

statutes such as the Clean Air Act to regulate what those laws were never intended to regulate and don't even mention.

The administration itself effectively acknowledges that if it actually followed the plain language of the Clean Air Act in regulating carbon emissions, that would lead to "absurd results." The administration itself said that if they actually followed the plain language of the Clean Air Act in regulating carbon emissions, it would lead to "absurd results."

So here is what the Obama administration decided to do about the absurdity: just unilaterally rewrite parts of the law it didn't like, on its own, without the input of Congress—the branch of government that is supposed to write our laws. This kind of Presidential overreach should concern every Member of this body, regardless of party. From a constitutional perspective, this is a wholly troubling practice which needs to be rectified by the High Court.

But this case is about more than just constitutional theory; it is also about people's lives. Regardless of their constitutionality, the energy regulations imposed by this administration are simply bad policy. Coupled with cheaper natural gas, the administration's regulations have helped foster hardship in many of America's coal communities—hardship which has ruined lives and has hurt some of the most vulnerable people in our country.

In Kentucky these regulations have helped devastate families who haven't done anything wrong—other than to be on the wrong side of a certain set of liberals who don't seem to approve of the hard work they do to support their families.

When President Obama took office, there were more than 18,000 coal jobs in Kentucky. At last count that figure has dropped to less than 12,000—with eastern Kentucky coal employment dropping by 23.4 percent this last year alone.

Let's be clear. These regulations are unfair, and they represent the conquest of liberal elites imposing their political will on working-class Kentuckians who just want to feed their families. That is why I have filed an amicus brief in the case I was referring to. It is on behalf of the Kentuckians who are voiceless in this debate, the families that find themselves on the losing end of a "war" that has been declared on them by their own government.

I held a listening session on these EPA regulations with coal miners in December, and many of their stories were heartbreaking. Listen to what Howard Abshire of Feds Creek had to say:

I say to you, Mister President of the United States . . . We're hurting. You say you're the president of the people? Well, we're people too. No one loves the mountains . . . more than we do. We live here. We crawl between them. We get up every morning and we go on top of a mountain in a strip job in the cold rain, snow, to put bread on the table

. . . Come and look at our little children, look at our people, Mr. President. You're not hurting for a job; you've got one. I don't have one.

I hope the President is listening.

As far as the Supreme Court is concerned, it now has the opportunity to end this latest abuse of the Constitution by the Obama administration. I hope the justices will make the right decision in this case. Either way, I am going to keep fighting. I have already filed a proposal that would allow Congress to have a say in the administration's job-killing regulations.

It is time for Washington elites to think about ways to help, instead of hurt, the hard-working people of eastern and western Kentucky.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Kansas.

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

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

(The remarks of Mr. ROBERTS pertaining to the introduction of S. 2037 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROBERTS. Mr. President, I yield the floor. It would appear we do not have a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### FREE SPEECH PROTECTION

Mr. MORAN. Mr. President, along with my colleagues, I have been in places across the country this past week. Most of my time was spent in Kansas, and certainly Kansans had a good opportunity to express to me some of their worries and concerns about what is going on in Washington, DC.

One of the things that has become very dominant in those conversations is the concern that this administration—Washington, DC—that the Constitution, as we learned it, as we were taught in high school government classes, does not seem to be being complied with. The concern is the constant efforts by this administration to do things unilaterally, to put in place executive orders and policies and regulations.

This has become a common conversation. It is pleasing to me that Kansans care so much about the structure of our government, the foundation that was created by the Framers of our Con-

stitution, and they have a genuine concern that the Constitution is being violated. Often the conversation is: What are you doing about it?

The topic I want to talk about today is just one more example. This one has a reasonably positive ending, but I want to highlight something that has transpired in Washington, DC, that started last May at the Federal Communications Commission.

I just learned about this recently, and it became much more of a common topic with knowledge across the country as a result of one of the FCC Commissioners, Ajit Pai, and his opinion piece that appeared over the past few days in national publications.

What we learned was the Federal Communications Commission was considering—in fact, considered, put in place—a program in which they were going to survey the broadcasters they regulate. They hired an outside firm, as I understand it, and questions were prepared that were going to be asked of people in newsrooms across the country.

The pilot program was organized to occur in South Carolina. Among the kinds of questions that were going to be asked in newsrooms across the country by the FCC were: What is the news philosophy of this station? Who decides which stories are covered—whether a reporter ever wanted to cover a story and was told they could not do so.

It seems to me whether you have a conservative or liberal bent or you are down the middle of the road, you ought to have great concern when the agency that regulates the broadcasters decides they want to get into the newsroom to discover how news is developed at that station. That is not part of what the mandate of the FCC is, and it ought to raise genuine concerns from those who care about free speech. It certainly raised those concerns from me.

I came back to Washington, DC, today with the intention of highlighting this issue for my colleagues, making the American people more aware of this tremendous affront to the First Amendment of the U.S. Constitution. The good news is that Chairman Wheeler at the FCC announced just a couple days ago that this proposal, as it included questions about how news was developed, was being withdrawn.

So in part I am here to express my genuine concern about how did we get so far as for anyone at the FCC or their contractor to think this is appropriate behavior for a regulator; and, secondly, I am here to say that I am relieved and pleased that Chairman Wheeler has stepped in to withdraw those kinds of questions.

The argument was made that this is a voluntary survey, but as Commissioner Pai indicated in his opinion piece in the Wall Street Journal, it is hard to see how something the FCC is asking of a regulated broadcaster would be really considered voluntary.

The Commissioner says: Unlike the opinion surveys that many of us receive on the phone or in the mail, in

which we can hang up the phone or never answer the phone or we can toss the survey into the trash, when the FCC sends someone to your station to ask you questions about how news is developed, it is hard for you to say: I am not going to answer the question, when the FCC has control over your license.

