other, start talking to each other. So I want to publicly state I appreciate the Senator from Michigan for many different reasons.

Senator LEVIN has been a long-time protector of our military, as the chairman of the Armed Services Committee. I am not an expert on what is happening in that committee, but I do know that during the more than three decades I have been in Congress no one has been more vigilant and caring about the men and women who serve in our military. So I admire, appreciate, and have great affection for the Presiding Officer.

The burdens we as leaders here in the Senate have—and I was reflecting on this as I was walking in here this morning—whether it is the Armed Services Committee or the things I am called upon to do, are so minimal compared to the burdens of the President of the United States—whoever the President of the United States happens to be. But let's focus on Barack Obama. Every day he gets up for a briefing about what is going on around the world, and there are so many things going on around the world that are so difficult—for him, for us as a country, and for the world. The problems we have here at home, as the leader of the superpower that we are, he has to deal with every day.

I had a visit with the President yesterday on the telephone. After we worked out an arrangement here in the Senate that was pleasing to virtually everybody, he called me and said: Thanks. I know it was a lot of hard work—and all that stuff. But I commented to him: We all realize the burdens that you bear. And I think we do. If we pause and think for a minute, it is easy to understand the heavy burdens this man bears.

We all know what a fine human being he is, and we have watched him, as we have seen all Presidents change before our eyes, this vibrant young man who served here in the Senate with us, with his coal-black hair, and now, after a few years, that hair is similar to that of myself and Senator LEVIN. He is still vibrant and strong, but he has a lot of burdens on his shoulders. Having worked with him as closely as I have, I have such understanding of what I think he goes through—at least somewhat of an understanding and some empathy for what he goes through.

Maybe somebody at the White House will pass him a copy of this exchange between the Presiding Officer and myself and they will tell him how much we in the Senate, Democrats and Republicans—the Republicans may disagree with him politically, but I don't think you can find a Republican who doesn't admire him as a good human being.

RESERVATION OF LEADER TIME

Mr. President, would you announce the business of the day?

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

EXECUTIVE SESSION

NOMINATION OF FRED P. HOCHBERG TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES

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

The assistant legislative clerk read the nomination of Fred P. Hochberg, of New York, to be President of the Export-Import Bank of the United States.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. will be equally divided and controlled between the two leaders or their designees.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Fred P. Hochberg, of New York, to be President of the Export-Import Bank of the United States.

Harry Reid, Tim Johnson, Benjamin L. Cardin, Christopher A. Coons, Patrick J. Leahy, Charles E. Schumer, Ron Wyden, Patty Murray, Heidi Heitkamp, Tom Udall, Martin Heinrich, Jack Reed, Sheldon Whitehouse, Elizabeth Warren, Richard J. Durbin, Kirsten E. Gillibrand, Robert Menendez

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

The question is, Is it the sense of the Senate that debate on the nomination of Fred P. Hochberg, of New York, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2017, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 82, nays 18, as follows:

[Rollcall Vote No. 175 Ex.]

YEAS—82

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

NAYS—18

Barrasso	Grassley	Paul
Chambliss	Inhofe	Risch
Coburn	Johnson (WI)	Roberts
Cornyn	Lee	Rubio
Cruz	McConnell	Shelby
Enzi	Moran	Toomey

The PRESIDING OFFICER (Ms. HEITKAMP). On this vote, the yeas are 82, the nays are 18. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Pursuant to S. Res. 15 of the 113th Congress, there is now 8 hours of postcloture debate equally divided in the usual form.

Who yields time?

If no one yields, the time will be equally divided.

The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I rise to speak for a few moments about the cloture vote we just had and the confirmation vote that is upcoming.

First of all, let me start by saying I think Mr. Hochberg is a good, capable, and competent person. The point I am making is that the candidate for President of the Ex-Im Bank, for whom we just granted cloture and are likely to confirm, is a capable individual.

I voted against cloture, and I am going to vote against this confirmation. It is not about him. I wish to explain what this is about for me and why I think this is a lost opportunity. Precisely, it is this: By invoking cloture, as we have just done, and confirming Mr. Hochberg, as we are no doubt about to do, I think we are going to miss a big opportunity to insist on some modest reforms that are necessary at the Ex-Im Bank and we are going to miss an opportunity to pressure the administration and the Ex-Im Bank to follow existing law in ways that are not currently being followed. I wish to touch on a couple of these.

First of all, just by way of background, a reminder about the Ex-Im Bank: This is a taxpayer risk. This is a bank that makes taxpayer-backed loans and guarantees to countries and companies that buy American products. In 2012 we reauthorized the ongoing existence of the Ex-Im Bank and increased its lending authority to $140

billion. Now, not only are taxpayers taking a risk every time a loan is made by the Ex-Im Bank, but the taxpayers are systematically being undercompensated for that loan. The pricing on these loans is necessarily not reflective of the full risk to the taxpayer. How do we know that? Because if they were fully pricing in the risk, then the Ex-Im Bank wouldn't have a competitive advantage over other private banks. They would be more than happy to finance exports. In fact, the export bank exists for the purpose of subsidizing these exports, and they do it in the form of consciously and intentionally underpricing the loans so that the taxpayers do not get an adequate compensation and certainly not a market compensation for the risk they take. That is just the reality. That is the nature of the Ex-Im Bank.

I would also point out that Ex-Im Bank's inspector general issued a report in September about some of the issues they discovered in the management of the Ex-Im Bank. They recommended that the Ex-Im Bank undergo stress testing. We require this of all of the big private financial institutions. They require that they go through all kinds of analyses about what would happen to their institutions under different economic and market circumstances that could occur, and then we evaluate how well they hold up to the stress of changes in interest rates, changes in economic conditions, and so on. The Ex-Im Bank has promised they will do this, but we haven't seen any results.

The inspector general also suggested some at least soft limits on concentration because the Ex-Im Bank is massively concentrated in a single industry. Almost all of the financing it provides is in a single industry, and that creates a risk to the taxpayers, of course, if there is a problem in that industry. The Ex-Im Bank has rejected considering any concentration limits.

The third thing I would point out is that the inspector general's report suggested that the board have more oversight authority. The Ex-Im Bank has not agreed to increase the board's oversight authority.

There is another problem with the Ex-Im Bank, it seems to me; that is, by its very nature it picks winners and losers in ways that are inappropriate. I will give a few examples. Because it is a government entity, it is ultimately controlled by the political class and its activities ultimately get politicized. It has already happened. For instance, in an entity that is supposed to be all about subsidizing exports for job creation purposes, there are mandates that a certain amount of their business has to be green activity. It has to be what some people think is acceptable or preferable in the energy space. That is a judgment which has nothing to do with maximizing overall exports. It is a political decision that is imposed on the Ex-Im Bank because politicians can. There is also a mandate on small business, which is to favor one sector over another.

There was an amendment when we were considering this bill. One of our colleagues offered an amendment that would force the Ex-Im Bank to make sure a certain amount of their business was subsidized loans to African companies and countries. I am sure this Senator has a very sincere interest in supporting Africa in various ways. That is fine if he has that interest, but is the Ex-Im Bank the vehicle we are supposed to use to do that? Let's keep in mind that when we establish a minimum statutory lending hurdle for some geographical area and Ex-Im is not there, they have to lower their standards to reach that goal, so it increases taxpayer risk for this political goal.

My point is that it is inevitable, it is guaranteed, it is already happening that this process becomes politicized, and that is not a good idea.

There is another problem with the activity of the Ex-Im Bank, which is that taxpayer-backed loans and guarantees also inevitably help some American companies at the expense of others. That is the nature of this, and that is a problem. One clear example is commercial air carriers. We have American companies that are airlines, they are commercial carriers, and then there are foreign companies that do this as well, and they compete directly against American carriers. Well, if you are a foreign airline, you get the Ex-Im Bank subsidy loan to buy your aircraft, and if you are an American airline, you don't. This happens. It happened recently. Air India got a $3.4 billion loan subsidy from Ex-Im Bank so they can buy their aircraft, and Air India competes directly with American companies that are not eligible for the loans because it is not considered an export.

These are the sorts of unintended consequences that occur when the government creates these mechanisms for meddling in the markets.

By the way, under current law the Ex-Im Bank is required to provide an analysis and make the analysis public about any adverse impact on American companies when they engage in this sort of activity, and we haven't seen that analysis. In fact, we have a court decision that criticizes the Ex-Im Bank. The court of appeals found that they had, in fact, failed to comply with this law about assessing the negative financial impact on U.S. companies; nevertheless, they are continuing to make these loan guarantees in this context.

All of these problems have been discussed in the past. We have had this debate before. One of the very constructive things we did in the 2012 reauthorization of the Export-Import Bank was that we said: What is the reason—why do we do all of this? The proponents always give the same argument—it is always the same—and it is that other countries around the world do this to subsidize their exports, and if we don't subsidize ours we will be at a competitive disadvantage and we can't have that.

That is the justification we always get. One can question the wisdom of that justification. We could have a big debate about that. But let's put that aside for a second because there is a potential solution to that problem. It is that in global trade talks and bilateral and multilateral trade talks, we, the United States—the world's biggest trading country, the world's biggest economy—could insist on a process by which we have a mutual wind-down of this economically unhealthy activity. The countries of the world that have these export-subsidizing banks could mutually agree to phase them out. Then we wouldn't have to do it because they do it, taxpayers wouldn't have this risk, and we wouldn't be unfairly benefiting some companies at the expense of others. We could phase this out.

In fact, that is exactly what the 2012 authorization bill requires. It requires the administration to begin negotiating with our trading partners for a mutual phaseout of all export subsidies. I believe that is the right solution to this admittedly difficult problem. Let's all agree we are going to phase out this activity.

Well, despite the fact that this mandate is in the reauthorization bill we passed a year ago—it is the law of the land—it is not happening. It is just not happening. There are no such discussions under way. There are no such negotiations. This is certainly not a priority of the administration's trading activity. I am not sure it exists at all as a priority. This is the main reason I came to the floor this morning and voted against cloture.

Cloture—the requirement to get the 60 votes to cut off debate to then consider the vote on the underlying nominee—is a very important tool. If we had held 41 votes, 41 Senators who refused to agree to cut off debate, the administration would have been in a little bit of a pickle because by the end of this month, in the absence of a newly confirmed President, the Ex-Im Bank couldn't do any business. So what would have happened? Would the Ex-Im Bank have just shut down? No. That wasn't ever going to happen. But what might have happened is we might have had a discussion: Can we get the administration to actually begin the negotiating they are supposed to do under existing law? Could they please begin to observe the law? Could the Ex-Im Bank actually begin to respond to the inspector general's reports? And in the pressure, frankly, of this moment, I think we would have had progress. Instead, we have voted for cloture. I think later today we are going to vote to confirm the nominee, who, as I said, is a very capable, very competent individual. So none of this is going to happen. What we are going to do is confirm the status quo, continue business as usual, business as it has been.

This, of course, occurs in a context, right? It occurs in the context of this argument we have been having about whether Republicans have been obstructing nominees, and I think, frankly, it infects the judgment about how Senators might consider voting on something such as a cloture measure. I would just remind everybody that going into this discussion earlier this week, the Senate had confirmed 1,560 of the President's nominees and was blocking 4—1,560 to 4. Some are suggesting that is an outrageous activity on our part because it denies the President the opportunity to assemble his team. Really? He has 1,560 confirmed, and there are 4 we are holding. That works out to 99.7 percent of the President's nominees confirmed, and we are portrayed as preventing the President from assembling his team. I completely reject that characterization. I think the President has enjoyed a tremendous opportunity and reality of getting his team in place, getting them confirmed.

We ought not relinquish the power the Constitution gives to the Senate to advise and consent. Remember, the Constitution doesn't just say that the Senate shall advise, it says advise and consent. ''Consent'' has a very specific meaning. If we do this automatically and routinely and we think that—I guess those who object to our approving 1,560 and objecting to 4—it seems to me the implication is that we are supposed to simply routinely rubberstamp everyone, there can't be any objections ever, whatsoever. That is not what the Constitution calls for. As a matter of constitutional principle, that is a very flawed analysis.

I wanted to speak this morning because this is a very real, specific case of where, had we exercised more fully, in my judgment, our opportunity to deny cloture, we would have made a little bit of progress in better observation of existing law, further reducing risk the taxpayers take, and getting the Ex-Im Bank to comply with some of the recommendations in the inspector general's report. I wanted to share that.

I know how this vote is going to go. I know Mr. Hochberg is going to be confirmed. I hope we will be able to make progress anyway, but I am sure we would have had a better chance of making meaningful progress if we had used this moment.

As we consider future nominees, I hope we will remember that this is a fundamental and important role for the Senate to play—to use confirmation as a moment to focus the attention of the administration on what is important to our constituents, to our taxpayers, and I hope we won't relinquish that opportunity.

I yield the floor.

OBAMACARE

Mr. LEE. Madam President, 2 weeks ago, while most Americans were busy getting ready for the Fourth of July holiday, the Obama administration made a stunning announcement about the President's signature legislative accomplishment, the Patient Protection and Affordable Care Act.

The President admitted to the American people that because ObamaCare was so poorly crafted, he was delaying the enforcement of the employer mandate and would not assess fines and penalties to big companies that refused to provide insurance to their employees. The President explained that businesses could not handle ''the complexity of the requirements,'' and government bureaucrats would spend the next year simplifying the reporting rules so companies could comply.

I expected that in the next paragraph he would acknowledge that American families also deserve relief because, as polls consistently reflect, they have very big problems with the requirements as well. They have concerns about the government-run health care scheme known as the exchanges.

Henry Chao, the chief technical officer in charge of implementing the ObamaCare exchanges, has said:

> I'm pretty nervous. . . . Let's just make sure it's not a third-world experience.

American families also have very grave concerns about how much ObamaCare is going to add to our national debt. The Congressional Budget Office now estimates that the cost to taxpayers over the next 10 years will be $1.8 trillion. Young Americans are particularly concerned about ObamaCare because it is becoming clear that they will see the highest increases in health care premiums.

One study published in the magazine of the American Academy of Actuaries shows that middle- and low-income single adults between 21 and 29 years of age will see their premiums rise by 46 percent even after they take the ObamaCare subsidy.

A joint report by Republicans on the House Energy and Commerce, Senate Finance, and Senate HELP Committees that looked at over 30 different studies concluded that:

> Recent college graduates with entry-level jobs who are struggling to pay off student loan debt could see their premiums increase on average between 145 and 189 percent. Some studies estimate young adults could experience premium increases as high as 203 percent.

In my State, the State of Utah, premiums for young people will jump anywhere from 56 to 90 percent. As I read this statement from the Treasury Department, I was shocked to find no mention of these people. Parents, families, students, employees, taxpayers, hard-working Americans in general were totally left out, along with their concerns about the complexity of the requirements imposed by ObamaCare.

A senior adviser to the President took to the White House blog to spin the administration's announcement before long. She said:

> In our ongoing discussions with businesses, we have heard that you need time to get this right.

