frequency of severe wildfires.

The Park City Foundation in Utah predicted an annual local temperature increase of 6.8 degrees Fahrenheit by 2075, which would cause a total loss of snowpack in the Park City resort area. This would result, obviously, in thousands of lost jobs, tens of millions in lost earnings, and hundreds of millions in lost economic output.

In the coastal zone of the Pacific Northwest, erosion inundation and ocean acidity are all major threats. More than 140,000 acres of coastal Washington and Oregon lie within 3.3 feet of high tide. Sea-level rise of 4 feet or more is entirely plausible by the end of the century.

Ocean acidification caused a 70- to 80-percent loss of oyster larvae at an oyster hatchery in Oregon from 2006 to 2008. Wild oyster stocks in Washington State have also failed as weather patterns caused more acidic water to rise to the surface at the shore. This is an industry worth about $73 million annually.

For Hawaii, the rapidly changing climate presents a unique threat. Tourism and agriculture, among Hawaii's top economic sectors, are each distinctly vulnerable. Changes in precipitation, erosion, ocean warming, and acidification will irreversibly alter Hawaiian ecosystems, home to about one-quarter of all threatened and endangered species in the United States.

For example, we know that warm enough water causes corals to bleach. Bleaching is a technical term that I won't go into right now. Bleaching can help coral survive short-term stresses, but in response to persistent ocean warming, bleaching signals the start of a long-term downward spiral toward the death of the coral and the reefs, the incubators of the oceans.

Perhaps no other region of the United States is experiencing the effects of climate change more dramatically than Alaska. Alaska is, of course, supposed to be cold. The animals and plants have adapted to that, and so have the people.

Since the 1960s, however, Alaska has been warming twice as fast as the rest of the United States. Annual air temperature has already increased by 3 degrees Fahrenheit. Winter temperatures are up 6 degrees.

According to the draft assessment highlights, Alaska is seeing—and this is a graph of the sea ice:

Earlier spring snow melt, reduced sea ice, widespread glacier retreat, warmer permafrost, and dryer landscapes.

By mid-century, summer sea ice could disappear altogether. As in the Great Lakes, less ice along the Alaska coast means more severe coastal erosion without the ice to buffer the shores from storms. Most of the permafrost in Alaska is tens of thousands of years old, but it too is disappearing as the Alaska climate warms. Permafrost is a natural wonder whose loss threatens structures such as buildings, roads, as well as plants and wildlife that have adapted to the frozen tundra. Thawing permafrost buckles roads and air strips, causing costly disruptions in transportation.

It appears, as we take this tour of the country, that there is only one region that isn't yet awakening to the effects of climate change, and that is here, Capitol Hill. History is calling out to us to meet our duty, and the call is loud and clear, but we are sleepwalking. It is time to wake up. The public has every reason to want to grab us and give us a good shake. An AP poll out in December found that 83 percent of Democrats, 77 percent of Independents, and 70 percent of Republicans accept the reality of climate change and understand that it will be a serious problem for our United States.

A recent poll conducted by Yale University and George Mason University found that a large majority of Americans, 77 percent, say climate change should be a priority for President Obama and for all of us in Congress. But we snooze on, listening to the lullabies of the polluters.

Carbon pollution from fossil fuels is threatening our future, and unless we take serious action to scale back the pollution, the consequences are looking increasingly dire all across our country. It is time to hear the alarms, to roll up our sleeves, to get to work, and to do what needs to be done. It is time, indeed, to wake up.

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.

Ms. CANTWELL. Madam 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.

PAYCHECK FAIRNESS ACT

Ms. CANTWELL. Madam President, I come to the Senate floor to join my colleagues on the women's side of the Senate who will be coming to the floor this morning, along with Senator MIKULSKI—and I thank her for her leadership—to talk about pay equity and the issue of equal pay for equal work.

I am proud to stand here on what is the 4-year anniversary of the historic Lilly Ledbetter legislation that we were able to pass. What an unbelievable moment that was, to work for what is equal treatment for women in our court system. Lilly Ledbetter went across the Nation and came to Congress and communicated very well to many Americans on this issue that sometimes you could be discriminated against and not even know it until your retirement, which was the case with her. Yet the legal system failed to take any action at that point. So we passed the Lilly Ledbetter legislation to make sure that in our court system women could find out and have those remedies brought before our system and fight for equal pay.

My State of Washington has been a leader in increasing the minimum wage. We have a minimum wage that is indexed to inflation, and I am proud of that. But pay disparity continues to persist between men and women, and that is why I am here, to urge my colleagues to help close this gap. We are here to advocate for the Paycheck Fairness Act because full-time working women still earn 75 percent of what their male counterparts earn for the same job, according to a report by the Economic Opportunity Institute.

While the Lilly Ledbetter Fair Pay Act was a step forward, we need to pass this additional legislation to help end pay inequity and take the next steps toward helping women. The Paycheck Fairness Act will help us move toward closing the gap between men and women, and it does the following things: It requires employers to provide justification other than gender for paying men higher wages than for women; it protects employees who share the same salary information from potential retaliation from their employers; and it provides victims of pay discrimination the same remedies available to victims of other kinds of discrimination, including punitive and compensatory damages.

This bill also helps create outreach programs for employers to help them understand this issue and to help end pay disparity. I certainly look forward to the passing of this legislation because closing this gap means women in my State will be able to afford 13 more months of rent or 39 more months of family health insurance premiums, according to an estimate by the National Partnership for Women and Families.

We have to level the playing field so these kinds of estimates are not just projections but they are realities. We can't support the status quo while the economic security of women and families is undermined. One-third of families headed by women in my State are in poverty. This can be attributed, in part, to policies that perpetuate lower pay for women. So we must end unequal pay practices and level the playing field.

It is in this spirit of fair play that we ask for the passage of the Paycheck Fairness Act. I know Senator MIKULSKI and others who have fought hard on this legislation will be here to speak this morning, and I am proud we are sponsors of the Paycheck Fairness Act that was introduced just last week. Today, almost 50 years after passage of the Equal Pay Act and 4 years after the passage of the Lilly Ledbetter Fair Pay Act, we still need to hit another giant milestone in helping women get fair pay in America.

We made a big step toward all this with Lilly Ledbetter's leadership, but now we need to pass this new legislation. It was an important milestone

that will help women be confident they will be treated fairly in the workplace and to make sure they continue to have access to the courts. Whether they are an engineer or a lawyer or a police officer, women should not have to earn less doing the same job as a coworker. That is why we need to pass this Paycheck Fairness Act today.

I want women who grow up in the United States of America to know there is no doubt they will earn the same pay they deserve for their work. That is what our country is all about, and that is why we are going to work hard this session to pass this legislation.

I thank the President pro tempore, I yield the floor, and 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.

Ms. STABENOW. Madam 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.

Ms. STABENOW. Madam President, I am so pleased to be joining colleagues in celebrating the anniversary of the passage of the Lilly Ledbetter Fair Pay Act and to move on to what we need to do on full paycheck fairness with the passage of the Paycheck Fairness Act.

I wish to start by thanking our leader, the dean of the women in the Senate and the House, the longest serving woman, who is Senator BARBARA MIKULSKI. She has led us through the Lilly Ledbetter legislation and is now leading us as we move forward to the next step in making sure women receive equal pay for equal work. Her extraordinary leadership is something that has touched every woman, every man, and every family in America. I wish to thank her for her leadership, as well as the efforts of all my colleagues.

It has been nearly 50 years since President Kennedy signed the Equal Pay Act into law—a law that made it illegal for an employer to pay women less than men for the same work. With the stroke of a pen, he ushered in a new era of opportunities for women and the American economy as a whole. In those 50 years, many millions of American women entered the workforce and we have truly changed the nature of employment in our country, including in the Senate, where we now have a woman sitting as the distinguished Acting President pro tempore, and we have 20 women who are a part of leading the country through the Senate, with 7 of us now chairing committees.

I remember coming to the Senate in 2000, when it was the first time we had enough women to even sit on every committee in the Senate. Imagine that. It was the first time our experiences, our voices, our backgrounds, our values, and our priorities were represented on every committee. So we have come a long way since that time 50 years ago, but there is more to do.

In 1963, women were often very limited in the jobs we could participate in. There were outrageous working conditions and limitations that made absolutely no sense. Today, nearly 40 percent of full-time managers in our country are women. I am proud to look around my great State and see two of the great universities in our country—the University of Michigan and Michigan State University—both led by women presidents. We are seeing women moving up in every area. We have made great strides, but we also know pay for women continues to be unequal, even though we have seen strides being made. That is why the Paycheck Fairness Act is absolutely critical.

This bill gives women tools to negotiate better pay and it stops employers from using workplace gag rules to prevent women from discovering their pay is actually less than the pay of the men working beside them. It strengthens the remedies women can use when they are discriminated against and ensures that discrimination based on sex is treated the same as any other kind of discrimination in the workplace.

Four years ago this week, we passed the Lilly Ledbetter Fair Pay Act that overturned the Supreme Court's decision limiting the ability of women to get justice when they were discriminated against. At that time, Lilly Ledbetter did not know for a couple decades that she, in fact, was being paid less than the men she not only worked with but supervised. When she went to the Supreme Court, they said: You can't come before the Court. You have no standing because you should have done that 20 years ago. But 20 years earlier, she didn't know.

We have fixed that loophole in the law, but now we need to go on and completely revamp and be focused on putting in place all the tools available to women to keep the promise of the law that was passed 50 years ago, which is equal pay for equal work.

In my State of Michigan, women are paid only 74 cents on every dollar that a man makes. Even though we have made strides, we are still at 74 cents of what a man makes. And women are either participating as the sole breadwinner in their families now or part of a two-parent family trying to hold things together and make ends meet.

It is not fair to the family that one of those who are working is only getting 74 cents on a dollar of what males in the workplace are getting. Over a lifetime, in Michigan that 26-cent difference equals over $½ million that women are losing because we don't really yet have equal pay for equal work in every part of our economy.

When we look at this, it becomes very much about whether women are going to be able to pay their mortgage, their rent. When you walk into the store, the grocer doesn't say: You only have to pay 74 percent of the cost of this because you get paid less. The last time I looked, we pay the same for gas, food, rent, or the mortgage, and yet too many women find themselves disadvantaged because they are not being paid equally for their work. That is just not right. Everybody knows it is not right.

The Lilly Ledbetter Act took an important step 4 years ago in overturning a situation that the courts I believe inaccurately, unfairly decided as relates to women. But the Paycheck Fairness Act gives women the tools they need legally to be able to remedy unequal pay situations and have the confidence that we are going to truly enforce equal pay for equal work in this country.

Fifty years ago, Congress and the President came together and agreed that women should get equal pay for equal work. Right now, we need to reaffirm that. We need to make it real for all women in every part of our country who are working hard to make ends meet, to take care of their families, and to be able to move forward and realize their dreams. Passing the Paycheck Fairness Act is going to bring us closer to that reality.

I again thank the senior Senator from Maryland for her incredible leadership in bringing us to this point with the Lilly Ledbetter Act and now taking the next step, which is to realize the dream of 50 years and longer in America, which is to fully benefit from the ideas, the strengths, and the talents of every individual and to make sure they are equally paid for what they are worth.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I rise to speak on the Paycheck Fairness Act. I would ask how much time is remaining.

The ACTING PRESIDENT pro tempore. There is 17 minutes remaining.

Ms. MIKULSKI. I ask unanimous consent that we extend for another 15 minutes.

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

Ms. MIKULSKI. Madam President, I join with my colleagues you have already heard from—Senator CANTWELL of Washington State, Senator STABENOW of Michigan—and today I know other Senators will be coming to the floor to say: We want to finish the job. We want to finish the job that started 50 years ago when Lyndon Johnson introduced the first of three civil rights bills that were designed to change America.

In the mid-1960s, there was turmoil. Change was in the air. People wanted equality. They were marching on the streets, they were pounding on the tables, and they were organizing in civil disobedience. Dr. King marched on Washington and Lyndon Johnson was laying the groundwork for the famous Civil Rights Act that would open the doors for minorities. But the very first bill he introduced was to guarantee

equal pay for equal work for women. He did that as the first bill because he thought that would be one of the easiest to pass.

Well, 50 years later we are still being redlined, sidelined, pink-slipped because we fight for equal pay for equal work. Every time we make an advance, they bring in the lawyers—the corporate lawyers—who then hide behind small business exemptions, and they fret on how it will wreck the economy of the United States.

Well, I know what wrecked the economy of the United States, and it wasn't women wanting equal pay for equal work. That is not what brought us fraud, scams, and greed in the mortgage market. That did not cause the great collapse of the banks. We didn't cause that. Their hubris and greed did. But when they bring in the lawyers, we have to pass legislation.

Four years ago, the first bill that we passed during the Obama administration was the Lilly Ledbetter Fair Pay Act. It repaired the right of women to address pay inequality in the courts. What it did was correct a misinterpretation by the court on what is the statute of limitations when women seek redress.

But let me tell you that the fight continues. The fight continues now. The reason we need the Paycheck Fairness Act is the fact that women continue to be discriminated against and economically harassed and punished if they even ask: How much do the guys get paid?

So if you are standing at the water cooler or if you go to your human resources and say: What do I get—if Georgette asks: What do I get, and she wants to know what George gets, she could be punished. She could be fired. She could be penalized. She could be isolated for being too aggressive. Haven't we heard that? Too uppity—my God, daring to ask what George gets paid. Well, the Lillies, the Georgettes, and everybody who gets up every day and takes pride in their work, does the job they were hired to do, they want to get the pay they have every right to. So our legislation will keep employers from retaliating against employees who share information about pay.

Remember how Lilly Ledbetter's bill got triggered? Lilly was working at Goodyear, doing a good job, even promoted. But guess what, finally some men, some great guys—and there are great guys—came and said: Guess what, Lilly. We get a better deal than you do. That is how Lilly Ledbetter found out, and when she went to ask, she was punished. So our Paycheck Fairness Act would keep employers from retaliating against employees who share information.

It will also close a loophole in the current law that allows employers to use just about any reason for paying a woman less than a man by requiring that the reason be unrelated to sex and it has to be job related. The fact is that they will say: Well, we pay George more because you really should be 5-foot-8 to do the job, and most women might only be 5-foot-6. Well, have you seen those title IX gals lately? Anyway, they always invent the reasons. That is where, instead of solving the problem, they bring in the lawyers. They always bring in the lawyers. Now we are bringing in the votes, and what we want to say is that we want to close that loophole.

We also want to improve the remedies available for victims of discrimination by simply putting the Equal Pay Act on par with other laws to combat equal treatment.

Everyone wants to say what this bill is about. They all have opinions. It is not about politics; it is about a pay gap. It is not about only gender; it is about an agenda. What is our country? Are we going to be fair with each other in the marketplace? This bill is about our families, it is about our economy, it is about bread-and-butter decisions.

So what are the consequences of paying equal pay for equal work? No. 1, it will put more money in the family checkbook. More money in the family checkbook means more spending in the economy. It is actually good economic policy in the real economy. Now, it might result in lower executive compensation, but it will result in fair compensation to the women who work. As we know, women now are really a significant part of the workforce, and we should be paid equal pay for equal work and not harassed when we want to ask questions, and close the loopholes to make sure they don't make up phony excuses.

This is very, very important. When we look at it, 50 years—50 years—after Lyndon Johnson introduced his legislation, we are still at 77 cents for every dollar a man makes. For women of color, it is even less, and for Hispanic women, it is only 60 percent. That is not enough.

So we want to change the lawbooks so we can put more money in the family checkbook and more money in our economy and make sure that the dream of 50 years ago that was started by Lyndon Johnson we rectify in the passage of this legislation, which I hope we do expeditiously between now and Mother's Day.

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

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

Mrs. BOXER. Madam 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.

Mrs. BOXER. Madam President, I wish to thank the Senator from Maryland, who has been such a remarkable leader on all of these issues. We have so much work to do, as she has outlined, and I will add a few specific cases to what she said.

This is the 4-year anniversary of the Lilly Ledbetter law, and we were able to push it forward, and it was the first bill President Obama signed in his first term. I think that said a lot about its importance.

Because Lilly Ledbetter is pretty well known in the country, we know her story. You can imagine the feelings she had when she found out that after all the work she was putting in, simply because she was a woman she was getting paid less than the men doing the exact same thing. And, yes, thank you to the men who respected Lilly Ledbetter enough to let her know. There was a notice in her locker that essentially informed her that she was working for way less than they were. Over the course of her lifetime, it was a huge amount of money that made a huge difference.

When Lilly tells the story, you can just see the anguish in her face. And she, of course, went all the way to the Supreme Court trying to get redress. Finally, the Court decided, and they said: You know what. You have a really good case, but you didn't move forward fast enough. You were supposed to come and file this lawsuit much sooner.

Well, she didn't know much sooner. She couldn't have filed the lawsuit. And that is what led to our corrective legislation, so that in the future a woman who has faced pay discrimination will have her day in court and will have the time necessary to proceed with the court case and get justice. The court had said she had to file from the minute the discrimination started, but Lilly didn't know she was being discriminated against until years later. So thank goodness this Congress and the President remedied that.

But we have unfinished business. We have a bill called the Paycheck Fairness Act, and I hope that all will get involved as well because the fact is that women, after all the progress we have made, earn 77 cents for every dollar earned by a man. We women in the Senate are fortunate in the sense that is one battle we don't have to wage because a Senator is a Senator is a Senator. Imagine if they had a rule saying men Senators get this and women Senators get that. People would say something is very wrong with this picture. But that is the way it is on the outside. It is undercover. People do not know about it, but women who do the same job as a man on average will make 23 cents less.

You could say: Seventy-seven cents for every dollar—is that really a lot? Let me tell you, it is a lot. Over a lifetime it is about $434,000 less that she will have at the end of her career.

This pay gap persists across all occupation and income levels. A Bloomberg analysis found that women earned less than their male counterparts in 264 out of 265 major occupation categories. Women earned less than their male counterparts in virtually all of the occupation categories. So the wage gap clearly hurts women, but it also hurts their families. Think about families

where the major wage earner is a woman. Those children and grandchildren will feel the pain.

Of course the economy is hurt because there are fewer dollars circulating in the economy. A woman is going to spend a lot of the money she earns right out there, supporting her family, going to the store, organizing visits to camps and vacations, and all that money helps the economy.

I am going to close this by reading a couple of stories, real-life stories. A woman from California had an identical advanced degree as her husband. She landed the exact same job as her husband but at a different worksite. The woman's husband was offered $5,000 more in starting salary for the same job with the exact same resume.

A health care worker in Long Island discovered she had been earning $10 an hour less than her male colleagues with the same experience. When she brought this up to her superiors, she was reprimanded for asking about the wage gap.

That goes to what Senator MIKULSKI said. Imagine the nerve of someone finding out they were paid $10 an hour less and trying to find out why, and for that she is reprimanded, put in her place.

Then a female employee for a major corporation in Florida was told when she was hired that if she disclosed her salary to other workers, that would be grounds for dismissal. She soon realized that her male counterparts made more than she did but she did not have any written proof. A fellow female employee at the company was told that because her husband picked her up from work in a nice car, she did not need to get a salary increase.

We need to pass the Paycheck Fairness Act. It closes loopholes that have allowed employers to avoid responsibility for discriminatory pay. It prohibits employers from retaliating against employees who share salary information with their coworkers, and it puts gender-based discrimination sanctions on equal footing with other forms of wage discrimination such as race, disability, or age, so women would be eligible for the same remedies available to other victims of discrimination, such as punitive damages.

It is simply a matter of fairness. Every American deserves equal pay for equal work. We have to end this practice of shortchanging half of our country—more than half of the people are female. This means we are hurting our country, we are hurting their families.

In 2010, Senate Republicans filibustered our efforts to proceed to this bill. All we wanted to do was proceed to it and get an up-or-down vote. We faced a filibuster. In June 2012, Senate Republicans blocked us again. We are calling on them in a spirit of fairness and justice to work with us in this Congress and give all the women of America the same chance for success as their male counterparts. Remember, $400,000-plus over a career is a tremendous amount of money for people. That can make the difference in having a decent retirement. We heard today that the vast majority of Americans, if they lost their job, have no savings at all. It is not as if we are paying people lavish salaries. Let's make sure, whatever the salaries are, that they are fair, that they are equal to each other. If a woman is doing the same job, much as a Senator, as a male, they get the same pay. It is simple. It should not be a problem.

If there is a filibuster, I will never understand it. I will say this. No woman in America today will understand why anyone would filibuster such a bill—equal pay for equal work. And no man in America who loves a woman, be it their mom or their aunt or their wife or their daughter, would understand it either. Let's hope we get to a vote on this measure.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Madam President, I thank my colleague from California for making those important remarks. I am also here to talk about the Paycheck Fairness Act for a few minutes, if I could. As she said in her last remarks, it is very important to note the last few times this issue has come up it was filibustered. We did not even get to the bill. So hopefully, according to the new rules we agreed on here and coordinated in a bipartisan way, we will get to the bill and we will debate it on its merits, not on whether it should proceed. Let's see how that works. Again, I thank her for coming down here today.

I rise here on the anniversary of the Lilly Ledbetter Fair Pay Act of 2009 to lend my support to the next bill we need to pass, the Paycheck Fairness Act. I thank Senator MIKULSKI for organizing this important discussion.

Four years ago I entered this Chamber fresh from Alaska. Madam President, you are fresh from North Dakota. I probably sat right there during that debate in 2009. I was finishing my second term as mayor of Anchorage and was excited to take on the new challenges in the Senate on behalf of all Alaskans. I am honored to say one of my first votes in the Senate as a new Senator was the Lilly Ledbetter Fair Pay Act. I was proud to add my support to the cause.

At the same time it was—and is—disheartening to continue hearing about pay inequity as a major economic problem, that there are still drastic wage gaps for women, that women on average still earn about one-fifth less than their male counterparts.

We all know the numbers. That is why I have cosponsored Senator MIKULSKI's Paycheck Fairness Act each time it was introduced. It provides women with the tools to close this long-standing gap. Her bill is an important companion to the Lilly Ledbetter Act, which kept the courthouse door open to demand justice over pay discrimination.

This was a crucial victory, but we must continue the fight and finish the job by passing paycheck fairness. At its core, the bill is really very simple: It says employees and employers can share wage information and that discrepancies in pay must be based on experience and qualifications—not on gender.

What is more fair than that?

Unfortunately, my State is not a leader on pay equity. In Alaska, women earn 78 cents for every dollar paid to men. Unless that changes, Alaska women will earn $623,000 less than men during their working careers. This pay gap has harmed the families of roughly 155,000 women in the Alaska workforce. Women in Alaska have higher rates of economic insecurity than men: In 2010, women working full time not only earned lower average wages but also were more likely to live in poverty—more than 10 percent of Alaska women compared to about 7 percent of men.

Women in Alaska make up 47 percent of the state workforce and nearly half of them are married mothers who are the primary wage earners in their families. When they earn less than men, that burden falls on the entire family—including about 112,000 Alaska children who are dependent on their mother's earnings.

The State's highest-paying industries—including manufacturing, natural resources and mining—are mostly dominated by men. Jobs such as miners, mobile heavy equipment mechanics and electrical power line installers pay much better than State average wages, but few women are getting those jobs.

Our Alaska Department of Labor puts it bluntly: ''Women seem to be funneled into lower-pay occupations.''

Listen to these numbers. If the gap between men's and women's wages in Alaska were eliminated, each full-time working woman could suddenly afford to pay for 2 more years of groceries, buy 3,700 more gallons of gas or pay the mortgage and utility bills for 8 more months.

So on this 4th anniversary of the signing of the Lilly Ledbetter Fair Pay Act, I say to my colleagues on both sides of the aisle: Let's finish the job and pass the Paycheck Fairness Act. As I said, it's so simple. The bill will close loopholes in the Equal Pay Act and establish stronger workplace protections for women.

In the real world there should be nothing complicated or controversial about this, but sometimes we wonder where we are; it is not always the real world. As I said at the beginning of my comments, hopefully the issue of filibuster will not be part of this equation, that we actually get on the bill, have the debate, and people can vote up or vote down, amend it or not, and determine where we stand on this issue.

I am from a household where we were raised by a mother, the six of us. My father died when I was 10. She survived raising four boys, which is a miracle in

itself, and two girls. The problem was not the girls, it was the boys. But she raised six of us at a very young age. Hopefully some would consider us productive parts of society. But when I saw what my mom had to struggle through, what she had to earn to make sure we had food on the table, make sure we had opportunities in our lives, it is clear to me that this is not a complicated issue. This is a simple fairness issue.

I hope my colleague on the other side, again, would allow it to come forward. We will debate it and then we will vote on it, and the American people, Alaskans, will see what we think of fairness in the sense of a paycheck for a woman working the same job—equal job as a man does.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

THE ECONOMY

Mr. COATS. Madam President, breaking news. Just a short time ago the Bureau of Economic Analysis issued its report for the fourth quarter of 2012 in terms of our economy. I am sorry to say that the report said we have contracted—not gained, but our economy contracted—during this fourth quarter, 0.1 percent at an annual rate last fall.

Here we are, about 3½ years from a deep recession, and in normal recessions recovery occurs at a significant rate. That is what gets people back to work. That is what gets our economy moving again. This is the growth we need to address our fiscal situation. Yet after nearly 3½ years of stumbling along and bumping along in the most tepid recovery since before World War II, we now learn that despite some of the optimism that has been projected lately that things are getting better, things are growing, and unemployment is going to start coming down, we get this distressing report that in the fourth quarter, the quarter where we all go out and buy Christmas presents and spend money at the end of the year, that fourth quarter contracted; it did not grow.

The average rate of growth following recessions is about 4 percent growth per year. Sometimes it has been 6, 7, and even 8 percent. The average rate we have had as a Nation following the previous recession has been around a 2-percent level or even a little less. So, this is not good news for the American people. This is not good news for all those hoping to get back to work. This is not good news for those hoping to raise money to pay for their mortgage or try to keep their house or provide for their children's education going forward. This is not good news for the American people. I think it says a lot about our failure here in Congress to do what most people understand we need to do and that is to get our fiscal house in order.

There is a cloud of uncertainty settled over the American economy over the last 3½ years that is destroying the hopes and dreams of young people and middle-aged people and those nearing retirement. They are worried about their savings, their ability to pay their bills, and their ability to maintain meaningful employment.

If we are going to get our fiscal house in order, we need to do some fundamental things. One, we need to summon the will to address this problem—this challenge—and define it as the No. 1 challenge facing the Congress and have the political will to do something about it. Doing something about it means we start with having a budget. It has been 1,372 days since the Senate passed a budget. That is nearly 4 years. This is completely irresponsible. To deny the American people the transparency of how we are spending taxpayers' dollars and how we are addressing this fiscal situation we are in which drives us into more debt and more deficit is totally irresponsible. As I said, it starts with passing a budget.

Every Hoosier family and every business in Indiana knows they cannot be successful and financially sound without creating a budget on which to operate. Restaurants and coffee shops have budgets, Little League Baseball organizations have budgets, and our communities, States must have a budget in terms of how much we are able to spend.

The reason a budget is so important is it forces us to determine how we spend the revenue we have in a sensible way without having to go and continue to borrow and drive ourselves more deeply into debt. There are a lot of things we would like to do. Everyone has their priorities, their interests, such as, education, medical research, more funding for social programs, more defense funding, funding for transportation needs, paving roads, and repairing bridges. It goes on and on. We all have those priorities. These are things we would like to do, but we have not faced the fact that we cannot do everything we would like to do. We have to do the essential things and prioritize our spending at a time when we don't have the revenue to do everything we would like.

It is no different than a family with financial difficulties sitting down and saying: Our annual trip to Disney World cannot happen this year. Dad's paycheck is not bringing in the kind of money it used to. Maybe they are not in the financial position to be able to do what they would like to do, therefore, they have to make some changes and adjustments. Maybe instead of Disney World, they decide to go to Brown County State Park, which, by the way, is a great place for family vacations. Priority decisions are the kind of decisions families have to make when they don't have the revenue to do everything they would like to do.