So I am here to make certain that this kind of approach is something that is in the past. I serve on the Appropriations subcommittee that is responsible for the FCC's budget. When they come to tell us about their appropriations request, again I will thank Chairman Wheeler for withdrawing these questions, but I want to make certain there is a genuine concern on behalf of all of us in the Senate—Republicans and Democrats, whatever brand of philosophy you claim to espouse or believe, you ought to be worried when the FCC is making inroads into how news and opinion is formulated at broadcasting stations—television and radio—across the country.

So the speech I had intended to give raising this topic is only given now in part. It is my view that every American citizen has certain civic responsibilities. Not just us Members of the Senate, every American citizen's primary responsibility as a citizen is to make certain we pass on to the next generation of Americans a country in which the freedoms and liberties guaranteed by our Constitution are protected throughout the history of our Nation into the future.

So I ask my colleagues to be ever vigilant as we see an ever encroaching Washington, DC, administration, even Congress, intruding in the lives of the American citizens, particularly as it relates to their opportunities for free speech.

I will be back later in the week to talk about other intrusions by the Federal Government into free speech and political advocacy. But again, Mr. President, thank you for the opportunity to be on the Senate floor today to highlight what I think would have been an egregious violation of the Constitution by one of our Federal agencies.

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

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

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UNANIMOUS CONSENT REQUEST—  
S. 1752, S. 1917

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by me, after consultation with Senator McCONNELL, the Senate proceed to Calendar No. 251, S. 1752;

that if a cloture motion is filed on the bill, there be 2 hours of debate on S. 1752 and S. 1917, equally divided between the two leaders or their designees; that upon the use or yielding back of that time, the Senate immediately proceed to vote on the motion to invoke cloture; that if cloture is invoked, all postcloture time be yielded back and the Senate immediately proceed to vote on the passage of the bill; that no amendments, points of order or motions be in order to the bill prior to a vote on passage; that if the motion to invoke cloture on S. 1752 is not agreed to, the bill be returned to the calendar; that upon disposition of S. 1752, the Senate immediately proceed to the consideration of Calendar No. 293, S. 1917; that if a cloture motion is filed on the bill, the Senate immediately proceed to the vote on the motion to invoke cloture; that if cloture is invoked, all postcloture time be yielded back and the Senate proceed to vote on passage of the bill; that no amendments, points of order or motions be in order to the bill prior to the vote on passage; that if the motion to invoke cloture on S. 1917 is not agreed to, the bill be returned to the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. MORAN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, the Gillibrand and McCaskill bills that the majority leader talked about were filed as amendments to the Defense authorization bill that the Senate passed in December of last year. They each have significant bipartisan support.

The majority leader filled the tree on that bill and blocked amendments on both sides of the aisle, and therefore the Senate did not vote on these bills last year. There are hundreds of other amendments that were also blocked.

Would the Senator modify this request to include a vote, at a 60-vote threshold, on another proposal that was blocked from consideration? The Kirk amendment No. 2295 was filed to the Defense bill. It would impose additional sanctions against the government of Iran if it violates the interim agreement with the United States. Will the Senator include a vote on the Kirk amendment as part of this agreement?

The PRESIDING OFFICER. Does the majority leader agree to the modification?

Mr. REID. Mr. President, I reserve the right to object. There is no more important national security concern today than keeping Iran from getting a nuclear weapons capability. For our own national security and for that of Israel, our ally, we are committed to stopping Iran from getting that capability.

That is why President Obama has entered into international negotiations with Iran. The Senate has a long tradition of bipartisanship on this issue, including numerous strong bipartisan

votes that we put in place to initiate the very sanctions that have brought Iran to the negotiating table.

In summation, I am terribly disappointed that my Republican friends are trying to turn this vital national security concern into a partisan issue by trying to inject it into a setting where it is clearly not relevant.

I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

Mr. MORAN. I object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from Iowa.

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CUBA

Mr. HARKIN. Mr. President, I have come to the floor to speak about my two recent fact-finding trips to Cuba. During the first trip, which was an incredible journey across the nation of Cuba, I had conversations with Cuban citizens, farmers, doctors, nurses, students, a very broad cross section of the Cuban citizenry, also some government officials.

The second trip involved a 1-day visit to the U.S. Detention Center at Guantanamo Bay. I would like to begin with details of my first trip which took place during January's recess in the Senate. First, I wish to publicly thank Ambassador Cabanas, the Cuban—well, I guess since we do not have an embassy—he has the rank of Ambassador, but he is in charge of the Cuban interest section here. I wish to thank him and his staff personally for arranging this and overcoming a lot of difficult obstacles to make sure we could take this trip.

I guess I am the first Senator or Congressman to do this kind of a trip. First, we flew from Miami down to Santiago de Cuba. We spent 2 or 3 days in Santiago de Cuba. Then we drove from Santiago to Holguin, to Camaguey, Santa Clara and into Havana. So we traversed about 700 miles during the week's period we were there, seeing most of the entire nation of Cuba.

I have not seen—I have not been up to the Pinar del Rio out here in the western part. That is one part I have not seen. I had visited as a Senator 11 years before, but that was only in Havana. This time I wanted to see the country. I wanted to see ordinary Cubans in small towns and communities, to get a feel for what it was like in the rest of the country.

Most people just go to Havana. That is akin to going to New York City and saying you have been to America. It is not the same. There is a lot more country to Cuba, a lot more things going on than just Havana.

It is clear to me this is a time that is very important in Cuban-American relations. So I just wanted to share some of the insights I gained during my travels across this Nation of 11 million people.