But why aren't American families part of these same ongoing discussions? Isn't the White House obligated to get this right for them too, before assessing fines and penalties and forcing them into a government-run third-world experience?

We knew ObamaCare would be unaffordable, but now we know it is also going to be unfair. It is fundamentally unfair for the President to exempt businesses from the onerous burdens of his law while forcing American families and individuals into ObamaCare's unsound and unstable system. It is unfair to protect the bottom lines of big business while making hard-working Americans pay the price through higher premiums, stiff penalties, cutbacks in worker hours, and job losses.

It is unfair to give businesses more time to figure out complex regulations but force everyone else to figure out equally complex mandates and requirements applicable to individuals. This administration has chosen to put its own political preferences and the interests of various government cronies ahead of those of the American people.

Republicans in Congress must now stand up for the individuals and families who do not have the money, who do not have the lobbyists, who do not have the connections to get this administration's attention on this important issue. We should do so using one of the few constitutional powers that Congress still carefully guards: its power of the purse.

As long as President Obama selectively enforces ObamaCare, no annual appropriations bill and no continuing resolution should fund further implementation of this law. In other words, if the President will not follow it, the American people should not fund it.

Last week's admission by the administration means that after more than 3 years of preparation and trial and error, the best case scenario for ObamaCare will be rampant dysfunction, waste, and injustice to taxpayers and working families. Even the President himself is now admitting that ObamaCare will not work. It is unaffordable and unfair.

If he will not follow it, we should not fund it. The only reasonable choice now is to protect the country from ObamaCare's looming disaster, start over, and finally begin work on real health care reform that works for everyone.

I would like to shift topics and speak briefly in opposition to the confirmation of Fred Hochberg to continue as Chairman and President of the Export-Import Bank. By confirming Mr. Hochberg, we would perpetuate the existence of an organization whose sole purpose is to dispense corporate welfare and political privileges to well-connected special interests.

The Export-Import Bank, or Ex-Im as it is commonly known, is an example of everything that is wrong with Washington today. It is big government

serving the interests of big corporations at the expense of individuals, families, and small businesses throughout America.

I am, of course, not alone in this view. I have good company. In 2008, while campaigning for the office of President of the United States, then-Senator Barack Obama referred to Ex-Im as ''little more than a fund for corporate welfare.'' So it is. After all, in fiscal year 2012, $12.2 billion of Ex-Im's $14.7 billion in loan guarantees went to a single company—one company. Our free enterprise system may not be perfect, but it is fair. Crony capitalism which is promoted by the Export-Import Bank is neither.

Abraham Lincoln once said that the leading object of government was to ''lift artificial weights from all shoulders, to clear the paths of laudable pursuit for all, to afford all an unfettered start and a fair chance in the race of life.''

Crony capitalism is the opposite of this noble vision. It lays on artificial waste, obstructs paths of laudable pursuit, and makes the race of life fettered and unfair. We may have honest disagreements about when and whether and to what extent and under what circumstances it is a good idea for the government to redistribute wealth from the rich and give it to the poor, but can't we all agree it is always a bad idea to redistribute wealth from the poor and the middle class and give it to large corporations?

The saddest part is it is not even clear the bank actually helps U.S. firms to outperform their foreign competitors. Ex-Im's convoluted financing has been accused of pricing at least one U.S. airline out of being able to compete with foreign firms, and at least one court has agreed.

Cronyism is a cancer. It undermines public trust in our economy and in our political system. Ordinary Americans who have the gnawing sense that the game seems rigged against them unfortunately have good reason to feel that way. It is not the free market that serves the middle men at the expense of the middle class. It is the crony cartels of big government, big business, and big special interests conspiring against the American dream, helping each other to American taxpayers' money. The Ex-Im Bank is part of this graft.

I urge all of my colleagues to join me in opposing this nominee and the crony capitalist organization that he leads.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I rise to speak in support of Fred Hochberg and his nomination to the second term as Chairman of the Export-Import Bank. I have heard now two speeches on the other side of the aisle from my colleagues who not only seem to take exception with Mr. Hochberg's nomination but the Export-Import Bank in and of itself.

I think they are wrong. I think they are wrong because they do not understand Washington's need to focus on the fact that we have an export economy. We want U.S. products to be bought and sold in countries and markets all over the world. We are here today to talk about a critical vote to support 225,000 jobs that are part of our export economy. If we fail to confirm Fred Hochberg for a second term as Chairman of the Export-Import Bank, businesses across the United States will lose a key tool in job creation.

This is because his term expires, runs out, on July 20.

What would that mean? It would mean the Export-Import Bank, which needs at least three of its five board members to have a quorum, would not have a quorum and would not be able to issue any new loans. This means the transactions that U.S. companies depend on, the guarantees and the transactions to finance the sale of U.S. products and services overseas, would not be able to move forward.

If we don't confirm Mr. Hochberg this week, the bank cannot approve loans and it would take away a job-creating tool that American innovators and businesses count on. This is why I am calling on my colleagues, in a bipartisan fashion, to confirm Mr. Hochberg as the Export-Import Bank Chairman for a second term.

His nomination is supported by the Chamber of Commerce and by the National Association of Manufacturers. He has proven to be a solid leader in his organization by listening, implementing, innovating, and administering a very critical job-creation tool.

When I visited businesses across my State in 2012 to talk about the Export-Import Bank, I heard the American people wanted us to focus on job creation and supporting business. The Export-Import Bank helps American-made products to be shipped all around the world.

I saw a company in my State, Yakima, WA, the Manhasset music stand company, use the Export-Import Bank to make sure sales go all around the globe, including China.

I saw a grain silo manufacturer called SCAFCO in Spokane, which also would testify to the fact that they have been able to sell their grain to many countries around the globe because of the financing the Export-Import Bank guarantees.

Airline cockpit hardware made by the Esterline Corporation factory in Everett, WA, also testified to the same effect; that when you are looking around the globe to secure financing of U.S. products into more developing countries, it is hard to get the financing to work.

The United States can be left at the starting line or the United States can use this vital tool that I call a tactic for small business to get access to make sure their products get a final sale.

The Export-Import Bank supports 83,000 jobs in my State alone, which benefits from the finance mechanism. Over the last 5 years, it has supported many jobs throughout the United States. Overall, it supported, as I said, 225,000 jobs and more than 3,000 businesses in 2012.

In the small business area, 2,500 of those are small businesses. The notion that this is somehow crony capitalism—and maybe he is talking about the shenanigans that happened on Wall Street, but he is certainly not talking about the Export-Import Bank.

I am advocating that we keep the very positive results of this bank, keep Mr. Hochberg, and make sure we continue to sell our products from Everett, WA, or Auburn, KY, all over the globe.

Ninety-five percent of the world's consumers live outside our borders. The question is: are we going to make sure that U.S. products get into the hands of the growing middle class around the globe? In 2030, China's middle class will be 1 billion people, 1 billion middle-class people in China, up from 150 million today. India's middle class will grow 80 percent, from 50 million to 475 million.

We need our businesses, large and small, to have the tools to reach this new, growing tool of consumers. Not only does this help businesses, the Ex-Im Bank also helps taxpayers.

I don't know where the idea that this is crony capitalism comes from, but this program is a very good deal for the U.S. Department of the Treasury. In fact, it returned nearly $1.6 billion to the U.S. Treasury since 2005. It actually is helping us return money to the Treasury and it helps our businesses continue to grow in export markets.

As we speak, there are almost $4 billion in transactions awaiting approval for the bank; that is, if we don't approve the chairman, these deals might not go through. There are many American businesses counting on their transaction so they can compete in an international market.

The international competitor is not going to wait until we approve Mr. Hochberg if we delay this. They are going to go ahead, cash in on the business deals, and our competitors will win.

I think the U.S. Chamber of Commerce said it best in a 2011 letter to congressional leaders: The Export-Import Bank enables U.S. companies, large and small, to turn export opportunities into real sales that help create real jobs in the United States of America.

I was proud that Mr. Hochberg came to Seattle last year for the opening of a regional Ex-Im office, focusing on small businesses to make sure they can get the financing for end products to get to these markets. We should be moving more toward policies to help businesses, the small businesses, grow with confidence into these international markets.

I ask my colleagues to do the right thing, follow through, and confirm this chairman.

Since its creation in 1934, the Export-Import Bank was approved by unanimous consent or voice vote 24 times. For 24 times no one called this crony capitalism. No, they were supporting it. The last time we authorized it, it had 78 votes. It ended up in the House of Representatives with 330 votes.

I am pointing this out because all of the delay in Mr. Hochberg's confirmation hurts business in the end, when the majority of my colleagues do agree this is a vital tool to help boost products made in America.

In the last reauthorization we did make improvements to strengthen the Ex-Im Bank. Quarterly reports are delivered on the default rates, which now can't go above 2 percent.

The Government Accountability Office also is required to work with risk management structures to make sure loans and businesses are not too risky. Transactions above a certain dollar amount receive public comment, and they deliver a yearly report on those transactions.

I know my colleagues have mentioned this issue about aviation, and I can guarantee, as the chair of the Aviation Subcommittee, I want U.S. airline industries to be competitive in international markets. Certainly, the world community on financing of airplane sales is working together to make sure those are closer to market-based rates and working on the same page so these financing schemes work together.

The 2011 Aircraft Sector Understanding sets out the terms and conditions on how airlines can finance aircraft purchases using Government-backed financing. The Understanding requires a closer alignment with commercial market borrowing rates. This agreement covers all major trading partners except China.

All of these improvements we continue to make in the Ex-Im Bank are important. As I said, Mr. Hochberg has been open to many discussions as to how we move ahead. Let us not deny the fact that in developing markets, a financial tool such as the Export-Import Bank, that actually delivers on helping job creation in the United States by getting the sales of many different products into these developing countries and growing middle class, is very good for the United States. The fact that it returns to the taxpayer is very positive.

Let's not let this slip another moment. Let's get Mr. Hochberg back to the task at hand, which is approving these transactions so U.S. companies can continue to grow jobs here by accessing new markets overseas.

I yield the floor.

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

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

Mr. CORNYN. Madam President, this last Monday night we had a remarkable occurrence in the Senate. Democrats and Republicans actually met together, as the Presiding Officer knows, in the Old Senate Chamber, a historic location where the Senate used to meet before we became so large and expanded to 100 Members. What was so good about that, from my perspective, was that we actually had some communication going on and we learned there were a lot of Senators who were actually frustrated by the way the Senate has been operating. It gave us all an opportunity, there in a confidential setting, to speak our mind and to share our frustrations.

But I think one of the things we have forgotten—maybe not forgotten, but need to be reminded of from time to time—is what makes the Senate unique, not just here in America and our form of government but throughout the world. Sometimes the Senate is referred to as the world's greatest deliberative body. As we all know, it has become less so in recent years. But we all remember the story of the constitutional convention in Philadelphia when they were at loggerheads in trying to figure out how to create the legislative branch. There were some who wanted a single unicameral legislative body, and there were discussions then about whether there actually needed to be a Senate in addition to the House of Representatives, which, of course, would literally be representative of the people based on their numbers as opposed to representing the respective States, which is the function of the Senate.

Late in the convention there was a compromise proposed by the Senator from Connecticut, Roger Sherman, on behalf of the small States. Of course, the small States were worried the big States would gang up on them. Ironically, under this compromise, it is now the small States that gang up on the big States, but that is another story for another day.

Under this Connecticut Compromise, the Senate came to be comprised of two Senators representing each State, no matter how big or how small the State. My State of 26 million people only gets two Senators. The Presiding Officer's State, a smaller State, also gets two Senators. That was part of the Connecticut Compromise back when the country was founded.

The Constitution could not have been ratified without this compromise. It initially failed, but Benjamin Franklin later found a better time to reintroduce it and it passed. But here is the real function of the Senate, and it comes from a story told of a conversation between Thomas Jefferson and George Washington. Of course, Washington had presided over the constitutional convention. Jefferson was in Paris. When he returned, he asked Washington why he allowed the Senate to be formed, because Jefferson had considered it unnecessary. One body based on proportional representation, Jefferson thought, should be enough. Washington then asked Jefferson if he cooled his tea by first pouring it in the saucer, which was the custom of the day. Sure, responded Jefferson. And Washington said: So it is that the Senate must cool tempers and prevent hasty legislation by making sure it is well thought out and fully debated.

I mention that story and recite a little bit of history to remind us the Senate was created not just to be another House of Representatives but for another purpose altogether. That is the other reason why Senators are elected for 6-year terms from a whole State as opposed to just a congressional district where our colleagues across the Capitol run every 2 years from smaller areas. Of course, they are supposed to be much more closely tied to their constituents. We are supposedly given a little more flexibility to take the long view and not the short-term view in how we decide matters.

That is the reason why so many of us were concerned at the threat of the majority leader to invoke the so-called nuclear option. I know for most Americans this is not something that is at the top of their list to be concerned with, but from an institutional and constitutional perspective it is absolutely critical the Senate remain true to the design of the Founders of our country as framed in our Constitution.

As a rationale to invoking the so-called nuclear option and turning the Senate into a purely majority-vote institution, there were claims this side of the aisle had been obstructing too many of President Obama's nominations. But the facts tell a far different story. Thus far, the President has nominated more than 1,560 people for various positions, and only 4—only 4—of them have been rejected by the Senate.

Since 2009, this Chamber has confirmed 199 of President Obama's article III judicial nominees and rejected 2 of them, and 80 of those nominees were confirmed by voice vote, which is essentially a unanimous vote. Another 64 were confirmed by unanimous rollcall votes. Does that sound like a crisis? Does that sound like obstructionism? I think not.

I would like to suggest it is another problem that has caused the Senate to become, in a way, a nondeliberative body and quite dysfunctional. For example, during Senator REID's tenure as majority leader, an unprecedented number of bills have come to the floor directly from the majority leader's office. Any of us who remember our high school civics lessons know that, ordinarily, committees of the Congress are supposed to write legislation. Then once the committees vote that legislation out, it comes to the Senate floor. Obviously, the purpose for that is to give everyone in the committees an opportunity to vent their concerns, to offer amendments, to debate them, and then to mark up a bill before it comes to the Senate floor so we do a better job and deal with all of the unintended

consequences and the like. But during the tenure of the current majority leader an unprecedented number of bills have simply sprung to life out of the majority leader's office.

Many of my colleagues, including Members of Senator REID's own party, have been left wondering why it is the committees actually even exist in a world where bills simply come to the Senate floor under rule XIV without the sort of deliberation and consideration they should get in committees before arriving here. When legislation arrives on the floor, Senators are routinely denied an opportunity to offer the amendments they see fit and to have debate and votes on those amendments.

To give some perspective—and I know some people will say the American people are not interested in the process, they are interested more in the policy, but this demonstrates why the process is so important to getting the right policies embraced—during the 109th Congress, when this side of the aisle, Republicans, controlled this Chamber, Senate Democrats offered more than 1,000 separate amendments—1,043 separate amendments—to legislation. During the 112th Congress, when our Democratic colleagues were in charge, Republicans were only allowed to offer 400 amendments—1,043 to 400, a big difference.