We also have a legal duty—and personally I think a moral duty—to present to the American people a budget plan indicating how we are going to spend their taxpayer dollars. Section 301(a) of the Congressional Budget Act of 1974 states—and this is the law of the land—''On or before April 15 of each year, the Congress shall complete action on a concurrent resolution on the budget for the fiscal year beginning on October 1 of such year.''

When we passed that law, we didn't say Congress may pass a budget or that Congress has the ability to avoid having a budget. The word ''shall'' means we shall have a budget. Yet the failure to bring forth a budget under the leadership of this Senate for 1,372 days—nearly 4 years—has created even more dysfunction in an already dysfunctional Senate. It has helped lead to a broken appropriations process.

Last year, we did not pass a single appropriations bill through the Senate, which left us with what we call continuing resolutions. Continuing resolutions essentially fund the Federal Government on autopilot at previous levels without the type of scrutiny and oversight that would be administered through the regular appropriations process. This is no way to govern a country. We are not fulfilling our duty to the people we represent and, most important, it hinders any attempt at real spending reform.

The Republican-led House has passed a budget annually and fulfilled their duty. We have failed in fulfilling our duty. They have presented their priorities to the public. They have described how they will rein in spending, save programs from collapse, and reform the tax system. They are being heavily criticized because they have a budget out there which tells the American people what they are going to do, and some of it is painful because we don't have the money to do everything we would like to do.

People like to be able to come home and promise them everything they ask for. We don't have that luxury. Perhaps we never did, but we did it anyway. No longer do we have the luxury of being able to even think that. So all the criticism goes to the House because they want to cut this or they want to modify that or the priority decision is for one thing over another thing. In the mean time, the majority and the administration just sit back and say: We are not going to put out any numbers; therefore, you cannot criticize us. We will just go along criticizing the other team.

I know PAUL RYAN is again working with Speaker BOEHNER on a 10-year budget plan to put our country on a path to a balanced budget. They will be heavily criticized for that, but they are stepping up to their legal responsibilities and stepping up to the moral responsibilities we have to do the job we were elected to do. I mean, that is why we were sent here. The Senate is going to have to get the will to make these tough choices, which we have been avoiding for years, or the market is going to force us to act. The more we prolong the challenges we face and the

longer we wait to act, the harder it is going to be.

If we don't put a Senate budget plan together, if we don't lay out our priorities and create a long-term economic plan to reform our spending habits, we are going to face a debt-induced catastrophe that will make the economic downturn we experienced a few years ago look like child's play. The fact is our failure to seriously grapple with our runaway deficit spending is already having huge detrimental effects on our economy, and I just mentioned one of those. Sooner or later this body needs to stand and get this done and it starts with a budget.

The President has made it clear over the past few years that when he proposed his budgets, he is not serious about leading the discussions on the fiscal challenges facing us. He didn't mention it in his inauguration address, and he has publicly stated we don't have a spending problem. How he comes to that conclusion defies credulity.

Interestingly enough, by law, the administration is forced to produce a budget which has been brought before this body. It is interesting that the lack of seriousness of this is indicated by the fact that not even one Member of his own party voted for the President's budget.

I am just about ready to finish. I ask unanimous consent for 3 more minutes to finish.

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

Mr. COATS. Madam President, thank you. Not one Democratic Senator voted for the President's budget in the last few years. His own party didn't support his budget. It is hard for us to take the President's budget seriously, and that is why the Senate—under the leadership of Democrats—needs to put forward a serious budget, one we can debate, amend, talk about, share with the American people, get their opinion as to whether this is an important priority program or one we can use as the basis to make tough choices and explain why we made those choices. After all, that is why we are here.

So why am I here? I am urging my colleagues in the majority to act. Let's do our jobs. Let's perform our legal responsibility and duty. One of the most basic duties in Congress is to create a budget so we can begin to get our fiscal books in order. It is our generation's duty also to repair our Nation's financing and ensure we are not leaving behind this dangerous debt burden on future generations. This is the time to act. This serious debt threatens our national security and the future of our country, and this is the challenge both sides of the aisle need to face.

Strengthening our country and putting us back on a sustainable path will not be easy. It will require some sacrifices, but these are the responsibilities we have to address. We need to be honest with the American people. We must take the first step and it starts with a budget.

With that, I yield the floor and 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. ALEXANDER. Madam 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.

EVENHANDED LAW ENFORCEMENT

Mr. ALEXANDER. Madam President, I am expecting the Senator from Louisiana, whom I had planned to follow, but since he is not here yet I will go ahead with my remarks unless he walks in the door just now, and then he can follow me.

We are both speaking today about selective enforcement of the law as it relates to the Department of Justice enforcing the law against certain types of energy producers but not other types of energy producers. Senator VITTER from Louisiana will talk about a letter he and I will be sending to the Attorney General of the United States asking why he does it.

I see Senator VITTER coming in just now, so now that I have given him a preamble and a warm-up of about 2 minutes, I think I will sit down and listen to what he has to say, and then I will add my comments to his when he finishes.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Thank you, Madam President.

Through the Chair, I also wish to thank my distinguished colleague from Tennessee for joining me. Together, as he mentioned, we are writing the Attorney General today about a matter of real concern, and that is why we come to the floor. We are both very troubled by recent reports that the Department of Justice is targeting whom to prosecute for the incidental killing of migratory birds under the Migratory Bird Treaty Act. They are not targeting whom to prosecute by looking at birds killed; they are targeting whom to prosecute based on the type of business these various people are in—legal business—and, in particular, the type of legal energy these companies produce.

What am I talking about? Well, on the one hand, oil and gas producers—traditional energy producers—are clearly being targeted. They are being targeted for prosecution, as I say, under the Migratory Bird Treaty Act. They are being charged with the incidental killing—in a particular case that a court has dealt with—with the killing of four mallards, one northern pintail, one redneck duck, and one Say's phoebe.

Now, in that case, the Federal judge involved correctly recognized that this prosecution was off-base because it wasn't about trying to kill these birds—it wasn't about any willful act. It was about a completely incidental killing of these birds because they were doing things in the normal course of business. Nobody wants any of these birds to be killed, but that is not what criminal sanctions under the Migratory Bird Treaty Act are about.

As the judge said, ''then many everyday activities [would] become unlawful—and subject to sanctions—'' with ''fines'' under these sorts of prosecutions.

The judge pointed out that ''ordinary activities such as driving a vehicle, owning a building with windows, or owning a cat'' could be subject to criminal prosecutions if this precedent were set.

So that is on the one hand: the Department of Justice, I think, clearly targeting these companies who are oil and gas producers. On the other hand, they have a very different approach to other types of energy producers, such as wind producers. To our knowledge, there is not a single Department of Justice prosecution regarding the killing of birds because of windmills. That clearly happens. In fact, it happens a lot. I am not saying these wind producers want that to happen. I am not saying they are trying to kill birds, but it happens and it happens a lot. And to our knowledge, the Department of Justice has never launched a similar prosecution against a wind farm.

The U.S. Fish and Wildlife Service's fiscal year 2013 budget justification actually estimated the annual bird mortality from wind energy production. Do my colleagues know what the estimate was? It was 440,000. I just mentioned this criminal prosecution on the oil and gas side for seven birds. On that side, total, we have this estimate of 440,000.

But wait; it gets even more ridiculous. It appears the administration is also choosing to sanction this in the case of wind production because they are actually considering granting permits to wind energy producers who state in their permits they will kill bald eagles. So in southeastern Minnesota the administration is considering a permit for a wind farm that states in its permit it has the potential to kill between 8 and 15 bald eagles each and every year.

So on the one hand we have an oil and gas producer who is gone after with a criminal prosecution because they didn't intend but incidentally killed seven birds—of course, none of them the status of a bald eagle, none of them in danger. On the other hand, the administration is considering granting a permit where the wind producer says it is going to probably kill 8 to 15 bald eagles a year, the symbol of our Nation's greatness.

It is pretty clear to us that what this is about is not evenhanded enforcement of the law. What this is about is targeting one type of energy producer and favoring a different type of energy producer.

Here is a picture of a bald eagle. The wind farm has stated it will kill perhaps 8 to 12 of those a year. We also have photographs of birds that were unfortunately killed at a wind farm. This is one victim. We have another photograph of an eagle that was killed at a wind farm. This is not a bald eagle; this is a golden eagle, an absolutely beautiful bird.

All of these bird deaths are bad, but all of them are unintended. The point is that the Migratory Bird Treaty Act did not intend criminal prosecutions for this unintended incidental effect. The judge ruled that. We think the judge is right. But the broader concern is that the Justice Department seems to be targeting the companies it goes after not based on what they do with regard to migratory birds but based on what they do as a legal business and what sort of energy they produce.

Is this really a policy that reflects an ''all of the above'' energy strategy? We think not. We think it is pretty darn obvious it is not an ''all of the above'' approach. That is something very different than an ''all of the above'' energy strategy. It is strategy that says this sort of legal business, this sort of legal production of energy is evil and is to be gone after and combated in any way possible, and that sort of legal business, that sort of production of a different form of energy is to be favored in any way possible. That is our broader concern, and it is a pretty darn important one.

This is important in and of itself. It is an important part of the law. It is important that prosecutions be appropriate and evenhanded, but the broader issue with regard to a true ''all of the above'' energy strategy is even more important.

As I turn to my colleague from Tennessee, let me simply ask unanimous consent to have printed in the RECORD of the Senate this letter which we are both sending today to Attorney General Eric Holder.

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

JANUARY 30, 2012.

Attorney General ERIC HOLDER,
U.S. Department of Justice, Pennsylvania Avenue, NW., Washington, DC.

DEAR ATTORNEY GENERAL HOLDER: We write today seeking clarification of the Department of Justice's policy for prosecuting alleged violations of the Migratory Bird Treaty Act (MBTA). As you know, the MBTA is a criminal statute that makes it unlawful to ''kill'' or ''take'' a migratory bird, nest, or egg, except as permitted under the statute. We are concerned by what seems to be a trend of the Department pursuing MBTA enforcement actions against oil and gas companies for conduct that is otherwise overlooked when it is undertaken by renewable energy companies. Fair and consistent application of federal enforcement authority is fundamental to equal justice under the law as well as to the President's and Congress' call for an ''all of the above'' energy policy that pursues all forms of energy production.

On one hand, the Department of Justice chose to prosecute three oil and gas production companies for the incidental killing of migratory birds in North Dakota. In those cases, the companies were charged with the incidental killing of four mallards, one northern pintail, one red-necked duck, and a say's phoebe. By determining that the MBTA ''only covers conduct directed against wildlife,'' a Court rejected your Department's claim that these producers had violated the MBTA.

The Court noted, and we agree, that ''it is highly unlikely that Congress ever intended to impose criminal liability on acts or omissions of persons involved in lawful commercial activity, which may indirectly cause the death of birds protected by the Migratory Bird Treaty Act.'' Furthermore, the Judge reasoned that, if the Department's interpretation of the MBTA was adopted, ''then many everyday activities [would] become unlawful—and subject to criminal sanctions—when they cause the death of pigeons, starlings, and other common birds. For example, ordinary land uses which may cause bird deaths include cutting brush and trees, and planting and harvesting crops. In addition, many ordinary activities such as driving a vehicle, owning a building with windows, or owning a cat, inevitably cause bird deaths.''

On the other hand, you have not prosecuted a single wind producer for migratory bird deaths that occur as a result of wind energy production. The U.S. Fish and Wildlife Service's fiscal year 2013 budget justification estimated annual bird mortality from wind energy production at approximately 440,000. This number suggests that a significant number of birds, some of which have additional protections under the Endangered Species Act, are harmed by wind turbines on wind farms.

We were recently made aware that Federal officials have decided to allow a wind energy farm in southeastern Minnesota to apply for a permit to allow for the death of bald eagles, who are obviously the symbol of the United States. If allowed to proceed, the project has the potential to kill between eight and fifteen bald eagles each year. We find it absurd that the Department of Justice, in conjunction with the Fish and Wildlife Service, could reasonably conclude that three oil and gas operators should face prosecution for the incidental killing of seven birds at the same time it considers permits to kill between eight and fifteen bald eagles. This does not pass the common-sense test, and suggests the Administration is hostile towards traditional energy production.

We do not condone the indiscriminate killing of birds from any sort of energy production. Nor do we believe the Department should target businesses because of the type of energy being produced. To that end, we seek to understand why your Department has chosen to selectively prosecute oil and gas producers at the same time the Administration considers granting permits that will result in the killing of bald eagles. In order to help us better understand and analyze your policy, please provide us with answers to the following questions:

1. In the past four years, how many criminal prosecutions has the Department undertaken against oil and gas producers who have allegedly violated the MBTA? Of those prosecutions, how many prosecutions involved a felony for a knowing MBTA violation and how many prosecutions have involved a misdemeanor prosecution?

2. In the past four years, how many criminal prosecutions has the Department undertaken against wind energy producers who have allegedly violated the MBTA? Of those prosecutions, how many prosecutions involved a felony for a knowing MBTA violation and how many prosecutions have involved a misdemeanor prosecution?

3. Last year, Stacey Mitchell, Chief of the Environmental Crimes Section, stated at a public conference that the Department brings prosecutions based on the willingness of a company to cooperate as opposed to the number of birds that are killed. Please provide us with any guidelines the Department considers when making the determination to prosecute an energy producer under the MBTA. Do your guidelines or any policy directives distinguish between oil and gas producers and wind energy producers?

4. Please explain the apparent targeting of oil and gas producers for violations under the MBTA. Do you believe it is inconsistent to prosecute energy producers for the deaths of seven animals among three producers at the same time the Administration condones an energy project that plans to kill between eight and fifteen bald eagles each year?

We hope that you will provide us a prompt response so that we can understand the Department's decision-making processes on this important issue. Should you have any questions, please feel free to contact us.

Sincerely,

DAVID VITTER,
Ranking Member, U.S. Senate EPW Committee.
LAMAR ALEXANDER,
United States Senate.

Mr. VITTER. Thank you, Madam President. With that I close and thank, again, my colleague from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I am here to join with and congratulate the Senator from Louisiana for his leadership on this issue. These are important matters for a couple of reasons. One is, as the Senator from Louisiana said, the rule of law is one of the fundamental principles of the American character. We expect laws to be enforced evenly, whether it is a little law or whether it is a big law. Obviously, here, the Department of Justice is enforcing a law against oil and gas companies but not against wind companies. It is the same law; it should be applied in the same way.

The second is the matter of birds. Someone might say: Why would Senators take the time to talk about birds?

I am reading one of President Teddy Roosevelt's books. This is about his African game hunt after he was President of the United States. He wrote a lot of books, and he was a great President. All of us concede that. We remember him for many things, but if we read carefully Teddy Roosevelt's biography, his entry into political life was because of his concern for birds. He was a bird man. He protected birds. He captured them and brought them to various museums of America to serve as exhibits. He helped enact the laws that protect birds.

In one of the biographies of Teddy Roosevelt I read, the author pointed out that the single largest spectator sport in the United States is not football, it is not NASCAR, it is bird watching. I am not much of a bird watcher, but these laws are important for that reason as well.

The Senator has spoken very specifically and clearly about what is going

on here. We have the Migratory Bird Treaty Act, almost 100 years old. A person can go to jail if they violate the Migratory Bird Treaty Act. Then there is the Bald and Golden Eagle Act. That protects one of our national symbols. A person can go to jail for that too, and be fined $100,000 and imprisonment of 1 year for killing bald eagles and golden eagles.

The letter Senator VITTER and I sent today to the Attorney General asks: If you are enforcing that law against one kind of energy company, why aren't you enforcing it against another kind of energy company? Or if you think you are not going to enforce the law—and sometimes this administration just decides that it will not enforce the law—then at least enforce the law in an evenhanded way.

The Senator from Louisiana mentioned the energy farm in southeastern Minnesota that has applied for a permit that will allow the wind farm to kill the protected bald eagles. Basically, what is happening here is the wind farm is applying for a federal hunting license to kill eagles, and the U.S. Government is considering granting a hunting license to a wind farm to kill these protected bald eagles. How does that fit with an evenhanded system of justice, equal treatment of the law?

ExxonMobil, in 2009, pled guilty to killing 85 birds that had come into contact with crude oil. Exxon paid $600,000 in fines and fees. PacifiCorp in Oregon paid $1.4 million in fines for killing over 200 eagles in Wyoming. Yet a wind farm in Minnesota is applying for a hunting license to put up Cuisinarts in the sky to kill protected eagles. That is not evenhanded.

It is no excuse to say, well, cats kill birds, windows kill birds, other things kill birds. That may be, but we have Federal laws against those who set out and set up machines that deliberately kill birds. We need to have a rational policy for treating all energy companies the same.

So that is our discussion today. We believe it is important. The head of the Audubon Society in Los Angeles says the threat to golden eagles by wind farms has the potential to wipe this large, long-lived species out of the sky.

I think all of us know these are not our grandmothers' windmills. These are giant turbines that are three times as tall as the sky boxes at one of the most recognizable features in Tennessee, which is the University of Tennessee football stadium. These are huge monstrosities, and they have many detriments to the environment. They destroy viewscapes, they are noisy, and we can see their flashing lights for miles. We don't want to see them on the scenic mountains of east Tennessee where people come to see the Great Smoky Mountains—not to see these big white towers.

In their enthusiasm for wind power as a solution to our electricity needs in the United States, I am afraid the administration is destroying the environment in the name of saving the environment and producing at the same time a type of electricity that is intermittent, that only operates when the wind blows, is expensive, and has huge subsidies from the Federal taxpayer that would make any tax subsidy for oil companies look small by comparison.

Let's put all the questions about wind power to one side except this one: Why is the U.S. Department of Justice enforcing the migratory bird laws against one set of energy producers—oil and gas—and not against another—wind farms? That is what Senator VITTER and I would like to know. That is why we are sending the letter today.

I ask unanimous consent to have printed in the RECORD two articles: one from the Wall Street Journal and one other article from the Los Angeles Times about the effect of wind farms on protected birds.

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

[From the Los Angeles Times, Aug. 3, 2011]

FEDERAL OFFICIALS INVESTIGATE EAGLE DEATHS AT DWP WIND FARM

(By Louis Sahagun)

Pine Tree facility in the Tehachapi Mountains faces scrutiny over the deaths of at least six golden eagles, which are protected under federal law. Prosecution would be a major blow to the booming industry.

Federal authorities are investigating the deaths of at least six golden eagles at the Los Angeles Department of Water and Power's Pine Tree Wind Project in the Tehachapi Mountains, the U.S. Fish and Wildlife Service said Tuesday.

So far, no wind-energy company has been prosecuted by federal wildlife authorities in connection with the death of birds protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. A prosecution in the Pine Tree case could cause some rethinking and redesigning of this booming alternative energy source. Facilities elsewhere also have been under scrutiny, according to a federal official familiar with the investigations.

''Wind farms have been killing birds for decades and law enforcement has done nothing about it, so this investigation is long overdue,'' said Shawn Smallwood, an expert on raptor ecology and wind farms. ''It's going to ruffle wind industry feathers across the country.''

Wildlife Service spokeswoman Lois Grunwald declined to comment on what she described as ''an ongoing law enforcement investigation regarding Pine Tree.''

Joe Ramallo, a DWP spokesman, said, ''We are very concerned about golden eagle mortalities that have occurred at Pine Tree. We have been working cooperatively and collaboratively with the U.S. Fish and Wildlife Service and the California Department of Fish and Game to investigate these incidents.

''We have also actively and promptly self-reported raptor mortalities to both authorities,'' he said. ''Moving forward, we will be ramping up further our extensive field monitoring and will work with the agencies to develop an eagle conservation plan as part of more proactive efforts to monitor avian activities in the Pine Tree area.''

An internal DWP bird and bat mortality report for the year ending June 2010 indicated that compared to 45 other wind facilities nationwide, bird fatality rates were ''relatively high'' at Pine Tree, which has 90 towers generating 120 megawatts on 8,000 acres.

Golden eagles weigh about 14 pounds and stand up to 40 inches tall. Their flight behavior and size make it difficult for them to maneuver through forests of wind turbine blades spinning as fast as 200 mph—especially when they are distracted by the sight of prey such as squirrels and rabbits.

DWP officials acknowledged that at least six golden eagles have been struck dead by wind turbine blades at the two-year-old Kern County facility, about 100 miles north of Los Angeles, which was designed to contribute to the city's renewable energy goal of 35% by 2020.

Although the total deaths at Pine Tree pale in comparison with the 67 golden eagles that die each year in Northern California's Altamont Pass Wind Resource Area, the annual death rate per turbine is three times higher at the DWP facility. The Altamont Pass facility has 5,000 wind turbines—55 times as many as Pine Tree.

Nationwide, about 440,000 birds are killed at wind farms each year, according to the Wildlife Service. The American Wind Energy Assn., an industry lobbying group, points out that far more birds are killed by collisions with radio towers, tall buildings, airplanes and vehicles, and encounters with household cats.

Attorney Allan Marks, who specializes in renewable energy projects, called the Pine Tree deaths ''an isolated case. If their golden eagle mortality rate is above average, it means the industry as a whole is in compliance.''

About 1,595 birds, mostly migratory songbirds and medium-sized species such as California quail and western meadowlark, die each year at Pine Tree, according to the bird mortality report prepared for the DWP last year by Ojai-based BioResource Consultants.

BioResource spokesman Peter Cantle suggested that those bird deaths may be unrelated to Pine Tree's wind turbines.

''It's hard to tease out those numbers,'' he said. ''Basically, we walked around the site to find bird mortalities, which could have been attributable to a number of things including natural mortality and predators.''

The death count worries environmentalists because the $425-million Pine Tree facility is in a region viewed as a burgeoning hot spot for wind energy production.

''We believe this problem must be dealt with immediately because Pine Tree is only one of several industrial energy developments proposed for that area over the next five to 10 years,'' said Los Angeles Audubon President Travis Longcore. ''Combined, they have the potential to wipe this large, long-lived species out of the sky.''

[From the Wall Street Journal, Sept. 7, 2009]

WINDMILLS ARE KILLING OUR BIRDS

ONE STANDARD FOR OIL COMPANIES, ANOTHER FOR GREEN ENERGY SOURCES

(By Robert Bryce)

On Aug. 13, ExxonMobil pleaded guilty in federal court to killing 85 birds that had come into contact with crude oil or other pollutants in uncovered tanks or wastewater facilities on its properties. The birds were protected by the Migratory Bird Treaty Act, which dates back to 1918. The company agreed to pay $600,000 in fines and fees.

ExxonMobil is hardly alone in running afoul of this law. Over the past two decades, federal officials have brought hundreds of similar cases against energy companies. In July, for example, the Oregon-based electric utility PacifiCorp paid $1.4 million in fines and restitution for killing 232 eagles in Wyoming over the past two years. The birds were electrocuted by poorly-designed power lines.

Yet there is one group of energy producers that are not being prosecuted for killing birds: wind-power companies. And wind-powered turbines are killing a vast number of birds every year.

A July 2008 study of the wind farm at Altamont Pass, Calif., estimated that its turbines kill an average of 80 golden eagles per year. The study, funded by the Alameda County Community Development Agency, also estimated that about 10,000 birds—nearly all protected by the migratory bird act—are being whacked every year at Altamont.

Altamont's turbines, located about 30 miles east of Oakland, Calif., kill more than 100 times as many birds as Exxon's tanks, and they do so every year. But the Altamont Pass wind farm does not face the same threat of prosecution, even though the bird kills at Altamont have been repeatedly documented by biologists since the mid-1990s.

The number of birds killed by wind turbines is highly variable. And biologists believe Altamont, which uses older turbine technology, may be the worst example. But that said, the carnage there likely represents only a fraction of the number of birds killed by windmills. Michael Fry of the American Bird Conservancy estimates that U.S. wind turbines kill between 75,000 and 275,000 birds per year. Yet the Justice Department is not bringing cases against wind companies.

''Somebody has given the wind industry a get-out-of-jail-free card,'' Mr. Fry told me. ''If there were even one prosecution,'' he added, the wind industry would be forced to take the issue seriously.

According to the American Wind Energy Association, the industry's trade association, each megawatt of installed wind-power results in the killing of between one and six birds per year. At the end of 2008, the U.S. had about 25,000 megawatts of wind turbines.

By 2030, environmental and lobby groups are pushing for the U.S. to be producing 20% of its electricity from wind. Meeting that goal, according to the Department of Energy, will require the U.S. to have about 300,000 megawatts of wind capacity, a 12-fold increase over 2008 levels. If that target is achieved, we can expect some 300,000 birds, at the least, to be killed by wind turbines each year.

On its Web site, the Wind Energy Association says that bird kills by wind turbines are a ''very small fraction of those caused by other commonly accepted human activities and structures—house cats kill an estimated one billion birds annually.'' That may be true, but it is not much of a defense. When cats kill birds, federal law doesn't require marching them to our courthouses to hold them responsible.

During the late 1980s and early '90s, Rob Lee was one of the Fish and Wildlife Service's lead law-enforcement investigators on the problem of bird kills in Western oil fields. Now retired and living in Lubbock, Texas, Mr. Lee tells me that solving the problem in the oil fields ''was easy and cheap.'' The oil companies only had to put netting over their tanks and waste facilities.

Why aren't wind companies prosecuted for killing eagles and other birds? ''The fix here is not easy or cheap,'' Mr. Lee told me. He added that he doesn't expect to see any prosecutions of the politically correct wind industry.

This is a double standard that more people—and not just bird lovers—should be paying attention to. In protecting America's wildlife, federal law-enforcement officials are turning a blind eye to the harm done by ''green'' energy.

RECESS APPOINTMENTS

Mr. ALEXANDER. Madam President, last Friday, a three-judge panel of the U.S. Court of Appeals for the District of Columbia issued a decision that basically said the era of recess appointments is over. The three-judge court unanimously ruled that President Obama, on January 4, 2012, made three recess appointments which were unconstitutional, and, therefore, said the court, these three individuals—one who is already gone from the NLRB—so two NLRB individuals who were in the case that was before this court hold their seats unconstitutionally.

The Chairman of the National Labor Relations Board nevertheless said, in effect, that the NLRB is open for business. I respectfully suggest that a different sign should go up—''help wanted; nominations needed''—and that the two NLRB members whose recess appointments were unconstitutional should leave the NLRB because the decisions in which they participated—and there were 219 of them—cannot be valid if they are challenged, just as this 1 decision was vacated, because since they were unconstitutionally there, the NLRB did not have a quorum, and therefore, when those decisions are challenged, under the ruling of this court, those decisions cannot stand. They are important decisions. As the Senator from Wyoming undoubtedly will mention more about, they involved some controversial issues.

Several observers have said the court's decision is broad. In fact, it is a breathtaking decision. It is a bold decision. But by all standards, it seems to be the correct decision. This is why I say that if you take an American history book in one hand and the U.S. Constitution in the other and you read them both at the same time, you see that the Constitution, which was ratified a long time ago—before 1800—has in it article II, section 2, which says that the President may make nominations of a number of people, such as soon-to-be Secretary of State KERRY, who was confirmed yesterday—a number of people—but that those nominations require the advice and consent of the Senate.

We have done some work here in the Senate over the last 2 years, and we have improved the nomination process. We have eliminated a number of the nominations that are subject to advice and consent. We have made it easier for people to move through, and we have expedited a large number of those. For example, 273 of the 1,100 nominations that require advice and consent can be sent right to the desk by the President, and if a single Senator does not want it to go through the entire process, after the relevant committee gets all the relevant information, the majority leader can just move, after 10 days, to confirm that person. But if it is a Secretary of State or if it is a Secretary of Defense or if it is a member of the National Labor Relations Board, the Senate has a constitutional responsibility to consider those nominees.

I would suspect that the advice and consent role of the Senate is probably our best known power. It is the title of a book that Allen Drury wrote that came out, I think, in the late 1950s. Most Americans know about the advice and consent role of the Senate, and they know why we have it. We have it because our Founders put their necks on the line in a revolution against a King, and they did not want an imperial Presidency. So they put into place a system of checks and balances, which is being exercised this very moment because of the courts saying that the President's use of the—I ask unanimous consent for another 3 minutes, please.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I believe we have 30 minutes for this discussion; is that right?

The ACTING PRESIDENT pro tempore. Twenty-three minutes remains.

Mr. ALEXANDER. Yes. I thank the Chair.

So as we look back over the history of checks and balances and the imperial Presidency and the importance of making certain we do not have an imperial Presidency, we are reminded the reason we did that was a single word: liberty—the revulsion by the Founders who created this system and who then made sure our President was a President, not a King. And George Washington, who exercised great modesty and restraint, impressed into the American character his own modesty and restraint when he asked that he be called ''Mr. President,'' not something more grand, when he retired to Mount Vernon after two terms, when he could have been President of the United States for life.

So that is what the Constitution talked about. It said that for these important positions, the President may nominate, but if the Senate does not confirm them, they cannot serve.

There is also a provision toward the end of article II, section 2 about recess appointments. Here is what the court said when it got out its American history book and began to compare that with the Constitution: This was written for a time when it took Senator Houston of Texas—I ask, Madam President, that I have time to speak in morning business.

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

Mr. ALEXANDER. So this was written at a time when Senator Sam Houston of Texas had to ride a horse, get on a steamboat, get in a stagecoach, and make his way to Washington over a period of 5 or 6 or 7 weeks, and the same to go home; and when President Polk had a vacancy in 1846 in the Attorney General's Office and wrote a letter to someone in New Hampshire and invited him to take the position and that took 2 or 3 weeks to get the letter, and then in 2 or 3 weeks back came the answer: No.

Communication was a little different back then, so it was necessary, for the

government to operate, to put into the Constitution that when the Congress, the Senate was home—which meant all over this big, grand country, before the days of communication and travel—that during a 4- or 5- or 6-month period, the President could appoint someone to that position during the recess, the Constitution says.

The Constitution says, according to the court, that when a vacancy occurs during the recess, the President may make an appointment during that recess. So the court was talking about only one recess, and that is the one between the annual sessions of Congress—the one between when we end in 2012 and start in 2013.

Since that time, starting right after the Civil War, the President and Congress have been inventing these various ideas about other recesses. We even got down to the idea where we created having a recess for 3 days and then having a pro forma session to prevent the President from making any, quote, recess appointment during that time. But what the court has said is that all that does not really matter, that the only recess during which a President may make an appointment is between the end of an annual session and the beginning of the next.

I believe the ruling is correct. I believe it will be affirmed. I have no idea whether the Supreme Court will affirm it in whole, but surely they will at least say that the Senate itself—not the President—will decide when the Senate is in session and when the Senate is in recess, and if they do that, the era of the recess appointment is likely over. There is no need for a recess appointment in a modern era where the Senate is in session almost all the time. And the recess appointment has become used by Presidents to get around the checks and balances that are in article II, section 2 of the Constitution that provide liberty for the citizens of this country by avoiding an imperial Presidency.

So I call on the NLRB to take down the ''open for business'' sign and put up one that says ''help wanted; nominations accepted.'' The NLRB can do a number of things, but the Board cannot as long as it does not have a quorum. And the two members who are there unconstitutionally should leave their positions immediately, and accept no more pay.

Madam President, the Senator from Wyoming has been a leader on this issue, and I would like to now yield the floor and listen to his remarks.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I agree completely with my colleague, who has really shown significant leadership in this area, worked closely on it. He has been a Governor for two terms, knows about appointments, knows about advice and consent.

What we have seen from this President of the United States, just last January, is a flagrant disregard for the Constitution and the laws of this land by bypassing the Senate and appointing three members to the National Labor Relations Board, claiming—claiming—the Senate was in recess, even though the Senate was meeting regularly in pro forma sessions. So last week the U.S. Court of Appeals for the District of Columbia ruled unanimously—unanimously—that those unilateral appointments were unconstitutional.

It is interesting because I saw the whip of the Senate Democrats on one of the television shows this weekend, and he said: Well, we need to make sure people have plenty of time for hearings. They did not have hearings.

Madam President, the Democrats are in control of the Senate. They could have called hearings but chose not to. The President let these vacancies sit for long periods of time, and only in the middle of December of 2011 did he even put names up and then summarily, just a few weeks later, went and unilaterally appointed them. The Senate was really never consulted. The Senate did not have an opportunity to advise and consent. That is why I use the word ''flagrant'' in terms of the President's bypassing of the Senate in making these alleged recess appointments.

Well, over the weekend, newspapers across this country reported on this consequential ruling by the court and what it will mean for the administration going forward.

The Wall Street Journal called it ''Obama's Abuse of Power''—abuse—abuse of power.

Politico said: ''President Obama's Recess Appointment Bet Sours.''

Investor's Business Daily reported: ''Court Finally Reins in Obama's Imperial Presidency.''

The Washington Post explained: ''Court Says Obama Exceeded Authority in Making Appointments.''

The Los Angeles Times reported: ''Court Rules Obama's Recess [Appointments] Are Illegal''—illegal.

After we go on reading through all of this, after this court ruling, the White House should finally realize—finally realize—that the President's power to use recess appointments is not unlimited.

The court's decision reaffirms that America's Founding Fathers provided the Senate—the Senate—a responsibility, a duty to advise and consent, and they did it with the strong, coequal responsibility on important nominations.

Well, let's take a look at what the U.S. Court of Appeals for the District of Columbia actually ruled when they talked about the President's so-called recess appointments.

The court said:

> An interpretation of ''the Recess'' that permits the President to decide when the Senate is in recess would demolish—

''Demolish,'' the court said—

> the checks and balances inherent in the advice-and-consent requirement, giving the President free rein to appoint his desired nominees at any time he pleases, whether that time be a weekend, lunch, or even when the Senate is in session and he is merely displeased with its inaction.

The court went on to say: ''This cannot be the law.''

I agree completely with the court, which is why I am here on the floor of the Senate with my colleagues. Senator JOHANNS, also a former Governor, is with us today. These are individuals who understand the importance of advice and consent. And again, as to Senator JOHANNS, he has been a Cabinet member. He has been subjected to the process of advice and consent, and he knows how important that is in the balance of power, in how Washington and our Nation are supposed to work by the Constitution.

As the court wrote, ''Allowing the President to define the scope of his own appointments power would eviscerate the Constitution's separation of powers.''

The court added, ''It would make little sense to extend [the recess appointment authority] to any intrasession break'' because the ability to make recess appointments would swallow the advice-and-consent role of the Senate.

Because of the President's illegitimate appointments, the NLRB is now operating under a cloud of uncertainty all across the country in all of their regulations and rules. That is why shortly after the appointments, the President's appointees to the NLRB—Sharon Block, Terence Flynn, and Richard Griffin—began issuing orders and opinions in labor disputes. So they have been doing that now for over a year.

All of those decisions that the Board issued by a quorum made up by those members—there were over 200 of those rulings coming out in the past year—are subject to challenge and to invalidation. We have heard from Senator ALEXANDER on one of those having to do with micro unions. Another had to do with collection of union dues even after the contracts had expired. On and on and on, numbers of rulings, over 200 have been made. They are all subject to challenge and invalidation because there was no legitimate quorum for the National Labor Relations Board. At this moment it is practically impossible for anyone to know which NLRB decisions are valid and which are not. It is my opinion that none of them should be valid. But it is time to stop this regulatory train wreck from getting any worse. That is why this week I am introducing a bill that will freeze any decisions, any regulations, any rulings made by this unconstitutionally appointed and invalid quorum of the National Labor Relations Board. Until we have final resolution from the courts, the NLRB should not be able to move forward and create even more uncertainty across this country.

We would not be in this position if the President of the United States had done what legally he is mandated to

do, which is work with Congress and follow the Constitution. I hope that court ruling serves as a wakeup call for President Obama and for his entire administration. Instead of going around Congress, instead of going around the Constitution, it is time for the Obama administration to work with us on nominations.

I see the Senator from Nebraska is here, the former Governor, former Cabinet member. I look forward to hearing his comments as well.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNS. Madam President, I rise today, first of all, to say thank you to Senator BARRASSO and Senator ALEXANDER for speaking so forcefully on this issue. All of us in this body are elected officials and we take an oath. In that oath, we raise our right hand and we promise our Nation that we will uphold the Constitution of the United States, this very sacred document that has so soundly guided our great country from one decade to another, one century to another, one generation to another.

In fact, many of my colleagues in Congress took that oath earlier this month. Just 10 days ago, President Obama took the Presidential oath of office with great pomp and circumstance. We were all on the platform with him. He promised the Nation that he would preserve and defend the Constitution of the United States. But I fear that now what we are seeing is a flaunting of that very document.

You see, the DC Court of Appeals ruled that the President violated the Constitution with his appointment of three members to the National Labor Relations Board. I read the opinion. I saw no other solution than to ask these individuals to leave. The truth of the matter is they are not constitutionally there and need to leave.

This request was not about a personal preference or an attitude about any one individual. It was not about their qualifications. It was about the oath of office we take. And that oath of office says we will uphold the Constitution. The NLRB appointments were unconstitutional because the President only has the power to bypass our advice-and-consent role here in the Senate under the language of the Constitution. The court unequivocally found that the appointments were made last January while the Senate was not in recess, and were therefore void. Therefore, the President could not use the recess appointments clause of the Constitution to appoint these individuals. The ruling correctly concludes: ''Allowing the President to define the scope of his own appointments power would eviscerate the Constitution's separation of powers.''

The separation of powers is a critical safeguard to ensure that one branch of government does not overstep the other. The court goes on to say that allowing these nominations to stand ''would wholly defeat the purpose of the Framers in the careful separation of powers.''

Additionally, because these appointments were unconstitutional, the board lacked the quorum necessary to make decisions over the past year. This calls into question over 200 rulings of the board since last January. I personally believe that there is no doubt, if they are not constitutionally there, if they are there violating the Constitution, then all of their rulings, all of their regulations, all of their actions as a board are invalid and void.

That is why I wrote last Friday to the Government Accountability Office asking them to report to us every single decision they had made that was in excess of their powers to be there. You would think it would be common sense that the board would suspend all further action. You know, as a former member of the Cabinet, it never occurred to me that I had the right to ignore court decisions. I cannot imagine. The Chairman of the NLRB said this, ''The board respectfully disagrees with the decision.'' The Chairman indicates they will continue to conduct business as usual, even though a unanimous appeals court has deemed the appointments of all but one member of the board to be unconstitutional. I find their action absolutely appalling. Decisions by the NLRB are felt across the country.

It is not fair for the Board to say to the court: Go pound sand, which is exactly what they are telling this court. It is already awful that 200 litigants now have to go through the time and expense to appeal their rulings. Instead of continuing business as usual and issuing more bogus rulings, the Board should recognize that it is time to leave and to honor the Constitution.

I will wrap up with this. The D.C. appeals court ruling was a victory for our system of government. I believe it was a victory for the Constitution. It ensures that no one, including the President of the United States, is above the Constitution. I simply ask the NLRB, its members who were unconstitutionally appointed, to recognize the sanctity of our Constitution and vacate their offices immediately. Leave. Let us in the Senate have the powers granted to us by the U.S. Constitution to offer advice and consent to the President of the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

(The remarks of Mrs. GILLIBRAND pertaining to the introduction of S. 179 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

EXTENSION OF MORNING BUSINESS

Mrs. GILLIBRAND. Madam President, I ask unanimous consent that the period of morning business be extended until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

Mrs. GILLIBRAND. I suggest the absence of a quorum.

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

The assistant legislative 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.

The Senator from Missouri is recognized.

(The remarks of Mr. BLUNT pertaining to the introduction of S. 188 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BLUNT. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

FAREWELL TO THE SENATE

Mr. KERRY. Mr. President, I want to begin by thanking my colleagues—all of them—for their unbelievably generous comments to me personally, in the committee, on the floor, and in the halls and at meetings over the course of the last weeks. I will always be grateful for our friendships.

I thank my wife Teresa, who is here with us, and my entire family for their unbelievable support through this journey.

Five times Massachusetts has voted to send me to the U.S. Senate. Yesterday, nearly three decades after the people of Massachusetts first voted me into this office, the people with whom I work in the Senate voted me out of it. As always, I accept the Senate's sound judgment.

Eight years ago, I admit that I had a slightly different plan to leave the Senate, but 61 million Americans voted that they wanted me to stay here with you. So staying here I learned about humility, and I learned that sometimes the greatest lesson in life comes not from victory but from dusting oneself off after defeat and starting over when you get knocked down.

I was reminded throughout this journey of something that is often said but not always fully appreciated: All of us Senators are only as good as our staff—a staff that gives up their late nights and weekends, postpones vacations, doesn't get home in time to tuck children into bed, and all of those lost moments because they are here helping us serve. They are not elected. They didn't get into public service to get

rich. That is for sure. And their names are rarely in the newspapers. But from the staff in the mailrooms to the people who answer the front phones to the policy experts and the managers, the legislative correspondents who write the letters, the caseworkers who make government accountable, and the people everywhere in between, they make the Senate work for people.

I have been blessed to have a spectacular staff. And while I know every one of my colleagues would say the same thing about their staff, it is true about mine.

If I start naming names, I am going to miss somebody, so I am not going to. But I think every one of my staff will understand why I want to acknowledge five who are not with us any longer. They are up in heaven looking down on all of us, and Ted Kennedy has probably drafted all of them; Jayona Beal, Jeanette Boone, Bill Bradley, Louise Etheridge, and Gene Heller—the latter two of whom were senior citizen volunteers in my Boston office who opened our mail for over a decade. They were not paid. They just did this out of love of country. We miss them all, and we thank them for their selfless contribution.

I ask unanimous consent to have printed in the RECORD at this point a list of names of the people who have helped me serve this Nation.

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

George Abar, Nardos Abebe, Adam Abrams, Alex Abrams, Corey Ahearn, Robert Ahearn, Alexandra Ajemian, Paige Alexander, Beverly Allen, Katrina Anderson, John Anthony, Margaret Anthony, Sharde Armstrong, Felix Arroyo, Geoffrey Arvanitis, Samuel Asher, Kerri Axelrod, Christopher Badger, Zachary Bamberg, Diane Baranik, Janice Barbato, Timothy Barnicle, Camilla Bartels, Janice Bashford, Shannon Batten, Lauren Bazel, Jayona Beal, Jeffrey Bean, Camille Bedin, Jesse Belcastro, Richard Bell, Ifetayo Belle, Daniel Benaim, Kelley Benander, Hannah Bennett, Michael Beresik, Jennifer Bergman, Jonathan Berman, Shideh Biela, Guljed Birce, Geoffrey Boehm, Alison Bonebrake, Jeanette Boone.

Ryan Bounsy, Kelly Bovio, Tomeika Bowden, Charles Bowman, April Boyd, Jim Boyle, Barbara Bracken, William Bradley, Brigid O'Rourke-Brady, Jeremy Brandon, James Brenner, Felicia Brinson, Amanda Brown, Geoffrey Brown, Amy Brundage, Daniel Brundage, Richard Bryers, Scott Bunton, Sarah Buss, Joseph Bykowski, Brian Cafferty, Ann Cahill, Joseph Callahan, Sean Callahan, Janice Camacho, Joseph Canty, Nicole Caravella, John Carey, Larry Carpman, Cynthia Carroll, Meghan Carroll, Mary Carter, Jeffrey Cassin, Janeen-Marie Castetter, John Cavanaugh, Larry Chartienitz, Adam Chase, Theodore Chiodo, James Chisholm, Abraham Cho, Eliza Chon, Nicholas Christiansen, Michelle Ciccolo.

Patrick Coan, Colleen Coburn, Bonnie Coder, Elizabeth Coleman, Briana Collier, Marissa Condon, Erika Conway, Monica Conyngham, Jasiel Correia, Amy Corrigan, Alexandra Costello, Amanda Coulombe, Patricia Council, Arthur Coviello, Lisa Coyle, Stephen Crane, Bonnie Cronin, Veronica Crowe, Francis Crowley, Joan Crownover, Elizabeth Cummings, Kevin Curtis, Amy Dacey, Jeremy D'Aloisio, Lauren Daniel, Andrew Davis, Christopher Dawe, Andrea Defelice, Evan Dellolio, April Dempsey, Monique Deragon, John Desimas, David Di Martino, Richard DiMartino, Benedict Dobbs, Toni Dockett, Quentin Donohue, Paul Donovan II, Christine Dooley, Michael Doonan, Sarah Dugas, John Dukakis, Tracie Durden.

Amy Elsbree, Kathryn English, Audrey Epstein, Jonathan Epstein, Sally Ericsson, Meredith Fahey, Mark Falzone, Leslie Feinberg, Patricia Ferrone, Ronald Finlayson, John Finn, Simon Fischer, Roger Fisk, Maura Fitzpatrick, Christopher Flanagan, Gordon Fletcher, Michael Flynn, Kate Foley, Patricia Foley, Eileen Force, Marcia Ford, Dia Forman, Judith Foster, Lynn Foster, Taylor Francois, Kathleen Frangione, Matthew Frank, Joseph Fritz, Ross Frommer, Douglas Frost, Gordon Fung, Jennie Ganz, Lisa Garcia, Joanna Garelick, Denise Garris, Renee Gasper, Stephanie Gerard, John Gerlach, Erica Giers, Scott Giese, Maria Giesta, Lisa Glufling, Jennifer Glynn.

Ian Goldin, Samantha Goldman, Caitlin Gollop, James Gomes, John Gomperts, Augusto Grace, Justin Grad, Patricia Gray, Tennie Gray, Christopher Greeley, Meagan Greene, Daniel Gross, Carole Grunberg, Sasha Gsovski, Adrienne Guide, Larry Gurwin, Dillon Guthrie, Therron Hagen, Kevin Haggerty, Susie Hagins, Melissa Haluptzok, Eric Hamburg, Alexandra Harper, Whitney Harrelson, Shelly Harrington, Jonathan Harris, Morgan Harris, Jamar Harrison, Sebastian Hazzard, James Healy, James Hedberg, Jennifer Heilig, Kevin Herbert, Elohim Hernandez-Camacho, AJ Hetzner, Devon Hewitt, Carmen Hicks, Heather Higginbottom, Kaaren Hinck, Maura Hogan, Meaghan Hohl, Ryan Honeyman, Mirah Horowitz.

Kristian Horvei, Vanessa Householder, Richard Houser, James Houton, Marcus Howard, Matthew Howard, Thomas Hubbard, Celes Hughes, Jeremy Hunt, James Hunter, Nisharna Jackson, Jeffrey Jacobs, David Jansen, Stanley Jean-Charles, Vanessa Jean-Simon, Aaron Jenkins, Lorrie Jenkins, Jon Jennings, Tiffany Jilek, Patrick Johnson-Cheatham, William Johnson, Diane Jones, James Jones, James Jordan, Kathleen Joyce, Jeremy Kane, Mary Kane, Helen Kanovsky, Jonathan Kaplan, Moses Karugu, David Kass, Deborah Katz, Deborah Kearney, Antionetta Kelley, Kimberley Kendall, Lee Kennedy, Shailagh Kennedy, Suzannah Kerr, Amy Kerrigan, Kathleen Kerrigan, Conor Kilroy, Haeyun Kim, Renee Kinder.

James King, Evan Kirsch, Cornell Knox, Amy Kobeta, Jackie Kohn, Karen Kornbluh, Alexandra Kougentakis, Peter Kovar, David Kowal, Paula Kowalczuk, Joan Kraus, Connor Kuratek, Zachary Kurland, Thomas La Fauci, Bonnie La Rue, Rachelle Lacque Love, Alexander Landin, Annette Larkin, Barry Lasala, Roger Lau, Dawn Lavallee, Meghan Leahy, Janet Lebel, Michael Leighs, David Leiter, Robin Lerner, Matthew Levin, Richard Levitt, Carissa Lewis, Jeffrey Lewis, Shaunda Lewis, Susan Lewis, Leslie Lillard, Simon Limage, Colleen Lineweaver, Ann Linnehan, Sylvia Liotta, Katharine Lister, Jonathan Litchman, Nancy Lo, Jennifer Lockhart, Frank Lowenstein, Danielle Luber.

James Ludes, Sandra Lumpkin, Lisa Lynch, Nathan Mackinnon, Brandon Macneill, Ian Macpherson, John Madigan, Marion Magraw, Kristina Malek, Rachel Mann, Katherine Manning, Mary Marcuss, Alexandra Marks, Sarah Marks, Mary Marsh, Matthew Martin, Roy Martin, Alyssa Mastromonaco, Jennifer Masuret, D. Gray Maxwell, Megan McCafferty, Richard McCall, William McCann, Sybil McCarthy, Ryan McCormick, Elizabeth McEvoy, Kelly McGovern, Kara McGuire, Kevin McGuire, David McKean, Patrick McKiernan, Christopher McMahon, Gregory McMorrow, Barbara McQueen, Bradford Meacham, Lisa Mead, Michael Meehan, Jason Meininger, Dora Menefee, Stephen Meunier, Johanna Michaels, Dimitri Michaud, Heather Mizeur.

Evelyn Monteiro, William Moody, Linda Moore, Keshia Morall, Erik Morrill, Cara Morris, Vincent Morris, Tim Morrow, Greg Moscow, Nassar Mufdi Ruiz, Khalifah Muhammad, Sarah Mulkem, Marie Murphy, Harry Nathanson, Brendan Neal, Andrew Nelson, Charlene Neu, Karena Neubauer, Joseph Newman, Kerry Newman, David Nibert, Marvin Nicholson, Eric Niloff, Paul Nissenbaum, Edward Noonan, Jessica Nordstrom, Ashley O'Neill, Tyler Obenauf, Andrew O'Brien, Thomas O'Connor, Brendan O'Donnell, Christopher Olson, Eric Olson, Leigh O'Neill, Brittney Opacak, Barbara Opacki, Mary O'Reilly, Kathryn Ousley, Mary Pappey, Michael Paroby, Jon Patsavos, Megan Perkins, Alexis Perlmutter.

John Phillips, Anna-Liviya Piccione, Mary Lou Pickel, Evan Pinsonnault, Cathryn Piscitelli, Carlos Polanco, Gareth Porter, Jeanne Poulter, Ayanna Pressley, Daniel Prince, Colleen Puma, Michael Queenan, David Quinn, Nancy Ramsey, Haley Rauch, Tovah Ravitz-Meehan, Lisa Reid, Andrea Retzky, Kathryn Rhudy, Brian Rice, John Richards, Elizabeth Richardson, Charles Riley, Alex Rinder, Elizabeth Rios, Jennifer Ritter, Lauren Robertson, Andrew Robichaud, Dana Robinson, Gerri-Lynn Robinson, Rima Robinson, Theressa Robinson, Edward Rogers, Nancy Rogers, Shauvi Rogers, Cheryl Rolfes, Frank Rose, Lisa Rosenberg, Renita Rosenberg, Ronald Rosenblith, Lindsay Ross, Kenneth Rossman, Gregg Rothschild.

George Rudenauer, Caitlin Russi, Jennifer Ryan, Allison Sandera, Kristen Sarri, Aaron Saunders, Brett Schenker, Eugene Schlesinger, Jack Schnirman, Charles Scheuler, Eric Schwager, Heather Sears, Wendy Sears, Daniel Sepulveda, Jodi Seth, James Shaer, Robert Shapiro, Patrick Shearns, Charles Shepard, John Sherman, Margaret Sherry, Rebecca Shore-Suslowitz, Zachary Shore, Michelle Shwimer, Clare Sierawski, George Sifakis, Alison Silberman, Hadid Simmons, Kyle Simon, Kristen Simpson, Beatrice Smith, Hilleary Smith, Kathleen Smith, Nancy Smith, Richard Smith, Whitney Smith, Alexander Soto, Christine Spencer, Kathryn Stack, Rachele Stasny, Mark Sternman, Nancy Stetson, Jesse Stevens.

Gregory Stewart, David Stone, Mary Strain, Casey Suchors-Field, Kristine Sudano, Keerthi Sugumaran, Brendan Sullivan, Kevin Sullivan, Kyle Sullivan, Nancy Sullivan, Paul Sullivan, Matthew Summers, Katherine Swan, Shelli Sweeney, Mary Szpak, Brandon Tabassi, Tristan Takos, Mary Tarr, Carmina Taylor, Theresa Theobald, Megan Thompson, Lauren Tighe, Stephani Tindall, Timothy Todreas, Jose Toirac, Atman Trivedi, Lawrence Trundle, Christina Tsafoulias, Yakov Tsizis, Eva Tsui, Brendan Tully, Alper Tunca, Sharon Updike, Kelsey Utne, Ellen Vallon, Brady Van Engelen, Paul Veidenheimer, Carmen Velazquez, Kevin Verge, Karen Vigliano, Varun Vira, Michael Vito, Jennifer Vuona.

David Wade, Bridgette Walker, Krysten Wallace, Meghan Walsh, Lumay Wang, Cathleen Ward, Setti Warren, Joan Wasser, Maria Wassum, Sharon Waxman, Stephanie Wayne, Michael Wayno, Thomas Weber, John Whiteside, Michael Whouley, Scott Wiener, Jodi Williams, Karen Willis, Elsie Wilson, Jonathan Winer, Hope Winship, Julie Wirkkala, James Wise, Christina Wiskowski, Roger Wolfson, David Wood, Sarah Woodhouse, Nancy Woodruff, Randi Woods, Diann Woods, William Woodward, Elizabeth Wright, Sheila Wulsin, Anthony Wyche,

Christopher Wyman, Sarah Yedinsky, Shawna Yen, David Yohn, Brian Young, Sally Yozell, Krista Zalatores, Juan Zavala, Heather Zichal, Anna Ziskend, Frances Zwenig.

Mr. KERRY. As I thank an entire staff of 561 incredible men and women in Massachusetts and Washington with whom I have been privileged to work through these 28 years, I also think about the interns, 1,393, who have come in and out of our offices from Washington to Worcester. I am especially proud of those who started as interns and ended up as my chief of staff, a legislative director, and senior policy staffers, or the Kerry interns who went on to work not just for me but who have for the last 4 years been top speech writers, trip directors, and senior communications staff at the White House for the President of the United States. I am proud of our internship program, and I am grateful to the people who built it and who sustain it.

I also thank the incredible group of unsung heroes who literally make the Senate work, people who work not for individual Senators but work for all of us, in every room and nook and cranny of this great series of buildings. The men and women who operate the Senate subways—Daryl and many others—the trains and elevators, they take us to the votes and meetings. They are really the glue, and we couldn't function without them; they are an extraordinary group of people; the Capitol Police who protect us—police, whom a lot of people around here started to notice a little bit more after that awful day in 1998 when two were shot and killed on a busy Wednesday afternoon; the Parliamentarians and the clerks and staff here on the floor, including Gary, Tim, Trisha, Meredith, and all the folks in the cloakroom. And Dave on the other side and all the folks in the Republican cloakroom—all of whom help to keep us going and are unfailingly patient when we call for the umpteenth time to find out whether the vote schedule is going to let us go home to a child's dance recital or birthday party or any kind of family event.

I want to thank the many Bertie Bowmans who came here more than 40 years ago, dug in, and made the Senate their cause and their concern; people such as Meg Murphy of the Foreign Relations Committee, who makes everybody's life easier.

I thank the reporters who catch us in the hallways—trap us, ambush us in the hallways, and who, despite all the changes and challenges in their own business, still dutifully document the first drafts of American history. I thank all the incredible people who travel through these Halls working incredibly hard to get it right, people of character who cover this place as a public service, not a sport. I thank them.

I thank David Rogers for all that he has stood for so long in this institution. It is hard to imagine my job without seeing him in that long green coat waiting by the elevator after a late-night vote.