During the 109th Congress, when Republicans controlled this Chamber, there were 428 recorded votes on Senate amendments—428. In the 112th Congress, there were 224—a little more than half of the number.

Since becoming majority leader, Senator REID has blocked amendments on bills on the floor no fewer than 70 times. In the language of Senate procedure, we call that filling the amendment tree, but what it means is the minority is effectively shut out of the ability to shape legislation by offering amendments on the Senate floor. And that is no small thing. Again, I represent 26 million people in the State of Texas. Being a Member of the minority, when Senator REID blocks any amendment I wish to offer to a bill, he has effectively shut out of the process 26 million Texans. And it is not just my State, it is every State represented by the minority.

As a comparison, the previous Senate majority leader, Senator Bill Frist of Tennessee, a Republican, filled the amendment tree only 12 times in 4 years. So 70 times under Senator REID, 12 times for Senator Frist. And before him, Majority Leader Tom Daschle, a Democrat, filled the tree only once in 1½ years—once in 1½ years. When Trent Lott was the majority leader, a Republican, he did it 10 times in 5 years. George Mitchell, a Democratic majority leader, did it three times in 6 years. Majority Leader Robert C. Byrd, who was an institution unto himself here in the Senate, did it three times in 2 years. And finally, Senator Bob Dole of Kansas, the majority leader, a Republican, did it seven times in 3½ years.

My point is not to bore people with statistics but to point out the Senate has changed dramatically under the tenure of the current majority leader in a way where Members of the Senate are blocked from offering amendments to legislation in the interest of their constituents. As majority leader, Senator REID has denied those rights to the minority and the rights of the people we represent. When he refuses to let us offer amendments and debate those amendments, he refuses to let us have real debate and he is effectively gagging millions of our constituents.

One more time I would like to remind Senator REID of what he promised 6 years ago. He said: As majority leader, I intend to run the Senate with respect for the rules and for the minority the rules protect. The Senate was established to make sure that minorities are protected. Majorities can always protect themselves but minorities cannot. That is what the Senate is all about.

I would also like to remind our colleagues what President Obama said in April of 2005, when he was in the Senate. He said: If the majority chooses to end the filibuster, if they choose to change the rules and put an end to democratic debate, then the fighting, the bitterness, and the gridlock will only get worse.

My point is to say the Senate has been transformed in recent years into an image of an institution the Founders of our country would hardly recognize, nor would previously serving Senators who operated in an environment where every Senator had an opportunity to offer amendments to legislation and to get a vote on those amendments; where the minority's rights were protected by denying the majority the right to simply shut out the minority, denying them an opportunity to offer or debate important pieces of legislation.

That is what has happened under the current majority leader, and that is why I believe those meetings, such as the one we had in the Old Senate Chamber this past Monday night, are so important. But we do have to rely on the facts. Facts can be stubborn, but I think our debate ought to be based on the facts and on a rational discussion of what the Framers intended when they created the Senate and its unique role—unique not just here in America but to all legislative bodies in the world.

HEALTH CARE

Madam President, I would like to turn to another topic. Now that we have gotten past the nuclear option, at least for a time, I think it is important we return to important issues that actually affect the lives of the American people in very direct ways, and health care is one of them.

During the Fourth of July recess, the administration unilaterally delayed several provisions of the so-called Affordable Care Act, otherwise sometimes known as ObamaCare. What they did specifically is they delayed enactment of the employer mandate.

It was an implicit acknowledgement by the administration that ObamaCare is actually stifling job creation and prompting many businesses to turn from full-time employment to part time. In fact, there are now 8.2 million Americans working part-time jobs for economic reasons when they would like to work full time. That number is up from 7.6 to 8.2 million since March. And a new survey has found that 74 percent of small businesses are going to reduce hiring, reduce worker hours, or replace full-time employees with part-time employees in part in response to ObamaCare.

The House of Representatives has drafted a bill that would codify the employer mandate delay that the administration announced earlier this month. In other words, they want to uphold the rule of law. Yet the President is now threatening to veto the very legislation that enacts the policy that he himself announced, which is truly surreal. The House bill on the employer mandate would do exactly what the President has already announced he would do unilaterally. There is no conceivable reason that I can think of for the administration to oppose this legislation—unless, of course, President Obama thinks he can pick and choose which laws to enforce for the sake of his own convenience. I am afraid he does believe that, and the evidence goes well beyond ObamaCare.

Yesterday afternoon I listed several examples of the administration's persistent contempt for the rule of law.

I mentioned the government-run Chrysler bankruptcy process in which the company-secured bondholders received far less for their loans than the United Auto Workers pension funds.

I mentioned the subsequent Solyndra bankruptcy in which the administration violated the law by making taxpayers subordinate to private lenders.

I mentioned the President's unconstitutional appointments to the National Labor Relations Board and the Consumer Financial Protection Bureau. You don't have to take my word for it; that is the decision of the court of appeals. The case has now been taken up by the U.S. Supreme Court to define what the President's powers are to make so-called recess appointments. But one thing that is absolutely clear is that the President—the executive branch—can't dictate to the Senate when we are in recess, thus empowering the President to make those appointments without the advice and consent function contained in the Constitution; otherwise, the executive branch will have no checks and no balances on its power, and there will be no power on the part of the Senate to do the appropriate oversight and to confirm the President's nominees.

In addition to his recess appointments, I mentioned yesterday his decision to unilaterally waive key requirements in both the 1996 welfare reform

law and the 2002 No Child Left Behind Act, and I also mentioned his refusal to enforce certain immigration laws.

What the House of Representatives is trying to do with its employer mandate bill is to make sure that the same rules apply to everyone and that the executive branch and the White House in particular don't just pick winners and losers when it comes to the Affordable Care Act, Obamacare.

If this President or any President is allowed to selectively enforce the law based on political expediency, our democracy and adherence to the rule of law will be severely weakened.

The principle at stake is far more important than the particular legislation we are talking about. It is about the constitutional separation of powers between the executive and the legislative branches of government. By assuming to be able to unilaterally suspend laws that prove inconvenient, the President is showing disdain for those checks and balances on executive authority as well as his oath, where he pledges to faithfully execute the laws of the United States.

Those of us who support repealing ObamaCare in its entirety and then replacing it with real health care reforms that reduce costs and expand patient choice and access to quality care, while protecting Americans with preexisting conditions and saving programs such as Medicaid and Medicare, believe ObamaCare ought to be repealed in its entirety and replaced with commonsense reforms that will actually bring down the costs, increase the quality, and preserve the patient-doctor relationship when it comes to making health care choices.

Our preference would be to repeal the entire law, but we would like to work with the President and our friends across the aisle now that it appears, according to the administration's own actions, that they actually believe ObamaCare is not turning out as it was originally intended in 2010. Indeed, one of the principal architects in the Senate, the chairman of the Senate Finance Committee, Senator MAX BAUCUS of Montana, has told Secretary Kathleen Sebelius of Health and Human Services that the implementation of ObamaCare is turning out to be a train wreck. And indeed it is.

Unfortunately, the President is still refusing to acknowledge the growing evidence that ObamaCare cannot perform as was originally promised. We know that the promise that if you like the health care coverage you have, you can keep it that the President so famously made—that is not true. Seven million Americans have lost their health care coverage as ObamaCare is being implemented and many more as employers are incentivized to drop their employer-provided coverage, leaving American families to find their health insurance elsewhere. The promise the President made that the average cost of health care insurance for a family of four would go down by $2,400—we know it has gone up by $2,400 since then.

Unfortunately, it appears the wheels are coming off of ObamaCare, and the people who will suffer the most are hard-working American families we are pledged to protect and help. What we ought to be doing rather than denying the obvious is working together to try to enact commonsense reforms.

It is not an answer for the President to discard the politically inconvenient portions of ObamaCare and kick off implementation until after the next election. To me, that is one of the most amazing things about the way ObamaCare has been implemented. It passed in 2010, but very little of it actually kicked in before the Presidential election of 2012. So there is no real political accountability, no real opportunity for the voters to voice their objection once it had been implemented, if it had been implemented on a timely basis. And now, because it has proven to be politically inconvenient, the President has proposed to kick off implementation of the employer mandate until after the 2014 midterm congressional elections. That is no way to have accountability for the decisions we make here. That is the opposite.

We are simply urging the President to support the rule of law and to make sure the same rules apply to everyone—apply to Members of Congress and apply to everyone in this great country of ours. But when the administration chooses to selectively enforce or not enforce provisions of the law or issue waivers for the favored few and the rest of us end up with the harsh reality of this law that is not working out as originally intended, it undermines the rule of law and the public's confidence that the same rules will apply to everyone. That shouldn't be too much to ask.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. RUBIO. Madam President, there has been a lot of news over the last 24 hours about the nuclear option and how that has been averted here in the Senate and what good news that is for the institution. I do value the Senate, and I do value the ability of individual Senators—and particularly the minority, which I hope I won't be a part of forever—and of the minority to speak and to be heard. That is one of the things that make this institution unique.

But I think we have to answer a fundamental question about why we have these rules in place and in particular why we have these rules in place when we are dealing with nominees, people who are nominated to the Cabinet and other executive positions. It is because the Constitution gives the Senate the power to advise and consent, to basically review these nominees and find out information about them and then decide whether they should be confirmed.

There are two different standards with regard to that. The first standard is whether the nominee should be able to go forward, and that requires a supermajority vote—60 votes—to continue debate. It is kind of arcane and I don't want to do a tutorial on the Senate, but let me say that if you can't get those 60 votes, then you have to continue to debate that nominee. That is an important tool—not to obstruct but should be used judiciously. It is a tool that should be used to make sure that this process is being respected and that people are answering critical and valid questions. It is an important tool to use. It needs to be used judiciously. It needs to be used in a limited way. You can't do that on everybody. You shouldn't do that on everybody. Quite frankly, the minority has not done it on everybody, nor have I. I have been very careful in its use and have tried to ensure that when we do use it and when I do use it, I use it for reasons that are valid.

It is with that in mind that I am very concerned about a nominee who will be before this body as early as today on a 60-vote threshold about whether to cut off debate on this individual and proceed to final confirmation, and that is this nominee for the Secretary to head the Labor Department, which is a significant agency of our government that, quite frankly, has a direct impact on the ability of businesses to grow and hire people and so forth. This is an important nomination and one that I think deserves careful scrutiny.

Now, let me be frank and up-front. I have significant objections to this nomination on the basis of public policy, and I have stated that in the past. I believe this individual, Thomas Perez, who is currently an Assistant Attorney General, is a liberal activist who has used his position—not just in the Department of Justice but in other roles he has played—to advance a liberal agenda that, quite frankly, is out of touch with a majority of Americans and that I believe would be bad for our economy, hence the reason I don't think it is a good idea for him to head the Labor Department. But the President has a right to his nominees.

So that is a reason to vote against this nomination. That in and of itself may not always be a reason to block a nomination from moving forward. Where I do think there is a valid reason to block someone's nomination from moving forward is when that individual has refused to cooperate with the process that is in place to review their nomination.

When you are nominated to serve in the Cabinet or in the executive branch, you get asked questions about things you have done in the past, things you

have said in the past, and you are expected to answer those fully and truthfully so that the Members of this body can make a decision about your nomination based on the facts. I don't know of anyone here who would dispute that, including people in the majority. Irrespective of how you feel about the nominee, every single Senator here—and through us, the American people—has a right to fully know who it is we are confirming, whether it is to the bench or to the Cabinet or to some other executive position. That is a right that is critically important.

When a nominee refuses to cooperate with that process, I believe that is a valid reason to stand in the way of their confirmation and to block it from moving forward until those questions are fully and truthfully answered. I do believe that is a reason not to vote for what they call cloture around here. I think that is a case in point when it comes to this Labor nominee, Mr. Perez, and I want to take a few moments to argue to my colleagues why it is a bad idea for both Democrats and Republicans to allow this nomination to move forward until this nominee answers the questions he has been asked by the Congress. Let me give the background.

There was a case filed by the City of St. Paul in Minnesota, and this case had to do with a legal theory called disparate impact. It is not really on point per se, but it basically says that you look at how some policy is impacting people, and even if there wasn't the intent to discriminate against people, if the practical impact of it was that it was discriminating against people—let's say a bank was giving out loans, and although the loan officer wasn't looking to deny loans to minorities, if the way they had structured the program meant that fewer minorities were getting loans than should be under a percentage basis, then under this theory you would be allowed to go after whatever institution did that. That is the theory which is out there in law.

The City of St. Paul had a challenge to that in court that chose to define exactly what that meant, and it got all the way to the Supreme Court. It was on the Supreme Court's docket. At the same time, the Justice Department was being asked to intervene in a whistleblower case regarding Housing and Urban Development. Again, it would take too long to describe exactly why that is important, but the bottom line is that the case against the City of St. Paul, the separate case—the whistleblower case—because of the way the law is written, they couldn't move forward on that case unless the Department of Justice intervened. And that is where the nominee, Mr. Perez, stepped in. He is an enormous fan of the disparate impact theory. In fact, he had used it to go after banks, of all things, in his time at the Department of Justice.

At some point in the future I will come to the floor and detail why I object to his nomination, appointment, and confirmation, but today I am just making the argument as to why it is a bad idea to move forward on this nomination until certain questions are answered.

This is where Mr. Perez steps in. What he did is he basically went to the City of St. Paul and said: Look, if you drop your Supreme Court case, we will not intervene in the whistleblower case. It is what is known in Latin as a quid pro quo—you do this for me, I will do that for you. In essence, City of St. Paul, drop your Supreme Court case and I will not intervene on behalf of the Department of Justice.

He argues reasons why he did that were based—he told the House committee the reason why I did that is because I thought it was a bad case, I had bad facts and I didn't want to move forward on the HUD whistleblower case anyway. He claimed that. But, in fact, a subsequent investigation found that a career attorney in the Department of Justice actually did not feel that way at all. A career attorney who was involved in this case believed it was a good case and, in fact, at a meeting about the case he expressed concern that this looked like we were ''buying off'' the City of St. Paul.

Right away the nominee had, frankly, misled the congressional committee when he argued it was a bad case, everybody agreed that the facts were bad. In fact, that is not true. The career prosecutor who was looking at this case wanted to move forward and was concerned that the way this looked was that it was a buy-off.

Then the nominee was asked: By the way, did you use your personal e-mail to conduct this deal? Did you e-mail with people about it? We understand your Federal account, we have access to that, but did you use your personal accounts?

You know, we all have business accounts and we all have personal accounts. The question was did you use your personal accounts to cut this deal or negotiate this deal or even talk about it with anybody? His answer was he could not recall, he had no recollection of that.

Subsequently, however, it was discovered that, in fact, on at least one occasion initially, he had used his e-mail to discuss something with someone at the City of St. Paul. That is when the House oversight committee stepped in and it asked him voluntarily and the Justice Department voluntarily to produce any e-mails from his private account that had to do with his official capacity.

Understand the request. It wasn't: Send us e-mails between you and your children or between you and your family or about you planning your vacation. What they asked for were any e-mails from your private accounts that have to do with your official capacity.

The Justice Department responded to that request by saying: We have found 1,200 instances of the use of his personal e-mails for official business. We found at least—the number at least was 34, but then 35—instances where it violated the open records laws of the Federal Government. So he was voluntarily asked to produce these e-mails to the House. He refused.

The House then subpoenaed these records, a subpoena which has the power of Congress behind it basically compelling you: You must produce it now. Again, he refuses to produce these e-mails.

What we have before the Senate today is a nominee to head the Labor Department of the United States of America who refuses to comply with a congressional subpoena on his e-mail records regarding his official business conduct. He refuses to comply; will not even answer; ignores it.

Here is what I will say to you. How can we possibly vote to confirm somebody if they refuse to produce relevant information about their official conduct? Think about that. This is an invitation for any official in the executive branch to basically conduct all their business in their private accounts because they know they will never have to produce it, they can ignore the Congress.

The nominee, Mr. Perez, hides behind the Department of Justice and says: They are handling this for me. But the problem is the Department of Justice doesn't possess these e-mails. These are his e-mails from his personal account that he refuses to produce.

If, in fact, there is nothing to worry about—and I am not claiming—I have not seen the e-mails. I don't know what is in them. None of us do. That is the point. The fact is we are now being asked to vote to confirm someone—not just to confirm someone, to give him 60 votes to cut off debate on the nomination of someone who is in open contempt of a congressional subpoena and repeated requests, including a bipartisan request. I have it here with me, a bipartisan request signed by Mr. ISSA of California and Mr. CUMMINGS, the ranking minority member, dated May 8, 2013:

> We write to request you produce all documents responsive to the subpoena issued to you by the committee on April 10, 2013, regarding your use of a non-official e-mail account to conduct official Department of Justice business. The Department [Justice Department] has represented to the Committee that roughly 1,200 responsive e-mails exist. To allow the Committee to fully examine these e-mails, please produce all responsive documents in unredacted form to the Committee no later than Friday, May 20, 2013.

The answer: Nothing, silence, crickets.

This is wrong. How can we possibly move forward on a nominee—I don't care what deal has been cut—how can we possibly move forward on someone until we have information that they have been asked for by a congressional committee? This is outrageous. If ever there was an instance where someone's nomination should not move forward, this is a perfect example of it.

I am not standing here saying deny this nominee 60 votes because I think he is a liberal activist—I do, and I think that is the reason why he should not be confirmed. What I am saying to my Republican colleagues is: I don't care what deal you cut, how can you possibly agree to move forward on the nomination when the nominee refuses to comply with a congressional subpoena to turn over records about official business at the Justice Department?

By the way, we are not confirming him to an Ambassador post in some obscure country halfway around the world. This is the Labor Department. This is the Labor Department.

I am shocked that there are members of my own conference who would be willing to go forward, go ahead on a nomination like this, who are willing to give 60 votes on a nomination like this on a nominee who has, frankly, flat out refused to comply with a congressional subpoena and answer questions that are legitimate and important. We are about to make someone the head of one of the most powerful agencies in America, impacting the ability of businesses to grow and create jobs at a time, frankly, when our economy is not doing very well, we are about to confirm someone to chair that agency, head up that agency when that individual has refused to comply with a legitimate request. How can we possibly go along with that?

I understand how important it is to protect the rights of minorities here. I understand how important it is to protect the right of the minority party to speak out and block efforts to move forward. But, my goodness, what is the point of even having the 60-vote threshold if you cannot use it for legitimate reasons? This is not me saying I am going to block this nominee until I get something I want. This is a nominee who refuses to cooperate, who flat out has ignored Congress and told them to go pound sand. And you are going to vote for this individual and move forward before this question is answered?

I implore my colleagues, frankly on both sides of the aisle—because this sets a precedent. There will not be a Democratic President forever and there will not be a Senate Democratic majority forever. At some point in the future you will have a Republican President and they are going to nominate people and those people may refuse to comply with a records request. You are not going to want those records? In fact, you have in the past blocked people for that very purpose.

So I ask my colleagues again, how can you possibly move forward a nominee who refuses to comply with giving us the information we need to fully vet that nomination? This is a serious constitutional obligation we have. Do we have an obligation to the Senate and to this institution, being a unique legislative body? Absolutely. But we have an even more important obligation to our Constitution and to the role the Senate plays in reviewing nominations and the information behind that nomination, and we are being blatantly denied relevant information. We have colleagues of mine who say it doesn't matter, move forward. This is wrong. It is not just wrong, it is outrageous.

Again, I do not think that we should use—nor do I think we have, by the way, used the 60-vote threshold as a way to routinely block nominees from moving forward. You look at the record. This President has done very well with his nominations, across the board—judiciary, Cabinet, executive branch. But, my goodness, can we at least agree that I have a right as a Senator from Florida—as all of you have a right as Senators from your States—to have all the relevant information on these nominees before we move forward?

I am telling you, if you are going to concede that point, then what is the point of having the 60-vote threshold if you can never use it for legitimate purposes?

I would argue to my colleagues today, let's not have this vote today. Let's not give 60 votes on this nominee until he produces these e-mails and we have time to review them so we can fully understand what was behind not just this quid pro quo deal but behind his public service at the Justice Department as an assistant attorney general, frankly confirmed by this Senate with the support of Republicans.

This is not an unreasonable request. For us to surrender the right to ask these questions is a dereliction of duty and it is wrong. If ever there was a case in point for why the 60-vote threshold matters, this is an example of one. I am telling you, if this moves forward, there is no reason why any future nominee would not decide to give us the same answer; that is, you get nothing. I tell you nothing. I will tell you what I want you to know. Then we are forced to vote up or down on someone on whom we do not have information. And that is wrong.

There is still time to change our minds. I think this is a legitimate exercise—not forever. Let him produce these e-mails. Let us review these e-mails. Then bring him up for a vote and then you can vote on him, whether you like it or not based on all the information. But to allow someone to move forward who is basically telling an oversight committee of Congress: I don't have to answer your questions, I don't have to respond to your letters, I ignore you?

I want you to think about the precedent you are setting. I want you to think about how that undermines the constitutional—not just the right, the constitutional obligation of this body to produce advice and consent on Presidential nominees, and I think this is especially important when someone is going to be a member of the Cabinet and overseeing an agency with the scope and the power of the Labor Department.

I still hope there is time to convince as many of my colleagues as possible. I do not hold great hopes that I will convince a lot of my Democratic colleagues, but I hope I can convince a majority of my Republican colleagues to refuse to give the 60 votes to cut off debate on this nominee until Chairman ISSA and the oversight committee get answers to their questions that frankly we would want to know. They take leadership on asking these questions but we are the ones who have to vote on the nominee. They are doing us a favor asking these questions. We should, at a minimum, stand here and demand that these be answered before we move forward.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The Republican leader.

OBAMACARE

Mr. MCCONNELL. As I mentioned yesterday, I am glad the majority saw the light and stepped back from committing a tragic mistake. It is good news for our country and good news for our democracy. Now that that is behind us, we can get back to debating the issues our constituents are the most concerned about, and for a lot of my constituents they are concerned about ObamaCare.

This is a law that was basically passed against their will and it is a law that is now being imposed upon them by a distant bureaucracy headquartered here in Washington. If the folks in DC are to be believed, its implementation is going just swimmingly. The Democratic leader in the House of Representatives called it ''fabulous.'' The President said the law is ''working the way it's supposed to.'' And my friend the majority leader said the other day that ''ObamaCare has been wonderful for America.''

Fabulous? Wonderful? These are not the kinds of words one normally associates with a deeply unpopular law, or one that media reports suggest is already having a very painful impact on Americans we represent. Which sets up an important question for Senators to consider: Just who are we prepared to believe here when it comes to ObamaCare: the politicians who have developed it or the people who are reacting to it?

The politicians in Washington who forced this law on the country say everything is fantastic. They spent millions on slick ads with smiling actors and sunny-sounding scripts that blissfully—I am being kind here—blissfully dismiss what the reality of this law will actually look like to so many Americans, or what the reality of the law has already become for some of them. That is why the people have taken an entirely different view. They are the ones worried about losing the coverage they like and want to keep, which is understandable given the growing number of news stories about insurance companies pulling out of States and markets altogether. They are the ones worried about their jobs and pay checks.

Each anecdote we hear about a college cutting hours for its employees or a restaurant freezing hiring or a small business already taking the ax to its workforce at such an early stage—each of them is a testament to just how well this law has been working out for the people we were sent to represent.

According to the chamber of commerce's small business survey released just yesterday, anxiety about the requirements of ObamaCare now surpass economic uncertainty as the top worry for small business. The impact of ObamaCare now surpasses economic uncertainty as the top worry for small business owners.

Here is another thing: When even cheerleaders for the law start to become its critics, that is when we know there is something to this train wreck everybody keeps talking about.

Unions are livid—even though they helped pass the law—because they see their members losing care and becoming less competitive as a result of it. That is why they fired off an angry letter to Congress just this week.

The California Insurance Commissioner is troubled too—even though he has been one of ObamaCare's biggest boosters. He is so worried about fraud that he warned we might ''have a real disaster on our hands.'' Well, it is hard to argue with him.

The President was so worried about some of this law turning into a disaster that he selectively delayed a big chunk of it, but he only did that for businesses. He just delayed it for businesses.

A constituent of mine was recently interviewed by a TV station in Paducah, and here is what she said about the President's decision: ''It ain't right.'' Well, she is not alone.

We can argue about whether the President even had the power to do what he did, but here is the point today: If businesses deserve a reprieve because the law is a disaster, then families and workers do too. If this law isn't working the way it is supposed to, then it is a terrible law. If it is not working as planned, then it is not right to foist it on the middle class while exempting business.

That is why the House will vote this week to at least try to remedy that. It is an important first step to giving all Americans and all businesses what they need, which is not a temporary delay for some but a permanent delay for everyone.

The politicians pushing ObamaCare might not like that, but they are not the ones who are having to live with this thing the same way most Americans will have to live with it.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. I ask unanimous consent that I be recognized as if in morning business for such time as I may consume.

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

EPA REGULATIONS

Mr. INHOFE. Madam President, last Wednesday I came to the floor and spoke about the President's global warming speech and all that the White House is doing to help frame the debate with his talking points memo which we happened to intercept, and it is very interesting.

They also had a secret meeting that took place with alarmist Senators. That is the term used over the past 12 years of those individuals who say the world is coming to an end with global warming.

First, they changed the name from global warming because it was not acceptable. Then they tried climate change. The most recent is carbon pollution. One of these days they will find something that sells, but so far they haven't.

The first thing they don't want to talk about is cost. We have had several global warming and cap-and-trade bills over the past 12 years. When the first bills came out and the Republicans were in the majority, I was the chairman of the Environment and Public Works Committee and had responsibility for defeating them, and we did.

In the beginning, with the Kyoto treaty 12 years ago, and when Al Gore came back from Rio de Janeiro, a lot of people believed this was taking place. Then a group out of the Wharton School did a study and said if we regulate emissions from organizations emitting 25,000 tons or more of CO_2 a year, the cost would be between $300 billion and $400 billion a year. As a conservative, I get the most recent information I can from my State of Oklahoma in terms of the number of people filing Federal tax returns and I do the math. At that time, it meant it would cost each person about $3,000 a year if we had cap-and-trade.

This kept going throughout the years. The most recent one was authored by now-Senator MARKEY, who up until yesterday was Congressman MARKEY. I have a great deal of respect for him, but he had the last cap-and-trade bill regulating those with emissions of 25,000 tons a year or more.

The cost has never been debated much, because Charles River Associates later came out and said it would be between $300 billion and $400 billion a year and MIT said about the same. So we know that cost is there.

To my knowledge, while no one has actually calculated this, keep in mind the President is trying to pass a cap-and-trade policy for Americans through regulation because he was not able to pass it through legislation. If you do it through regulation, it has to be under the Clean Air Act.

The Clean Air Act requires us to regulate any source that puts the emissions at over 250 tons. So instead of 25,000 tons being regulated, it would be 250 tons. That would mean every hospital, apartment building, school, oil and gas well, and every farm would come under this. No one knows exactly what it would cost the economy, but it would be staggering.

To pull this off, the EPA alone would have to spend $21 billion and hire an additional 23,000 bureaucrats. Those are not my figures; those are their figures. So you have to stop and think, if the cap-and-trade bills cost $400 billion regulating the emitters of 25,000 tons a year or more, imagine what it would be when you drop it down to 250 tons.

The second thing the President doesn't want to talk about is the fact that it is a unilateral effort. If you pass a regulation in the United States of America, it is going to only affect the United States of America.

I have always had a lot of respect for Lisa Jackson. Lisa Jackson was the Administrator of the EPA under the Obama administration. While she is liberal and I am conservative, she was always honest in her answers.

I asked her this question: If we pass, by either legislation or any other way, cap-and-trade in the United States, is that going to reduce worldwide CO_2 emissions? Her answer was: No. Because if you do that, you are doing it just on the brightest sectors of our economy. Without China, without Mexico, without India and the rest of the world doing it, then U.S. manufacturers could have the reverse effect, because they could end up going to other countries where there are not restrictions on emissions, and so they would actually be emitting more. So there goes our jobs, overseas, seeking energy in areas where they are able to afford it.

Lisa Jackson's quote exactly: ''I believe . . . that U.S. action alone will not impact CO_2 levels.''

What the President doesn't want to talk about in his lust for overregulation in this country is, one, the fact it is going to cost a lot of money and would be the largest tax increase in the history of America, without question. The second is even if you do it, it doesn't lower emissions.

A lot of people say, Why do they want to do it? And I lose a lot of people when I make this statement, but there are a lot of liberals who believe the government should control our lives more. I had this observation back when I was first elected in the House. One of the differences between liberals and conservatives is that liberals have a basic philosophy that government can run our lives better than people can.

Dr. Richard Lindzen with MIT, one of the most outstanding and recognized scientists in this country and considered to be maybe the greatest source in terms of scientific knowledge, said, ''Controlling carbon is a bureaucrat's dream. If you control carbon, you control life.''

Tomorrow the Environment and Public Works Committee is going to conduct a hearing on climate change—or whatever they call it. I think they are starting out with global warming and may call it carbon pollution. That is the new word because that is more sellable. A lot around here is done with wordsmithing. Republicans and Democrats both do it. Global warming didn't work, climate change didn't work, so now it is CO_2 pollution. They are going to have a hearing, and the chairman of the committee, BARBARA BOXER, is going to have people come in and talk about the world coming to an end. However, the interesting thing is that the administration is sending alarmists to talk about how bad global warming is and how we are going to die, but they are not taking the process seriously enough to send any real official. We have no government officials as witnesses. This is highly unusual. This doesn't happen very often, but that is what we are going to be having.

It is important for Members to understand that greenhouse gas regulations are not the only EPA regulations that are threatening our economy. Again, it is all the regulations by government getting involved in our lives.