Sometimes in politics it is now almost a sport in America to dismiss the contributions of people who work in government, people who make the Senate work, but people whom the public never sees. I have admired the way our former colleague, Ted Kaufman, used to come down to the floor once a week and tell the story of one individual Federal worker. The stories are legion. Instead of tearing these people down, we ought to be lifting them up. And I thank them all for the part they play in our democracy.

I will share with you, now that I have come to this moment in the journey, I can say without reservation that nothing prepares you for it. Many times now in 29 years I have been at my desk on the Senate floor—starting way over there, No. 99—listening as colleagues bid the Senate farewell. Sometimes a farewell speech signals a complete departure from public life, sometimes a new journey altogether, sometimes forced departure, sometimes a leap for freedom.

I am grateful that at this moment, thanks to my colleagues, serendipity, and the trust of our President, while I am closing a chapter, it is not the final one. But I assure you, amid the excitement and the possibility, I do feel a wistfulness about leaving the Senate; and that is because, despite the obvious frustrations of recent days and years—a frustration that we all share—this place remains one of the most extraordinary institutions of any kind on the face of the Earth.

On occasion we have all heard a Senator leave here and take their leave condemning the Senate for being broken, for having become an impossible setting in which to try to do the people's business. Well, I want to be very clear about my feelings. I do not believe the Senate is broken—certainly not as an institution. There is nothing wrong with the Senate that can't be fixed by what is right about the Senate—the predominant and weighty notion that 100 American citizens, chosen by their neighbors to serve from States as different as Massachusetts and Montana, can always choose to put parochial or personal interests aside and find the national interest.

I believe it is the honor of a lifetime—an extraordinary privilege—to have represented the Commonwealth of Massachusetts in the Senate for more than 28 years. What a remarkable gift it has been to carry the banner of ''Senator from Massachusetts,'' just as each of you feel that way about your States—a banner, in our case, that was passed from the sons of the American Revolution, such as Daniel Webster, to the sons of immigrants such as Paul Tsongas, and to know that a State where the abolitionists crusaded at Faneuil Hall and the suffragettes marched at Quincy Market could send to Washington sons, such as Ted Kennedy and Ed Brooke, who fought to expand civil rights; now, a woman, ELIZABETH WARREN, who proved that in Massachusetts the glass ceiling has finally been forever shattered. And what a remarkable gift Massachusetts has given me to come here and learn so much about the rest of our country.

I have had the privilege of learning what truly makes our Nation tick. What a gift, to have been the nominee of my party, to have come within a whisper of winning the Presidency against a wartime incumbent; but more important, to have experienced the magic of our Nation in such a personal way, to experience the gift of traveling along the banks of the mighty Mississippi through Iowa and South Dakota and along the rivers where Louis and Clark marked and measured the dream of our first Secretary of State, Thomas Jefferson, who foresaw an America that would advance into the West; to experience a journey that took me to Alabama, where I stood silently in the very pulpit from which Dr. King preached his dream of an America united, and dipped my fingers into the fountain in Birmingham where water flows over the names of those murdered trying to vote or just registering to vote, to see the water trickle over the words of Dr. King's prayer that ''justice might roll down like waters and righteousness like a mighty stream.'' I drove across the Hoover Dam, and I wondered, as I did, at what America can accomplish when we want to, when we put our minds to it. Driving across the Golden Gate Bridge at dawn I was reminded it was built at the height of the Great Depression, when so many feared our best days were behind us. What I have seen and heard and learned in traveling across our country as a Senator from Massachusetts has prepared me more for my travels to other countries as Secretary of State than any travel to any foreign Capitol.

I already know I will miss the best reward of carrying the title ''Senator,'' and that is when you open a letter from someone who has traveled every route and exhausted every option and who ultimately turned to you as the last resort in public life and they finally got the help they needed. I know my colleagues who have experienced this will say there is nothing better than getting that ''I have tried everything, but nobody would listen to me, but you got it done'' letter or sometimes when you are walking a street in a community at home and somebody comes up to you and thanks you for a personal response they never expected to receive. That is when public service has more meaning than the war of words our constituents dodge on the cable news.

Standing at this desk that once belonged—at this desk that once belonged to President Kennedy and to Ted Kennedy, I can't help but be reminded that even our Nation's greatest leaders and all the rest of us are merely temporary workers. I am reminded

this Chamber is a living museum, a lasting memorial to the miracle of the American experiment.

No one has captured this phenomenon more eloquently or comprehensively than Robert Caro did in his masterpiece about the Senate called ''Master of the Senate.'' I am sure many in this room—I know most people have read it. In that book, before we learned of the levers Lyndon Johnson pulled to push our Nation toward civil rights, Caro described the special powers the Founders gave the Senate and only the Senate, powers, Caro writes, ''designed to make the Congress independent of the President and to restrain and act as a check on his authority, power to approve his appointments, even the appointments he made within his own administration, even the appointments to his own Cabinet.''

This body has now exercised that power on my behalf and I will always be grateful.

Another master of the Senate, Massachusetts' Daniel Webster, delivered 183 years ago this week what has often been praised as the greatest speech in Senate history. He stood at the desk that now belongs to the senior Senator from New Hampshire and argued forcefully in favor of the very idea that makes us the United States, that we are all in this together, that we each have a stake in the successes and failures of our countrymen, that what happens in Ohio matters to those in South Carolina or in Massachusetts or to Montanans. ''Union and liberty,'' Webster shouted, ''now and forever, one and inseparable.''

As Caro retells it, those words spoken among the desks in the Senate left those in the gallery in tears and cast a model for how those of us in this Chamber must consider the constituents of our colleague's as well as our own. But the truth is that none of us ran for this office because of a great debate held centuries ago. None of us moved here because of the moving words of a Senator long since departed. We honor this history because we are here because of the legacy that we can and want to leave. It is up to us, to my colleagues here today and to those who come after us, it is up to us to keep the Senate great.

I fully believe we will meet that obligation if, as the President told the Nation and the world last week, we seize this moment together. Yes, Congress and public life face their difficulties these days but not because the structure our Founding Fathers gave us is inherently flawed. For sure there are moments of much great frustration, for the American people and for everybody in this place. But I don't believe they are the fault of the institution itself. It is not the rules that confound us per se. It is the choices people make about those rules.

The rules we work by now are essentially the same ones that existed when I joined the Senate and found things to move much more easily than they do today. They are essentially the same rules under which Daniel Webster and Lyndon Johnson operated, and they did great things. They are almost the same rules Mike Mansfield and Everett Dirksen and Ted Kennedy and ORRIN HATCH used to pass great pieces of legislation. They are the same rules under which the Senate Democrats and President George Herbert Walker Bush passed an agreement, including tax increases, to at least begin to tackle the deficit. I remind everyone, as I take my leave from the Senate, when President George H.W. Bush returned from agreeing to a deficit reduction agreement at Andrews Air Force Base, he wrote in his personal diary that he might well have sealed his fate as a one-term President. He did what he thought was right for the country, and he laid the groundwork for our ability to three times balance the budget at the end of the 1990s. That is courage, and the Senate and the Congress and the country need more of it.

Frankly, the problems we live through today come from individual choices of Senators themselves, not the rules. When an individual Senator or a colluding caucus determines that the comity essential to an institution such as the Senate is a barrier to individual ambition or party ambition, the country loses. Those are the moments in which the Senate fulfills, not its responsibility to the people but its reputation as a sanctuary of gridlock.

I ask colleagues to remember the words of Ben Franklin, as that long Philadelphia summer yielded our remarkable Constitution. Late at night, after their work was complete, Dr. Franklin was walking down the steps of Constitution Hall, of Independence Hall, and a woman called out to him and she said: Well, Doctor, what have we got, a Republic or a monarchy? Franklin answered: ''A Republic, if you can keep it.''

Sustaining a functioning Republic is work and it is, more than ever, I believe, our challenge today. I am hardly the first and I will, I hope, probably not be the last to call on Congress to remember why we are here, to prioritize our shared interests above the short term, to bridge the breadth of the partisan divide and to reach across the aisle and take the long view. Many have stood here delivering farewell speeches and lamented what became of the Washington where President Reagan and Speaker O'Neill could cultivate an affiliation stronger than party or a Congress that saw true friendships between Senators such as Kennedy and HATCH, Inouye and Stevens, Obama and COBURN; the odd couples, as they have been dubbed.

I cannot tell you why, but I do think it is possible this moment may see a turn in the spirit of the Senate. There are new whispers of desire for progress, rumors of new coalitions, and a sense of possibility—whether it is on energy or immigration.

I am deeply impressed by a new generation of Senators who seem to have come here determined not to give in to the cynicism but to get the people's business done. I am confident that when today's freshmen take their turns in leaving the Senate, they will be able to tell of new Senators added to that estimable list of odd couples, and with any luck by then it will not be odd.

So I leave here convinced we can keep our Republic strong. When President Kennedy observed that ''our problems are manmade; therefore they can be solved by man,'' he was talking about a much more literal kind of nuclear option than the euphemism we use today to discuss Senate rules. But his vision is just as important for us to recognize in our time, whether we are talking about the ability of Senators to debate and vote or about the issues on which they do so. It is still true today, as he said 50 years ago, that ''reason and spirit have often solved the seemingly unsolvable, and we believe,'' he said, ''they can do it again.''

I believe that too.

So what effort do we need to put into our reason and spirit in order to do it? I believe there are three most significant challenges that have conspired to bring about a dangerous but reversible erosion in the quality of our democracy: the decline of comity, the deluge of money, and the disregard for facts.

First, I have witnessed what we all have, a loss of simple comity, the respect that we owe one another, and the sense of common cause that brings all of us here. The Senate as a body can change its rules to make itself more efficient, sure. But only Senators, one by one in their own hearts, can change the approach to legislating which Henry Clay correctly defined as the art of consensus.

I came to the Senate in 1985 as a Member of a hopeful and hard-charging class of freshmen. Paul Simon, TOM HARKIN, Al Gore, Phil Gramm, JAY ROCKEFELLER, and I all have at least three things in common. We were all sworn in as Senators at the same time. We each explored running or ran for the White House, and none of us made it there.

(Laughter.)

The last remaining Member of that class, Senator MITCH MCCONNELL, has now again been elevated by his peers as the Republican leader.

I see a lot of a very similar aspiration that we felt when I came here in 1985 in today's freshmen and sophomores. Many came to the Senate running on the premise that it is broken beyond repair. I encourage each and every one of them to reject that premise in order to restore the promise of the Senate. The Senate cannot break unless we let it. After all, the value of this institution, similar to any instrument of power, is how you use it. But we can't ignore the fact that today, treaties that only a few years ago would have passed 100 to nothing, don't pass at all. People who want to vote for

something they believe in actually don't do so for fear of retribution. That is a reflection on all of us. As I prepare to represent our Nation in capitals around the world, I am more than conscious that my credibility as a diplomat and ours as a country is determined, to a great degree, by what happens right here in our own Capital City.

The antidote to the current narrative of American decline—and you will hear it in China, in Iran, in other parts of the world—the antidote to that, and it is pushed by rival countries, is to demonstrate that we can get our economic house in order because we can be no stronger abroad than we are here at home. It is that simple. The unwillingness of some to yield to the national interest is damaging to America's prospects in the world. We are quick to talk about the global economy and about global competition, but it is our own procrastination and outright avoidance of obvious choices that threatens our own future. Other nations are both quick and glad to fill the vacuum that is brought about by our inaction.

If the Senate favors inaction over courage and gimmicks over common ground, the risk is not that we will fail to move forward, it is that we will fall behind, we will stay behind, and we will surrender our promise to those who are more than willing to turn our squandered opportunity into their advantage.

The world keeps turning. The Senate cannot afford to forever stand still. Just as failing to deal with our deficit and our debt puts our long-term interests at risk, so does taking America to the brink of default. Our self-inflicted wounds reduce our leverage and our influence in the world. By failing to act, Congress is making it harder to actually advance America's interests and making it harder for American business to compete and for American workers to succeed. If America is to continue to lead the free world, this must end.

We have all bemoaned the lack of comity in the Senate. Those of you who remain here will have the power to restore it. The choice to work respectfully with one another is about as simple as it gets. I have one suggestion, perhaps. While I am honored by the presence of so many colleagues who are here now—Republicans and Democrats—I have to say we all look forward to more days when the U.S. Senate desks are full with Senators debating, deliberating, learning, listening, and leading. We would all be stronger if this Chamber is once again crowded because it is the world's greatest deliberative body, the home of debate and deliberation, and not only when it becomes a departure lounge.

There is another challenge we must address, and it is the corrupting force of the vast sums of money necessary to run for office. The unending chase for money, I believe, threatens to steal our democracy itself. I used the wording—and I want to be clear about it—I mean by it not the corruption of individuals but corruption of a system itself that all of us are forced to participate in against our will.

The alliance of money and the interest it represents, the access it affords to those who have it at the expense of those who don't, the agenda it changes or sets by virtue of its power, is steadily silencing the voice of the vast majority of Americans who have a much harder time competing or who cannot compete at all.

The insidious intention of that money is to set the agenda, change the agenda, block the agenda, define the agenda of Washington. How else could we possibly have a U.S. Tax Code of some 76,000 pages? Ask yourself: How many Americans have their own page, their own tax break, their own special deal?

We should not resign ourselves to a distorted system that corrodes our democracy. This is what is contributing to the justifiable anger of the American people. They know it, they know we know it, and yet nothing happens. The truth requires that we call the corrosion of money and politics what it is: It is a form of corruption and it muzzles more Americans than it empowers. It is an imbalance that the world has taught us can only sow the seeds of unrest.

Like the question of comity in the Senate, the influence of money in our politics also influences our credibility around the world. So too does the unacceptable and extraordinary difficulty we continue to have in 2013 operating the machinery of our own democracy here at home. How extraordinary and how diminishing it is that more than 40 years after the Voting Rights Act so many of our fellow citizens still have great difficulty when they show up on election day to cast their vote and have their voices heard. That too matters to all of us.

For a country that can and should extol the virtues of democracy around the world, our job is made more difficult through long lines and overt voter suppression and efforts to suppress people's ability to exercise the right that we extol. So many still struggle to exercise that right here at home.

The last of the three obstacles we have the ability, if not the will, to overcome is the unbelievable disregard for facts, for science in the conduct of our affairs. It, like the first two, degrades our credibility abroad as well as at home.

My friends, the persistent shouting match of the perpetual campaign—one that takes place in parallel universes, thanks to our polarized, self-selected media, to some degree—makes it harder and harder to build consensus among people. The people don't know what to believe. So in many ways it encourages an oversimplification of problems that too often retreat to slogans and not ideas for real solutions.

America, I regret to say, is increasingly defaulting rather than choosing, and so we fail to keep pace with other nations in the renewal of our infrastructure, in the improvement of our schools, in the choice of our energy sources, in the care and nurturing of our children, in the fulfillment of our God-given responsibility to protect life here on Earth. That too must change or our experiment is at risk.

To remain a great Nation we must do the business of our country, and that begins by putting our economic house in order. It begins by working from the same set of facts. Although I believe we cannot solve any of these problems unless we solve all of them, I note these three challenges because I believe the Senate is going to be locked into stalemate or our politics are going to be irreversibly poisoned unless we break out of it. I say this hopefully as someone who respects and loves this institution and loves this country and wants to see us move forward.

Some things we know are moving forward. In the same time that comity has decreased and the influence of money has increased, I have seen the Senate change for the better. This Chamber used to be filled with the voices of men, and men only. Decisions affecting more than half the population were made by people representing the other half. When I walked into the Senate Chamber to take my first oath 28 years ago, I was joined by my two teenaged daughters. It struck me that I had twice as many daughters as there were women in the U.S. Senate. Today, with the service of 20 women—including Massachusetts' new junior Senator—this is a stronger and smarter place, more representative of our belief that out of many, we are one; more capable of fulfilling the vision carried from Washington to Webster to our current President; that we are a stronger Nation when our leadership reflects our population.

We have made huge strides on turning the page on gay rights. In 1993, I testified before Strom Thurmond's Armed Services Committee, pushing to lift the ban on gays serving in the military, and I ran into a world of misperceptions. I thought I was on a ''Saturday Night Live'' skit. Today, at last, that policy is gone forever, and we are a country that honors the commitment of all willing to fight and die for our country. We have gone from a Senate that passed DOMA—over my objections—to one that just welcomed its first openly gay Senator.

These are good changes for our Senate and our country, but we have more work to do. This place needs more women, more people of color, more diversity of background and experience, but it is still a remarkable place.

I am reminded of the letters of Harry Truman that he used to write home to wife Bess as he sat in the back row of the Chamber. Late one night after the great debate of the New Deal Era, he wrote:

I hear my colleagues, and I pinch myself and ask, How did I get here?

Several months later, he wrote Bess once more:

Again it is late at night and I am sitting here listening to the debate, I look across the aisle at my colleagues and I listen and listen, and I hear my colleagues, and I ask myself, How did they get here?

Well, I have no doubt that colleagues have asked that question about me or any one of us, and it has been back and forth. But 29 years later I have learned something about myself. I learned that the Senate runs on relationships. I know that some of my more recent colleagues—sent here in tumultuous election cycles—hear that and think it is code for checking their beliefs at the door and going Washington. It is not. And I would add: Don't kid yourself; no one got here on a platform of pledging to join an exclusive club and forget where they came from.

When I say that relationships matter, I don't mean back-slapping, glad-handing, hail-fellow-well-met, go-along-to-get-along relationships; I mean real relationships. And to today's hard-charging colleagues who came to Washington to shake things up, I would remind them, so did I, so did TOM HARKIN, and the others I mentioned. If I told you that a 40-year-old newly minted Senator JOHN KERRY was going to tell you that relationships mattered most, I would have looked at you as if you had three heads. I cut my teeth in grassroots activism. I didn't come up through the political ranks. I burst onto the scene as an activist, and when you are an activist, all that singularly matters to you—to the exclusion of almost everything else—are the issues. Where are you on an issue? Right or wrong, that is the ballgame.

Wrong. It is not the ballgame. That is not what makes a good Senator. That is not what makes the Senate work. My late colleague of 25 years Ted Kennedy taught me that. I saw him late at night on the Senate floor sitting with his colleagues talking and listening. He wanted to know about your State; he wanted to know about your family; he wanted to know why you came here. He had a unique ability to know not just what he needed from you on a vote or a piece of legislation but to know what you needed on a personal level as a friend, as a colleague, as a partner.

My old friend—now Vice President JOE BIDEN—had a saying in his family: If you have to ask, it is too late. With Teddy, you never had to ask. He always knew, and he was there. He was there on a foggy morning on Nantucket when my father passed away, and Teddy materialized almost out of nowhere. There he was at my porch door. He didn't call ahead; he didn't ask. He came to mark the passage. He was there. It was an instinct for people and an impulse to help.

He taught so many of us during that period of time. Somewhere along the line, he passed it on not only to me but to every colleague here who was privileged to work with him.

I will never forget in 2007 on the day I announced I would not be running again for President. Another rough day, another passage. I got a call. TOM HARKIN wanted to see me. My staff surmised that he was probably coming to ask for money for the Iowa Democratic party. They were wrong. It was a visit where TOM just came to share a few words that were very simple but which meant the world to me; a colleague visiting just to say he was proud that I had been the nominee of the party in 2004, and he looked forward to working with me more in this institution.

Let me tell you, those are the conversations that make the difference, those are the conversations you never forget, and that is the U.S. Senate at its best. It is a place where relationships matter the most. And it matters because Teddy, TOM, and so many others here understood instinctively that if 100 Senators knew each other—and our leader has worked very hard to try to find a way to make this happen—then you can find the ways to work together.

To my surprise, I learned it here in a way that I never could have predicted, alongside people I never thought I would count as one of my proudest friends. Last week JOHN MCCAIN introduced me at my confirmation hearing. JOHN and I met here in the Senate, coming from very different positions and perspectives. We both loved the Navy; I still do to this day. But I have different feelings from JOHN about a war.

For both of us, Vietnam was a demarcation point in our lives, the way it was for so many of our generation. Well, late one night on a CODEL—for people who are listening and don't know about CODELs, it is a trip of Senators and Congressmen going somewhere in the world—to Kuwait after the first gulf war, JOHN and I found ourselves in a C–130 sitting opposite each other. Neither of us could sleep, so we talked. We talked late into the night about our lives and our war. Shortly thereafter, George Mitchell and Bob Dole flew us together on a select committee to investigate the fate of Americans missing from the war in which we had fought. It was a tough time, an emotional issue in an era where Rambo was a box office smash and a Newsweek magazine cover printed provocative photos which asked whether Americans were still alive over there.

Into that cacophonous cauldron, JOHN MCCAIN and I were thrown together. Some were suspicious of both of us, but together we found common ground. I will never forget standing with JOHN in the very cell in the Hanoi Hilton in which he spent a number of years of his life, just the two of us alone in this cell, listening to him talk about that experience.

I will always be grateful for his partnership in helping to make real peace with Vietnam by establishing the most significant process in the history of our country—or of any country—for the accounting of the missing and dead in any war and afterwards and then working to lift the embargo and ultimately normalize relations with an old enemy. JOHN had every reason to hate them, but he didn't. We were able to heal deep wounds and end a war that divided an awful lot of people for much too long. That is a common experience, and only the relationships that are forged in the Senate could have made that happen.

JOHN has this great expression: A fight not joined is a fight not enjoyed. He loves to debate, he loves to battle, and so do I. But I will tell my colleagues, having fought beside him and having fought against him, it is a heck of a lot better and more fun to have JOHN fighting alongside of you. We still have differences. There has been a lot of newsprint used up covering some of them, but I will tell my colleagues this: We both care about the Senate as an institution, and we both care about the country's leadership and the world even when we see it differently, and we both know that at some point America has to come together.

We shared this common experience, and we have seen a lot together. We both were able to travel the country as Presidential nominees for our party, and both returned to the Senate to carry on in a different way. Few people know what that feels like. But just being by his side in Hanoi made it impossible for me not to be overwhelmed by his sense of patriotism and his devotion to country. It meant something else: If you can stand on the kind of common ground that we found in the Hanoi Hilton, then finding common ground on issues here at home isn't hard at all. I will always thank JOHN MCCAIN for that lesson.

One of the magical things about the Senate is this amazing mix of people and how they could come together to make something happen. I have learned and been impressed by the experiences of every single one of my colleagues, and I honestly marvel at the reflection of each State's special character in the people they send here. I have learned from all—from a fiery, street-smart social worker from Maryland; from a down-to-earth, no-nonsense farmer from Montana; from a principled, conservative doctor from Oklahoma; from an amazingly tenacious advocate for women and the environment who blazed a trail from Brooklyn to Rancho Mirage and the Senate, who teams with a former mayor of San Francisco who took office after the assassination of Harvey Milk, committed to stand against violence and for equality; from a cantankerous, maverick patriot and former prisoner of war from Arizona, whom I just talked about; to a songwriting, original, compassionate conservative from Utah; from a fervent, gravel-voiced people's champion from Ohio; from a soft-spoken, loyal, Medal

of Honor winner from Hawaii who used to sit right here; and from a college professor turned proud prairie populist and Senate Pied Piper who was taken from us far too soon and far too quickly. From every Member of the Senate, there are characteristics, passions, quirks, and beliefs that bring this place alive and unite to make it the most extraordinary legislative body on Earth. That is what I love about the Senate.

I love that instead of fighting against each other, Bill Frist, the former Republican leader, and I were able to join forces to fight HIV and AIDS around the globe and to convince an unlikely conservative named Jesse Helms to support and pass a bill unanimously that saved millions of lives on our planet. That is what makes this place so special.

Instead of ignoring a freshman Senator, Chairman Claiborne Pell allowed me to pass my very first amendment to change our policy on the Philippines. So I found myself with Dick Lugar, paired as Senate election observers who helped expose the voter fraud of the Marcos regime, ending a dictatorship and giving a nation of more than 90 million people the opportunity to know democracy again. That is what the Senate can do, and that is what I love about it.

Instead of focusing on our different accents and opposite ideologies, Jesse Helms and I found that our concern for illegal drugs was greater than any political differences between us. So Jesse made it possible for an investigation to proceed and for the Senate to expose the linkages between the Contras in Nicaragua and the flow of drugs to American cities. That is what the Senate can do.

The Senate can still work if we learn from and listen to each other—two responsibilities that are, like Webster said about liberty and union, one and inseparable.

So as I offer my final words on the Senate floor, I remember that I came of age in a Senate where freshman Senators didn't speak that often. Senators no longer hold their tongues through whole sessions of Congress, and they shouldn't. Their voices are just as valuable and their votes count just as much as the most tenured Member of this body. But being heard by others does not exempt them from listening to others.

I came to the National Mall in 1971 with fellow veterans who wanted only to talk to our leaders about the war. President Nixon tried to kick us off The Mall. We knocked on door after door on Capitol Hill but too often couldn't get an audience of representatives. A precious few, including Ted Kennedy and Hubert Humphrey, came to where we were camped out and heard what we had to say. I saw firsthand that our political process works only when leaders are willing to listen to each other but also to everyone else. That is how I first came to the Senate—not with my vote but with my voice—and that is why the end of my tenure here is in many ways a bookend.

Forty-two years ago, I testified before Senator Fulbright's Foreign Relations Committee about the realities of war in Vietnam. It wasn't until last week that I would sit before that committee again, this time testifying in my own confirmation hearing. It completed a circle which I never could have imagined drawing but one our Founders surely did. That a citizen voicing his opinion about a matter of personal and national consequence could one day use that voice as a Senator, as the chairman of that same committee before which he had once testified as a private citizen, and then as the President's nominee for Secretary of State, that is a fitting representation of what we mean when we talk about a government ''of the people, for the people, and by the people.''

In the decades between then and now, this is what I have learned above all else: The privilege of being here is in being able to listen to your constituents. It is the people and their voices much more than the marble buildings and the inimitable institutions they house that determine whether our democracy works.

In my first appearance before the Senate, at the Fulbright hearings, I began by saying, ''I am not here as John Kerry. I am here as one member of the group of 1,000, which is a small representation of a very much larger group.''

I feel much the same way today as I leave. We are still symbols, representatives of the people who have given us the honor to speak and advocate and vote in their name, and that, as the Bible says, is a ''charge to keep.'' One day, the 99 other Senators who continue on for now—and soon to be 100 again in a few days—will also leave in their own turn—in your own turn—some by their own choosing and some by the people's. Our time here is not meant to last forever. If we use the time to posture politically in Washington, we weaken our position across the world. If democracy deadlocks here, we raise doubts about democracy everywhere. If we do not in our deeds prove our own ideals, we undermine our security and the sacred mission as the best hope of Earth. But if we do our jobs right, if we treat our colleagues with respect and build the relationships required to form consensus and find the courage to follow through on our promises of compromise, the work we do here will long endure.

So let us in the Senate or in the House be bigger than our own districts, our own States. Let us in spirited purpose be as big as the United States of America. Let us stand for our beliefs but, above all, let us believe in our common history, our common destiny, in our common obligation to love and lead this exceptional Nation. They say politics stops at the water's edge. That is obviously not always true. But if we care for our country, politics has its limits at home and abroad.

As I leave here, I do so knowing that forever the Senate will be in my soul and that our country is my cause and yours. I thank you all for your friendship and the privilege of serving with you.

(Applause, Senators rising.)

EXTENSION OF MORNING BUSINESS

Mr. LEAHY. Mr. President, I ask unanimous consent that the period for morning business be extended until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

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

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

HAGEL NOMINATION

Mr. CORNYN. Mr. President, the nomination of Chuck Hagel to be the next Secretary of Defense has already done damage to the credibility of the United States in its attempt to deny Iran a nuclear weapon, thus emboldening one of the most dangerous regimes in the Middle East. To limit that damage, President Obama should choose someone else to lead the Pentagon.

After all, the Nebraska Senator is the same person who has consistently opposed sanctions against Iran. He is the same person who wanted Washington to support Iranian membership in the World Trade Organization. He is the same person who voted against designating the Iranian Revolutionary Guard Corps as a terrorist group at a time when it was orchestrating the murder of U.S. troops in Iraq.