If you look at this chart, these are the ones they are actually working on right now in either the Environment and Public Works Committee or the Environmental Protection Agency:

Utility MACT. MACT means maximum achievable control technology. So where is our technology right now? How much can we control? The problem we are having is they are putting the emissions requirements at a level that is below where we have technology to make it happen. So utility MACT would cost $100 billion and 1.56 million jobs. That is in the law already. There are a lot of coal plants being shut down right now.

But, you might ask, how can they do that when right now we are reliant upon coal for 50 percent of the power it takes to run this machine called America?

Boiler MACT. Again, maximum achievable control technology. Every manufacturer has a boiler, so this controls all manufacturers. That is estimated to cost $63.3 billion and 800,000 jobs.

The NAAQS legislation would put a lot of counties out of attainment. When I was the mayor of Tulsa County and we were out of attainment, we were not able to do a lot of the things in order to recruit industry. So this would put 2,800 counties out of attainment, including all 77 counties in my State of Oklahoma. That causes emissions to increase, and then the company would be required to find an offset.

We are kind of in the weeds here, but the simple outcome would be that no new businesses would be able to come to an out-of-attainment area, and existing businesses wouldn't be allowed to expand.

The President is also issuing a new tier 3 standard that applies to refineries as they manufacture gasoline. This rule would cause gasoline to rise by 9 cents a gallon.

The EPA is also working tirelessly to tie groundwater contamination to the hydraulic fracturing process so they and the Federal Government can regulate this. They have tried that in Wyoming in the Pavilion case, they tried it in Pennsylvania in the Dimock case, and in Texas they tried several times.

I know something about that, because hydraulic fracturing started in the State of Oklahoma in 1949. Since then, there have been more than 1 million applications for hydraulic fracturing. Hydraulic fracturing is a way of getting oil and gas out of tight formations. There has never been a confirmed case of groundwater contamination, but they still want to have this regulated by the Federal Government and the Department of Interior is pressing ahead with regulations which would apply to Federal lands.

President Obama has had a war on fossil fuels now for longer than he has been President of the United States. If they could stop hydraulic fracturing and regulate that at the Federal level, then they can stop this boom that is going on in the country. We have had a 40-percent increase in the last 4 years in our production of oil and gas, but that is all on private and State land. We have actually had a reduction in our production on Federal lands.

The EPA has been developing a guidance document for the waters of the United States which would impose the Clean Water Restoration Act on the country. They tried to introduce and pass it 2 years ago. Senator Feingold from Wisconsin and Congressman Oberstar were the authors. Not only was it defeated, but they were both defeated in their next election. That effort is something the President is again trying to do, which they were not able to do through regulations.

What it means is this: We have rules saying that the Federal Government is in charge of water runoff in this country only to the extent it is navigable. That is the word written into the law. If you take the ''navigable'' out, then if you have standing water after a rain, that would be regulated by the Federal Government. That is a major problem that our farmers have—not just the Oklahoma Farm Bureau but farm bureaus throughout America. The Water Restoration Act and the cap-and-trade are the two major issues they are concerned with.

A lot of what the EPA has done is done through enforcement. About a year ago, one of our staff persons discovered that a guy named Al Armendariz, who was a regional EPA administrator, talking to a bunch of people in Texas, said:

> We need to ''crucify'' the oil and gas industry. Just like when the Romans conquered the villages . . . in Turkish towns and they'd find the first five guys they saw and crucify them . . . . . just to show who was in charge.

This is a perspective not just of Armendariz but the entire EPA to the fossil fuel industry.

By the way, Armendariz is no longer there. He is with one of the environmental groups I know, and I am sure he is a lot happier there.

The EPA is also dramatically expanding the number of permits they are required to obtain under the Clean Air Act by counting multiple well sites as though they were one site, even though they may be spread out in as many as 42 square miles.

All of this is so they can regulate more of what goes on at the wells and underscores how adversarial they have been to us having the fuel we need to run this country. The EPA was eventually sued and lost the case over this issue, the issue of what they are doing right now throughout America to try to force all the multiple well sites into one site as they did. They lost in the Sixth Circuit Court of Appeals. But everyplace outside of the Sixth Circuit the EPA is still using their own regulation. This is one we have been talking to them about.

The EPA is also targeting the agricultural community. We talked about what their top concerns are, but in addition to that, the EPA recently released the private sensitive data of pork producers and the concentrated animal feeding operations, that is CAFOs, to environmental groups. The environmental groups hate CAFOs and the EPA knows this, so by doing this the EPA has enabled the environmental groups to target CAFOs and put them out of business.

Those are our farmers. It seems to me when people come into my office and they talk about the abuses of this overregulation, all these things, it seems the ones who keep getting hit worse and worse are the farmers. I can remember when they tried to treat propane as a hazardous waste. We had a hearing. This was some years ago. I was at that time the chairman of the Environment and Public Works Committee. I can remember when they said this only costs the average farmer in Oklahoma another $600 or $700 a year. We went through this thing and were able to defeat that.

Farmers have been hit hard, but they are not alone. All these regulations have been devastating to the entire economy and they are preventing us from achieving our economic recovery. The President is engaged in all-out war on fossil fuels, and he is intent on completing this until his assault on the free enterprise system is completed. The business community knows how bad the regulations are. They have been fighting them tooth and nail since the beginning of Obama's first term.

This chart shows the rules that were approved during the President's first term. This is what he did. If you look at it, take some time—these will be printed in the RECORD so you need to be looking them up and realizing how

serious it is. The greenhouse gas, we talked about that, the EPA, on the diesel engines. All of these regulations are costing fortunes.

The second chart—those are the ones that were approved during the President's first administration. The second is more alarming because it shows several of the major rules the President began developing during his first term but delayed their finalization until after the election. They waited until after the election, knowing the American people would realize how costly this was and that could cost his campaign. He is gaming the system using his administration to advance a critical agenda but hiding the truth from the American people and he is doing it with secret talking points and doing it with the secrecy that shrouds bad rules.

These are the rules that were delayed until after the election. You can get a good idea of the cost. We take down the cost of each one. It is just an incredible amount.

The third chart is—that is what he is doing right now with no accountability to the electorate because he can do anything he wants to right now. Groups are on record opposing this. We have all these groups that are on record opposing this: U.S. Chamber of Commerce, National Association of Manufacturers, NFIB, American Railroads—all the way down through all the agricultural groups and including a lot of labor unions. Historically, the labor unions go right along with the Democrats and with the liberals, but they realize this is a jobs bill and consequently we have the United Mine Workers and others who are being affected by this and are trying to do something about overregulation. All these groups have opposed the rules being put out by the EPA.

Even the unions have opposed the rules because they kill all kinds of jobs, union and nonunion jobs alike. Cecil Roberts, the president of the United Mine Workers, said his organization supported my Congressional Review Act.

Let me explain what that was. You may have noticed in the first chart we had the first MACT bill that was passed. That would put coal out of business. What we have in this body is a rule that nobody uses very often—it has not been used very successfully—but it says if a regulator passes something that is not in the best interests of the people, if you get past the Congressional Review Act with just 30 cosponsors in the Senate, get a simple majority, you can stop that from going into effect.

I had a CRA on that Utility MACT, and Cecil Roberts, president of the United Mine Workers, said his organization supported my CRA to overturn the Utility MACT rule because the rule poses loss of jobs to United Mine Workers Association members.

We also had something recently about Jimmy Hoffa that came out.

These are jobs. These are important. The national unemployment rate is 7.6, but guess what. In Oklahoma we are at full employment. All throughout America, people used to think of the oil belt being west of the Mississippi. That is not true anymore. With the Marcellus chain going through—you have New York, Pennsylvania—in Pennsylvania I understand it is the second largest employer up there. If we were able to do throughout America what we do in Oklahoma, we would solve the problem we have right now. But the Obama rules are there and Obama wants to pursue more that are even worse.

I mention this. We are going to have a very fine lady, Gina McCarthy, who has been the Assistant Director of EPA in charge of air regulations for about 4 years. While we get along very well, she is the one who promotes these regulations. I will not be able to support her nomination. I understand the votes are all there, and we will be having a good working relationship.

But I think it is a wake-up call to the American people. They are going to have to realize the cost. The total cost of these regulations is well over $600 billion annually, which will cost us as many as 9 million jobs. The EPA is the reason our Nation has not returned to full employment. All of this is done intentionally by the Obama administration to cater to their extreme base—right now moveon.org, George Soros, Michael Moore, and that crowd from the far left environmentalists, Hollywood and their friends.

This is going to have to change through a major education endeavor. We have a country to save.

I know there is a lot of partisan politics going on. In this case, the least known destructive force in our country now is overregulation and all of these organizations that are going to pose it are going to have to pay for it. It is going to be paid for in American dollars and American jobs.

I see my colleague from Iowa is on the floor.

I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I will take a few minutes to talk about the President's nominee for Secretary of Labor Tom Perez. I have already spoken about Mr. Perez over the last few weeks. I will not repeat everything I said, but it is important for my colleagues to understand the basis of my opposition. We have had a lot of debate around here over the last few days about what grounds are appropriate to oppose an executive branch nominee. Many of my colleagues have suggested that Senators should not vote against such a nominee based on disagreement over policy. That may or may not be the appropriate view, but I am not going to get into that debate today.

I am quite sure I would disagree with Mr. Perez on a host of policy issues, but I wish to make clear to my colleagues those policy differences are not the reason I am vigorously opposed to this nominee. I am opposed to Mr. Perez because the record he has established of government service demonstrates that he is willing to use the levers of government power to manipulate the law in order to advance a political agenda.

Several of my colleagues cited examples of his track record in this regard, but in my view perhaps the most alarming example of Mr. Perez's willingness to manipulate the rule of law is his involvement in the quid pro quo between the City of St. Paul and the Department of Justice. In this deal that the Department of Justice cut with the City of St. Paul, the Department agreed not to join two False Claims Act cases in exchange for the City of St. Paul withdrawing its case before the Supreme Court in a case called Magner v. Gallagher.

Mr. Perez's actions in this case are extremely troubling for a number of reasons. At this point, no one disputes the fact that Mr. Perez actually orchestrated this entire arrangement. He manipulated the Supreme Court docket so that his favored legal theory, called disparate impact theory, would evade review by the High Court. In the process, Mr. Perez left a whistleblower twisting in the wind. Those are the facts and even Mr. Perez doesn't dispute them.

The fact that Mr. Perez struck a deal that potentially squandered up to 200 million taxpayer dollars in order to preserve a disparate impact theory that he favored is, of course, extremely troubling in and of itself. But in addition to that underlying quid pro quo, the evidence uncovered in my investigation revealed Mr. Perez sought to cover up the facts that the exchange ever took place.

Finally, and let me emphasize that this should concern all of my colleagues, when Mr. Perez testified under oath about the case, both to congressional investigators and during confirmation hearings, in those two instances, Mr. Perez told a different story. The fact is that the story Mr. Perez told is simply not supported by the evidence.

Let me begin by reviewing briefly the underlying quid pro quo. In the fall of 2011, the Department of Justice was poised to join a False Claims Act lawsuit against the City of St. Paul. That is where the $200 million comes in. That is what was expected to be recovered. The career lawyers in the U.S. Attorney's Office in Minnesota were recommending that the Department of Justice join the case. The career lawyers in the Civil Division of the Department of Justice were recommending the Department join the case. And the career lawyers in the Department of Housing and Urban Development were recommending that Justice join the case. At that point, all of the relevant components of government believed this case was a very good case.

They considered the case on the merits, and they supported moving forward, or as one of the line attorneys wrote in an e-mail in October, 2011: ''Looks like everyone is on board.'' But of course this was all before Mr. Perez got involved.

At about the same time, the Supreme Court agreed to hear the case called Magner v. Gallagher.

In Magner, the City of St. Paul was challenging the use of the disparate impact theory under the Fair Housing Act. The disparate impact theory is a mechanism Mr. Perez and the Civil Rights Division were using in lawsuits against banks for their lending practices. For instance, during this time period Mr. Perez and the Justice Department were suing Countrywide for its lending practices based upon disparate impact analysis. In fact, in December 2011 the Department announced it reached a $355 million settlement with Countrywide. Again, in July 2012 the Department of Justice announced a $175 million settlement with Wells Fargo addressing fair lending claims based upon that same disparate impact analysis. Of course, there are a string of additional examples, but I don't need to recite them here.

What is clear is that if that theory were undermined by the Supreme Court, it would likely spell trouble for Mr. Perez's lawsuits against the banks. Mr. Perez approached the lawyers handling the Magner case, and, quite simply, he cut a deal. The Department of Justice agreed not to join two False Claims Act cases in exchange for the City of St. Paul withdrawing Magner from the Supreme Court. Now we have an interference in the agenda of the Supreme Court at the same time that a deal is going to cut the taxpayers out of winning back $200 million under the False Claims Act.

In early February 2012 Mr. Perez flew to St. Paul, and he flew there solely to finalize the deal. The next week the Justice Department declined to join the first False Claims Act, called the Newell case. The next day the City of St. Paul kept their end of the bargain and withdrew the Magner case from the Supreme Court.

There are a couple of aspects of this deal that I wish to emphasize for my colleagues. First, as I mentioned, the evidence makes clear that Mr. Perez took steps to cover up the fact he had bartered away the False Claims Act cases and the $200 million.

On January 10, 2012, Mr. Perez called the line attorney in the U.S. Attorney's Office regarding the memo in the Newell case. Newell was the case that these same career attorneys I referred to and quoted previously were strongly recommending the United States join before Mr. Perez got involved. Mr. Perez called the line attorney and instructed him not to discuss the Magner case in the memo that he prepared outlining the reasons for the decisions not to join the case. Here is what Mr. Perez said on that call:

> Hey, Greg. This is Tom Perez calling you at—excuse me, calling you at 9 o'clock on Tuesday. I got your message. The main thing I want to ask you, I spoke to some folks in the Civil Division yesterday and wanted to make sure that the declination memo that you sent to the Civil Division—and I am sure it probably already does this—but it doesn't make any mention of the Magner case. It is just a memo on the merits of the two cases that are under review in the qui tam context.

It is pretty clear they didn't want anything in writing that led people to believe there was any deal being made.

After that telephone message was left, approximately 1 hour later Mr. Perez sent Mr. Brooker a followup e-mail, writing:

> I left a detailed voicemail. Call me if you can after you have a chance to review [the] voicemail.

Several hours later Mr. Perez sent another followup e-mail, writing:

> Were you able to listen to my message?

Mr. Perez's voicemail was quite clear and obvious. It told Mr. Brooker to ''make sure that the declination memo . . . doesn't make any mention of the Magner case. It is just a memo on the merits of the two cases.'' It is so very clear. In fact, it couldn't be more clear that this was an effort—that there was no paper trail that there was ever any deal made.

Yet, when congressional investigators asked Mr. Perez why he left the voicemail, he told an entirely different story. Here is what he told investigators:

> What I meant to communicate was, it is time to bring this to closure, and if the only issue that is standing in the way is how you talk about Magner, then don't talk about it.

Anyone who actually listens to the voicemail knows this is plainly not what he said in that voicemail. He didn't say anything about being concerned with the delay. He said: Make sure you don't mention Magner. It is just a memo on the merits. His intent was crystal clear.

Mr. Perez also testified that Mr. Brooker called him back the next day and refused to omit the discussion of Magner. Let's applaud that civil servant because he chose not to play that game. According to Mr. Perez, he told Mr. Brooker during this call to follow the normal process. Again, this story is not supported by the evidence.

One month later, after Mr. Perez flew to Minnesota to personally seal the deal with the city, a line attorney in the Civil Division e-mailed his superior to outline the ''additional facts'' about the deal.

Before I begin the quote, I want to give the definition of ''USA-MN,'' which stands for ''U.S. Attorney, Minnesota.''

Point 6 reads as follows:

> USA-MN considers it non-negotiable that its office will include a discussion of the Supreme Court case and the policy issues in its declination memo.

If Mr. Perez's story were true and the issue was resolved on January 11, why 1 month later would the U.S. Attorney's Office need to emphatically state that it would not hide the fact that the exchange took place?

As I just mentioned, Mr. Perez flew to Minneapolis to finalize the deal on February 3. You would think, wouldn't you, that a deal of this magnitude would be written down so the parties understood exactly what each side agreed to. But was this agreement written down? No, it wasn't. After Mr. Perez finalized the deal, the career attorneys asked if there was going to be a written agreement. What was Mr. Perez's response? He said: ''No, just oral discussions; word was your bond.''

So let me just review. At this point Mr. Perez had just orchestrated a deal where the United States declined to join a case worth up to $200 million of taxpayers' money in exchange for the City of St. Paul withdrawing a case from the Supreme Court. When the career lawyers asked if this deal will be written down, he said: ''No . . . [your] word was your bond.''

Of course, the reason you make agreements like this in writing is so that there is no disagreement down the road about what the parties agreed to. As it turns out, there was, in fact, a disagreement about the terms of this unwritten deal.

The lawyer for the city, Mr. Lillehaug, told congressional investigators that on January 9, approximately 1 month before the deal was finalized, Mr. Perez had assured him that ''HUD would be helpful'' if the Newell case proceeded after the Department of Justice declined to intervene. Mr. Lillehaug also told investigators that on February 4, the day after they finalized the deal, Mr. Perez told him that HUD had begun assembling information to assist the city in a motion to dismiss the Newell complaint on ''original source'' grounds. According to Mr. Lillehaug, this assistance disappeared after the lawyers in the Civil Division learned of it.

Why is that significant? Mr. Perez represents the United States. He represents the American people. Mr. Newell, the whistleblower, is bringing a case on behalf of the United States and indirectly the people. Mr. Perez is talking to the lawyers on the other side, and he tells the people, in essence: After the United States declines to join the case, we will give you information to help you defeat Mr. Newell, who is bringing the case on behalf of the United States.

Let me say that a different way. In effect, Mr. Perez is offering to give the other side information to help defeat his own client. Is that the way you represent the American people? Mr. Perez was asked about this under oath. Mr. Perez told congressional investigators, ''No, I don't recall ever suggesting that.''

So on the one hand, we have Mr. Lillehaug, who says Mr. Perez made this offer first in January and then again on February 4 but the assistance disappeared after the lawyers in the

Civil Division caught wind of it. On the other hand, it was Mr. Perez who testified under oath: ''I don't recall'' ever making such an offer. Whom should we believe? The documents support Mr. Lillehaug's version of the event.

On February 7, a line attorney sent an e-mail to the director of the Civil Fraud Section and relayed a conversation a line attorney in Minnesota had with Mr. Lillehaug. The line attorney wrote that Mr. Lillehaug stated that there were two additional items that were part of the deal. One of the two items was this:

> HUD will provide material to the City in support of their motion to dismiss on original source grounds.

Internal e-mails show that when the career lawyers learned of this promise, they strongly disagreed with it, and they conveyed their concern to Tony West, head of the Civil Division. During his transcribed interviews, Mr. West testified that it would have been ''inappropriate'' to provide this material outside of the normal discovery channels. Mr. West said:

> I just know that that wasn't going to happen, and it didn't happen.

In other words, when the lawyers at the Civil Division learned of this offer, they shut it down.

Again, why is this important? It is important because it demonstrates that the documentary evidence shows the events transpired exactly as Mr. Lillehaug said they did.

Mr. Perez offered to provide the other side with information that would help them defeat Mr. Newell in this case on behalf of the United States. In my opinion, this is simply stunning. Mr. Perez represents the United States. Any lawyer would say it is highly inappropriate to offer to help the other side defeat their own client.

This brings me to my final two points that I wish to highlight for my colleagues. Even though the Department traded away Mr. Newell's case and $200 million, Mr. Perez has defended his actions, in part by claiming that Mr. Newell still had his ''day in court.'' What Mr. Perez omits from his story is that Mr. Newell's case was dismissed precisely because the United States would not continue to be a party and would not be a party.

After the United States declined to join the case, the judge dismissed Mr. Newell's case based upon the ''public disclosure bar,'' finding that he was not the original source of information to the government.

I will remind my colleagues, we amended the False Claims Act several years ago precisely to prevent an outcome such as this. Specifically, the amendments made clear that the Justice Department can contest the ''original source'' dismissal even if it fails to intervene, as it did in this case.

So the Department didn't merely decline to intervene, which is bad enough, but, in fact, it affirmatively chose to leave Mr. Newell all alone in this case. And, of course, that was the whole point. That is why it was so important for the City of St. Paul to make sure the United States did not join the case. That is why the city was willing to trade away a strong case before the Supreme Court, and when the Newell case didn't go forward, they cut the taxpayers out of $200 million. The city knew if the United States joined the action the case would almost certainly go forward. Conversely, the city knew if the United States did not join the case and chose not to contest the original source, it would likely get dismissed.

The Department traded away a case worth millions of taxpayers' dollars. They did it precisely because of the impact the decision would have on the litigation. They knew as a result of their decision, the whole whistleblower case would get dismissed based upon ''original source'' grounds since the Department didn't contest it. Not only that, Mr. Perez went so far as to offer to provide documents to the other side that would help them defeat Mr. Newell in his case on behalf of Mr. Perez's client, the United States.

That is really looking out for the taxpayers. How would a person like to have a lawyer such as Mr. Perez defending them in some death penalty case? Yet when the Congress started asking questions, they had the guts to say: ''We didn't do anything improper because Mr. Newell still had his day in court.'' Well, Mr. Newell didn't have his day in court because the success of that $200 million case was dependent upon the United States staying in it.

Now, this brings me to my last point on the substance of this matter, and that has to do with the strength of the case. Throughout our investigation, the Department has tried to defend Mr. Perez's action by claiming the case was marginal and weak. Once again, however, the documents tell a far different story.

Before Mr. Perez got involved, the career lawyers at the Department wrote a memo recommending intervention in the case. In that memo, they described St. Paul's actions as ''a particularly egregious example of false certifications.''

In fact, the career lawyers in Minnesota felt so strongly about the case they took the unusual step of flying to Washington, DC, to meet with officials in the Department of Housing and Urban Development. The Department of Housing and Urban Development, of course, agreed the United States should intervene in this false claims case. But, of course, that was all before Mr. Perez got involved.

The documents make clear that career lawyers considered it a strong case, but the Department has claimed that Mike Hertz—the Department's expert on the False Claims Act—considered it a weak case. In fact, during his confirmation hearing, Mr. Perez testified before my colleagues on the Senate HELP Committee that Mr. Hertz ''had a very immediate and visceral reaction that it was a weak case.''

Once again, the documents tell a much different story than was told to Members of the Senate. Mr. Hertz knew about the case in November of 2011. Two months later, a Department official took notes of a meeting where the quid pro quo was discussed. The official wrote down Mr. Hertz's reaction. She wrote:

> Mike—odd—Looks like buying off St. Paul. Should be whether there are legit reasons to decline as to past practice.

The next day, the same official e-mailed the associate attorney general and said:

> Mike Hertz brought up the St. Paul disparate impact case in which the Solicitor General just filed an amicus brief in the Supreme Court. He's concerned about the recommendation that we decline to intervene in two qui tam cases against St. Paul.

These documents appear to show that Mr. Hertz's primary concern was not the strength of the case, as Mr. Perez led my Senate colleagues to believe. Mr. Hertz was concerned the quid pro quo Mr. Perez ultimately arranged was improper. Again, in his words, it ''looks like buying off St. Paul.'' Yet, Mr. Perez led my colleagues on the HELP Committee to believe that Mr. Hertz believed it was a bad case on the merits.

Let me make one final point regarding process and why it is premature to even be having this debate. As of today, when we vote on Mr. Perez's nomination, we will be voting on a nominee who, to date, has not complied with a congressional subpoena compelling him to turn over certain documents to Congress. I am referring to the fact that the House Committee on Oversight and Government Reform subpoenaed e-mails from Mr. Perez.

During the course of our investigation, we learned that Mr. Perez was routinely using his private e-mail account to conduct government business, including business related to the quid pro quo. In fact, the Department of Justice admitted that Mr. Perez had used his private e-mail account approximately 1,200 times to conduct government business. After Mr. Perez refused to turn those documents over voluntarily, then the House oversight committee was forced to issue a subpoena. Yet, today, Mr. Perez has refused to comply with the subpoena.

Here we have a person in the Justice Department doing all of these bad things. People want him to be Secretary of Labor, and we are supposed to confirm somebody who will not respond to a subpoena for information to which Congress is constitutionally entitled. We have people come before Congress who say, yes, they will respond to letters from Congress; they will come up and testify; they are going to cooperate in the spirit of checks and balances, and then we have somebody before the Senate who will not even respond to a subpoena.

So I find it quite troubling that this body would take this step and move forward with a nomination when the

nominee simply refuses to comply with an outstanding subpoena. Can any of my colleagues recall an instance in the past when we were asked to confirm a nominee who had flatly refused to comply with a congressional subpoena? Why would we want somebody in the Cabinet thumbing their nose at the elected representatives of the people of this country who have the constitutional responsibility of checks and balances to make sure the laws are faithfully executed? That is what they take an oath to do. It is quite extraordinary and should concern all of my colleagues, not just Republicans.

My colleagues are well aware of how I feel about the Whistleblower Protection Act, and my colleagues know how I feel about protecting whistleblowers who have the courage to step forward, often at great risk to their careers. But this is about much more than the whistleblower who was left dangling by Mr. Perez. This is about the fact that Mr. Perez manipulated the rule of law in order to get a case removed from the Supreme Court docket. And this is about the fact that when Congress started asking questions about this case, and when Mr. Perez was called upon to offer his testimony under oath, he chose to tell a different story.

The unavoidable conclusion is that the story he told is not supported by the facts. This is also about the fact that we are about to confirm a nominee who, even as of today, is still thumbing his nose at Congress by refusing to comply with a congressional subpoena.

I began by saying that although I disagree with Mr. Perez on a host of policy issues, those disagreements are not the primary reason my colleagues should reject this nomination. We should reject this nomination because Mr. Perez manipulated the levers of power available to few people in order to save a legal theory from Supreme Court review.

Perhaps more importantly, when Mr. Perez was called upon to answer questions about his actions under oath, I do not believe he gave us a straight story.

Finally, we should reject this nomination because Mr. Perez failed—and refuses still—to comply with a congressional subpoena.

For these reasons, I strongly oppose the nomination, and I urge my colleagues to do the same.

Mr. President, I have completed my statement and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I have listened very carefully to my friend from Iowa, and I couldn't disagree with him more. I know he has very strong views about the nomination of Tom Perez, but let me go through the record.

I wish to spend a little bit of time speaking first about Tom Perez. I know him very well. We have served together in government in Maryland. He served on the county council of Montgomery County. I will mention that he was the first Latino to serve on the county council of Montgomery County. Montgomery County, which is very close to here, is larger than some of our States. It is a large government. It has very complex problems. He served with great distinction on the county council.

As the Presiding Officer knows, it is a very difficult responsibility to serve local government. One has to deal with the day-to-day problems of the people in the community. He served with such distinction that he was selected to be the president of the county council, the head of the county council of Montgomery County.

He then went on to become the Secretary of the Department of Labor, Licensing and Regulation under Governor O'Malley in the State of Maryland, which is a very comparable position to which President Obama has appointed him as Secretary of Labor in his Cabinet.

It is very interesting that as Secretary of Labor, Licensing and Regulation, he had to deal with very difficult issues—issues that can divide groups. But, instead, he brought labor and business together and resolved many issues.

It is very interesting, in his confirmation process, business leaders and labor leaders came forward to say this is the right person at the right time to serve as Secretary of Labor in the Obama administration.

I held a press briefing with the former head of the Republican party in Maryland and he was very quick to point out that Tom Perez and he did not agree on a lot of policy issues, but he is a professional, he listens, and tries to make the right judgment. That is why he should be confirmed as Secretary of Labor. That was the former head of the Republican party in Maryland who made those statements a few months ago.

Tom Perez has a long history of public service. He served originally in the Department of Justice in many different capacities. He started in the Department of Justice. He served in the Civil Rights Division and, of course, later became the head of the Civil Rights Division. He helped us in the Senate, serving as a staff person for Senator Kennedy.

I think the greatest testimony of his effectiveness is how he has taken the Civil Rights Division from a division that had lost a lot of its glamour, a lot of its objectivity under the previous administration, and is returning the Department of Justice to that great institution to protect the rights of all Americans.

Look at his record in the Department of Justice: Enforcement of the Shepard-Byrd Hate Crimes Prevention Act. The division convicted 141 defendants on hate crimes charges in 4 years. That is a 74-percent increase over the previous 4 years. The division brought 194 human trafficking cases. That is a 40-percent increase.

You could talk a good deal about what happened between 2004 and 2008 with Countrywide Financial Corporation, one of the Nation's largest residential mortgage lenders, engaging in systematic discrimination against African-American and Latino borrowers by steering them into subprime loans or requiring them to pay more for their mortgages. I know the pain that caused. I met with families who should have been in traditional mortgages who were steered into subprime loans, and they lost their homes. Tom Perez represented them in one of the largest recoveries ever. The division's settlement in 2011 required Bank of America—now the owner of Countrywide—to provide $335 million in monetary relief to the more than 230,000 victims of discriminatory lending—the largest fair lending settlement in history.

That is the record of Tom Perez as the head of the Civil Rights Division.

The division investigated Wells Fargo Bank, the largest residential home mortgage lender in the United States, alleging that the bank engaged in a nationwide pattern or practice of discrimination against minority borrowers placed, again, in subprime loans. The division's settlement—the largest per-victim recovery ever reached in a division lending discrimination case—required Wells Fargo to pay more than $184 million to compensate discrimination victims and to make a $50 million investment in a home buyer assistance program.

I could go on and on and on about the record Tom Perez has in his public service—at the county level, at the State level, and at the Federal level. He has devoted his career to public service and has gotten the praise of conservatives and progressives, Democrats and liberals, and business leaders and labor leaders. That is the person we need to head the Department of Labor.