He is the same person who refused to sign a letter asking the European Union to label Hezbollah—an Iranian proxy—as a terror group, even though it is so designated by the U.S. State Department. He is the same person who urged President Bush to offer Iran ''direct, unconditional, and comprehensive talks.'' He is the same person who called for establishing a U.S. diplomatic mission in Tehran.

He is the same person who dismissed ''a military strike against Iran'' as ''not a viable, feasible, responsible option.'' And he is the same person who suggested that the United States might be able to live with a nuclear Iran.

During his years in this Chamber, Senator Hagel's opposition to Iran sanctions placed him in a very small minority. For example, only one other Senator joined him in voting against sanctions in 2001, and only one other

Senate Banking Committee member joined him in rejecting a different sanctions package in 2008.

Simply put, Senator Hagel has no credibility on perhaps the biggest foreign policy challenge facing the Obama administration's second term and on American national security interests in the Middle East and around the world.

Consider how his nomination was interpreted by Iranian journalists and government officials. Press TV, a Tehran-based propaganda network, noted with satisfaction that Senator Hagel is known for ''his criticism of Washington's anti-Iran policies'' and ''has consistently opposed any plan to launch [a] military strike against Iran.''

The point is, not that we should be threatening military strikes against Iran, but to take this off the table entirely completely undercuts any diplomatic efforts we might take to deny Iran a nuclear weapon.

Meanwhile, a spokesman for the Iranian foreign ministry responded to the Hagel announcement by declaring:

> We hope that practical changes will be created in the U.S. foreign policy and . . . that the U.S. officials will favor peace instead of warmongering.

The Iranians are claiming we are the ones warmongering, while they are building a nuclear weapon.

Just for good measure, the Al Jazeera Web site published an article headlined: ''Obama defeats the Israel Lobby.'' Is this really the impression we want to give our adversaries and our allies in the Middle East? Is this how we encourage our friends, to say we will be there to support our allies? Is this the message we want to convey to our adversaries such as Iran, that has threatened the annihilation of Israel, to wipe it off the map? Unfortunately, that is the message that is conveyed by the nomination of Senator Hagel as Secretary of Defense.

Not only has Senator Hagel been a persistent critic of Iran sanctions, he has also displayed a stubborn hostility toward America's closest Middle Eastern ally.

In October 2000, shortly after Yasser Arafat launched the second Intifada, 96 Senators signed a letter to President Clinton affirming their solidarity with Israel. Senator Hagel was not among them. Six months later, after a relentless onslaught of Palestinian terrorism, 87 Senators signed a different letter asking President Bush to ''initiate a reassessment of our relations with the Palestinians.'' Once again, Senator Hagel refused to sign. He also refused to join 89 other Senators in signing a November 2001 letter that urged President Bush to maintain strong support for Israel and to continue snubbing Arafat until the Palestinian leader ended his terror campaign.

On April 12, 2002, a Palestinian suicide bomber killed 6 people and injured more than 100 others in Jerusalem. That same day, Senator Hagel went to the Senate floor and suggested a moral equivalence between Palestinian terrorism and Israeli self-defense.

Three months later, he published an article in the Washington Post bemoaning ''the endless cycle of violence'' and declaring that ''Israel must take steps to show its commitment to peace.''

In a 2003 interview with a local newspaper in Lincoln, NE, Senator Hagel ratcheted up his rhetoric even further, saying the Israelis ''keep Palestinians caged up like animals.''

In 2009, Senator Hagel coauthored a policy paper that advised President Obama to pursue a dialog with Hamas—again, a State Department-designated terrorist organization; Iran's primary proxy in the area. More specifically, the paper recommended that Washington ''offer [Hamas] inducements that will enable its more moderate elements to prevail, and cease discouraging third parties from engaging with Hamas in ways that might help clarify the movement's views and test its behavior.''

Most of us believe, including the U.S. State Department, that Hamas' views and behavior are already clear enough: It is committed to the annihilation of Israel; it fires rockets and Iranian-made missiles at civilian areas; and it indoctrinates Palestinian children in a culture of hatred and violence.

Of course, Senator Hagel's most famous comments—or I should say infamous comments—on Israel were delivered during a 2006 interview with former Clinton administration official Aaron David Miller. In that interview, Senator Hagel said ''the Jewish lobby intimidates a lot of people up here.'' These remarks are deeply offensive, but they are also quite revealing, for they confirm that he simply does not understand the true basis of the U.S.-Israeli alliance.

The American people and their elected representatives support Israel for obvious reasons: Both of our countries are pluralistic democracies with a shared commitment to liberty, equality, and basic human rights; both of our countries are threatened by radical Islam; and both of our countries have responded to that threat while remaining free and open societies.

In other words, we have an alliance based on shared values and a common determination to defend liberal democracy against terrorists and dictators alike.

I realize Senator Hagel is now repudiating many of his past actions and statements, but we have seen this before, unfortunately: individuals approaching the confirmation process undergoing a seeming transformation. But this sudden and convenient transformation beggars belief. Senator Hagel has not undergone an abrupt ideological makeover; he just wants to win approval from Members of this Chamber in what we might call a ''confirmation conversion.''

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. HOEVEN. I ask unanimous consent that the period of morning business be extended until 5 p.m, with Senators permitted to speak therein for up to 10 minutes each.

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

KEYSTONE XL PIPELINE

Mr. HOEVEN. Mr. President, I rise today to advocate for a secure energy future for our Nation. There is no question that we can achieve energy security or energy independence for our country, and I believe we can do it within the next 5 years.

I define energy security or energy independence as producing more energy than we consume. I mean, this is an interrelated, high-tech global economy. Energy will move back and forth between nations, but we truly become energy secure when we produce more energy than we consume. But to do that, to achieve energy independence or energy security, we must take the commonsense steps necessary to achieve it. That is why today, once again, I call on President Obama to approve the Keystone XL Pipeline project now that Governor Heineman of Nebraska has approved the new route through his State of Nebraska.

The Keystone XL Pipeline is not just about bringing Canadian oil to U.S. refineries, it is also vital to move our own U.S.-produced oil through our refineries. In fact, that is how I got involved with this project in the first place.

Although it is hard to believe, TransCanada first applied for approval of this project 4½ years ago. Let me repeat that—4½ years ago. At that time, I was Governor of North Dakota, and I was working with Governor Brian Schwietzer, of Montana, to make sure that oil producers in the Bakken regions of our States, in North Dakota and Montana, could put light sweet crude oil from the Bakken into the Keystone XL Pipeline. We met with TransCanada, contacted our oil producers, met with TransCanada, and they agreed. TransCanada agreed to an on-ramp so that the Keystone XL Pipeline would move North Dakota and Montana light sweet crude from the Bakken to refineries throughout the United States—to refineries in Illinois, Texas, Oklahoma, and Louisiana, hundreds of thousands of barrels of oil from our oilfields from day one.

That is what this chart shows. Here you see the original Keystone Pipeline that was built during my tenure as Governor. Here we show the route of the Keystone XL Pipeline, and you can see that it comes through North Dakota and Montana—our Bakken region—so that we can put oil into the pipeline. It gives us access to all these refineries in Illinois, Oklahoma, Texas, and Louisiana.

We are talking about U.S. energy, we are talking about U.S. jobs, and we are talking about commerce in our country, getting our economy growing and growing. We are talking about generating tax revenue without raising taxes to help with our debt and our deficit, and we are talking about energy security. Why wouldn't anyone want that? Why wouldn't everyone support this project? Why is it being held up? Why is the President holding up this project? Because the net effect is, with President Obama continuing to hold up this project, we are continuing to rely on oil from the Middle East when we could be relying on oil that we produce here at home and from our closest friend and ally, Canada.

Well, some argue, it is because producing oil from the oil sands in Canada creates more greenhouse gas emissions. Let's look at the facts—not rhetoric, not hype, not spin, let's look at the facts. Oil sands crude produces about 6 percent more carbon dioxide than the U.S. crude supply average—the average. Canadian oil sands crude produces less carbon dioxide than the heavy crude we get from California or the heavy crude we get from the Middle East. Think of that. By blocking the Keystone XL Pipeline, President Obama will continue to require that we rely on heavy crude from the Middle East rather than crude that is produced with less emissions from Canada. How can that make sense?

Furthermore, since 1990 Canada has reduced the greenhouse gas emissions associated with every barrel of oil sands crude by almost 30 percent, and the technology continues to improve. Canada is investing $3 billion in carbon capture and storage technology—$3 billion. Eighty percent of the new development in Canadian oil sands is in in situ production, meaning drilling—like conventional drilling—rather than the old method of excavation, and that means a smaller environmental footprint.

Still, someone might say: Well, I don't care about that. I don't care. I just don't want the Canadian oil sands produced.

The Canadian oil sands are going to be produced, just as sure as death and taxes. They are going to be produced. The only question is whether the oil comes to us or goes to China.

I want to show my second chart. It is a simple map. The oil is going to be produced, but is it going to come down, pick up oil from our oilfields, and move that product to our refineries, state-of-the-art refineries with lower emissions, or is that oil, as you can see from these green lines, going to go to the west coast of Canada and there be put on ships and sent to refineries in China and be refined in their refineries, which have much higher emissions?

If it goes to China, that means there will be more greenhouse gas emissions as the oil is transported via tankers across the ocean rather than a pipeline, and you also have the added risk of spills in the ocean, affecting the ocean ecosystem. Meanwhile, we will continue to get oil from the Middle East with higher greenhouse gas emissions and the risk of tanker spills rather than the greater safety and the lower cost of pipelines, not to mention the fact that we continue our dependence on oil from the Middle East. How can we continue to depend on energy from the Middle East when we see what is going on, when we see what is going on in Syria, when we see what is going on in Egypt and we see what is going on in Iran?

Recently, I attended the movie ''Argo.'' It is a great movie. If you haven't seen ''Argo,'' I would recommend it. I would recommend it to anyone. It is about the Iran hostage crisis in 1979. Six American diplomats fled to the Canadian Embassy when the U.S. Embassy was stormed by the Iranians. Our people, as you remember, were held at the Embassy in Iran for 444 days. We all remember that terrible time.

This movie is the story of how our government, working through the CIA, working with the Canadian Government, helped the six Americans out who were able to get to the Canadian Embassy. Our governments worked together and helped those hostages—in this case, the six who weren't taken hostage but the six who were at the Canadian Embassy—took them out of Iran. It really is a great story. It is a story of how the United States and Canada worked together when a Middle Eastern country that defines the United States as the ''Great Satan'' was holding our people hostage.

Here we are today continuing to rely on oil from the Middle East. We cannot continue to rely on the volatile countries of the Middle East for our energy. The American people couldn't be more clear. We have to stop our addiction to Middle Eastern oil. At the same time, we can't continue to send them billions of our dollars as we buy the oil, billions of dollars that are used against us. We can and we must rely on ourselves. We must rely on those we can count on, such as our closest friend and ally, Canada.

If we don't learn from history, we are doomed to repeat the failures of the past. The time has come to act.

President Obama, the time has come to give us a decision on the Keystone XL Pipeline. The time has come to approve it. On a bipartisan basis, we have worked to address all of the concerns you have raised regarding the project, including the new route through Nebraska.

On a bipartisan basis, we have asked to meet with President Obama, Republicans and Democrats together. The response has been silence and delay. The fact is that we can build a bright energy future for this country, but we need the President to join with us to do that. We can create energy, jobs, tax revenues that will reduce our debt and deficit without raising tax rates, and energy independence for our Nation.

Again, I ask President Obama to work with us, to work with us on a bipartisan basis, and the winners will be the American people.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Kansas is recognized.

TRIBUTE TO STAFFORD, KANSAS

Mr. MORAN. Mr. President, in my home State of Kansas, there are hundreds of small communities that line the highways and county roads that stretch across the prairie part of the country. In many of these towns, the populations are shrinking, but they are still called home by thousands of Kansans.

I grew up in one of those small communities out in western Kansas, a place where folks know their neighbors and they try to take care of them. Much of what I know about people, about human nature, is what I learned by growing up in a small town where we all knew each other. I worked at the local hardware store, swimming pool, the drugstore, and I had a paper route and got to meet almost everybody in my hometown.

In these small communities across America, the people work hard, they come together to find commonsense solutions, and they solve problems. They try to make a difference in the lives of their families and the community. They also strive to provide a better future for their kids so that every child has the opportunity to grow up, pursue the American dream, and reach their goals.

For rural communities to survive and prosper, citizens have to work together to create their own opportunities for success. What happens here in Washington, DC, has a huge consequence on the future of rural communities in my State. The reality is that those communities that are going to have a bright future are those that decide on their own to work together within that community to make certain that is the case.

An example of a community that rallied together in this way to make good things happen and to make the community better for the future is the community of Stafford, population 1,042. I would like to recognize the efforts by this community, the Stafford residents, with the Building Better Communities Award. They made the effort to preserve their town for another generation.

Rural communities across our State have been hit hard by the economic

downturn over the last few years. Many towns have encountered the closing of businesses, Main Street looks a lot less appealing, there is a shortage of health care services, and a younger generation is leaving home in search for employment. In light of these challenges, the community leaders of Stafford are taking steps to cure that town's future.

We have a chain of retail stores across our State called Duckwalls. Two years ago they announced that they were closing 20 of their stores across Kansas, and the residents of Stafford were left to drive more than 20 miles to do their routine shopping. What happens in a community like Stafford? The community leaders gathered and they raised the funds to open and operate a new store, a general store on Main Street called Stafford Mercantile.

One of the things that makes this shop unique is it is owned by the community and it features a lot of Stafford's history, including a 1928 soda fountain and the marble-topped counter. In fact, one local resident, Judy Mayes, brought her mother to that store to have ice cream from the same fountain used at their wedding reception in 1934. The new shop brings back fond memories of the past but also now brings a future for younger folks in Stafford to enjoy a store, a mercantile, and a soda fountain. The mercantile has made it possible, once again, for residents to see what can happen when they work together and now they can shop at home.

Another challenge Stafford faced was the likelihood its local hospital would have to close its doors, after more than 50 years of serving that community, due to the pressures of declining population, Medicare reimbursement rates, and the difficult financial circumstances most hospitals across Kansas now face. Access to health care services and hospitals is vital to the survival of a community. If you can't access health care in communities across my State, it is one more circumstance that creates the likelihood senior citizens will reluctantly move away to someplace where there is a doctor and a hospital, and young families will not take the risk of raising their families without access to that health care. But with more than $½ million in debt, it seemed like, other than closing the hospital, there was no option for Stafford. But rather than throwing in the towel and giving up, the hospital got new leadership, they sought help from the folks in the county, and they worked hard to make ends meet so the hospital doors could remain open and continue that long tradition of serving the residents of Stafford County.

Many rural communities often struggle to add younger generations of residents to their workforce, given the lack of job opportunities. The superintendent of the local school district, Mary Jo Taylor, recognized this challenge in her community, and she decided to do something about it. With the support of the leadership of the community, the citizens, the business community of the town, and the support of local teacher Natalie Clark, the Stafford Entrepreneurship and Economic Development Center was created at Stafford High School in 2003.

The goal of this center is to equip high school sophomores, juniors, and seniors with the training needed to become successful entrepreneurs. Who better to start a business in their hometown than a young person who grew up there and who is now educated and trained and has a desire for entrepreneurship? More likely that person than probably anyone else. By learning what it takes to develop and manage a small business, young people gain those valuable skills that open doors for a wide range of future employment opportunities and, most important, the opportunity to create a business at home.

As part of that learning experience, local store owners hire those students and give them hands-on experience in managing their own business. Those skills are important as those students leave high school and will help enable them to create those jobs the community of Stafford so desperately needs.

These are only a few examples of how the community of Stafford worked together to revitalize their community and pave the way for its future. Carolyn Dunn, the Stafford County Economic Development Director, summed it up this way when she said: ''Stafford is proving that when communities look within themselves for growth, they do have the capability to forge a stronger, more positive future.''

The community of Stafford is a success story. It is a role model. It demonstrates how teamwork and creative thinking and how caring about the future of your community can make a positive difference for that community and for all of rural America. I am proud to recognize the efforts of Stafford with what we have called the Building Better Communities Award. Today, in the Senate, I offer my congratulations and gratitude for the kind of leadership and effort among all residents of the community to see that Stafford is a good place to live today and, perhaps even more important, a great place to live tomorrow.

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.

Mr. COBURN. 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. COBURN. Mr. President, I ask unanimous consent to use oversized charts on the floor today because, basically, the information I have will not fit on a standard size chart and still be readable.

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

OUT OF CONTROL SPENDING

Mr. COBURN. Mr. President, in a very short period of time, we are going to be considering an increase in the debt limit. It is for a specific period of time, but it is, at a minimum, going to be $500 billion. What is in front of our country, especially as we see negative growth in the third quarter, as reported today, and the continued printing of money by the Federal Reserve, is that there is no accountability to rein in either the size, the scope or the spending habits of the Federal Government.

Over the next 2 weeks, I am going to be very succinctly outlining $1.35 trillion worth of spending reductions that I would imagine the vast majority of Americans would agree with me on. I am going to build the case almost every day as I come out here as to why we can't keep doing what we are doing, and I will demonstrate the stupidity in how the Federal Government is running today.

I know I will have no chance to defeat an increase in the debt limit that is coming forward. I don't expect to accomplish that. The votes are here to raise the debt limit and not do anything about our spending. But most Americans realize the Federal Government is twice the size it was 11½ years ago—twice the size. In just the last 4 years, the average family income has declined over 7½ percent. So while family income is declining, our deficits are rising. Our debt is now at almost $16.5 trillion and we are projected to spend $1.3 trillion more than we take in this year and we have claims by the President and others that we have already cut something from the Federal Government. The fact is, that is only true using Washington accounting.

As somebody with a degree in accounting and understanding generally accepted accounting principles, what I want America to know is the Federal Government is bigger right now than it was last year at this time. We have not spent $1 less than we were spending last year at this time. As a matter of fact, we have spent about $18 billion more. Is that an improvement? Yes. But the claims we have cut $2.7 trillion from the budget are absolutely bogus. There is no truth in it. There is no reality in it. All anyone has to do is look at the amount of money we are borrowing to recognize that.

I want to lay out in sequential fashion five areas where we can, in fact, make significant changes in the Federal budget and start truly addressing our problems. These changes will have an impact of over $1.3 trillion over the next 10 years. That doesn't solve our problem immediately, but if in fact we do this, what we will have done is to start down a long road of making the hard decisions. The decisions I will outline are not hard. They are the easy ones. But we will be starting down a road to get our country back and to secure the future of the young people sitting right down here and their children

and the expectation that opportunity could be alive and well in America.

There is coming to this country a debt bomb. There will come a time when the world will not loan us additional dollars. When that happens, the consequence of that will be rising interest rates. The Fed will no longer be able to control interest rates, and the interest rate will end up being whatever it takes, whatever the people of the world need in terms of what they require to loan us money. If we go back to historical interest rates, the average over the last 50 years on what we have borrowed—the cost per year for the debt we have today, not after the additional $500 billion, at a minimum, we will increase with this new debt limit—will be an additional $640 billion per year added to the must-pays coming from Congress. Once that starts, if we have made none of the adjustments, none of the changes, none of the choices of eliminating some of our wasteful and profligate spending, the next year it adds another $150 billion on top of that. So then we would be at $700-some billion, and pretty soon we will be in a spiral where the debt bomb explodes. That is the last place we want to go. The reason it is the last place we want to go is because the very wealthy aren't going to be harmed by that. The middle class will be destroyed, and with all the programs we have to support the lower class, we will not even be able to fund those.

It is imperative we no longer just have words. It is time for us to act. I know the administration doesn't agree with that. I know a lot of my colleagues on the other side do agree with it but will not offer up the courage that is going to be required to make the tough choices in this country.

We just increased tax rates in this country $600 billion over the next 10 years.

I voted for that bill. But the problem isn't revenues; the problem is the size and scope of the Federal Government.

I want to spend a little bit of time showing you what the GAO—not TOM COBURN, not my oversight, not my research, but what the GAO has said about where we are in terms of stupidity and duplication. I asked permission for these oversized charts because the detail behind them cannot be seen unless you have it on a chart this size. I will go through these rather quickly so the American people can get a little bit of a flavor of the programs we have.

We have 15 different programs run by 13 different agencies in the Federal Government that cost $30 million to teach financial literacy to the American people. No. 1, I don't think that falls within the enumerated powers. But let's assume it does. Why in the world would we have 15 sets of administrators, 15 sets of overhead, to spend $30 million? It makes no sense whatsoever. Let's assume that is a role for the Federal Government. I disagree that it is. But why not one program? If you take away the overhead, you could spend exactly the same amount of money teaching financial literacy and you wouldn't waste it on overhead. The savings just from this one simple program are $15 million to $20 million a year. The way you get to 1 billion is 1 million at a time, and the way you get to 1 trillion is 1 billion at a time.

Let's take the next program, green buildings. We have 94 separate programs run by 11 different agencies spending $1 billion on green buildings. There is nothing wrong with incentivizing green buildings, but anybody with any common sense has to ask the question, Why does the Federal Government need 94 separate programs to incentivize green buildings? And why do we need to run it through 11 different agencies instead of 1? And why do we need to have 11 sets of overhead, administration, and costs associated with it? It makes no sense at all.

The next one, housing assistance. We have 160 programs. Nobody in the administration—nobody in the country—knows all the programs. I am probably the only one in Congress who does, because nobody else has looked at it. Twenty different agencies spending $170 billion. If we are really interested in housing assistance, why would we have 20 sets of overhead and 20 sets of administration? And what would it cost to accomplish the same thing?

All these numbers come from the Government Accountability Office, by the way. They don't come from me.

The other part of the report is that nobody knows if these programs are working. We have no data to say that with the 160 programs we are actually making a difference on housing assistance through this expenditure of money. So we are not even asking the most basic questions a prudent person would ask—in fact, if it is our role in housing assistance—do we know what we are doing is working? And the GAO says you can't tell. There are no metrics on it. No wonder we have 160 programs. Because the first time somebody sees there is another need out there, rather than reform and oversight the programs we have, we create another one without ever looking at our housing programs.

Department of Justice grants. The Department of Justice is the only agency in the Federal Government where if they don't spend all their money every year, they get to keep it. Most people don't know that. They have 253 different grant programs, and outside of the Department of Justice are 9 other agencies involved in that. Most of these grant programs have no metrics, no measurement on them whatsoever to say whether they are actually accomplishing the purpose Congress created them for in the first place.

So if, in fact, a prudent person would say, We have these grant programs, what are they doing, what are they supposed to do, and how are they measuring up, we don't know, because we don't require the Federal Government to measure the effectiveness of its programs.

If, in fact, it is a legitimate role for the Department of Justice and these 10 other agencies to grant taxpayer dollars to all sorts of State-based criminal defense—prison, police force, investigative—if, in fact, that is a Federal role—which, again, I would go back to the Constitution and the enumerated powers and ask the question, and I think about half of these would fail. But if it is, why would we have this many different grant programs? Why would we have this much overhead? Why would we have absolutely zero measurement on whether they are actually accomplishing their goal?

Where we have been so far, just so we know, we have $176 billion worth of spending that is wastefully spent. It is duplicative, one overlaps the other, and we have no knowledge whatsoever about what we are doing. We know from our heart we are trying to accomplish good, but we have no capability to measure what we are doing. And that is just the first four.

Look at diesel emissions. We all want clean air. Why would we have 14 separate programs on diesel emissions run through 3 different agencies? Why not have three—one for agriculture, one for routine surface transportation, and one for stationary? That is all there is out there. There is transportation, there is agriculture, and there is stationary, and yet we have five times as many grant programs as we have utilization.

I hope America can see how incompetent we are as we allow all these things to continue.

We are going to raise the borrowing against your children. In less than a week we are going to raise the borrowing against your children, and we are not going to do anything to fix these problems. Nothing.

Early learning and childcare. We have 50 different programs, 9 different agencies on which we spend $16 billion.

Employment assistance for disabled individuals. This is job training for disabled people. Fifty different programs run through nine different agencies, and we are going to spend $16 billion. I think that is an appropriate thing for us to be involved in, but why in the world would we have 50 different training programs for the disabled? Nobody can answer that. There won't be a person come to the floor and answer the question of why we have 50.

What we continue to do is treat the symptoms of our disease and not the real disease. We are going to argue we should have training programs for the disabled, but we are going to deny the fact that the training programs for the disabled that we have oftentimes are marginally working. And if we streamline them and focus them, we would get a whole lot more value for our money, and we would also save money just in the overhead associated with it.

Surface transportation programs, 55, and 5 different agencies. We have a transportation bill every year. It is $43

billion. And yet we take that money—which, by the way, isn't being adequately funded. We are stealing from other things to keep the transportation funding alive, and we run it through all this bureaucracy rather than say, We took the money from the States, it is for highways and mass transit, and give it back to them and let them prioritize it themselves. Instead, we consume a good portion of it here. We put all sorts of mandates on what they can and can't do with their own money that we collect from them and send it back to them, and then we run it through five different Federal agencies. So they are jumping through five agencies' hoops just to be able to spend their own money—their own tax money.

Support of entrepreneurs. I can guarantee you this one doesn't fit in the enumerated powers of the Constitution.

So we have 53 times that we have said, We don't care what the Constitution says, we are going to go out and support our entrepreneurs. It is not a role for the Federal Government. We are terrible at it. We don't know what we are doing at it. And yet we have 53 programs run through 4 agencies, $2.6 billion a year, and the vast majority of it is waste and ineffectively spent.

STEM education programs. This is science, technology, engineering, and math. It is an area we need to work on. It is an area we need to incentivize. But 209 different programs, 100 or more of which are in the Defense Department? Two hundred nine programs to incentivize science, technology, engineering, and math? How about a couple of them that really work, that really create the incentives people will really go after that you can really manage and measure whether they are effective—$3.1 billion a year.

This is just the first of what the GAO has so far outlined, at the request of my office, which became a law which forced GAO to have to do it.

Just a little history on this. Three years ago I asked the Government Accountability Office and Congressional Research Services, Tell me every program in the Federal Government. And both of them said, Impossible; we can't do it. The Congressional Research Service said: We can't do it. We do not have the capability to do it.

So I put into statute a law mandating that the Government Accountability Office over a period of 3 years will identify and seek out every Federal program, and notify Congress where they overlap. So that is how we have gotten this information thus far. In April of this year, we will get the last third. There is no doubt in my mind at all that we are wasting at least $200 billion a year through duplication coming from the Federal Government.

Think about that for a minute. If I am right—and I dare anybody to come down here and challenge me on it—that is $2 trillion over the next 10 years. That is 18 percent of our deficit this year.

The question you have to ask is, Where is Congress? Why aren't they doing something about this? We passed one bill out of the Senate in the last 3 years associated with this—it got thrown out in conference—that saved $5 billion. We could easily save $20 billion to $30 billion with minimal work.

I know it is much greater than that. There will be controversy as you go up. But the fact that we have done nothing addressing these issues tells you that there is a problem in Congress in terms of facing reality.

It also tells you there is a problem in Congress in that the political is much more important than the country; that we dare not offend anybody who is a partaker of any of these programs, especially the people who are employed in the administration in the implementation of these programs—even though some programs have 250 or 209 duplications.

We have met the enemy, and the enemy is the U.S. Senate and the U.S. Congress.

Let me go to the next list.

Unmanned aircraft programs. There is no question in terms of our warfighting and our intelligence services that our unmanned capability has been a tremendous asset to us. But somebody needs to ask the question, Why do we have 15 different sets of programs run from 5 different agencies costing us $37 billion over 5 years? Where is the explanation for that? Where is the idea that we might concentrate expertise in one or two areas or three areas or four? But to have 15 separate programs means we are wasting money and getting less out of the research and less out of the dollars we invested than if we were to streamline those programs and limit them to targeted objectives. But we refuse to do that.

Domestic food assistance, 18 different programs, 3 agencies; homeless programs, 21 different programs, 7 agencies, $2.9 billion; transportation services for transportation-disadvantaged persons—that is something we ought to be involved in. I don't have any problem with that. But 80 programs, each with their own overhead, each with their own set of rules that communities have to comply with? Why would we not want to say: How do we make this 20 programs, make it more effective, eliminate the overhead and save the difference? We don't have to cut money. What we have to do is save money, and we could have exactly the same result through efficiency and smart planning by eliminating duplication.

In my hometown there are 78 different programs for transportation for these people that they can access, lapping over each other. It is not that we should not be doing it, but what about the saving? Are we in a crunch or not? Are we going to continue to stick our heads in the sand and say we don't have a difficult time in front of us in terms of our financing the basic needs for our Federal Government?

We are less than 8 years away, where Medicare, Medicaid, Social Security, and interest on the debt will consume every penny of tax revenue this country has. That is less than 8 years away, if we make it that long, before we have hyperinflation. Why would we in Congress not start addressing these very real needs?

Job training and employment—47 different programs, $18 billion a year, 9 different agencies. In the House subcommittee, Chairwoman VIRGINIA FOXX, last year, I think, took about 35 of these programs and converted them into 6. She did not look at all of them because she did not have the authority or jurisdiction in her committee. It is the only thing that has been done in the last 3 years that addresses anything the GAO has said. Yet we will not even take it up. Saving billions of dollars a year and improving the job training programs, yet we will not take it up. It is not a priority for the HELP Committee.

Teacher quality—82 different programs. We have 82 programs to improve the quality of teachers. Remember, we have a Department of Education, but nine other agencies have teacher improvement programs. Why would we have agencies outside the Department of Education running teacher improvement programs? Is it because some Congressman or Senator wanted a program named after them? Maybe they saw a need and did not want to put it in with the other ones so we expanded it. So we expanded overhead and we expanded the costs and we decreased the efficiency.

I would also make note that Thomas Jefferson, in his inaugural address, addressed the American people when it came to the Federal Government and education. Here is what he said: In order for the Federal Government to be involved in education, you must make an amendment to the United States Constitution.

I don't know a greater authority, other than maybe Madison and Monroe, on the Constitution. But here is one of the authors. In his own inaugural address as President of the United States, he said we have no business being in education. Just so I might enlighten my colleagues and the American people, since the Department of Education was founded, we have spent in excess of $2 trillion of Federal taxpayer money, and there is not one parameter that we can measure that is better than when we started. Not one—we cannot find one parameter that is better than when we started.

So there was wisdom in our Founders. We have great hearts, but we are not very good at some things, and this is one of them that we are not very good at. Yet here we have 82 different programs from 10 different agencies.

Food safety—a legitimate role for the Federal Government. We have done

some work improving food safety in the last few years, but we have multiple agencies. Do you realize if you buy a cheese pizza that the FDA doesn't have any control over that, but if you buy a meat pizza the FDA controls the food quality? But the cheese pizza, that is not FDA. So the Agriculture Department takes care of one pizza and the FDA takes care of another one. Does that make any sense to anybody in America? Yet we do not have one agency totally responsible for food safety in this country. Instead, we have 15 different agencies with 30 different programs, and the cost of food goes up—not because we are markedly improving food safety, but we are markedly increasing the regulations and requirements from 15 different agencies. There are all sorts of hidden costs in this as well.

Military and veterans health service. I want you to think about this for a minute. We have a Pentagon and we have a Veterans' Administration, two agencies. But we have four different agencies involved in veterans and military health care. Why is that? Can anybody explain that? What is the purpose of that? Why do we have three different sets of rules and regulations within the Pentagon for health care: one for the Army, one for the Navy, and one for the Air Force? All of them are different. They are still taking care of the same diseases among the same group of people, but we are a bureaucracy. Rather than one organization running that we have three giant organizations running that. How stupid is that? Is that pride of keeping everything within the Air Force or in the Navy or in the Army?

When we are facing a $1.3 trillion deficit this year—that is what it is going to be at a minimum—why would we not streamline that? Why wouldn't we ask the hard questions? Why wouldn't we do the things aligned with common sense and prudence instead of a political spoils system?

Economic development—4 different agencies, 80 separate programs, tons of waste, tons of duplication, tons of overlap, tons of fraud. When we have 80 programs, or 85 programs, and the bureaucracies cannot manage them, the gamers come in. The Federal Government this year will create over $800 billion worth of grants. I want us to think about that for a minute. Somewhere between one-fourth and one-fifth of our budget will go out of here in terms of grants. There is only one agency that oversees their grants effectively and smartly. The rest of the grants are totally not overseen—effectively. We work at it a little bit.

If we think about it, one-fifth of the Federal budget is run out of Washington in terms of grants that have requirements on them, that have time lines on them, that have specifics on them, and nobody is watching them.

Do you know what happens when you go to look at those? What you find is fraud, mismanagement, some accomplishing exactly what they were supposed to but not in the time, some underbudget, but the money never gets sent back to the Federal Government; some grant money that is sent out and a penny is never spent, and it is lost out there so it is never recaptured. There are hundreds of billions of dollars of grant money sitting out there that have never been used and never been pulled back to the Federal Government. Why is that? That means hundreds of billions of dollars that we are going to borrow because we have moneys that we do not manage effectively.

Let me just do the third one, and I will wind up in a little bit, and I will come back tomorrow and talk about the details of these. Here is the third sheet. I suspect when we get the report, April 1, from the GAO, I will have another two sheets.

When we start adding up this money, we get real money. We get hundreds of billions of dollars that we are wasting. But nobody is working on it.

Reducing reliance on petroleum fuel for the Federal fleet. We have 20 agencies working on that, but we only have 5 programs. So we have 20 sets of bureaucrats and administrations and everything else for 5 programs, and we are spending—it is not a lot of money in terms of Washington money, but fuel efficiency for the Federal fleet? We put in new CAFE standards. We could replace this $50 million and say, you would not buy an automobile that doesn't have X mileage; you will limit trips. We can do lots of management things to eliminate the need for a program like this just through sound management and proper management.

Electronic health records system for veterans and the military. The VA has a pretty good program. We have two different agencies, the VA and the military, the Pentagon. We have 10 separate programs. We are spending all this money at the Pentagon right now on electronic medical records when we have a system already at the VA that they could have adopted. Are we just doing one? No. We are doing different ones for each branch of the service.

It makes you want to throw your hands up and get sick to your stomach when you think about what we are doing today that we should stop doing so we protect the future of this country.

Here is an area that I have looked at closely, preparedness grants. Remember when FEMA was started 10, 11 years ago—maybe 15 years ago—preparedness grants, we built all this up so we could prepare for catastrophes—right? We have been doing this a number of years, well over a decade, maybe almost two. Why do we continue to need more preparedness grants?

I have not done this yet, but we plan on going back to look at all the money that has gone out for preparedness. But we just passed a Sandy bill, and 64 percent of the money is going to be spent on preparedness and mitigation for the future on 50-year events. Yet we are continuing to spend money every year on preparedness. Is there ever a time at which we get prepared, that we can stop spending money? That is a question the average American would probably ask: Is there a point in time when we have prepared enough? Or can we spend enough money to totally prepare against anything? And, of course, the answer is no. So how much is enough? How much is prudent, given our budget situation today.

Anyhow, I think you can see, just from this limited list of words—and this is just one section of what I am going to be talking about. Duplication. I am going to be talking about health care. I am going to be talking about the Defense Department. Republicans have a blind eye to the waste in the Defense Department and the mismanagement and the duplication and the swinging revolving door from retired military officers to the very companies that end up getting the contracts that pay their salaries to get another contract to keep going on things that necessarily are not priorities.

Let me just take an example for a moment, if I can. This is the best one. Here is green buildings. Here are all the programs on green buildings. Does any of that make sense? That is why we had to have a chart this big. What we are doing is absolutely asinine as far as duplication and what we are doing through multiple different departments in terms of incentivizing green buildings.

Just think if we had 5 or 10 people in the administration of each one of these programs and what we could save if we ended up just having 5 or 6 programs. Just think what the benefit would be that would inure through the years in terms of the compounded savings for our kids and young people in this country.

This chart depicts green buildings. The Institute of Standards and Technology has three or four or five or six programs. The Department of Health and Human Services has a multitude of programs. The Department of Agriculture has a multitude of programs. The Department of Transportation has multiple programs for green buildings. Why don't we have a green building department in the Federal Government? If we have that, we can just have one and save the overhead and the money. We can see all the Environmental Protection Agency's programs on the chart. This is lunacy. It is craziness.

I am going to stop at that, but I have this comment for my fellow Oklahomans and fellow Americans: The next time you hear from a Member of the congress that we cannot cut spending, come and play this C–SPAN tape back for them. Either they don't want to or they know nothing about management or efficiency or common sense. There is no longer an excuse to say we cannot get marked savings from our Federal Government.

As I go through this over the next couple weeks, I am going to show example after example. It is painful to say the greatest Nation in the world is absolutely incompetent when it comes to managing its bureaucracy, its programs, and its money, but that is a true statement. I am going to show evidence over the next 2 weeks of just how incompetent we are.

I hope to build a case so no Member of Congress can ever tell a constituent again that we cannot cut significant spending by at least $2 trillion just from duplication over the next 10 years.

The work of the government is hard. The work of the Congress is built on compromise, but there is no longer going to be a bogus set of facts out there that says we cannot cut spending. I am going to prove we can cut spending and the onus is going to be on the rest of the Members of the body to say why we cannot.

With that, I yield the floor and note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

BUDGET AUSTERITY

Mr. WHITEHOUSE. Mr. President, I am here because I was on the floor the other day and I heard—while I was waiting my turn to speak—Senator HATCH give a speech. I have the very highest regard for my friend, the Senator from Utah, and his speech was very thoughtful. It was passionate. It was thorough. I thought it deserved a respectful response and so I am here to respond to that and I hope to begin a debate or engage in a debate, if not begin it.

Senator HATCH was talking about the fiscal situation, and he framed his remarks with the observation that our $16.4 trillion debt is too high and the observation that ''annual trillion-dollar deficits have become the norm with the current administration.''

Senator HATCH is certainly right that debt is too high and annual trillion-dollar deficits have indeed briefly become the norm. But I would suggest that is not the norm recently because of this administration; it is the norm because the economy collapsed.

We all remember the economy collapsed. To withdraw Federal spending from a collapsing economy is only to make things worse. The economic collapse created these deficits and, as the economy recovers, we can draw them down.

There is not agreement on that. Some have preached austerity as the way forward when the economy collapses. When this began, there was lively debate between those who thought that stimulating the economy and supporting the economy would be more sensible than applying austerity. We are past theory and now we are into experience. The experience of foreign countries belies that austerity works when economies are collapsing. From Spain to Greece, European countries that responded to the economic downturn by slashing their budgets are suffering from shrinking economies and persistent double-digit unemployment rates.

A recent IMF, International Monetary Fund, report estimates that budget austerity in a weak economy might actually inflict significant harm and have a much lower than expected effect on the deficit, consistent with the observations in Europe.

The reason this is this way—I will get into jargon just for a minute—economists measure the effects of changes in government spending on GDP with a metric called the fiscal multiplier. A multiplier of 0.5, for example, means that a $1 decrease in government spending would reduce GDP by 50 cents.

The higher the fiscal multiplier, the worse the impact a cut in spending has on the overall economy and, therefore, the lower its actual ultimate effect on deficit reduction.

The new IMF report suggests that in the United States—as in other countries that are recovering from the great recession—the fiscal multiplier is actually greater than 1, meaning that a $1 reduction in government spending shrinks the overall economy by more than $1, doing net harm.

Oxford Economics puts the fiscal multiplier of the United States at 1.4, which means that for every $1 we cut, we would lose $1.40 in gross domestic product. Goldman Sachs, which is not exactly a leftwing outfit, has put the multiplier for the United States close to 1.5—cut $1; lose $1.50 in gross domestic product. Economists at the University of California found that during recessions—and it is important, during recessions—the fiscal multiplier in developed countries generally falls between 1.5 and 2.

That complicated economic gobbledygook boils down to this: $1 in reduced government spending will reduce gross domestic product by more than $1—by $1.40 or $1.70 or whatever the multiplier is—and damage the economy without accomplishing the intended deficit reduction.

Other countries attempted budget austerity during the economic downturn. Spain, Greece, and Portugal, particularly, have persistent double-digit unemployment—over 26 percent in Spain and Greece—and they have anemic or negative economic growth rates. Contrast that with the United States, where a more balanced approach to the economic crisis yielded an unemployment rate that is still far too high but markedly lower than the austerity countries and economic growth of 2.1 percent, where all the other countries are experiencing negative economic growth—Spain, Greece, and Portugal.

So let's not fault the President and the administration for deficits that were caused by, A, an economic collapse and, B, the wise decision to avoid the austerity path that has thrown Spain and Greece into nearly 27 percent unemployment rates and all three countries into negative GDP growth.

We will need to address the debt more and more as economic conditions improve, and Senator HATCH was correct to point to health care expense as our biggest national fiscal concern. It would, however, I believe, be a misdiagnosis to focus on Medicare and Medicaid as the source of the health care spending problem. Indeed, Medicare may be the single most efficient health care provider in our entire health care system. Medicare is a place where the health care cost problem hits the Federal budget because the Federal budget pays for Medicare, but Medicare is not the underlying source of the problem. I hope this was what Senator HATCH meant when he said ''the problems with the program are systemic,'' and when he said the solution is ''structural reforms.''

I know that one of the leading health care providers in the country, one of the best at seeing the health care cost problem as systemic and one of the best at addressing it with structural reforms, is the health care system in Senator HATCH's home State of Utah, Intermountain Healthcare. The Senator has a living example at home that health care spending can be addressed through structural reforms, through delivery system reforms.

One example is that just a few weeks ago, Intermountain clinicians in Utah were recognized for their work in greatly reducing the number of patients who die from sepsis, which is the leading cause of death in U.S. hospitals. So it is no small matter. Through a new protocol to better detect and treat sepsis, these doctors and nurses brought the death rate for septic patients entering through the emergency room down from over 20 percent, 5 years ago, to under 9 percent. These advances have saved hundreds of lives in Utah, and they are a model to be applied by hospitals around the world.

That is an example of how the real problem in health care is the total cost of the underlying system. We pay more for health care than any other developed nation. Here is the United States at 17.6 percent of our gross domestic product spent on health care. The most expensive and least efficient other industrialized nation in the world is the Netherlands at 12 percent. Behind it fall France and Germany at 11.6 percent, Switzerland at 11.4 percent, and England and Japan at 9.6 and 9.5 percent, respectively.

If we could simply make our health care in this country as bad as the worst other industrialized country in terms of efficiency, if we could just meet the

standard met by the other least efficient country in the world, we would save about $800 billion a year.

So there is a huge savings opportunity in the health care system for all of that extra spending. For that $800 billion a year in extra spending that we do, do we get great outcomes? Are Americans healthier and better cared for than people in those other countries? Well, unfortunately, the answer is not at all. Each little dot represents one of the OECD countries. This represents life expectancy from 72 to 84, which is a pretty good measure of how good the health care system is, if it is making you live longer.

This represents the cost per person of health care. As you can see, virtually everybody is grouped kind of around in here, with reasonably good life expectancy between 78 and 82. Japan has actually driven it up to 83. It is roughly $2,000 to $4,000 per individual.

Everybody—I can almost cover them all with my hand. This is the United States of America, below all of them in life expectancy, above all of them in cost. So let's not pretend there is not a lot of room for progress.

The worst part is that this is the rate of growth of our U.S. health care system. Look at this: 1960—I will astound the pages who are listening by telling them that I was alive in 1960; I was 5 years old then—$27.4 billion. Now it is $2.7 trillion. We spend 100 times as much on health care now as we did when I was 5 years old. We blew through the halfway point probably back in around 1990. We have doubled since then to $2.7 trillion.

This is what is happening to our national health care costs. This is our national health care cost curve. If you think that with this kind of a rocketing cost structure, we are going to be able to solve this problem by cutting Medicare, that is not going to work. Trying to solve that kind of a cost-increase problem by cutting Medicare benefits is a losing game. It will cut Medicare away to nothing.

We have to address the conditions that caused this increase. We have to address the discrepancy between us and other nations and, indeed, as the Senator from Connecticut who is presiding well knows, the discrepancy between different States. His brother is one of the great experts on the discrepancy that allows Medicare to pay 2½ times more per patient in Miami than it does for a patient in Minneapolis, when the patient in Minneapolis is getting as good or better care.

We have to be able to get those discrepancies out of the system. When we do, when we do it that way, the savings will fall to Medicare and Medicaid. Indeed, 40 percent of those savings will go into the Federal Government, Medicare, Medicaid, VA, TRICARE, employee benefits. It will also help Blue Cross, Kaiser, and United. It will help all the private companies that pay for private insurance. It will help individuals who have to pay for that skyrocketing cost now because we run a system that is 50 percent more inefficient than the least efficient industrialized country with which we compete.

So this is a big deal. It is not just me saying so; some very credible folks agree. President Obama's Council of Economic Advisers says that you can save annually out of our health care system $700 billion. The National Institute of Medicine says it is $750 billion a year. The New England Health Care Institute estimated that it was $850 billion. And a well-regarded group that studies health care called the Lewin Group, together with George Bush's Treasury Secretary Paul O'Neill, has estimated that it is $1 trillion a year in savings to be had. So this would look a lot better if instead of $2.7 trillion you were spending only $1.7 trillion. And those are the kinds of savings that are conceivable, are possible. We really have to focus on that.

The Commonwealth Fund recently released a report that outlines a variety of policies that would accelerate health care delivery system reform and slow health care spending by $2 trillion from 2014 to 2023. Those are the policy ideas we should be considering because those ideas go to the real heart of the cost problem. Going after Medicare benefits rather than going directly after the underlying health care cost problem reflects a misdiagnosis of the problem. When you have a misdiagnosis of the problem, you get the cure wrong.

Senator HATCH was very thoughtful, and he offered some specific proposals. I think the proposals to combine deductibles for Parts A and B and the limitation on first-dollar coverage of Medigap plans could well fit into a good health care compromise. I suggest we should also include letting Medicare use its substantial market power to negotiate drug prices just as the VA now does. It is hard to imagine that our deficit problem could be as dire as Senator HATCH has described and at the same time less important than providing this notorious Federal handout to immensely profitable pharmaceutical companies.

Finally, let me say that Senator HATCH indicated he thought the revenue discussion was now done. I would respectfully disagree. The revenue discussion is not done. To date, through the Budget Control Act and through other measures enacted in the last Congress, we have cut the deficit by $2.4 trillion. In rough numbers, we have achieved $1.7 trillion of that through spending cuts and then the related interest savings. In contrast, we have only cut the deficit by $700 billion through new revenues, by restoring Clinton-era tax rates for the top 1 percent of income earners. That is what we have done so far.

I think it is probably safe to say the tax rate discussion is probably done, but we have not even begun to discuss tax loopholes. Why should millionaires get more tax benefits against their charitable contributions than middle-class families do? Why should a billionaire who builds a wing on a museum and puts his name on it get more tax bang for his charitable buck than the middle-class family who gives to their local church? Is protecting that benefit for high-end charitable donors more important than addressing our deficit?

How about tax subsidies to the most profitable companies in the world, the Big Oil behemoths? The American taxpayers have to provide money to big and often foreign oil companies. Is keeping Big Oil lobbyists happy with subsidies from the American people more important than addressing our deficit?

Should companies and wealthy individuals be allowed to hide their money from the tax man in offshore accounts, while working families pay their taxes fair and square? Is protecting that tax gimmick more important than addressing the deficit?

How about that carried interest trick that allows hedge fund billionaires to treat their income as low-tax capital gains while their chauffeurs, gardeners, maids, and executive assistants pay regular income taxes? Is it more important to keep that sweet deal running than it is to fix the deficit?

Our friends on the other side cannot have it both ways. They cannot say that the deficit is so desperately important that we have to cut Medicare, cut food stamps, cut off scientific research, cut the FBI and the national parks and Big Bird, for Lord's sake—that is how important the deficit is—and then say that the deficit is not such a big deal after all, that it is less important than tax breaks for offshore corporations, special deals for the pharmaceutical industry, favors for high-income Americans that regular families do not get, and subsidies to Big Oil.

It cannot be both things at once. Frankly, even without the deficit, many of those tax deals are the things we should get rid of just on the merits, just because they are sleazy and unfair and the product of Washington insider dealing. We should be rid of them. They cannot be more important to keep than addressing the deficit.

So while there are surely still ways to trim the deficit by improving inefficient programs and cutting wasteful spending, let's not say tax revenue is done before we have even gotten into the rich trove of tax deals and gimmicks that we give away every year through the Tax Code.

In 2012, corporations benefited from an estimated $127 billion in loopholes and special provisions. In addition, the individual income tax code permitted over $1 trillion in deductions, exclusions, and credits last year—$1 trillion in 1 year. Many of those only benefit the wealthiest taxpayers. Overall, there are hundreds of billions of dollars a year in tax expenditures that we can use to address the deficit.

My last point on revenues is this: As our friend Kent Conrad, the former

chairman of the Budget Committee, used to point out, every time in recent history that we have had a balanced budget, we balanced it with revenues and spending around 20 percent of gross domestic product. Our revenues are now at about 16 percent of gross domestic product. If we balanced our budget at that level, at 16 percent of gross domestic product, it would be the lowest level of Federal spending since 1951, when half of the Federal budget still went to the Department of Defense and half of American seniors still lived in poverty.

They say the Republican Party wants to go backward, but do they really want to go back to that? That would change our country dramatically and for the worse at a time when, even with Federal student aid, the cost of college remains unaffordable for too many aspiring students, when our energy and technology infrastructure is lagging and our transportation infrastructure is crumbling, and when our international competitors are making greater investments in 21st century innovation than we are.

Saving money by reforming how we deliver health care is not just possible, it is happening around us. A 2008 report from the Dartmouth Atlas Project held up some promising examples, predicting that, using the Mayo Clinic as a benchmark, the Nation could reduce health care spending by as much as 30 percent for acute and chronic illnesses. A benchmark based on Senator HATCH's home State company, Intermountain Healthcare, predicts a reduction of more than 40 percent.

So let's get to work, together in a bipartisan fashion, to give American families the health care system they deserve.

Instead of waste and inefficiency, poor outcomes and missed opportunities, let's have a health care system that is the envy of the world, not an outlier on high costs and low results.

This approach has a triple benefit: It protects seniors and families who rely on Medicare and Medicaid. It improves patient outcomes and makes our experience of the health care system better in terms of results, and it dials back health care spending and helps protect us from that exploding cost.

The alternative, slashing benefits, does nothing to curb the underlying cost problem, and it certainly doesn't improve care. It only does one thing, harms seniors and degrades the programs they count on.

During a 2011 Senate HELP Committee hearing that I chaired, Greg Poulsen of Utah's Intermountain Healthcare said:

Intermountain and other organizations have shown that improving quality is compatible with lowering costs and, indeed, high-quality care is generally less expensive than substandard care.

Let this be our guiding principle as we work together to ease the burden of excessive health costs on both the Federal balance sheet and on our fellow Americans' pocketbooks.

EXTENSION OF MORNING BUSINESS

Mr. WHITEHOUSE. I ask unanimous consent that the period for morning business be extended until 6:30, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. WHITEHOUSE. I yield the floor.

TRIBUTE TO JAIME HERNANDEZ

Mr. REID. Mr. President, I rise to honor a man of great distinction and valor: Maj. Jaime I. Hernandez of the United States Air Force. It is my great honor to acknowledge this American hero on the cusp of his promotion to Lieutenant Colonel.

Jaime is a loving son and a man of perseverance. A loyal Nevadan and American, he hails from Las Vegas. Upon graduating from Bonanza High School in 1994, Jaime entered the Air Force Academy, where he began his noble service to our Nation.

Major Hernandez's promotion to Lieutenant Colonel marks another chapter in his inspiring story. Major Hernandez has risen through the ranks during his time with the Air Force—a testament to his steadfast dedication, unyielding courage, and impressive tactical skill. His career is a decorated one. Major Hernandez has served six combat deployments in support of operations in Afghanistan and Iraq, logging more than 2900 hours in flight, 1300 of which were in combat. His work as Chief of Weapons and Tactics for the 37th Expeditionary Bomb Squadron led to hundreds of successful missions. He has proven himself time and again through his B–1 aircraft expertise.

During one of his six overseas deployments, Major Hernandez earned an Air Medal with 4 Oak Leaf Clusters. While on a mission to safeguard a lost team of Marines in eastern Afghanistan, Jaime and his crew were fired on by a team of insurgents on the ground. In an act of bravery and skill, Jaime and his aerial crew drew fire from the insurgents while the lost Marine ground team could recover and maneuver around the insurgent squad.

Major Hernandez has demonstrated repeatedly his exceptional skill and courage. He has flown across the desert skies of both Iraq and Afghanistan, to provide support for operations there. Over the course of his career, he has served as a squadron Electronic Warfare Officer, Flight Commander, Instructor and Evaluator Weapon Systems Officer, Wing Weapons Officer, and Instructor at the USAF Weapons School.

Major Hernandez is currently the Deputy Division Chief at Joint Base Langley-Eustis, and is responsible for policies and procedures relating to the Combat Air Forces Information Operations. Among other achievements, he graduated in the top third of his class from Squadron Officer's School and received an Outstanding Flying Award from the U.S. Air Force Weapons School.

I laud Maj. Jaime I. Hernandez's dedication to the United States Air Force and country. His father Phillip Hernandez and their family are happy to celebrate Major Hernandez's upcoming promotion on February 1, 2013, to Lieutenant Colonel.

TRIBUTE TO ROBERT MITCHELL

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a dear friend of mine and a distinguished citizen of the Commonwealth of Kentucky, Mr. Robert Mitchell. Mr. Mitchell—better known across Kentucky's Fifth Congressional District as Bob—recently received the William Hacker, M.D. 2013 Leader of the Year Award from Kentucky's Leadership Tri-County. This organization, which represents Laurel, Knox, and Whitley counties, recognized Bob for his decades of service to the Bluegrass State.

From 1986 until his retirement last year, Bob served as Congressman HAL ROGERS's district administrator for the Fifth District. In that job, he was HAL's eyes and ears throughout southern and eastern Kentucky. He oversaw three field offices, provided constituent services, and was HAL's liaison to State and local government. It is thanks to him that many people in Kentucky now enjoy the benefits of a multitude of infrastructure, economic development, and tourism projects.

Bob has also served as HAL's top political adviser and campaign manager, and was his field representative from 1981 to 1986. He has served on the executive committee of the Republican Party of Kentucky, been a delegate to Republican National Conventions, and was twice elected magistrate in Knox County.

Bob's father, the late Murrell Mitchell, also served as a magistrate of Knox County and was a member of the Knox County School Board. It was he who inspired Bob to seek fulfillment in public service. A graduate of Lynn Camp High School in Corbin, KY, Bob first served his country in the uniform of the U.S. Army. He was in the Army's military police and served in Vietnam.

Bob has been employed in the private sector, too: He has worked for L&N Railroad, United Parcel Service, and as the owner and operator of a grocery store. He has been a member of the Corbin Rotary Club and the Lynn Camp Optimist Club. And the Mountain Laurel Boy Scouts of America District honored him with its first-ever Daniel Boone Visionary Award.

Bob enjoys politics, obviously, as well as fishing and following college sports. He is an avid fan of Keeneland Race Course and has owned racehorses. But I believe what he is most looking forward to is spending more time with

his family and spoiling his grandkids. Bob and his wife, Nancy, have two daughters: Stephanie Alsip lives in Louisville with her husband Rick and their two sons, Trenton and Ethan. Jennifer Mitchell lives in Corbin with her two daughters, Tori Beth and Taelor Jade.