So let my spend a few minutes talking about Senator GRASSLEY's two points that he raises as to why we should deny confirmation of the nomination of Tom Perez, the President's choice for his Cabinet.

He talked about the fact that Tom Perez has not answered all the information Senator GRASSLEY would like to see from a House committee—a partisan effort in the House of Representatives. It is not the only case. There is hardly a day or a week that goes by that there is not another partisan investigation in the House of Representatives. That is the matter the Senator from Iowa was talking about—not an effort that we try to do in this body, in the Senate, to work bipartisanly when we are doing investigations. This has been a partisan investigation.

Thousands of pages of documents have been made available to congressional committees by the Department of Justice. So let's get the record straight as to compliance. The Department of Justice, Tom Perez, has complied with the reasonable requests of

the Congress of the United States and spent a lot of time doing that. It is our responsibility for oversight, and we have carried out our responsibility for oversight. Any balanced review of the work done by the Department of Justice Civil Rights Division will give the highest marks to Tom Perez on restoring the integrity of that very important division in the Department of Justice.

Let me talk about the second matter Senator GRASSLEY brings up, and that deals with the City of St. Paul case—one case. It dealt with the city of St. Paul in the Supreme Court Magner case.

Senator GRASSLEY points out, and correctly so, this is a disparate impact case. It not only affects the individual case that is before the Court, it will have an impact on these types of cases generally. When you are deciding whether to litigate one of these cases, you have to make a judgment as to whether this is the case you want to present to the Court to make a point that will affect not only justice for the litigant but for many other litigants. You have to decide the risk of litigation versus the benefit of litigation. You have to make some tough choices as to whether the risk is worth the benefit.

In this case, the decision was made, not by Tom Perez, not by one person. Career attorneys were brought into the mix, and career attorneys—career attorneys—advised against the Department of Justice interceding in this case. HUD lawyers thought this was not a good case for the United States to intercede.

Senator GRASSLEY says: Well, this was a situation where there was a quid pro quo. It was not. There was a request that the United States intercede and dismiss. Tom Perez said: No, we are not going to do that. The litigation went forward. So a professional decision was made based upon the best advice, gotten by career attorneys—attorneys from the agency that was directly affected by the case that was before the Court—and a decision was made that most objective observers will tell you was a professional judgment that is hard to question. It made sense at the time.

I understand Senator GRASSLEY has a concern about the case. People can come to different conclusions. But look at the entire record of Tom Perez. I think he made the right decision in that case. But I know he has a proud record of leadership on behalf of the rights of all Americans, and that is the type of person we should have as Secretary of Labor.

Tom Perez has been through confirmation before. He was confirmed by the Judiciary Committee to serve as the head of the Civil Rights Division of the Department of Justice. Thorough vetting was done at that time. Questions were asked, debate was held on the floor of the Senate, and by a very comfortable margin he was confirmed to be the head of the Civil Rights Division.

Now the Health, Education, Labor, and Pensions Committee has held a hearing on Tom Perez to be Secretary of Labor. They held a vote several months ago and reported him favorably to the floor. It is time for us to have an up-or-down vote on the President's nomination for Secretary of Labor. I hope all my colleagues would vote to allow this nomination to be voted up or down.

I was listening to my distinguished friend from Iowa. I heard nothing that would deny us the right to have a vote on a Presidential nomination. That is the first vote we are going to have on whether we are going to filibuster a Cabinet position for the President of United States and a person whose record is distinguished with a long record of public service—and a proven record.

Then the second vote is on confirmation, and Senators may disagree. I respect every Senator to do what he or she thinks is in the best interests. But I would certainly hope on this first vote, when we are dealing with whether we are going to filibuster a President's nomination for Secretary of Labor, that we would get the overwhelming support of our colleagues to allow an up-or-down vote on Tom Perez to be the next Secretary of Labor.

I started by saying I have known Tom Perez for a long time, and I have. I know he is a good person, a person who is in public service for the right reasons, a person who believes each individual should be protected under our system, and that as Secretary of Labor he will use that position to bring the type of balance we need in our commercial communities to protect working people and businesses so the American economy can grow and everyone can benefit from our great economy.

I urge my colleagues to support this nomination and certainly to support moving forward on an up-or-down vote on the nomination to be Secretary of Labor.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, let me begin by concurring with the remarks of Senator CARDIN. Tom Perez will make an excellent Secretary of Labor, and I strongly support his nomination.

GLOBAL WARMING

Mr. President, it is no great secret that the Congress is currently held in very low esteem by the American people, and there are a lot of reasons for that. But I think the major reason, perhaps, is, in the midst of so many serious problems facing our country, the American people perceive that we are not addressing those issues, and they are right.

Regardless of what your political point of view may be, we are looking at a middle class that is disappearing. Are we addressing that issue? No. Poverty is extraordinarily high. Are we moving aggressively to address that? No, we are not. We have the most expensive health care system in the world, enormously bureaucratic and wasteful. Are we addressing that? No, we are not. But the issue I want to talk about today—maybe more clearly than any other issue in terms of our neglect—is the issue of global warming.

At a time when virtually the entire scientific community—the people who spend their lives studying climate change—tells us that global warming is real, that it is significantly caused by human activity, and that it is already doing great damage, it is beyond comprehension that this Senate, this Congress, is not even discussing that enormously important issue on the floor of the Senate. Where is the debate? Where is the legislation on what might be considered the most significant planetary crisis we face? I fear very much that our children and our grandchildren—who will reap the pain from our neglect—will never forgive us for not moving in the way we should be moving.

I understand that some of my colleagues, including my good friend JIM INHOFE from Oklahoma—whom I like very much—that some of my Republican friends, especially, believe global warming is a hoax. They believe global warming is a hoax perpetrated by Al Gore, the United Nations, the Hollywood elite. This is what people such as JIM INHOFE actually believe.

Well, I have to say to my good friend Mr. INHOFE that he is dead wrong. Global warming is not just a crisis that will impact us in years to come, it is impacting us right now, and it is a crisis we must address. In fact, global warming is the most serious environmental crisis facing not just the United States of America but our entire planet, and we cannot continue to ignore that reality.

Science News reports that cities in America matched or broke at least 29,000 high-temperature records last year.

According to the National Oceanic and Atmospheric Administration, 2012 was the warmest year ever recorded for the contiguous United States. It was the hottest year ever recorded in New York, in Washington, DC, in Louisville, KY, and in my hometown of Burlington, VT, and other cities across the Nation.

Our oceans also are warming quickly and catastrophically. A new study found that North Atlantic waters last summer were the warmest in 159 years of record-keeping. The United Nations World Meteorological Organization in May issued a warning about ''the loss of Arctic sea ice and extreme weather that is increasingly shaped by climate change.''

Scientists are now warning that the Arctic may experience entirely ice-free summers within 2 years. Let me repeat that. The Arctic may experience entirely ice-free summers within 2 years. Scientists are also reporting that carbon dioxide levels have reached a dangerous milestone level of 400 parts per

million, a level not seen on the planet Earth for millions of years.

In fact, the world's leading scientists unequivocally agree. A recent review of the scientific literature found that more than 98 percent of peer-reviewed scientific studies on climate change support the conclusion that human activity is causing climate change. The American Association for the Advancement of Science, one of the most important and prestigious scientific organizations in our country and the world, this is what they say:

> Among scientists, there is now overwhelming agreement based on multiple lines of scientific evidence that global climate change is real. It is happening right now. It will have broad impacts on society.

That is from the American Association for the Advancement of Science. We are not into speculation. We are not into debate. The conclusion is there. Global warming is real. It is happening right now. It is impacting the United States of America and the world right now. It will only get worse if we do not act.

The examples of that are so numerous that one can go on hour after hour. But let me give you just a few. Extreme weather events are now occurring with increased frequency and increased intensity; that is, extreme weather disturbances. In 2011 and 2012, the United States experienced an extraordinary 25 billion-dollar disasters—25 separate billion-dollar disasters, so called because they each caused more than $1 billion worth of damage.

That is unprecedented. NOAA's Climate Extreme Index, which is a system for assessing a wide range of extreme weather that includes extreme temperatures, extreme drought, extreme precipitation, tropical storms—NOAA's Climate Extreme Index tells us that 2012 was characterized by the second most extreme climate conditions ever recorded.

A number of colleagues make the point—they come up and say: Senator SANDERS and others, dealing with climate change is going to be expensive. Transforming our energy system away from fossil fuels is going to be expensive. They are right. It is going to be expensive.

But the question we have to ask is, compared to what? Compared to doing nothing? Compared to conducting business as usual? Compared to allowing a significant increase in drought, in floods, in extreme weather disturbances? Compared to that, acting now and acting boldly is cost-effective. Yes, it will be expensive. But it will be a lot less expensive, cause a lot less human pain and less human deaths than allowing global warming to continue unmitigated.

The cost—and this is an interesting point, especially for my conservative friends who look to the business community for information and for analysis. The cost of catastrophe and extreme weather events has been trending upward for 30 years. This is very much a budget and economic issue. Munich Re, the largest reinsurance company in the world, the company that insures the insurance companies, has already documented a fivefold increase in extreme weather events in North America since 1980.

They keep track of this stuff pretty closely because for them this is a dollars-and-cents issue. They are the ones who help others pay out the benefits when there is extreme damage as a result of storms and floods, et cetera. Munich Re calculated that the economic cost of damages due to natural catastrophes in the United States exceeded $139 billion in 2012 alone.

So when you talk about money and you talk about expense and you talk about cost, let's understand that we already are racking up recordbreaking costs in terms of dealing with the extreme weather disturbances we have seen in recent years.

The Allianz insurance company noted bluntly last fall, ''Climate change represents a threat to our business.'' That is an insurance company. But it is not just the insurance companies; it is the businesses that are seeing insurance become unaffordable when they are hit with floods and other disasters. That comes right out of their bottom line.

Global warming, of course, is closely tied to drought and fire as well. Last year's drought affecting two-thirds of the United States was the worst in half a century. But the United States is not the only country on Earth being impacted.

We obviously pay attention to what is happening within our borders. But global warming is having huge impacts all over this planet. Brazil is experiencing its worst drought in 50 years. It is directly affecting over 10 million people in that country. Because of impacts to wheat farms, the price of flour rose over 700 percent.

Australia just experienced a 4-month heat wave with severe wildfires, record-setting temperatures and torrential rains and flooding causing over $2 billion in damage in that country.

In recent years, other parts of the world—Russia, China, Southern Europe and Eastern Europe—have also suffered severe heat waves and droughts, with substantial impacts to agricultural communities and their economic well-being.

Just weeks ago, as everybody in America knows, we watched as fires raged across parts of the Western United States, including the massive and dangerously explosive West Fork fire in southwestern Colorado. Let me take a moment now to acknowledge the deaths of 19 unbelievably brave firefighters from Prescott, AZ, who lost their lives trying to protect their neighbors and property near Phoenix.

Wildfires such as these appear to be increasingly common. In fact, the Chief of the U.S. Forest Service Thomas Tidwell reported to Congress that America's wildfire season lasts 2 months longer than it did 40 years ago and burns twice as much land as it did then because of the hotter, drier conditions from climate change.

Last year's extraordinary wildfires burned more than 9 million acres of land, according to the National Interagency Fire Center. Chief Tidwell also warned of the increasing frequency of monster fires. When we are talking about drought, it is not just some kind of abstraction. When drought occurs, agriculture suffers. When agriculture suffers, the cost of food goes up. In parts of the world where people have very little money, this is catastrophic.

That is one of the points made by the CIA, the Department of Defense, many of our intelligence agencies. When they talk about national security issues, they often put at the top of the list or close to the top of the list global warming because they understand that drought and floods mean people do not have the food they need, people do not have the water they need, people are going to migrate from one area to another. It is going to cause tension. It is going to cause conflict. So global warming is also a major national security issue.

One of the issues we do not talk enough about—I know Senator WHITEHOUSE of Rhode Island does talk about it—is the impact that global warming is having on our oceans that is driving fish to deeper, cooler waters, threatening the fishing industry and food security. In the Pacific Northwest, for example, according to NOAA and as reported by USA Today, just this spring shellfish farmers on the west coast are increasingly experiencing collapses in both hatcheries and natural ecosystems.

Extreme weather and rising sea levels also threaten people across the planet. More than 31 million people fled their homes just last year because of disasters related to floods and storms tied to climate change. According to a number of sources, climate change will create, in years to come, even larger numbers of what we call climate refugees as low-lying countries lose land mass to rising seas and to desertification, consuming once-fertile territory.

In northern India, nearly 6,000 people are dead or missing from devastating floods and landslides just last month. Closer to home, Hurricane Sandy alone displaced three-quarters of a million people in the United States and is costing us up to 60 billion Federal dollars in helping those communities rebuild.

Permanent displacement is already occurring in the United States. In other words, people are permanently losing their residences. The Army Corps of Engineers predicted that the entire village of Newtok, AK, could be underwater by 2017, and more than 180 additional Native Alaskan villages are at risk. Parts of Alaska are literally vanishing.

Scientists believe that entire U.S. cities or parts of coastal cities are in danger of being flooded as well. In fact,

experts are telling us that cities such as Miami, Ft. Lauderdale, New York, New Orleans, and others will face a growing threat of partial submersion within just a few decades as sea levels and storm surge levels continue to climb and that entire countries—small island nations such as Micronesia and the Maldives and large nations such as Indonesia face similar risk.

Ironically, rising sea levels are even threatening key oil industry infrastructure. For example, scientists at NOAA are estimating that portions of the Louisiana State Highway 1 will be inundated by rising high tides 30 times per year. Highway 1 provides the only access to a port servicing nearly one out of every five barrels of the U.S. oil supply.

What is my point? My point is that we are facing a horrendous planetary crisis. We cannot continue to ignore it. We must act, and we must act now.

In my view, the first thing we must do is we must not make a terribly dangerous situation—i.e., global warming and greenhouse gas emissions—even worse than it is right now. We must break our dependence on fossil fuels, not expand it. We must modernize our grid and transform our energy system to one based on sustainable energy sources, and we must move aggressively toward energy efficiency.

In that process, we must reject the Keystone XL Pipeline proposal, which would dramatically increase carbon dioxide emissions, according to the EPA, by the equivalent of 18.7 million metric tons per year, releasing as much as 935 million metric tons over 50 years. In other words, the planet faces a crisis right now. Why would we think for one second about making that crisis even worse?

Further, Congress needs to end wasteful subsidies for the industries that are causing climate change. According to a report by DBL Investors, between 1918 and 2009, the oil and gas industry received government subsidies to the tune of $446 billion, to say nothing of State subsidies which have benefited from decades' worth of backroom political deals. In other words, why are we continuing to subsidize those industries that are helping to bring devastating damage to our planet.

Thirdly, even though fossil fuels are the most expensive fuels on Earth, the fossil fuel industry for too long has shifted these enormous costs onto the public, walking away with billions in profits while the American people have to bear the real costs of rising seas, monster storms, devastating droughts, heat waves, and other extreme weather. When people tell you that coal or oil is cheap, what they are forgetting about are the social costs in terms of infrastructure damage and in terms of human health. These fuels are not cheap.