Mr. President, I ask my colleagues in the U.S. Senate to join me in saluting Mr. Robert Mitchell for over three decades of service to the people of my State. He is admired and respected across the Commonwealth as an ambassador, not just for Congressman ROGERS, but for everything we're proud of in southern and eastern Kentucky. I wish Bob well in his retirement, and I rest assured he will find success in whatever endeavors lie ahead.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 177. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 entirely.

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–217. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to transnational criminal organizations that was declared in Executive Order 13581 of July 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–218. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Libya that was originally declared in Executive Order 13566 of February 25, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–219. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Alternatives to the Use of Credit Ratings'' (RIN3133–AD86) received in the Office of the President of the Senate on January 28, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–220. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Definition of Troubled Condition'' (RIN3133–AD97) received in the Office of the President of the Senate on January 28, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–221. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Prompt Corrective Action, Requirements for Insurance, and Promulgation of NCUA Rules and Regulations'' (RIN3133–AE07) received in the Office of the President of the Senate on January 28, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–222. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Electronic Fund Transfers (Regulation E) Temporary Delay of Effective Date'' ((RIN3170–AA33) (Docket No. CFPB–2012–0050)) received in the Office of the President of the Senate on January 29, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–223. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; 2013 Commercial and Recreational Quotas for Red Snapper'' (RIN0648–XC388) received in the Office of the President of the Senate on January 24, 2013; to the Committee on Commerce, Science, and Transportation.

EC–224. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Roseau River, Minnesota Flood Damage Reduction Project; to the Committee on Environment and Public Works.

EC–225. A communication from the Director of Congressional Affairs, Office of New Reactors, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Assessing the Radiological Consequences of Accidental Releases of Radioactive Materials from Liquid Waste Tanks in Ground and Surface Waters for Combined License Applications'' (DC/COL–ISG–014) received in the Office of the President of the Senate on January 28, 2013; to the Committee on Environment and Public Works.

EC–226. A communication from the Director of Congressional Affairs, Office of New Reactors, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Assessing the Radiological Consequences of Accidental Releases of Radioactive Materials from Liquid Waste Tanks for Combined License Applications'' (DC/COL–ISG–013) received in the Office of the President of the Senate on January 28, 2013; to the Committee on Environment and Public Works.

EC–227. A communication from the Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Pattern of Violations'' (RIN1219–AB73) received in the Office of the President of the Senate on January 28, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–228. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Current Good Manufacturing Practice Requirements for Combination Products'' (Docket No. FDA–2009–N–0435) received in the Office of the President of the Senate on January 28, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–229. A communication from the Program Manager, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Self-Contained Breathing Apparatus Remaining Service-Life Indicator Performance Requirements'' (RIN0920–AA38) received in the Office of the President of the Senate on January 24, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–230. A communication from the Program Manager, Office for Civil Rights, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Modifications to the HIPAA Privacy, Security, Enforcement, and Breach Notification Rules Under the Health Information Technology for Economic and Clinical Health Act and the Genetic Information Nondiscrimination Act; Other Modifications to the HIPAA Rules; Final Rule'' (RIN0945–AA03) received in the Office of the President of the Senate on January 28, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–231. A communication from the Program Manager, Office for Civil Rights, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Modifications to the HIPAA Privacy, Security, Enforcement, and Breach Notification Rules Under the Health Information Technology for Economic and Clinical Health Act and the Genetic Information Nondiscrimination Act; Other Modifications to the HIPAA Rules'' (RIN0945–AA03) received in the Office of the President of the Senate on January 28, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–232. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Unallowability of Costs Associated with Foreign Contractor Excise Tax'' (RIN9000–AM13) received in the Office of the President of the Senate on January 29, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–233. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Prohibition on Contracting with Inverted Domestic Corporations'' (RIN9000–AM22) received in the Office of the President of the Senate on January 29, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–234. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Free Trade Agreement—Colombia'' (RIN9000–AM24) received in the Office of the President of the Senate on January 29, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–235. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Extension of Sunset Date For Protests of Task and Delivery Orders'' (RIN9000–AM26) received in the Office of the President of the Senate on January 29, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–236. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–65; Introduction'' (FAC 2005–65) received in the Office of the President of the Senate on January 29, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–237. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy,

General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–65; Small Entity Compliance Guide'' (FAC 2005–65) received in the Office of the President of the Senate on January 29, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–238. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Technical Amendments'' (FAC 2005–65) received in the Office of the President of the Senate on January 29, 2013; to the Committee on Homeland Security and Governmental Affairs.

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. CORNYN:

S. 178. A bill to provide for alternative financing arrangements for the provision of certain services and the construction and maintenance of infrastructure at land border ports of entry, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. GILLIBRAND (for herself and Mr. KIRK):

S. 179. A bill to prevent gun trafficking; to the Committee on the Judiciary.

By Mr. BARRASSO:

S. 180. A bill to delay the enforcement of any rulings of the National Labor Relations Board until there is a final resolution in pending lawsuits; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 181. A bill to authorize the establishment of the Niblack and Bokan Mountain mining area road corridors in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 182. A bill to provide for the unencumbering of title to non-Federal land owned by the city of Anchorage, Alaska, for purposes of economic development by conveyance of the Federal reversion interest to the City; to the Committee on Energy and Natural Resources.

By Mrs. MCCASKILL (for herself and Mr. COBURN):

S. 183. A bill to amend title XVIII of the Social Security Act to provide for fairness in hospital payments under the Medicare program; to the Committee on Finance.

By Ms. AYOTTE (for herself, Mr. JOHNSON of Wisconsin, and Mr. RUBIO):

S. 184. A bill to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation; to the Committee on the Budget.

By Ms. AYOTTE (for herself, Mr. JOHNSON of Wisconsin, Mr. LEE, and Mr. PORTMAN):

S. 185. A bill to eliminate the automatic inflation increases for discretionary programs built into the baseline projections and require budget estimates to be compared with the prior year's level; to the Committee on the Budget.

By Mr. SHELBY (for himself and Mr. SESSIONS):

S. 186. A bill to award posthumously a Congressional Gold Medal to Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley, in recognition of the 50th anniversary of the bombing of the Sixteenth Street Baptist Church, where the 4 little Black girls lost their lives, which served as a catalyst for the Civil Rights Movement; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY (for himself, Mr. BROWN, and Mr. WHITEHOUSE):

S. 187. A bill to amend the Truth in Lending Act to prohibit the distribution of any check or other negotiable instrument as part of a solicitation by a creditor for an extension of credit, to limit the liability of consumers in conjunction with such solicitations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BLUNT (for himself, Mr. CRUZ, Mr. LEE, Mr. SCOTT, Mr. INHOFE, Mr. ROBERTS, and Mr. CORNYN):

S. 188. A bill to prevent certain individuals purportedly appointed to the National Labor Relations Board from receiving salaries, and to prevent an unconstitutional quorum of the Board from taking agency actions, until there is a final decision in pending lawsuits regarding the constitutionality of certain alleged recess appointments; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of Colorado (for himself, Mr. FLAKE, Mrs. GILLIBRAND, and Mr. WARNER):

S. 189. A bill to establish an employment-based immigrant visa for alien entrepreneurs who have received significant capital from investors to establish a business in the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG:

S. Res. 21. A resolution designating February 14, 2013, as ''National Solidarity Day for Compassionate Patient Care'' ; to the Committee on the Judiciary.

By Mr. VITTER (for himself, Ms. LANDRIEU, and Mr. JOHANNS):

S. Res. 22. A resolution recognizing the goals of Catholic Schools Week and honoring the valuable contributions of Catholic schools in the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. PORTMAN, the names of the Senator from Indiana (Mr. COATS), the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 29, a bill to amend title 31, United States Code, to provide for automatic continuing resolutions.

S. 32

At the request of Mr. PORTMAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 32, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 43

At the request of Mr. PORTMAN, the names of the Senator from Idaho (Mr. RISCH), the Senator from Wyoming (Mr. BARRASSO), the Senator from Alabama (Mr. SESSIONS), the Senator from Florida (Mr. RUBIO), the Senator from Idaho (Mr. CRAPO), the Senator from Illinois (Mr. KIRK), the Senator from South Carolina (Mr. GRAHAM), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kansas (Mr. ROBERTS), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Arizona (Mr. MCCAIN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 43, a bill to require that any debt limit increase be balanced by equal spending cuts of the next decade.

S. 46

At the request of Mr. TOOMEY, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 46, a bill to protect Social Security benefits and military pay and require that the United States Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached.

S. 47

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 47, a bill to reauthorize the Violence Against Women Act of 1994.

S. 51

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 51, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 63

At the request of Mrs. GILLIBRAND, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 63, a bill to require the Secretary of Commerce and the Secretary of Labor to establish the Made In America Incentive Grant Program, and for other purposes.

S. 84

At the request of Ms. MIKULSKI, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 84, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 123

At the request of Mrs. GILLIBRAND, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 123, a bill to modernize voter registration, promote access to voting for individuals with disabilities, protect the ability of individuals to exercise the right to vote in elections for Federal office, and for other purposes.

S. 124

At the request of Mr. HELLER, the name of the Senator from Kansas (Mr.

MORAN) was added as a cosponsor of S. 124, a bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills.

S. 125

At the request of Mr. BROWN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 125, a bill to direct the United States Fish and Wildlife Service, in coordination with the Army Corps of Engineers, the National Park Service, and the United States Geological Survey, to lead a multiagency effort to slow the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries, and for other purposes.

S. 137

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. ROBERTS) was withdrawn as a cosponsor of S. 137, a bill to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities.

At the request of Mr. VITTER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 137, supra.

S. 138

At the request of Mr. VITTER, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 138, a bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes.

S. 141

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 141, a bill to make supplemental agricultural disaster assistance available for fiscal years 2012 and 2013, and for other purposes.

S. 154

At the request of Mr. COBURN, the names of the Senator from North Carolina (Mr. BURR), the Senator from Indiana (Mr. COATS) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 154, a bill to amend title I of the Patient Protection and Affordable Care Act to ensure that the coverage offered under multi-State qualified health plans offered in Exchanges is consistent with the Federal abortion funding ban.

S. 156

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 156, a bill to allow for the harvest of gull eggs by the Huna Tlingit people within Glacier Bay National Park in the State of Alaska.

S. 162

At the request of Mr. FRANKEN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 162, a bill to reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

S. 169

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 169, a bill to amend the Immigration and Nationality Act to authorize additional visas for well-educated aliens to live and work in the United States, and for other purposes.

S. 170

At the request of Ms. MURKOWSKI, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 170, a bill to recognize the heritage of recreational fishing, hunting, and recreational shooting on Federal public land and ensure continued opportunities for those activities.

S. 174

At the request of Mr. BLUMENTHAL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 174, a bill to appropriately restrict sales of ammunition.

S. 175

At the request of Mr. ROBERTS, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 175, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 177

At the request of Mr. CRUZ, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 177, a bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 entirely.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN:

S. 178. A bill to provide for alternative financing arrangements for the provision of certain services and the construction and maintenance of infrastructure at land border ports of entry, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. 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. 178

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 ''Cross-Border Trade Enhancement Act of 2013''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR; ADMINISTRATION.—The terms ''Administrator'' and ''Administration'' mean the Administrator of General Services and the General Services Administration, respectively.

(2) PERSON.—The term ''person'' means—

(A) an individual; or

(B) a corporation, partnership, trust, association, or any other public or private entity, including a State or local government.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. AUTHORITY TO ENTER INTO AGREEMENTS FOR THE PROVISION OF CERTAIN SERVICES AT LAND BORDER PORTS OF ENTRY.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—

(1) IN GENERAL.—Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451), the Secretary may, during the 10-year period beginning on the date of the enactment of this Act and upon the request of any person, enter into an agreement with that person under which—

(A) U.S. Customs and Border Protection will provide services described in paragraph (2) at a land border port of entry; and

(B) that person will pay a fee imposed under subsection (b) to reimburse U.S. Customs and Border Protection for the costs incurred in providing such services.

(2) SERVICES DESCRIBED.—Services described in this paragraph are any services related to customs and immigration matters provided by an employee or contractor of U.S. Customs and Border Protection at land border ports of entry.

(3) LIMITATION.—Nothing in this paragraph may be construed to reduce the responsibilities or duties of U.S. Customs and Border Protection to provide services at land border ports of entry that have been authorized or mandated by law and are funded in any appropriation Act or from any accounts in the Treasury of the United States derived by the collection of fees.

(b) FEE.—

(1) IN GENERAL.—The Secretary shall impose a fee on a person requesting the provision of services by U.S. Customs and Border Protection pursuant to an agreement entered into under subsection (a) to reimburse U.S. Customs and Border Protection for the costs of providing such services, including—

(A) the salaries and expenses of the employees or contractors of U.S. Customs and Border Protection that provide such services and temporary placement or relocation costs for those employees or contractors; and

(B) any other costs incurred by U.S. Customs and Border Protection in providing services pursuant to agreements entered into under subsection (a).

(2) FAILURE TO PAY FEE.—U.S. Customs and Border Protection shall terminate the provision of services pursuant to an agreement entered into under subsection (a) with a person that, after receiving notice from the Secretary that a fee imposed under paragraph (1) is due, fails to pay the fee in a timely manner.

(3) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, a fee collected under paragraph (1) pursuant to an agreement entered into under subsection (a) shall—

(A) be credited as an offsetting collection to the account that finances the salaries and expenses of U.S. Customs and Border Protection;

(B) be available for expenditure only to pay the costs of providing services pursuant to that agreement; and

(C) remain available until expended without fiscal year limitation.

SEC. 4. EVALUATION OF ALTERNATIVE FINANCING ARRANGEMENTS FOR CONSTRUCTION AND MAINTENANCE OF INFRASTRUCTURE AT LAND BORDER PORTS OF ENTRY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall establish procedures for evaluating a proposal submitted by any person to—

(1) enter into a cost-sharing or reimbursement agreement with the Administration to

facilitate the construction or maintenance of a facility or other infrastructure at a land border port of entry; or

(2) provide to the Administration an unconditional gift of property pursuant to section 3175 of title 40, United States Code, to be used in the construction or maintenance of a facility or other infrastructure at a land border port of entry.

(b) REQUIREMENTS.—The procedures established under subsection (a) shall provide, at a minimum, for the following:

(1) Not later than 90 days after receiving a proposal pursuant to subsection (a) with respect to the construction or maintenance of a facility or other infrastructure at a land border port of entry, the Administrator shall—

(A) make a determination with respect to whether or not to approve the proposal; and

(B) notify the person that submitted the proposal of—

(i) the determination; and

(ii) if the Administrator did not approve the proposal, the reasons for the determination.

(2) In determining whether or not to approve such a proposal, the Administrator shall consider—

(A) the impact of the proposal on reducing wait times at that port of entry and other ports of entry on the same border;

(B) the potential of the proposal to increase trade and travel efficiency through added capacity; and

(C) the potential of the proposal to enhance the security of the port of entry.

By Mrs. GILLIBRAND (for herself and Mr. KIRK):

S. 179. A bill to prevent gun trafficking; to the Committee on the Judiciary.

Mrs. GILLIBRAND. Mr. President, I rise today on behalf of the millions of Americans who are saying: Enough is enough. They have seen too much senseless deadly gun violence and are demanding commonsense solutions out of Congress.

One solution I have been focused on for a long time is ending gun trafficking. This is a critically important public safety issue where I believe Members of both sides of the aisle can come together and agree. We can and should agree that it is time to crack down on the black market of illegal guns that criminals rely upon to obtain weapons that are later used in violent crimes.

Almost 1 month ago, the NYPD suffered one of its bloodiest nights in history when three officers suffered gunshot wounds in two separate crimes an hour apart. According to news reports, one of the handguns recovered from the scene was imported by traffickers from Philadelphia, and one came from North Carolina. Thankfully, these heroes are on their way toward recovery.

Just 1 year ago, New York police officer Peter Figoski, the father of four beautiful girls, was tragically killed on the beat with an illegal weapon purchased on the black market in Virginia.

I will never forget the faces of slain 17-year-old honor student Nyasia Pryear-Yard's parents whom I met just weeks after being sworn into the Senate. Nyasia was also killed by an illegal gun one terrible night when she was doing nothing more than enjoying an evening with friends.

According to the New York City's mayor's office, 85 percent of the guns used in crimes in New York City come from out of State, and 90 percent of those guns are bought through the illegal black market run by traffickers. The sad fact is more than 30 people die every single day due to gun violence. These senseless killings must stop.

We have an obligation to act and prevent tomorrow's senseless deaths by ensuring that guns stay out of the hands of criminals, and the dangerously mentally ill, and to strengthen our laws so that law enforcement has the ability to go after the gunrunners and take down these illegal markets.

The truth is that supporting the second amendment and reducing gun violence are compatible and consistent. Responsible gun owners vehemently oppose the kind of gun violence that struck Newtown, Aurora, Oak Creek, and to thousands of families across America every single year who suffer. We should be able to find reasonable and commonsense reforms that can preserve our rights but also protect our families.

Keeping our children safe from the scourge of gun violence is not a Democratic or Republican principle, it is not pro-gun or anti-gun. This is an issue that all Americans can support. There is no political ideology that finds this cruel loss of life acceptable. I was incredibly pleased to see President Obama include as part of his comprehensive plan to prevent gun violence a bill that I first introduced in 2009 with Mayor Bloomberg and Commissioner Kelly, called the Gun Trafficking Prevention Act, which would be the first Federal law to define gun trafficking as a Federal crime and prevent scores of illegal guns from being moved into the hands of criminals.

We have thousands of laws, but effectively none of them are directly focused on preventing someone from driving from one State to another State with a load of guns in the back of a truck that they can sell directly to criminals.

It is shocking to me as a mother. It is shocking to me as a lawmaker. But this is something that we can actually fix.

Over the past 3 fiscal years, more than 33,000 guns used in violent crimes showed telltale signs of black market trafficking, 420,000 firearms were stolen, and thousands of guns with obliterated serial numbers were recovered by law enforcement. While law enforcement is working overtime to track down illegal guns and apprehend those who traffic these weapons, current law restricts their ability to investigate and prosecute these crimes. We may all agree this simply makes no sense and leaves all our communities vulnerable.

I am very proud to have worked with my colleague and friend Senator MARK KIRK to introduce a bipartisan bill today, S. 179. This bill takes the problem of gun trafficking head on. Our bipartisan bill would empower local, State, and Federal law enforcement to investigate and prosecute gun traffickers, straw purchasers, and their entire criminal networks. Our bill does nothing to affect the constitutionally protected rights of responsible, law-abiding gun owners.

By cracking down on illegal trafficking and their vast criminal networks, we can stop the flow of these illegal guns that are coming into our city neighborhoods and reduce gun violence. Law enforcement officials across the country have said they need this legislation to be able to fight crime.

I urge my colleagues to support this bill, and I urge passage of this commonsense, nonpartisan, bipartisan piece of legislation.

● Mr. KIRK. Mr. President, I rise in support of the Gun Trafficking Prevention Act of 2013, which I am proud to have introduced with Senator GILLIBRAND (D–NY) this morning. There are an estimated 33,000 gangs with 1.4 million active members who live in our neighborhoods, towns and cities across the United States. With more than 100,000 gang members, the city of Chicago has more gang members who terrorize its residents than any other city in the United States. The Chicago Crime Commission also reported the existence of an additional 15,000 gang members operating in our suburbs.

Gangs like the Vice Lords, Gangster Disciples and the Latin Kings are responsible for nearly 80 percent of the city's homicides, which just last summer amounted to 500 deaths in Chicago. These homicides are most often perpetrated with illegal weapons. Law enforcement officers in Chicago confiscate an average of 13,000 illegal weapons each year. It must end.

That is why I have joined with Senator GILLIBRAND of New York to take serious action to prevent weapons trafficking and straw purchasing, where a third-party member legally purchases a firearm, then sells or trades it to a criminal who is legally barred from purchasing such a weapon. Our bill would be the first Federal law to criminalize the trafficking of illegal guns. This legislation also calls upon the sentencing commission to substantially increase the penalties for trafficking when committed by or in concert with gang members.

The Gun Trafficking Prevention Act keeps Americans safe by giving law enforcement the tools it needs to crack down on straw purchases, organizers of trafficking rings, and those involved in the conspiracy of trafficking while protecting the constitutional rights of responsible, law-abiding gun owners. I hope my colleagues will join me in supporting and quickly passing this critical legislation.●

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 181. A bill to authorize the establishment of the Niblack and Bokan Mountain mining area road corridors in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation that would potentially help in solving a significant unemployment problem in my home state of Alaska. Today, joined by my colleague, Senator MARK BEGICH, I reintroduce the Niblack-Bokan Mountain Mining Area Road Authorization Act to permit road access to two proposed multi-mineral mines on southeast Prince of Wales Island in Southeast Alaska.

Prince of Wales Island, formerly the main area for timber activity in Southeast Alaska, has fallen on hard times during the past decade. In 1990, when Alaska's timber industry in total harvested more than 1.1 billion board feet of timber, Prince of Wales was the center of activity. In 1994, for example, timber jobs accounted for 32.8 percent of all wages on the island. Six years later, with total regional harvests having fallen to about 350 million board feet, timber accounted for less than 19.8 percent of wages on the island, according to the Alaska Department of Labor and Workforce Development. Today, with total harvests of timber being just above 100 million board feet a year in the region, just 35 million board feet being harvested from federal lands in 2011 and just about 50 mmbf sold in 2012, and timber jobs statewide having fallen from about 4,000 to just over 400, Prince of Wales has been particularly hard hit. According to the State, timber jobs have fallen by more than 1,700 positions on the island.

As of November of last year, the unemployment rate on the island was ''down'' to 12.1 percent, compared to 13.8 percent in November 2011, partly because of the outmigration of some of the unemployed. Those rates are nearly 5 percent higher than the national average.

While the Viking Lumber Co. of Klawock remains the largest private-sector timber employer on the island, the island, the third largest in the United States, is badly in need of new employment opportunities. Fortunately today's high metal prices are encouraging a resurgence of mineral development on the 2,231 square-mile island.

Currently, Heatherdale Minerals of Canada is considering reopening the Niblack Mine, a gold, copper, zinc and silver deposit. The company is in advanced exploration and development study of the estimated 9 million-ton mine, forecast to cost $150 million to $200 million to reopen. The mine, likely to last at least 12 years, is forecast to produce 1,500 tons of ore per day and require 130 workers at the mine site, and another 60 to 70 at a processing mill, which could be located near the site, or perhaps in Ketchikan, AK, 40 vessel miles away.

The Niblack property is also close to another mineral deposit that is in the advanced stages of economic feasibility review, the Bokan Mountain Rare Earth Elements, REE, mine. Bokan Mountain, being considered for opening by Ucore Inc. of Canada, likely will employ 170 workers. It, too, will involve an investment of $221 million for the mine and processing plant to process the heavy rare earths, REEs, that the site contains. Both mines currently estimate they could be open within three to four years, depending on final economic reviews and current permit approval timeframes. Bokan Mountain is located about 28 air miles south of Niblack and can be accessed by boat by traveling down the relatively protected Moira Sound to the end of South Arm, or by an about 50-mile road that would branch off of a road to the Niblack mine.

The two mines could produce substantial numbers of high-paying jobs for the residents of southern Southeast Alaska. Niblack, for example, predicts the average salary for mine workers at its facility will be $80,000 a year, compared to the current median income in Craig of $48,594 a year, according to the U.S. Census Bureau. The problem of getting those jobs to people who need them is one of logistics.

There currently is no road access to reach either mine site, both likely to be supplied by boat from Ketchikan, AK. That means that potential workers on Prince of Wales Island will need to travel by boat or more likely by airplane to Ketchikan, in order to turn around and take a mine boat back to the island to report for work, a costly, time-consuming, often unpleasant and sometimes dangerous process given sea conditions in Southeast Alaska. Or they will need to pilot their own small boats to the mine site, a hazardous process given that reaching Niblack from the community of Thorne Bay to the north, a site that is located on the island's road system, will require a daily 60-mile one-way boat trip down perilous Clarence Strait, a difficult water body during fall, winter and spring storms, when seas can easily top 17 feet waves.

But the problem could be solved, if a road could be extended the roughly 29 miles to connect the Niblack mine, by means of existing logging roads, to the state highway system on the island. Such a road will involve at least 2.5 miles of logging road reconstruction and the construction of 26.3 miles of new road. Those roads, if built to existing logging road standards, are estimated to cost $7.075 million, the cost certainly rising if the roads are built to Federal Aid Urban Highway standards. The issue is that 18.3 miles of that new construction is across federal lands in the Tongass National Forest and, more importantly, across areas classified as inventoried roadless under the 2001 U.S. Forest Service roadless rule, as it was reimposed on the Tongass in 2009.

Looking at the topography of the area, located inside the Eudora inventoried roadless area, the road would begin at the Haida, Hydaburg, Native village corporation's West, Cholmondeley, Arm sort yard and head Southeast through the Big Creek Valley and climb to a mountain pass at the roughly 1,400-foot elevation. From there it will drop onto land owned by the Kootznoowoo Native village corporation of Angoon and follow existing logging roads that lie on the western side of the South Arm. The route then runs south and parallels South Arm on the west side until the southern end of the bay is reached. Then the route follows the shoreline of the south end of the South Arm until the far southeast corner of the bay is reached, the location of existing cabins and a State of Alaska Department of Fish and Game fish weir. From this point, there are two potential route alternatives: the 1A route continues to run in a southerly direction through a mountain pass of slightly more than 500-feet elevation passing two unnamed lakes. Once it reaches the shoreline of Dickman Bay, the road turns in a more easterly direction and runs across the south end of Kugel Lake and Luelia Lake, and the north end of Kegan Lake. From the 900-foot elevation pass on the west side of Luelia Lake, the route continues to run in an easterly fashion and must cross 1,200- and 1,400-foot passes before the route turns north to reach the Niblack mine at tidewater. That total route is 26.3 miles of new construction and a total distance of 28.8 miles. There is an alternative, Route 1B, early in the route corridor to reduce the elevation and add switchbacks required to reach the first pass, an alternative that would add 1.9 miles to the road.

There is another alternative route, Route 2A, that leaves from the same location and runs on the same route until the south end of South Arm. The second route then turns in a northerly direction and continues to follow the eastern shoreline of South Arm, Cholmondeley, for roughly 1.5 miles. The route then turns in an eastern direction and climbs through a mountain pass of about 900-feet elevation. From this pass, the route descends into the existing road system on Kootznoowoo lands near the south shores of Miller Lake. At the eastern terminus of these existing roads, the new route picks up again and continues in a southeast direction along the south end of Clarno Cove and Cannery Cove until Cannery Point is reached. From there the route turns into a southerly direction and climbs to another mountain pass of roughly 1,000-feet elevation. The route then follows the hillside to the west of Niblack Lake and meets another mountain pass of the same elevation and then descends in a southerly direction along the west side of Myrtle Lake to reach the Niblack Mine and tidewater. That route involves 24.6 miles of new construction, 6.1 miles of road reconstruction and involves a total length of 30.7 miles, thus costing more. It involves, however, constructing only one

pass higher than 1,200 feet, compared to 3 on the first route, but may have more environmental impacts given its route along Cannery Cove and Niblack Lake.

An additional road, running to the Bokan Mountain mine, would branch from the Niblack road and then run south to the Bokan mine site.

I mention the two detailed routes, and the third branch route, only to indicate that substantial work has been done to select a potential road corridor to the Niblack/Bokan Mountain mines and to make clear that I am not prejudging the route with the fewest environmental impacts. I am leaving that to the Forest Service to decide after an environmental assessment or impact statement is undertaken. The legislation I am introducing simply says that the Forest Service should permit development of a road along one of the two routes and the third branch route, picking the route that both minimizes the costs, while also minimizing the effects on surface resources, prevents unnecessary surface disturbances and that complies with all environmental laws and regulations.