As we transform our energy system away from fossil fuels, we must finally begin pricing carbon pollution emissions so the polluters themselves begin carrying the costs instead of passing them on to our children and grandchildren.

I am proud to have joined with Senator BARBARA BOXER, the chairperson of the Environment Committee in the Senate, to introduce the Climate Protection Act earlier this year. Our bill establishes a fee on carbon pollution emissions, an approach endorsed by people all across the political spectrum, including conservatives such as George Shultz, Nobel Laureate economist Gary Becker, Mitt Romney's former economic adviser Gregory Mankiw, former Reagan adviser Art Laffer, former Republican Congressman Bob Inglis, and others.

Our bill does a number of things. One of the things it does is return 60 percent of the revenue raised directly back to taxpayers in order to address increased fuel costs. It puts money, substantial sums of money, into supporting sustainable energy research, weatherizing homes, job creation, and helping manufacturing businesses save money through energy efficiency and deficit reduction.

This begins the process of transforming our energy system by imposing a fee on carbon. It deincentivizes fossil fuel by putting money into energy efficiency and sustainable energy. It helps us move in a very different and healthier direction.

Let me conclude by going back to the point that I made when we started. The American people are shaking their heads at what goes on in Washington.

This country is facing enormous problems, economic problems, social problems, and I would argue that in global warming we face a planetary crisis. The American people want us to act. It is incomprehensible that week after week, month after month, year after year, we are not addressing the issue of global warming.

I hope sooner rather than later we will bring serious legislation to the floor of the Senate, that we have that debate, and we do what the planetary crisis requires; that is, transform our energy system, move away from fossil fuel, and move to energy efficiency and sustainable energy.

I yield the floor.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Texas.

PEREZ NOMINATION

Mr. CORNYN. Mr. President, I rise to express my deep concerns over the President's nomination of Thomas Perez to be Secretary of the Department of Labor.

When executing its advice-and-consent role, which, of course, is ensconced within the Constitution itself, it is the duty of the Senate to ensure that the people the President appoints to positions of power are of the highest caliber. It is our duty to examine their record and to determine whether each nominee ought to be granted the public trust.

While no one can deny that Mr. Perez has spent his career in public service, I am afraid his record raises serious concerns over his ability to fairly and impartially lead the Department of Labor. Mr. Perez has a documented record of acting with political motivation and being a partisan, selective enforcer of the law. He has been misleading in his sworn testimony and ethically questionable in some of his actions.

For example, during his tenure at the Department of Justice, Mr. Perez has been in charge of the Civil Rights Division, which includes the voting rights section. One would hope that if any part of the Department of Justice would be apolitical, it would be the Civil Rights Division. But under Mr. Perez's watch, the voting rights section has compiled a disturbing record of political discrimination and selective enforcement of the law.

You don't have to take my word for it. All you have to do is take a look at the 258-page report issued by the Department of Justice inspector general earlier this year.

The report cites a ''deep ideological polarization'' of the voting rights section under Mr. Perez. It goes on to say this polarization ''has at times been a significant impediment to the operation of the Section and has exacerbated the potential appearance of politicized decisionmaking.''

Instead of upholding and enforcing all laws equally, Mr. Perez launched politically motivated campaigns against commonsense constitutional provisions such as voter ID both in Texas and in South Carolina.

The Supreme Court of the United States, in an opinion written by John Paul Stevens, who was, by all accounts, an independent member of the Supreme Court, the Supreme Court of the United States held that commonsense voter identification requirements are not an undue burden on the right to cast one's ballot and, indeed, are a reasonable means by which voter fraud is combated and protection of the integrity of the ballot is ensured.

Yet Thomas Perez, working at the Department of Justice, targeted the voter ID requirement passed by the Texas Legislature and blocked it effectively, and the same thing in South Carolina, based on nothing but politics—certainly not based on U.S. Supreme Court precedent that states it was not an undue burden on the right to vote, and it was a legitimate means to protect the integrity of the ballot and to combat fraud.

The inspector general goes on to describe misleading testimony that Mr. Perez gave before the U.S. Commission on Civil Rights in 2010 about a prominent voting rights case, stating that it ''did not reflect the entire story regarding the involvement of political appointees.'' This is why, when you are sworn in as a witness in court, you are asked to tell the truth, the whole truth and nothing but the truth. When what you say is the truth but you leave out other information, it can, in effect, by

its context, not be truthful. This is part of the problem with the testimony Mr. Perez gave before the U.S. Commission on Civil Rights.

Going further back, we can see Mr. Perez's ideological roots started as a local official in Montgomery County, MD. During his tenure on the county council, he consistently opposed the proper enforcement of our immigration laws. In fact, he went so far as to testify against enforcement measures that were being considered by the Maryland State Legislature.

Finally, there is the matter of Mr. Perez's quid pro quo dealings with the City of St. Paul, MN. Of course, I am referring to the well-publicized decision of Mr. Perez to withhold Department of Justice support for a lawsuit against the City of St. Paul. He did so in exchange for the city withdrawing a case that it had before the Supreme Court, a case that many would have believed would have resulted in the Court rejecting an aggressive interpretation of the Fair Housing Act that guided Mr. Perez and the Department of Justice.

In fact, that is the reason he did it. He was afraid the Supreme Court would rebuke the Department of Justice's aggressive interpretation of the Fair Housing Act. While this may not have been a direct violation of any laws, it is, at best, ethically dubious.

In summation, we have a nominee for the Department of Labor who has a record of ideological, polarizing leadership; giving incomplete and thereby misleading testimony before official tribunals; and of enforcing the law in a partisan and selective manner—in essence, a ''you scratch my back, and I'll scratch yours'' way of going about the public's business.

As citizens we should ask, Is this the type of person we would want to serve in the President's Cabinet? As Senators, we ought to ask, Is this the best we can do for the Secretary of the Department of Labor?

I believe Mr. Perez's record disqualifies him from running this or any other executive agency of the Federal Government. I fear his leadership would needlessly politicize the Department and impose top-down ideological litmus tests. For all these reasons, I oppose his nomination and encourage my colleagues to do the same.

Mr. JOHNSON. Mr. President, I rise today in strong support of the nomination of Fred Hochberg to be the President and Chairman of the Export-Import Bank of the United States.

Despite taking the helm of the Bank in the midst of the worst financial crisis since the Great Depression, Mr. Hochberg's leadership expanded financing for American exporters when private financing was nearly impossible to acquire. In 2012, the Export-Import Bank helped to support an estimated 255,000 American jobs at 3,400 companies, and 85 percent of Export-Import Bank transactions directly benefited small businesses.

The Export-Import Bank is self-sustaining, charging fees to cover its expenses and creating no cost to U.S. taxpayers. Furthermore, since 2008, the Bank has been able to send nearly $1.6 billion in profits to the U.S. Treasury.

Mr. Hochberg was first nominated to be President and Chairman of the Export-Import Bank on April 20, 2009, and he was confirmed unanimously by this body on May 14, 2009. Mr. Hochberg was renominated by President Obama on March 21, 2013, and he was approved 20–2 in the Senate Banking Committee on June 6, 2013. I urge my colleagues to once again confirm Mr. Hochberg without delay.

If we fail to confirm Mr. Hochberg before July 20, we run the risk of leaving the Bank without a quorum to act on many of the transactions before it—creating an uneven playing field for American workers and exporters.

Mr. Hochberg's nomination is supported by both labor and business groups. These two groups understand the importance of the United States not unilaterally disarming against our global competitors. The Bank plays a very important part in this country's efforts to expand exports and create good, high-paying jobs in America. Mr. Hochberg has been instrumental in this effort and should be confirmed.

I urge all my colleagues to support President Hochberg's nomination today.

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. REID. 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. REID. Mr. President, I ask unanimous consent that the vote on the confirmation of the Hochberg nomination occur at 3:40 p.m. today; that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; and that President Obama be immediately notified of the Senate's action.

What time is it right now?

The PRESIDING OFFICER. It is 3:33 p.m.

Mr. REID. I wish to modify my request to reflect a voting time of 3:35.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. REID. Senators should expect two votes; the vote on confirmation of the Hochberg nomination to the Ex-Im Bank and the vote on the motion to invoke cloture on the Perez nomination.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Fred P. Hochberg to be president of the Export-Import Bank of the United States?

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 82, nays 17, as follows:

[Rollcall Vote No. 176 Ex.]

YEAS—82

Alexander	Gillibrand	Murphy
Ayotte	Graham	Murray
Baldwin	Hagan	Nelson
Baucus	Harkin	Portman
Begich	Heinrich	Pryor
Bennet	Heitkamp	Reed
Blumenthal	Heller	Reid
Blunt	Hirono	Roberts
Boozman	Hoeven	Sanders
Boxer	Isakson	Schatz
Brown	Johanns	Schumer
Burr	Johnson (SD)	Scott
Cantwell	Kaine	Sessions
Cardin	King	Shaheen
Carper	Kirk	Shelby
Casey	Klobuchar	Stabenow
Chiesa	Landrieu	Tester
Coats	Leahy	Thune
Cochran	Levin	Udall (CO)
Collins	Manchin	Udall (NM)
Coons	Markey	Vitter
Corker	McCain	Warner
Crapo	McCaskill	Warren
Donnelly	Menendez	Whitehouse
Durbin	Merkley	Wicker
Feinstein	Mikulski	Wyden
Fischer	Moran	
Franken	Murkowski	

NAYS—17

Barrasso	Flake	McConnell
Chambliss	Grassley	Paul
Coburn	Hatch	Risch
Cornyn	Inhofe	Rubio
Cruz	Johnson (WI)	Toomey
Enzi	Lee	

NOT VOTING—1

Rockefeller

The nomination was confirmed.

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Thomas Edward Perez, of Maryland, to be Secretary of Labor.

Harry Reid, Tom Harkin, Patrick J. Leahy, Bill Nelson, Christopher A. Coons, Amy Klobuchar, Tim Kaine, Jack Reed, Barbara A. Mikulski, Sheldon Whitehouse, Sherrod Brown, Benjamin L. Cardin, Robert P. Casey Jr., Bernard Sanders, Al Franken, Robert Menendez, Barbara Boxer.

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

The Senate will be in order.

The Senator from Florida.

Mr. RUBIO. Mr. President, I ask unanimous consent for 1 minute so that I may be able to read a letter with regard to the upcoming vote.

The PRESIDING OFFICER. Is there objection? The Senate will be in order.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, is there a unanimous consent request pending?

The PRESIDING OFFICER. There is a unanimous consent request pending. The Senator from Florida has asked unanimous consent for a minute to read a letter with regard to the nomination.

Mr. HARKIN. Then I ask for 1 minute following the Senator from Florida.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. RUBIO. Before we vote on this, especially to my colleagues on the Republican side, we are about to give 60 votes to a nominee who is not in compliance with a congressional subpoena.

I have in my hand a letter sent to me moments ago by DARRELL ISSA, the chairman of the Oversight Committee in the House, where he writes in part that ''Mr. Perez has not produced a single document responsive to the Committee's subpoena. I am extremely disappointed that Mr. Perez continues to willfully disregard a lawful subpoena issued by a standing Committee of the United States House of Representatives. . . . This continued noncompliance contravenes fundamental principles of separation of powers and the rule of law. Until Mr. Perez produces all responsive documents, he will continue to be noncompliant with the Committee's subpoena. Thank you for your attention to this matter.''

He goes on to note, by the way, that Mr. Perez has not produced a single document to the committee; therefore, he remains noncompliant.

Members, you are about to vote to give 60 votes to cut off debate on a nominee who has ignored a congressional subpoena from the House on information relevant to his background and to his qualifications for this office.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MENENDEZ. The Senate is not in order.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, the contentions made by the Senator are absolutely wrong. We had a hearing on this. We explored it in our committee. Instead of the 1,200 e-mails they cite, we are talking about that over a 3½-year period there were 35 e-mails located on his personal emails that touched Department of Justice business and were not forwarded to the Department of Justice, and those have been looked at, and none of them demonstrate that he acted improperly or unethically. When they were discovered, the e-mails were immediately forwarded to the DOJ server and are now part of the DOJ record retention system.

I might add that the 35 e-mails were made available to the House Oversight Committee staff prior to Mr. Perez's confirmation hearing, and the Senate HELP Committee staff have also been offered access to review all of those e-mails.

The contentions made by the Senator from Florida are just absolutely wrong.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of Thomas Edward Perez, of Maryland, to be Secretary of Labor shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 60, nays 40, as follows:

[Rollcall Vote No. 177 Ex.]

YEAS—60

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

NAYS—40

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

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

NOMINATION OF THOMAS EDWARD PEREZ TO BE SECRETARY OF LABOR

The PRESIDING OFFICER (Mr. BLUMENTHAL). Cloture having been invoked, the clerk will report the nomination.

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

The PRESIDING OFFICER. The Senator from Washington.

UNANIMOUS CONSENT REQUEST—S. CON. RES. 25

Mrs. MURRAY. Mr. President, I am pleased that yesterday the Senate was able to come together and work out a bipartisan agreement to make some progress on approving President Obama's nominees. This is a great example of the kind of work I hope we can do more of going forward, because gridlock is getting in the way of progress on far too many issues that affect the families and communities we have a responsibility to serve.

One of the most egregious examples that still remains is the Republican leadership blocking a bipartisan budget conference—and the regular order they called for—in order, it appears, to gain leverage by manufacturing a crisis come this fall.

Democrats have come to the floor to talk about this a lot over the past few weeks. Unfortunately, it seems to be getting worse and not better.

We have heard from more and more tea party Republicans about their latest brinkmanship threat. They are now saying: Defund health care reform or we are going to shut down the government.

I wish I were making this up, but it is real. The House has already tried to repeal this law 37 times. In fact, just for good measure, they are voting on it again this week.

We all know that is not serious. It is certainly not governing. It is pointless pandering, and it does absolutely nothing to help the families and communities we represent.

There are so many real problems we all need to be focused on. We need to protect our fragile economic recovery and get more of our workers back on the job. We need to replace sequestration and we need to tackle our long-term deficit challenges responsibly. We have to stop this lurching from crisis to crisis and return to regular order and give families and communities the certainty they deserve. The only way we can do that is if we all work together, and the last thing we need to do right now is to rehash old political fights.

Based on what I am hearing more and more of in recent days, not only are tea party Republicans willing to push us toward a crisis this fall, but they will do that to cut off health care coverage for 25 million people and end the preventive care for our seniors that is free, and cause our seniors to pay more for prescriptions.

These political games may play well with the tea party base, but here is the reality: ObamaCare is the law of the land. It passed through this Senate with a majority. The Supreme Court upheld it. It is already today helping millions of Americans stay healthy and financially secure. We should all be working together right now to make sure it is implemented in the best way possible for our families and our businesses and our communities. Instead, what we are hearing is some empty political threats and a push for more gridlock here in the Senate.

I don't think it is a coincidence that the very people who are now pushing