These roads, I need to point out, will not set a precedent in any way weakening the inventoried roadless rule's implementation in Alaska, regardless of how I feel about that rule. Under the original regulations governing roadless areas in Alaska issued by the Clinton administration in January 2001, Section 294.12(b)(7) permits roads to be built across inventoried roadless areas if needed ''in conjunction with the continuation, extension or renewal of a mineral lease on lands that are under lease by the Secretary of the Interior. . . . Such road construction or reconstruction must be conducted in a manner that minimizes effects on surface resources, prevents unnecessary or unreasonable surface disturbance, and compiles with all applicable lease requirements.''

The patents on the Niblack property and on the Bokan Mountain deposit certainly predate the creation of the roadless rule. The mines were discovered in the late 19th and early 20th centuries, according to the U.S. Forest Service. Modest copper production occurred between 1902 and 1908 at Niblack and modern exploration on the 2,000-acre site began in 1974, some 150 patented claims being in place at the mine. Development/production on the uranium/REE deposits at Bokan Mountain began in the 1940s and continued through the 1950s.

The point is that Niblack and Bokan Mountain are certainly real prospects that offer the likelihood of real employment for many who are unemployed on Prince of Wales Island, if they simply can access the sites from their homes in Craig, Klawock, Hydaburg, Thorne Bay, Kasaan, Whale Pass and even Coffman Cove, located on the northeast end of the island. The need for these jobs has prompted the City Council of Craig to formally request Congress to accelerate the approval of a road corridor to the mines. Such a road could be built by the mines, but more likely funded and built by the Alaska Department of Transportation and Public Facilities at state expense, not federal expense. A road could also allow a power line to be built to either or both mines, allowing non-carbon producing hydropower to power the mines, rather than them relying on expensive diesel generation for energy. That would reduce greenhouse gas production and benefit the environment.

It makes no sense in a state that already contains 58 million acres of formal wilderness, and in the Tongass National Forest contains nearly 6.4 million acres of parks and wilderness areas, to bar construction of a road that does not cross any wilderness areas but could provide a good income to more than half of all of the people, 281 people, unemployed on the island as of November 2012, according to the Alaska Department of Labor and Workforce Development.

I would hope that this Congress would look favorably on allowing these roads to this mining area, so that residents on the island can get the jobs they so desperately need in the years ahead.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 182. A bill to provide for the unencumbering of title to non-Federal land owned by the city of Anchorage, Alaska, for purposes of economic development by conveyance of the Federal reversion interest to the City; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation to clear the title to three small parcels of land owned by the Municipality of Anchorage, AK, my home State, so that the land can be put to more productive uses in the future.

At different times between 1922 and 1991, Anchorage, AK, received a number of parcels of land from the Federal Government, including these three parcels of land, located in downtown Anchorage, comprising 2.65 acres in total. They were conveyed to either the former ''City of Anchorage'' or more recently the ''Municipality of Anchorage.'' They were transferred by the Federal Government to the local government for a wide variety of specific purposes, but all were transferred for the overarching purpose of helping the then nascent City of Anchorage, which was, and largely still is, surrounded by Federal lands, have sufficient land resources to provide municipal services to the growing community. For reasons that made sense decades ago, all of the deeds for these properties contain reversionary clauses, that should the land not be used for various general ''municipal purposes'' their ownership would revert to the Federal Government. The problem is that in each case, the tracts are no longer useful for the purposes originally intended, the lands are not needed by the Federal Government, the public purpose for which the reversion clause was put in place has long ago been fulfilled, and in case they were to be returned to the federal estate, it would cost the Federal Government substantial sums to maintain the properties or prepare them for future sale.

These small tracts are not practical for the Federal Government to repossess for several reasons: the Federal Government is barely able to manage all the land it currently owns in Alaska, including in Anchorage, let alone adding small tracts to burden its responsibility. After more than 50 years since the Statehood Act, and 42 years since the Alaska Native Claims Settlement Act's passage, the State and our Native People still have not received final patent to all their lands. The public purposes for which the Federal reversionary clauses were put in place have been met. These clauses were added to insure that during its earlier, developmental stages, Anchorage would use the Federal land conveyed to it to build the city and the municipal and public infrastructure of the community. After decades of dedicated public use of these properties, the ''public purpose'' basis for the clauses has been fulfilled. For these properties, my legislation addresses the question of how long is long enough for a reversionary clause to have served its purpose, by recognizing that after decades of living up to its obligations under what are now outdated restrictions from the last century, it is time to let the City move forward with its vision for the new one. The commercial use of the properties will add to the public municipal treasury, and to the Federal treasury, hence continuing the public benefit of the lands, albeit in a different way.

In 1922 the City of Anchorage received a number of properties around Anchorage for municipal/school purposes. One of the properties was the 1.93-acre site in Block 42 downtown that since the early 1980s has been the site of the William A. Egan Convention Center. With the completion in 2010 of the larger Dena'ina Civic and Convention Center, the tract is surplus to municipal needs, and could best be utilized for sale to the private sector that would then be best able to afford the cost of conversion of the property for future use, adding to the Federal income tax base and local property tax base.

The second tract is a lot of .48 acres at Seventh and I Streets downtown, currently being used as a municipal parking lot. The land, obtained by the city as part of a 1982 land exchange that cleared the site for a major office building across the street, is too small for municipal or Federal office space use, or for park construction, but might be properly sized for a commercial enterprise. It is zoned for business, but cannot be used for business that

would contribute to the local property tax base or Federal income tax base, because of the inability of the Municipality to sell the property due to the Federal reversion clause.

The third site at the corner of H Street and Christiansen Drive, .24 acres in size and obtained by the city in 1963, again is too small for municipal or Federal office space, and unneeded for park space, but might be of use for a retail establishment given its location near a municipal parking facility. Likewise, it is zoned for business/commercial, but cannot be used and potentially contribute to the local and Federal tax bases due to the Federal reversion requirement. It currently sits vacant and idle.

In all cases, the best municipal use of the lands would be for sale to provide revenues to the Municipality of Anchorage that could be used for provision of municipal social services. In each case, reversion of the lands to the Federal Government would result in Federal ownership of tracts unneeded for Federal purposes, but lands that would produce greater conveyance and management costs to the Federal treasury than are likely to be recovered through fair market sales.

The Municipality of Anchorage and its Mayor Daniel Sullivan have asked that the reversionary clauses be repealed on the three tracts, the city absorbing all costs connected with surveying, recording and other costs connected with the properties. In these cases, lifting of the reversionary clauses on three of the literally thousands of acres conveyed to Anchorage, partially as a result of the Alaska Statehood Act, makes for good land use, and economic and public policy sense for both the local government and the Federal Government. The Municipality of Anchorage has already established 223 parks containing 82 playgrounds and 250 miles of trails, encompassing 10,946 acres inside its boundaries. There is no shortage of park and open space in the municipality. There is no public policy purpose in the 21st Century not to permit these very limited Federal reversion extinguishments.

Passage of this act would cost the Federal Government nothing, but would aid the citizens of Anchorage by allowing lands to be put on the city's tax rolls. I am introducing this bill now, joined by my Alaska colleague and former Anchorage Mayor MARK BEGICH as cosponsor, to foster action, hopefully, early in this 113th Congress.

By Mr. BLUNT (for himself, Mr. CRUZ, Mr. LEE, Mr. SCOTT, Mr. INHOFE, Mr. ROBERTS, and Mr. CORNYN):

S. 188. A bill to prevent certain individuals purportedly appointed to the National Labor Relations Board from receiving salaries, and to prevent an unconstitutional quorum of the Board from taking agency actions, until there is a final decision in pending lawsuits regarding the constitutionality of certain alleged recess appointments; to the Committee on Health, Education, Labor, and Pensions.

Mr. BLUNT. Mr. President, I rise to talk about a piece of legislation I intend to introduce on behalf of Senator CRUZ and myself, The Advice and Consent Restoration Act, which responds to last week's decision announced on Friday by a three-judge panel on the DC Circuit Court of Appeals, where they unanimously ruled that President Obama violated the Constitution when he made so-called recess appointments to the National Labor Relations Board. They are so-called recess appointments because the Senate was still in session.

The fundamental question is does the President get to decide whether the Senate is in session or does the Senate get to decide whether the Senate is in session. If that question had been debated when the Constitution was being debated, I am sure they would have said: That will never come up; there is no way we are going to develop a system with this separation of powers and the President will decide whether the Senate is in session.

This President did decide that, and the court agreed with the argument that a number of Senators, Senator MCCONNELL and I, along with 40 of our colleagues, filed in an amicus brief that clearly made the point the Senate gets to decide when the Senate is in session. We argued that the Constitution does not empower the President to make this decision. The court agreed with that argument, stating that any other interpretation of the Constitution would give the President free rein to appoint his desired nominees anytime he pleases. In a direct quote, the court said it would give ''the President free rein to appoint his desired nominees anytime he pleases, whether that time be a weekend, lunch or even when the Senate is in session and he is merely displeased with its inaction.'' That is the end of the quote from the three-judge panel's decision.

The right of the Senate to provide advice and consent is an important check on the risk of this type of Presidential overreach and one the Senate should actively exercise. In fact, the Senate actively and consciously made the decision in January to stay in session to do some of the work that needed to be done during the session and, frankly, to be sure that the President couldn't avoid the constitutional requirement of advice and consent.

Allowing the President to determine the Senate's schedule would seriously damage the balance of powers; it would seriously damage the Senate's autonomy. It eliminates an important check on the executive branch.

The court invalidated the one ruling that was being appealed. Of course, the Presiding Officer understands this exactly, that the court case would only have appealed one ruling that impacted one company or one employer, and the court said that ruling can't stand. There are more than 200 other actions this same group, which the court said is not legally functioning, had taken, and all 200 or more of those actions are now in question.

I believe the answer will be clear. Perhaps all those will have to be appealed in some way so that a court can say, No, just as in the first ruling we made, the people who made these decisions were not constitutionally in place; consequently the ruling they made isn't in place. The work of this agency will not pass constitutional muster and, of course, the President needs to now appoint people who would be confirmed by the Senate.

In spite of the three-judge panel's unanimous decision, the National Labor Relations Board recently announced that it intends to ignore the ruling and carry on with business as usual. This is not a very acceptable response. The President first decides he is going to decide whether the Senate is in session. Then the people he appoints in an unconstitutional way decide they are going to ignore the court ruling and continue to do what they have been doing.

The President needs to reappoint, and until the President does reappoint, Congress has a responsibility to block this unconstitutional act by terminating the salaries of those who were illegally appointed and by preventing them from conducting any official business until the Senate acts to approve their appointments.

Senator CRUZ and I urge our colleagues to join us in supporting this effort. The National Labor Relations Board should take down the ''open for business'' sign they put up on Monday after the court ruling on Friday. Frankly, they need to put up a ''help wanted'' sign.

The Constitution matters. What the Constitution says matters. The Senate, I hope, will be vigorous in enforcing its constitutional responsibility.

By Mr. UDALL of Colorado (for himself, Mr. FLAKE, Mrs. GILLIBRAND, and Mr. WARNER):

S. 189. A bill to establish an employment-based immigrant visa for alien entrepreneurs who have received significant capital from investors to establish a business in the United States; to the Committee on the Judiciary.

Mr. UDALL of Colorado. Mr. President, it is with great pleasure that I, along with Mr. FLAKE of Arizona, reintroduce the Startup Visa Act. The Startup Visa Act of 2013 allows immigrant entrepreneurs and foreign graduates of U.S. universities to appeal for a two-year visa on the condition that they secure financing from a qualified U.S. investor and can demonstrate the ability to create jobs in America.

If they are successful in developing their company and hiring American workers, they would be eligible for legal permanent residency and would be free to continue building their companies, creating more home-grown jobs

and continuing our legacy of unmatched innovation and entrepreneurship.

The United States has a proud history of providing entrepreneurs from around the world the freedom and resources to turn an idea into a successful venture. Well-known U.S. companies such as Google, Yahoo, Intel, Pfizer and eBay all began as startups that were founded by immigrants. These businesses have grown into multibillion-dollar industry leaders that provide thousands of Americans with high-paying jobs in cutting-edge fields.

The number of jobs offered by startups is dropping off. While this is partly due to the economic downturn it is also because of our Nation's broken immigration system. Many of the world's best and brightest minds are finding that our current visa restrictions discourage them from launching new companies here. This is a major competitive disadvantage, and one that runs counter to our Nation's history of fostering foreign-born innovators, such as Albert Einstein or Andrew Carnegie.

More worrisome is that while we try to work out a solution to our broken immigration laws, our foreign competitors are catching up and, in some cases, passing us by in many of the fields we once dominated. In 2009, for the first time in recent memory, foreign innovators were awarded more patents than Americans pioneers. Only a decade earlier, U.S.-based entrepreneurs were awarded almost 57 percent of all patents worldwide. We must work quickly and in a bipartisan manner to reverse this trend. The Startup Visa Act of 2013 is a strong and simple step that will reward foreign innovators, pioneers and entrepreneurs for creating jobs in America. Put simply, this legislation will help protect America's position as the global leader in innovation.

We do not have to look far for evidence that our broken immigration system is hurting our economy. We only need to look at our Canadian neighbors. The Canadian founders of Vanilla Forums, an innovative and fast-growing company, whose products are used by websites around the world to host online forum discussions, spent a summer in my home State of Colorado participating in a mentorship program with U.S.-based entrepreneurs and investors. Despite the numerous investors who were interested in funding Vanilla Forums and developing the company in Colorado, concerns about the founders' ability to obtain visas won out. As a result, Vanilla Forums is a successful company that is hiring employees at its headquarters in Montreal, Quebec.

America has tremendous untapped potential for innovation and it is our responsibility to give our Nation every opportunity to remain globally competitive. By passing the Startup Visa Act of 2013 we can create high paying jobs here in the United States, and help ensure that the next globally transformative company is based in America. This legislation is bipartisan and fiscally responsible; it will spur private investment and it will help put our economy back on track. I ask my colleagues to join me in support of this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 21—DESIGNATING FEBRUARY 14, 2013, AS ''NATIONAL SOLIDARITY DAY FOR COMPASSIONATE PATIENT CARE''

Mr. LAUTENBERG submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 21

Whereas the National Solidarity Day for Compassionate Patient Care promotes national awareness of the importance of compassionate and respectful relationships between health care professionals and their patients as reflected in attitudes that are sensitive to the values, autonomy, cultural, and ethnic backgrounds of patients and families;

Whereas individuals and groups of medical professionals and students stand in solidarity to support compassion in health care as expressed by Dr. Randall Friese, triage physician at the University of Arizona Medical Center who, when queried, stated that the most important treatment he provided to Congress member Gabrielle Giffords after she was shot on January 8, 2011, was to hold her hand and reassure her that she was in the hospital and would be cared for;

Whereas physicians, nurses, all other health care professionals, and medical facilities are charged with providing both the art and science of medicine;

Whereas a greater awareness of the importance of compassion in health care encourages health care professionals to be mindful of the need to treat the patient rather than the disease;

Whereas scientific research illustrates that when health care professionals practice humanistically; demonstrating the qualities of integrity, excellence, compassion, altruism, respect, empathy, and service, their patients have better medical outcomes; and

Whereas February 14th would be an appropriate day to designate as National Solidarity Day for Compassionate Patient Care and to celebrate it by health care students and professionals performing humanistic acts of compassion and kindness toward patients, families of patients, and health care colleagues: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 14, 2013, as ''National Solidarity Day for Compassionate Patient Care'';

(2) recognizes the importance and value of a respectful relationship between health care professionals and their patients as a means of promoting better health outcomes; and

(3) encourages all health care professionals to be mindful of the importance of both—

(A) being humanistic and compassionate; and

(B) providing technical expertise.

SENATE RESOLUTION 22—RECOGNIZING THE GOALS OF CATHOLIC SCHOOLS WEEK AND HONORING THE VALUABLE CONTRIBUTIONS OF CATHOLIC SCHOOLS IN THE UNITED STATES

Mr. VITTER (for himself, Ms. LANDRIEU, and Mr. JOHANNS) submitted the following resolution, which was considered and agreed to:

S. RES. 22

Whereas Catholic schools in the United States have received international acclaim for academic excellence while providing students with lessons that extend far beyond the classroom;

Whereas Catholic schools present a broad curriculum that emphasizes the lifelong development of moral, intellectual, physical, and social values in the young people of the United States;

Whereas Catholic schools in the United States today educate 2,031,455 students and maintain a student-to-teacher ratio of 13 to 1;

Whereas the faculty members of Catholic schools teach a highly diverse body of students;

Whereas the graduation rate for all Catholic school students is 99 percent;

Whereas 85 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students who are strongly dedicated to faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual character and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the goals of Catholic Schools Week, an event cosponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops that recognizes the vital contributions of thousands of Catholic elementary and secondary schools in the United States; and

(2) commends Catholic schools, students, parents, and teachers across the United States for ongoing contributions to education and for playing a vital role in promoting and ensuring a brighter, stronger future for the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on January 30, 2013, at 10 a.m., in room SH–216 of the Hart Senate Office Building, to conduct a hearing entitled ''What Should America Do About Gun Violence?''

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

PRIVILEGES OF THE FLOOR

Ms. CANTWELL. Mr. President, I ask unanimous consent that Sterling Laudon, Sarah Weaver, Rebecca Nolan, Kevin Murray, Will Stein, and Will Kellogg, staff on the Finance Committee, be granted the privilege of the floor for the 113th Congress.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 325

Mr. REID. Mr. President, I ask unanimous consent that following leader remarks tomorrow, Thursday, January 31, the Senate proceed to the consideration of Calendar No. 7, H.R. 325; that the following amendments, the text of which is at the desk, be the only first-degree agreements in order to the bill—Portman, dollar for dollar cuts, S. 43 text; Portman, government shutdown prevention, S. 29 text; Toomey, full faith and credit; and Paul, prohibition of F–16s to Egypt; that the only motion to commit in order to the bill be a Vitter motion to commit regarding spending cuts; that the time until 12:15 p.m. be for debate on the amendments, motion, and the bill, to run concurrently and be equally divided between the two leaders or their designees, prior to votes in relation to the amendments and the Vitter motion in the order listed; that upon disposition of the amendments and the Vitter motion, the Senate proceed to a vote on passage of H.R. 325, as amended, if amended; that the amendments and the Vitter motion be subject to a 60-affirmative-vote threshold; that there be no amendments in order to any of the amendments or the Vitter motion prior to the votes; finally, that there will be 2 minutes equally divided prior to each vote and that all after the first vote be 10 minutes or less.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. First of all, let me make a comment, if I could, to the Chair. It is my hope that we don't have sequestration with the military, with the Defense Department. I have been very much concerned about that. I am going to do everything I can to preclude that from happening. In the event that did happen—we are looking at about a month from now—I have an amendment I wanted to put on this bill. I could do it another way too, but perhaps as a freestanding bill. I wish to explain what it is, and then I wish to ask the distinguished majority leader a couple of questions.

The amendment I had, or that could be in a freestanding bill, would give the Secretary of Defense the flexibility to implement the cuts under the sequestration in the least harmful way possible, that would authorize him to have the power to make adjustments within the confines of the sequestration so if there would not be any more money, it would not change that. It would allow the Chiefs to examine and determine whether they could make some changes to make something that could be catastrophic maybe less catastrophic. I have supplied a copy to the leader's office.

What I wish to do—I don't want to object to this, because I want to make sure this continues. I wish to ask if I could have some latitude to help me to get this before the Senate so we could accomplish this.

I would say this, through the Chair, to the leader, that I have already talked to not just the Chair of the Joint Chiefs but all of the Chiefs. They all say that in a period of 1 month, quite frankly, they are starting right now to see if there is something they could put together to make it less onerous should we have to have that.

So I would like to ask if there is something that could be done through the leadership to help me get this done if the worst should happen and we should be faced with sequestration a month from now.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Through the Chair to the distinguished Senator from Oklahoma, the ranking member of the Armed Services Committee, as the leader for the Republicans on that committee, he understands the importance of the military and what sequestration would do. I have spoken to the distinguished Senator previously—and, in fact, as late as this morning we talked—and there are Democrats who also believe there should be some relief given in regard to sequestration. The issue we have to work through is how we have a balance between the cuts in defense and nondefense.

So there are many different ways we could approach this, but I am committed to approaching it. I have said, and I will continue to say, sequestration was a last resort. We thought we would do better with the supercommittee. We didn't. So this is what we are faced with. I hope we can all work together to lessen the burden on defense spending and, of course, nondefense spending. That is what sequestration is all about. I am committed to doing that.

I am happy to work with my friend from Oklahoma. If he can't find enough allies, either Republicans or Democrats, I will be happy to continue to work with him to figure out a way we can have this issue brought before the Senate.

Mr. INHOFE. Through the Chair, I would make a comment that many times the distinguished leader has been helpful, such as with the highway bill and the pilots bill of rights and others, and I have to say I would not have been able to get them through without that support. What I would ask for is the same support to help me overcome some of the problems that would come with sequestration.

To give an example, sequestration would cancel flying operations for four out of nine aircraft carriers, which would take about 9 to 12 months to restore at a cost of two to three times as much. What they could do with this bill, which I plan to introduce tomorrow, is have the latitude, while spending the same amount of money, to keep the flying hours where they are so they would not have to be restored in another vehicle. Little things such as that are significant.

It also would address the problems we hear of every day from the Secretaries in the military—the various departments and the Chiefs—having to do with the other problems on the CR. So this would address both of them and give latitude and make it better.

I would just say I hope the leader could assist me in getting this bill through in a timely fashion that I will be introducing tomorrow.

Mr. REID. Mr. President, I think it is my choice, and I am confident the choice of the senior Senator from Oklahoma, to avoid sequestration. We need to do this through some type of balanced plan, and I am committed to doing that.

Mr. INHOFE. I appreciate that very much, Mr. President. I do not object.

Mr. REID. Mr. President, I would finally say it is not as if the Senator from Oklahoma is asking that the actual amount of dollars be lessened. He is just saying they should be rearranged. So I appreciate his good will on this legislation.

We need to get this bill to the President. So it is my intention, after the use or yielding back of time, to move to table these amendments and the Vitter motion.

We expect to have one vote tomorrow prior to the Senate recessing for caucus lunch meetings, and the remaining votes will occur after the caucus meetings. Again, I express my appreciation to the Senator from Oklahoma. I know how strongly he feels about the military and that he wants to try to relieve the pain in some way.

The PRESIDING OFFICER. Without objection, the request is agreed to.

CONGRATULATING THE MEMBERS OF DELTA SIGMA THETA SORORITY, INC.

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from S. Res. 13 and that we now proceed to its consideration in the Senate.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 13) congratulating the members of Delta Sigma Theta Sorority, Inc. for 100 years of service to communities throughout the United States and the world, and commending Delta Sigma Theta Sorority, Inc. for its promotion of sisterhood, scholarship, and service.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 13) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of Thursday, January 24, 2013, under ''Submitted Resolutions.'')

RECOGNIZING THE GOALS OF CATHOLIC SCHOOLS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 22.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 22) recognizing the goals of Catholic Schools Week and honoring the valuable contributions of Catholic schools in the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 22) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

APPOINTMENTS

The PRESIDING OFFICER. The Chair, pursuant to Executive Order 12131, as amended and extended, appoints the following members to the President's Export Council: the Honorable AMY KLOBUCHAR of Minnesota, the Honorable MARK BEGICH of Alaska, and the Honorable KIRSTEN E. GILLIBRAND of New York.

The Chair, on behalf of the Vice President, pursuant to Public Law 83–420, as amended by Public Law 99–371, reappoints the Senator from Ohio (Mr. BROWN) to the Board of Trustees of Gallaudet University.

The Chair announces, on behalf of the majority leader, pursuant to Public Law 105–83, his reappointment and appointment of the following Senators to serve as members of the National Council on the Arts: the Honorable SHELDON WHITEHOUSE of Rhode Island (reappointment), and the Honorable TAMMY BALDWIN of Wisconsin, vice the Honorable CLAIRE MCCASKILL of Missouri.

ORDERS FOR THURSDAY, JANUARY 31, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, January 31; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to consideration of H.R. 325 under the previous order; further, that following the first vote in relation to the debt limit legislation, the Senate recess until 2:15 p.m.

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

PROGRAM

Mr. REID. Mr. President, there will be one rollcall vote at about 12:15 tomorrow and as many as five additional rollcall votes after 2:15 p.m.

ORDER FOR ADJOURNMENT

Mr. REID. If there is no further business to come before the Senate, I ask that it adjourn under the previous order following the remarks of Senator CHAMBLISS and Senator ISAKSON, and they will speak for up to 6 minutes each.

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

The Senator from Georgia.

RECOGNIZING DAVIS LOVE, III

Mr. CHAMBLISS. Mr. President, as a Member of this body representing the State of Georgia, it gives me great pleasure to rise today to recognize a Georgia resident and my good personal friend, Davis Love, III, on being named the recipient of the 2013 Bob Jones Award.

The award, named in honor of another great Georgia golfer, Robert Tyre Jones, Jr.—better known as Bobby Jones—is the U.S. Golf Association's highest honor and recognizes individuals for their distinguished sportsmanship in golf. Since 1955, the Bob Jones Award has been presented annually to an individual who ''emulates Jones' spirit, his personal qualities, and his attitude toward the game and its players.'' Past recipients include some of golf's alltime greats, such as Byron Nelson, Ben Hogan, Arnold Palmer, Jack Nicklaus, and Tom Watson. And it comes as no surprise to see Davis Love's name added to this distinguished list.

Davis and his wife Robin are longtime residents of Georgia, and Davis is receiving an award that embodies much of our State's rich golfing history. He has long been a champion of the game and embraced many of golf's finest traditions.

Throughout his impressive career, Davis has represented our country with dignity and honor. In the 1985 Walker Cup match, Davis helped lead the USA team to a narrow 13-to-11 victory over Great Britain and Ireland by winning two matches on the final day of play. He is also a six-time member of the President's Cup team and has been a member of the U.S. Ryder Cup team seven times and was captain of last year's Ryder Cup team.

Since he earned his PGA Tour card in 1985, Davis Love, III, has won 20 events, including a major, the 1997 PGA Championship. He is also a two-time winner of the prestigious Players Championship and has finished at the top of the leader board in many of golf's other major tournaments.

His respect and love for the game is admired by fellow players and golf fans around the world. I can think of no other professional golfer who is more deserving of this award than is Davis Love, III, and I congratulate him and Robin on being named the recipient of USGA's 2013 Bob Jones Award.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

CONGRATULATING SECRETARY OF STATE KERRY

Mr. ISAKSON. Mr. President, yesterday the Senate overwhelmingly confirmed the nomination of JOHN KERRY to be the next Secretary of State of the United States of America. I was away from the Capitol during the 2 hours allocated for that debate, and I wanted to add my comments and my commendations to now Secretary KERRY on his confirmation to be Secretary of State of our country.

For the last 4 years, I had the privilege of serving on the Foreign Relations Committee with Senator KERRY as chairman. During that period of time, I got to watch him as a diplomat, as an American, as a Member of the Senate, and as one committed to peace and security around the world. I watched him carefully in the Middle East as he negotiated and worked hard to see to it that we had peace but that we had peace through strength and we had peace through our partnership with the great State of Israel. I watched him on the comprehensive peace agreement in the Sudan to help shepherd across the creation of the newest nation, South Sudan, and a bloodless election that caused that to take place. I watched him in many other cases dealing with diplomats from Africa, to Europe, to the Middle East, representing the United States of America in all of its best interests. I watched him work hand in hand with

Secretary of State Clinton to ensure that there was no division between the Senate Foreign Relations Committee and the policies of this country. But most importantly of all, in those tough, tough issues, like the ratification of the New START treaty, now Secretary KERRY, then Chairman KERRY, made sure that every member of the committee in the entire markup and hearing process had their questions answered, their concerns answered, and was a part of the process. He never tried to ramrod anything through the committee nor through the Congress but, rather, did his job in an exemplary way.

It is a privilege for me to rise tonight to pay tribute to JOHN KERRY, the next Secretary of State of the United States of America, and commend him on his confirmation to that job.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:27 p.m., adjourned until Thursday, January 31, 2013, at 9:30 a.m.